

1 A bill to be entitled
2 An act relating to the prohibition of simulated gambling
3 devices; creating s. 849.162, F.S., creating the
4 "Simulated Gambling Prohibition and Community Protection
5 Act"; providing legislative findings and intent; providing
6 definitions; prohibiting the use of simulated gambling
7 devices to conduct or promote game promotions, drawings
8 and games of chance; providing penalties; providing for
9 construction; amending s. 849.0935, F.S., revising
10 definitions; revising conditions for exceptions to
11 prohibitions on lotteries; prohibiting the use of
12 simulated gambling devices or other devices operated by
13 drawing entrants; providing penalties; amending s.
14 849.094, F.S.; revising definitions; providing conditions
15 for exceptions to prohibitions on lotteries; prohibiting
16 the use of simulated gambling devices or other devices
17 operated by game promotion entrants; limiting the
18 rulemaking authority of the Department of Agriculture and
19 Consumer Services; providing for construction; providing
20 penalties; providing that violations are deceptive and
21 unfair trade practices; amending s. 849.15, F.S.;
22 prohibiting production, possession, or distribution of any
23 gambling apparatus; amending s. 849.16, F.S.; providing
24 that described machines or devices are subject to gambling
25 provisions; amending s. 895.02, F.S.; revising the
26 definition of the term "racketeering activity" to include
27 violations of the act; providing for construction;
28 reenacting ss. 16.56(1)(a), 338.234(1), 655.50(3)(g),

29 | 721.111(2), 849.19, 896.101(2)(g), 905.34(3), F.S., to
 30 | incorporate in cross-references changes made by the act;
 31 | providing an effective date.

32 |
 33 |
 34 | WHEREAS, the State of Florida has specifically prohibited
 35 | gambling in section 849.08, Florida Statutes, and

36 | WHEREAS section 849.0935, Florida Statutes is intended to
 37 | allow, without violation of the lottery law, specified
 38 | charitable or nonprofit organizations the opportunity to raise
 39 | funds to carry out their charitable or nonprofit purpose by
 40 | conducting an occasional drawing or raffle for prizes upon the
 41 | receipt of voluntary donations or contributions and was not
 42 | intended to provide a vehicle for the establishment of places of
 43 | ongoing gambling or gaming, and

44 | WHEREAS section 849.094, Florida Statutes is intended to
 45 | allow, without violation of the lottery law, for-profit
 46 | commercial enterprises to conduct a game promotion or
 47 | sweepstakes on a limited and occasional basis as a marketing
 48 | tool and incidental to substantial bona fide sales of consumer
 49 | products or services provided they comply with specified
 50 | requirements and rules of the Department of Agriculture and
 51 | Consumer Services and was not intended to provide a vehicle for
 52 | the establishment of places of ongoing gambling or gaming, and

53 | WHEREAS section 849.0935, Florida Statutes and section
 54 | 849.094, Florida Statutes regulate such activities and require
 55 | operation in a very specific manner deemed to be beneficial or

56 | less harmful to the community and were not intended to allow for
 57 | large-scale ongoing operations of gaming or gambling, and

58 | WHEREAS, due to the instant gratification provided, the use
 59 | of electronic gambling machines or devices for convenience
 60 | gambling is associated with higher levels and faster development
 61 | of compulsive gambling problems and should be tightly regulated
 62 | if and when permitted, and

63 | WHEREAS, the State of Florida has specifically prohibited
 64 | any slot machine or device in section 849.15, Florida Statutes,
 65 | and has specifically defined slot machine or device in section
 66 | 849.16, Florida Statutes, and

67 | WHEREAS, various companies have developed electronic
 68 | machines and devices to simulate the experience of gambling
 69 | while attempting to avoid Florida's prohibition on slot machines
 70 | and devices through the pretextual conduct of charitable or
 71 | nonprofit drawings by chance or raffles or game promotions in
 72 | connection with merely incidental consumer sales or services,
 73 | such as sale of internet or telephone time, and

74 | WHEREAS, operators are offering such simulated gambling at
 75 | ongoing establishments located in local communities and offering
 76 | extended hours and days of operation, attracting convenience
 77 | gamblers and encouraging unplanned repeated convenience
 78 | gambling, and

79 | WHEREAS, such simulated gambling encourages the vice of
 80 | compulsive gambling, even when purportedly used as a marketing
 81 | or fundraising technique, by delivering the same instant
 82 | gratification as other forms of electronic gambling, limiting
 83 | the duration of game play to encourage continued play, promoting

84 hopes to win large sums of money through electronic game play,
 85 and allowing players to wager more consideration in the hopes of
 86 achieving a larger financial award, and

87 WHEREAS, such simulated gambling create the same negative
 88 secondary effects in the community as other forms of gambling,
 89 even when purportedly used as a marketing or fundraising
 90 technique, including claims of compulsive gambling problems by
 91 players and excessive financial losses reported by players.

