

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing PCS: Economic Affairs Committee
2 Representative Plakon offered the following:

3
4 **Amendment**

5 Remove lines 143-196 and insert:
6 or device that is:

7 1. Owned, leased, or otherwise controlled by the
8 organization or a partner, affiliate, subsidiary, contractor, or
9 agent of the organization; and

10 2. Operated, played, or otherwise interacted with by an
11 entrant to the drawing in an establishment controlled by or in
12 any way affiliated with the operator.

13 ~~(7) (a) Any organization which engages in any act or~~
14 ~~practice in violation of this section is guilty of a misdemeanor~~
15 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
16 ~~775.083. However,~~ Any organization or other person who sells or
17 offers for sale in this state a ticket or entry blank for a
18 raffle or other drawing by chance, without complying with the
19 requirements of paragraph (3) (d), commits ~~is guilty of a~~

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20 misdemeanor of the second degree, punishable by fine only as
21 provided in s. 775.083.

22 (b) Any organization or person who violates paragraph
23 (4)(j) commits a misdemeanor of the first degree, punishable as
24 provided in s. 775.082 or s. 775.083.

25 (c) Any organization that engages in any other act or
26 practice in violation of this section commits a misdemeanor of
27 the second degree, punishable as provided in s. 775.082 or s.
28 775.083.

29 Section 4. Section 849.094, Florida Statutes, is amended
30 to read:

31 849.094 Game promotion in connection with sale of consumer
32 products or services.-

33 (1) As used in this section, the term:

34 (a) "Department" means the Department of Business and
35 Professional Regulation.

36 (b)(a) "Game promotion" means, but is not limited to, a
37 contest, game of chance, sweepstakes, or gift enterprise,
38 conducted by an operator within or throughout the state and
39 other states in connection with and incidental to the sale of
40 consumer products or services, and in which the elements of
41 chance and prize are present. However, "game promotion" may
42 shall not be construed to apply to bingo games conducted
43 pursuant to s. 849.0931.

44 (c)(b) "Operator" means any person, firm, corporation,
45 enterprise, organization, or association or agent or employee
46 thereof who promotes, operates, or conducts a game promotion,
47 except any charitable nonprofit organization.

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48 (2) The provisions of s. 849.09 may not be construed to
49 prohibit an operator from conducting a game promotion pursuant
50 to this section, provided the operator has complied with the
51 provisions of this section. Authority to conduct game promotions
52 pursuant to this section does not provide an exemption to s.
53 849.01, s. 849.15, or any other law.

54 (3) An organization, as defined by s. 849.0935, may not
55 operate a game promotion.

56 (4)~~(2)~~ It is unlawful for any operator:

57 (a) To engage in, promote, or conduct such a game
58 promotion through the use of any mechanically or electronically
59 operated machine, or device that is:

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