92
 93 Now, therefore, be It Enacted by the Legislature of the State of
 94 Florida:

95
 96 Section 1. Section 849.162, Florida Statutes, is created
 97 to read:

98 849.162 Simulated Gambling Devices.-

99 (1) This section may be cited as the "Simulated Gambling
 100 Prohibition and Community Protection Act."

101 (2) The Legislature finds that there is a compelling state
 102 interest in addressing the deleterious effects of the
 103 proliferation of electronic machines and devices used for
 104 simulated gambling or gaming. The Legislature declares that it
 105 is the intent of this section to prohibit the use of such
 106 devices.

107 (3) As used in this section, the term:

108 (a) "Simulated gambling device" means a mechanically or
 109 electronically operated machine, network, system or device that
 110 is intended to be used by an entrant to a game promotion,
 111 sweepstakes, drawing, raffle or any game of chance and that is

112 capable of displaying a simulated gambling display on a screen
 113 or other mechanism.

114 (b) "Simulated gambling display" means visual or aural
 115 information capable of being perceived by an entrant which takes
 116 the form of actual or simulated gambling or gaming play. The
 117 term includes, but is not limited to, displays depicting the
 118 following types of games:

119 1. Reel games or simulations of reel games, such as slot
 120 machines, eight liners or pot-of-gold.

121 2. Card games or simulations of card games, such as video
 122 poker.

123 3. Video games representing a game regulated by Florida
 124 law, such as bingo, sweepstakes, game promotions, drawings, or
 125 raffles.

126 4. Video games representing a game prohibited by Florida
 127 law, such as craps, keno, and lotteries.

128 5. Any video game based on or involving the random or
 129 chance matching of different pictures, words, numbers, or
 130 symbols.

131 (c) "Gambling", "gaming", or "game" are not used to
 132 incorporate any legal definition found elsewhere and do not
 133 necessitate the presence of elements of consideration, chance or
 134 prize.

135 (4) Notwithstanding any other provision of law, it is
 136 unlawful to design, promote or operate a simulated gambling
 137 device, to do either of the following:

138 (a) Conduct a game promotion, sweepstakes, drawing, raffle
 139 or any game of chance through the use of a simulated gambling

140 display, including for the entry process or the revealing of a
 141 prize or outcome.

142 (b) Promote a game promotion, sweepstakes, drawing, raffle
 143 or any game of chance that is conducted through the use of a
 144 simulated gambling display, including for the entry process or
 145 the revealing of a prize or outcome.

146 (5) A person who violates this section commits a felony of
 147 the third degree, punishable as provided in s. 775.082, s.
 148 775.083, or s. 775.084.

149 (6) A finding that a machine or device is a simulated
 150 gambling device under this section does not preclude a finding
 151 that it is also a slot machine or device under s. 849.16.

152 (7) It is the intent of this section to prohibit any
 153 mechanism that seeks to avoid application of this section
 154 through the use of any subterfuge or pretense whatsoever.

155 (8) Nothing in this section may be construed to prohibit:

156 (a) Activity that is lawfully conducted on Indian lands
 157 pursuant to and in accordance with an approved Tribal-State
 158 Gaming Compact.

159 (b) Activity that is lawfully conducted pursuant to s.
 160 849.161.

161 Section 2. Paragraph (a) of subsection (1), subsection
 162 (2), and subsection (7) is amended, and paragraphs (j) and (k)
 163 are added to subsection (4) of section 849.0935, Florida
 164 Statutes, to read:

165 849.0935 Charitable, nonprofit organizations; drawings by
 166 chance; required disclosures; unlawful acts and practices;
 167 penalties.—

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

169 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means
 170 an enterprise in which, from the entries submitted by the public
 171 to the organization conducting the drawing, one or more entries
 172 are selected by chance to win a prize. The term "drawing" does
 173 not include those enterprises, commonly known as "game
 174 promotions," as defined by s. 849.094, "matching," "instant
 175 winner," or ~~"preselected sweepstakes,"~~ which involve the
 176 distribution of winning numbers, previously designated as such,
 177 to the public.

178 (2) The provisions of s. 849.09 shall not be construed to
 179 prohibit an organization qualified under 26 U.S.C. s. 501(c)(3),
 180 (4), (7), (8), (10), or (19) from conducting drawings by chance
 181 pursuant to the authority granted by this section, provided the
 182 organization has complied with all applicable provisions of
 183 chapter 496 and this section.

184 (4) It is unlawful for any organization which, pursuant to
 185 the authority granted by this section, promotes, operates, or
 186 conducts a drawing by chance:

187 (j) To design, engage in, promote, or conduct any drawing
 188 using a simulated gambling device, as defined by s. 849.162.

189 (k) To design, engage in, promote, or conduct any drawing
 190 through the use any mechanically or electronically operated
 191 machine, network, system or device that is:

192 1. Owned, leased, or otherwise controlled by the
 193 organization or a partner, affiliate, subsidiary, contractor, or
 194 agent of the organization and

195 2. Operated, played, or otherwise interacted with, by an

196 entrant to the drawing.

197 ~~(7) (a) Any organization which engages in any act or~~
 198 ~~practice in violation of this section is guilty of a misdemeanor~~
 199 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
 200 ~~775.083. However, any~~ Any organization or other person who sells
 201 or offers for sale in this state a ticket or entry blank for a
 202 raffle or other drawing by chance, without complying with the
 203 requirements of paragraph (3) (d), is guilty of a misdemeanor of
 204 the second degree, punishable by fine only as provided in s.
 205 775.083.

206 (b) Any organization or person who violates paragraphs
 207 (4) (j) or (4) (k) is guilty of a misdemeanor of the first degree,
 208 punishable as provided in s. 775.082 or s. 775.083.

209 (c) Any organization which engages in any other act or
 210 practice in violation of this section is guilty of a misdemeanor
 211 of the second degree, punishable as provided in s. 775.082 or s.
 212 775.083.

213 Section 3. Section 849.094, Florida Statutes, is amended
 214 to read:

215 849.094 Game promotion in connection with sale of consumer
 216 products or services.—

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

218 (a) "Game promotion" means, but is not limited to, a
 219 contest, game of chance, sweepstakes, or gift enterprise,
 220 conducted by an operator within or throughout the state and
 221 other states in connection with, and incidental to, the sale of
 222 consumer products or services, and in which the elements of
 223 chance and prize are present. However, "game promotion" may

224 ~~shall~~ not be construed to apply to bingo games conducted
 225 pursuant to s. 849.0931.

226 (b) "Operator" means any person, firm, corporation,
 227 enterprise, organization or association or agent or employee
 228 thereof who promotes, operates, or conducts a game promotion,
 229 ~~except any charitable nonprofit organization.~~

230 (2) The provisions of s. 849.09 may not be construed to
 231 prohibit an operator from conducting a game promotion pursuant
 232 to this section, provided the operator has complied with the
 233 provisions of this section.

234 (3) No organization, as defined by s. 849.0935, may
 235 operate a game promotion.

236 ~~(4)-(2)~~ It is unlawful for any operator:

237 (f) To design, engage in, promote, or conduct such a game
 238 promotion through a simulated gambling device, as defined in s.
 239 849.162.

240 (g) To design, engage in, promote, or conduct such a
 241 drawing through the use of any mechanically or electronically
 242 operated machine, network, system or device that is:

243 1. Owned, leased, or otherwise controlled by the
 244 organization or the organization's partners, affiliates,
 245 subsidiaries, contractors, or agents and

246 2. Operated, played, or otherwise interacted with, by an
 247 entrant to the game promotion.

248 ~~(5)-(3)~~ The operator of a game promotion in which the total
 249 announced value of the prizes offered is greater than \$5,000
 250 shall file with the Department of Agriculture and Consumer
 251 Services a copy of the rules and regulations of the game

252 promotion and a list of all prizes and prize categories offered
 253 at least 7 days before the commencement of the game promotion.
 254 Such rules and regulations may not thereafter be changed,
 255 modified, or altered. The operator of a game promotion shall
 256 conspicuously post the rules and regulations of such game
 257 promotion in each and every retail outlet or place where such
 258 game promotion may be played or participated in by the public
 259 and shall also publish the rules and regulations in all
 260 advertising copy used in connection therewith. However, such
 261 advertising copy need only include the material terms of the
 262 rules and regulations if the advertising copy includes a website
 263 address, a toll-free telephone number, or a mailing address
 264 where the full rules and regulations may be viewed, heard, or
 265 obtained for the full duration of the game promotion. Such
 266 disclosures must be legible. Radio and television announcements
 267 may indicate that the rules and regulations are available at
 268 retail outlets or from the operator of the promotion. A
 269 nonrefundable filing fee of \$100 shall accompany each filing and
 270 shall be used to pay the costs incurred in administering and
 271 enforcing the provisions of this section.

272 (6) ~~(4)~~ (a) Every operator of such a game promotion in which
 273 the total announced value of the prizes offered is greater than
 274 \$5,000 shall establish a trust account, in a national or state-
 275 chartered financial institution, with a balance sufficient to
 276 pay or purchase the total value of all prizes offered. On a form
 277 supplied by the Department of Agriculture and Consumer Services,
 278 an official of the financial institution holding the trust
 279 account shall set forth the dollar amount of the trust account,

280 the identity of the entity or individual establishing the trust
 281 account, and the name of the game promotion for which the trust
 282 account has been established. Such form shall be filed with the
 283 Department of Agriculture and Consumer Services at least 7 days
 284 in advance of the commencement of the game promotion. In lieu of
 285 establishing such trust account, the operator may obtain a
 286 surety bond in an amount equivalent to the total value of all
 287 prizes offered; and such bond shall be filed with the Department
 288 of Agriculture and Consumer Services at least 7 days in advance
 289 of the commencement of the game promotion.

290 1. The moneys held in the trust account may be withdrawn
 291 in order to pay the prizes offered only upon certification to
 292 the Department of Agriculture and Consumer Services of the name
 293 of the winner or winners and the amount of the prize or prizes
 294 and the value thereof.

295 2. If the operator of a game promotion has obtained a
 296 surety bond in lieu of establishing a trust account, the amount
 297 of the surety bond shall equal at all times the total amount of
 298 the prizes offered.

299 (b) The Department of Agriculture and Consumer Services
 300 may waive the provisions of this subsection for any operator who
 301 has conducted game promotions in the state for not less than 5
 302 consecutive years and who has not had any civil, criminal, or
 303 administrative action instituted against him or her by the state
 304 or an agency of the state for violation of this section within
 305 that 5-year period. Such waiver may be revoked upon the
 306 commission of a violation of this section by such operator, as
 307 determined by the Department of Agriculture and Consumer

308 Services.

309 (7)~~(5)~~ Every operator of a game promotion in which the

310 total announced value of the prizes offered is greater than

311 \$5,000 shall provide the Department of Agriculture and Consumer

312 Services with a certified list of the names and addresses of all

313 persons, whether from this state or from another state, who have

314 won prizes which have a value of more than \$25, the value of

315 such prizes, and the dates when the prizes were won within 60

316 days after such winners have been finally determined. The

317 operator shall provide a copy of the list of winners, without

318 charge, to any person who requests it. In lieu of the foregoing,

319 the operator of a game promotion may, at his or her option,

320 publish the same information about the winners in a Florida

321 newspaper of general circulation within 60 days after such

322 winners have been determined and shall provide to the Department

323 of Agriculture and Consumer Services a certified copy of the

324 publication containing the information about the winners. The

325 operator of a game promotion is not required to notify a winner

326 by mail or by telephone when the winner is already in possession

327 of a game card from which the winner can determine that he or

328 she has won a designated prize. All winning entries shall be

329 held by the operator for a period of 90 days after the close or

330 completion of the game.

331 (8)~~(6)~~ The Department of Agriculture and Consumer Services

332 shall keep the certified list of winners for a period of at

333 least 6 months after receipt of the certified list. The

334 department thereafter may dispose of all records and lists.

335 (9)~~(7)~~ No operator shall force, directly or indirectly, a

336 lessee, agent, or franchise dealer to purchase or participate in
 337 any game promotion. For the purpose of this section, coercion or
 338 force shall be presumed in these circumstances in which a course
 339 of business extending over a period of 1 year or longer is
 340 materially changed coincident with a failure or refusal of a
 341 lessee, agent, or franchise dealer to participate in such game
 342 promotions. Such force or coercion shall further be presumed
 343 when an operator advertises generally that game promotions are
 344 available at its lessee dealers or agent dealers.

345 (10)-(8)(a) The Department of Agriculture and Consumer
 346 Services shall have the power to promulgate such rules and
 347 regulations respecting the operation of game promotions as it
 348 may deem advisable. However, the Department may not authorize
 349 the operation or possession of a slot machine or device or any
 350 other device that is otherwise prohibited from operation or
 351 possession in the state and may not authorize game promotions to
 352 be conducted through the use of any mechanically or
 353 electronically operated machine, network, system or device.

354 (b) Compliance with the rules of the Department does not
 355 authorize, and is not a defense to a charge of, possession of a
 356 slot machine or device or any other device or a violation of any
 357 other law.

358 (c)-(b) Whenever the Department of Agriculture and Consumer
 359 Services or the Department of Legal Affairs has reason to
 360 believe that a game promotion is being operated in violation of
 361 this section, it may bring an action in the circuit court of any
 362 judicial circuit in which the game promotion is being operated
 363 in the name and on behalf of the people of the state against any

364 operator thereof to enjoin the continued operation of such game
 365 promotion anywhere within the state.

366 (11)~~(9)~~ (a) Any person, firm, or corporation, or
 367 association or agent or employee thereof, who engages in any
 368 acts or practices stated in this section to be unlawful, or who
 369 violates any of the rules and regulations made pursuant to this
 370 section, is guilty of a misdemeanor of the second degree,
 371 punishable as provided in s. 775.082 or s. 775.083.

372 (b) Any person, firm, or corporation, or association or
 373 agent or employee thereof, who violates paragraphs (4) (f) or
 374 (4) (g) is guilty of a felony of the third degree, punishable as
 375 provided in s. 775.082, s. 775.083 or s. 775.084.

376 (c)~~(b)~~ Any person, firm, corporation, association, agent,
 377 or employee who violates any provision of this section or any of
 378 the rules and regulations made pursuant to this section shall be
 379 liable for a civil penalty of not more than \$1,000 for each such
 380 violation, which shall accrue to the state and may be recovered
 381 in a civil action brought by the Department of Agriculture and
 382 Consumer Services or the Department of Legal Affairs.

383 (12) A violation of this section, or soliciting another to
 384 do an act which violates this section, is a deceptive and unfair
 385 trade practice.

386 (13)~~(10)~~ This section does not apply to actions or
 387 transactions regulated by the Department of Business and
 388 Professional Regulation or to the activities of nonprofit
 389 organizations or to any other organization engaged in any
 390 enterprise other than the sale of consumer products or services.
 391 Subsections ~~(3), (4),~~ (5), (6), ~~and (7),~~ (8) and (9) and

392 paragraph ~~(10)~~⁽⁸⁾(a) and any of the rules made pursuant thereto
 393 do not apply to television or radio broadcasting companies
 394 licensed by the Federal Communications Commission.

395 Section 4. Subsection (1) of section 849.15, Florida
 396 Statutes, is amended to read:

397 849.15 Manufacture, sale, possession, etc., of coin-
 398 operated devices prohibited.—

399 (1) It is unlawful:

400 (a) To manufacture, own, store, keep, possess, sell, rent,
 401 lease, let on shares, lend or give away, transport, or expose
 402 for sale or lease, or to offer to sell, rent, lease, let on
 403 shares, lend or give away, or permit the operation of, or for
 404 any person to permit to be placed, maintained, or used or kept
 405 in any room, space, or building owned, leased, or occupied by
 406 the person or under the person's management or control, any slot
 407 machine or device or any part thereof, or other gambling
 408 apparatus or any part thereof that is otherwise prohibited from
 409 operation or possession in the state; or

410 (b) To make or to permit to be made with any person any
 411 agreement with reference to any slot machine or device, pursuant
 412 to which the user thereof, as a result of any element of chance
 413 or other outcome unpredictable to him or her, may become
 414 entitled to receive any money, credit, allowance, or thing of
 415 value or additional chance or right to use such machine or
 416 device, or to receive any check, slug, token, or memorandum
 417 entitling the holder to receive any money, credit, allowance, or
 418 thing of value.

419 Section 5. Subsection (1) of section 849.16, Florida
 420 Statutes, is amended to read:

421 849.16 Machines or devices which come within provisions of
 422 law defined.—

423 (1) Any machine or device or system or network of
 424 computers or other devices is a slot machine or device within
 425 the provisions of this chapter if it is one that is adapted for
 426 use in such a way that, as a result of the insertion of any
 427 piece of money, coin, code, account number, credit, or other
 428 object or method of activation, such machine, ~~or~~ device, or
 429 system or network of computers or other devices is caused to
 430 operate or may be operated, whether directly or as the result of
 431 indirect remote activation, and if the user, by reason of any
 432 element of chance or of any other outcome of such operation
 433 unpredictable by him or her, may:

434 (a) Receive or become entitled to receive any piece of
 435 money, credit, allowance, or thing of value, or any check, slug,
 436 token, or memorandum, whether of value or otherwise, which may
 437 be exchanged for any money, credit, allowance, or thing of value
 438 or which may be given in trade; or

439 (b) Secure additional chances or rights to use such
 440 machine, apparatus, or device, even though it may, in addition
 441 to any element of chance or unpredictable outcome of such
 442 operation, also sell, deliver, or present some merchandise,
 443 indication of weight, entertainment, or other thing of value.

444 Section 6. Paragraph (a) of subsection (1) of section
 445 895.02, Florida Statutes, is amended to read:

446 895.02 Definitions.—As used in ss. 895.01-895.08, the

447 term:

448 (1) "Racketeering activity" means to commit, to attempt to
 449 commit, to conspire to commit, or to solicit, coerce, or
 450 intimidate another person to commit:

451 (a) Any crime that is chargeable by petition, indictment,
 452 or information under the following provisions of the Florida
 453 Statutes:

454 1. Section 210.18, relating to evasion of payment of
 455 cigarette taxes.

456 2. Section 316.1935, relating to fleeing or attempting to
 457 elude a law enforcement officer and aggravated fleeing or
 458 eluding.

459 3. Section 403.727(3)(b), relating to environmental
 460 control.

461 4. Section 409.920 or s. 409.9201, relating to Medicaid
 462 fraud.

463 5. Section 414.39, relating to public assistance fraud.

464 6. Section 440.105 or s. 440.106, relating to workers'
 465 compensation.

466 7. Section 443.071(4), relating to creation of a
 467 fictitious employer scheme to commit unemployment compensation
 468 fraud.

469 8. Section 465.0161, relating to distribution of medicinal
 470 drugs without a permit as an Internet pharmacy.

471 9. Section 499.0051, relating to crimes involving
 472 contraband and adulterated drugs.

473 10. Part IV of chapter 501, relating to telemarketing.

474 11. Chapter 517, relating to sale of securities and

- 475 investor protection.
- 476 12. Section 550.235 or s. 550.3551, relating to dogracing
- 477 and horseracing.
- 478 13. Chapter 550, relating to jai alai frontons.
- 479 14. Section 551.109, relating to slot machine gaming.
- 480 15. Chapter 552, relating to the manufacture,
- 481 distribution, and use of explosives.
- 482 16. Chapter 560, relating to money transmitters, if the
- 483 violation is punishable as a felony.
- 484 17. Chapter 562, relating to beverage law enforcement.
- 485 18. Section 624.401, relating to transacting insurance
- 486 without a certificate of authority, s. 624.437(4)(c)1., relating
- 487 to operating an unauthorized multiple-employer welfare
- 488 arrangement, or s. 626.902(1)(b), relating to representing or
- 489 aiding an unauthorized insurer.
- 490 19. Section 655.50, relating to reports of currency
- 491 transactions, when such violation is punishable as a felony.
- 492 20. Chapter 687, relating to interest and usurious
- 493 practices.
- 494 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 495 real estate timeshare plans.
- 496 22. Section 775.13(5)(b), relating to registration of
- 497 persons found to have committed any offense for the purpose of
- 498 benefiting, promoting, or furthering the interests of a criminal
- 499 gang.
- 500 23. Section 777.03, relating to commission of crimes by
- 501 accessories after the fact.
- 502 24. Chapter 782, relating to homicide.

- 503 | 25. Chapter 784, relating to assault and battery.
- 504 | 26. Chapter 787, relating to kidnapping or human
- 505 | trafficking.
- 506 | 27. Chapter 790, relating to weapons and firearms.
- 507 | 28. Chapter 794, relating to sexual battery, but only if
- 508 | such crime was committed with the intent to benefit, promote, or
- 509 | further the interests of a criminal gang, or for the purpose of
- 510 | increasing a criminal gang member's own standing or position
- 511 | within a criminal gang.
- 512 | 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 513 | 796.05, or s. 796.07, relating to prostitution and sex
- 514 | trafficking.
- 515 | 30. Chapter 806, relating to arson and criminal mischief.
- 516 | 31. Chapter 810, relating to burglary and trespass.
- 517 | 32. Chapter 812, relating to theft, robbery, and related
- 518 | crimes.
- 519 | 33. Chapter 815, relating to computer-related crimes.
- 520 | 34. Chapter 817, relating to fraudulent practices, false
- 521 | pretenses, fraud generally, and credit card crimes.
- 522 | 35. Chapter 825, relating to abuse, neglect, or
- 523 | exploitation of an elderly person or disabled adult.
- 524 | 36. Section 827.071, relating to commercial sexual
- 525 | exploitation of children.
- 526 | 37. Chapter 831, relating to forgery and counterfeiting.
- 527 | 38. Chapter 832, relating to issuance of worthless checks
- 528 | and drafts.
- 529 | 39. Section 836.05, relating to extortion.
- 530 | 40. Chapter 837, relating to perjury.

- 531 41. Chapter 838, relating to bribery and misuse of public
 532 office.
- 533 42. Chapter 843, relating to obstruction of justice.
- 534 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 535 s. 847.07, relating to obscene literature and profanity.
- 536 44. Section 849.09, s. 849.14, s. 849.15, s. 849.162, s.
 537 849.23, or s. 849.25, relating to gambling.
- 538 45. Chapter 874, relating to criminal gangs.
- 539 46. Chapter 893, relating to drug abuse prevention and
 540 control.
- 541 47. Chapter 896, relating to offenses related to financial
 542 transactions.
- 543 48. Sections 914.22 and 914.23, relating to tampering with
 544 or harassing a witness, victim, or informant, and retaliation
 545 against a witness, victim, or informant.
- 546 49. Sections 918.12 and 918.13, relating to tampering with
 547 jurors and evidence.
- 548 Section 7. Nothing in this act may be construed to
 549 authorize the possession or operation of any machine or device
 550 that is prohibited under any other provision of law.
- 551 Section 8. For the purpose of incorporating the amendment
 552 made by this act to section 895.02, Florida Statutes, in a
 553 reference thereto, paragraph (a) of subsection (1) of section
 554 16.56, Florida Statutes, is reenacted to read:
- 555 16.56 Office of Statewide Prosecution.—
- 556 (1) There is created in the Department of Legal Affairs an
 557 Office of Statewide Prosecution. The office shall be a separate
 558 "budget entity" as that term is defined in chapter 216. The

559 office may:

560 (a) Investigate and prosecute the offenses of:

561 1. Bribery, burglary, criminal usury, extortion, gambling,
562 kidnapping, larceny, murder, prostitution, perjury, robbery,
563 carjacking, and home-invasion robbery;

564 2. Any crime involving narcotic or other dangerous drugs;

565 3. Any violation of the provisions of the Florida RICO
566 (Racketeer Influenced and Corrupt Organization) Act, including
567 any offense listed in the definition of racketeering activity in
568 s. 895.02(1)(a), providing such listed offense is investigated
569 in connection with a violation of s. 895.03 and is charged in a
570 separate count of an information or indictment containing a
571 count charging a violation of s. 895.03, the prosecution of
572 which listed offense may continue independently if the
573 prosecution of the violation of s. 895.03 is terminated for any
574 reason;

575 4. Any violation of the provisions of the Florida Anti-
576 Fencing Act;

577 5. Any violation of the provisions of the Florida
578 Antitrust Act of 1980, as amended;

579 6. Any crime involving, or resulting in, fraud or deceit
580 upon any person;

581 7. Any violation of s. 847.0135, relating to computer
582 pornography and child exploitation prevention, or any offense
583 related to a violation of s. 847.0135 or any violation of
584 chapter 827 where the crime is facilitated by or connected to
585 the use of the Internet or any device capable of electronic data
586 storage or transmission;

587 8. Any violation of the provisions of chapter 815;
 588 9. Any criminal violation of part I of chapter 499;
 589 10. Any violation of the provisions of the Florida Motor
 590 Fuel Tax Relief Act of 2004;
 591 11. Any criminal violation of s. 409.920 or s. 409.9201;
 592 12. Any crime involving voter registration, voting, or
 593 candidate or issue petition activities;
 594 13. Any criminal violation of the Florida Money Laundering
 595 Act; or
 596 14. Any criminal violation of the Florida Securities and
 597 Investor Protection Act; or any attempt, solicitation, or
 598 conspiracy to commit any of the crimes specifically enumerated
 599 above. The office shall have such power only when any such
 600 offense is occurring, or has occurred, in two or more judicial
 601 circuits as part of a related transaction, or when any such
 602 offense is connected with an organized criminal conspiracy
 603 affecting two or more judicial circuits. Informations or
 604 indictments charging such offenses shall contain general
 605 allegations stating the judicial circuits and counties in which
 606 crimes are alleged to have occurred or the judicial circuits and
 607 counties in which crimes affecting such circuits or counties are
 608 alleged to have been connected with an organized criminal
 609 conspiracy.

610 Section 9. For the purpose of incorporating the amendment
 611 made by this act to section 849.16, Florida Statutes, in a
 612 reference thereto, subsection (1) of section 338.234, Florida
 613 Statutes, is reenacted to read:

614 338.234 Granting concessions or selling along the turnpike

615 system; immunity from taxation.-
 616 (1) The department may enter into contracts or licenses
 617 with any person for the sale of services or products or business
 618 opportunities on the turnpike system, or the turnpike enterprise
 619 may sell services, products, or business opportunities on the
 620 turnpike system, which benefit the traveling public or provide
 621 additional revenue to the turnpike system. Services, business
 622 opportunities, and products authorized to be sold include, but
 623 are not limited to, motor fuel, vehicle towing, and vehicle
 624 maintenance services; food with attendant nonalcoholic
 625 beverages; lodging, meeting rooms, and other business services
 626 opportunities; advertising and other promotional opportunities,
 627 which advertising and promotions must be consistent with the
 628 dignity and integrity of the state; state lottery tickets sold
 629 by authorized retailers; games and amusements that operate by
 630 the application of skill, not including games of chance as
 631 defined in s. 849.16 or other illegal gambling games; Florida
 632 citrus, goods promoting the state, or handmade goods produced
 633 within the state; and travel information, tickets, reservations,
 634 or other related services. However, the department, pursuant to
 635 the grants of authority to the turnpike enterprise under this
 636 section, shall not exercise the power of eminent domain solely
 637 for the purpose of acquiring real property in order to provide
 638 business services or opportunities, such as lodging and meeting-
 639 room space on the turnpike system.

640 Section 10. For the purpose of incorporating the amendment
 641 made by this act to section 895.02, Florida Statutes, in a
 642 reference thereto, paragraph (g) of subsection (3) of section

643 655.50, Florida Statutes, is reenacted to read:

644 655.50 Florida Control of Money Laundering in Financial
 645 Institutions Act; reports of transactions involving currency or
 646 monetary instruments; when required; purpose; definitions;
 647 penalties.—

648 (3) As used in this section, the term:

649 (g) "Specified unlawful activity" means any "racketeering
 650 activity" as defined in s. 895.02.

651 Section 11. For the purpose of incorporating the amendment
 652 made by this act to section 849.094, Florida Statutes, in a
 653 reference thereto, subsection (2) of section 721.111, Florida
 654 Statutes, is reenacted to read:

655 721.111 Prize and gift promotional offers.—

656 (2) A game promotion, such as a contest of chance, gift
 657 enterprise, or sweepstakes, in which the elements of chance and
 658 prize are present may not be used in connection with the
 659 offering or sale of timeshare interests, except for drawings, as
 660 that term is defined in s. 849.0935(1)(a), in which no more than
 661 26 prizes are promoted and in which all promoted prizes are
 662 actually awarded. All such drawings must meet all requirements
 663 of this chapter and of ss. 849.092 and 849.094(1), (2), and (7).

664 Section 12. For the purpose of incorporating the amendment
 665 made by this act to section 849.16, Florida Statutes, in a
 666 reference thereto, section 849.19, Florida Statutes, is
 667 reenacted to read:

668 849.19 Property rights in confiscated machine.—The right
 669 of property in and to any machine, apparatus or device as
 670 defined in s. 849.16 and to all money and other things of value

671 therein, is declared not to exist in any person, and the same
 672 shall be forfeited and such money or other things of value shall
 673 be forfeited to the county in which the seizure was made and
 674 shall be delivered forthwith to the clerk of the circuit court
 675 and shall by her or him be placed in the fine and forfeiture
 676 fund of said county.

677 Section 13. For the purpose of incorporating the amendment
 678 made by this act to section 895.02, Florida Statutes, in a
 679 reference thereto, paragraph (g) of subsection (2) of section
 680 896.101, Florida Statutes, is reenacted to read:

681 896.101 Florida Money Laundering Act; definitions;
 682 penalties; injunctions; seizure warrants; immunity.—

683 (2) As used in this section, the term:

684 (g) "Specified unlawful activity" means any "racketeering
 685 activity" as defined in s. 895.02.

686 Section 14. For the purpose of incorporating the amendment
 687 made by this act to section 895.02, Florida Statutes, in a
 688 reference thereto, subsection (3) of section 905.34, Florida
 689 Statutes, is reenacted to read:

690 905.34 Powers and duties; law applicable.—The jurisdiction
 691 of a statewide grand jury impaneled under this chapter shall
 692 extend throughout the state. The subject matter jurisdiction of
 693 the statewide grand jury shall be limited to the offenses of:

694 (3) Any violation of the provisions of the Florida RICO
 695 (Racketeer Influenced and Corrupt Organization) Act, including
 696 any offense listed in the definition of racketeering activity in
 697 s. 895.02(1)(a), providing such listed offense is investigated
 698 in connection with a violation of s. 895.03 and is charged in a

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699 separate count of an information or indictment containing a
700 count charging a violation of s. 895.03, the prosecution of
701 which listed offense may continue independently if the
702 prosecution of the violation of s. 895.03 is terminated for any
703 reason; or any attempt, solicitation, or conspiracy to commit
704 any violation of the crimes specifically enumerated above, when
705 any such offense is occurring, or has occurred, in two or more
706 judicial circuits as part of a related transaction or when any
707 such offense is connected with an organized criminal conspiracy
708 affecting two or more judicial circuits. The statewide grand
709 jury may return indictments and presentments irrespective of the
710 county or judicial circuit where the offense is committed or
711 triable. If an indictment is returned, it shall be certified and
712 transferred for trial to the county where the offense was
713 committed. The powers and duties of, and law applicable to,
714 county grand juries shall apply to a statewide grand jury except
715 when such powers, duties, and law are inconsistent with the
716 provisions of ss. 905.31-905.40.

717 Section 15. This act shall take effect upon becoming a
718 law.