

1                                   A bill to be entitled  
 2           An act relating to the prohibition of simulated  
 3           gambling devices; creating the "Simulated Gambling  
 4           Prohibition and Community Protection Act"; providing  
 5           legislative findings and intent; amending s. 849.0935,  
 6           F.S., relating to drawings by chance offered by  
 7           nonprofit organizations; revising definitions;  
 8           revising conditions for exceptions to prohibitions on  
 9           lotteries; prohibiting the use of devices operated by  
 10          drawing entrants; providing penalties; amending s.  
 11          849.094, F.S.; revising definitions; transferring  
 12          authority over game promotions from the Department of  
 13          Agriculture and Consumer Services to the Department of  
 14          Business and Professional Regulation; providing  
 15          conditions for exceptions to prohibitions on  
 16          lotteries; prohibiting the use of devices operated by  
 17          game promotion entrants; limiting the rulemaking  
 18          authority of the Department of Business and  
 19          Professional Regulation; providing for construction;  
 20          providing penalties; providing that violations are  
 21          deceptive and unfair trade practices; amending s.  
 22          849.15, F.S.; prohibiting production, possession, or  
 23          distribution of any gambling apparatus; amending s.  
 24          849.16, F.S.; providing that described machines or  
 25          devices are subject to gambling provisions; providing  
 26          a rebuttable presumption that a machine is a  
 27          prohibited slot machine; amending s. 895.02, F.S.;  
 28          revising the definition of the term "racketeering

29 activity" to include violations of specified  
 30 provisions; providing for construction; amending s.  
 31 721.111, F.S., relating to promotional offers;  
 32 conforming cross-references; reenacting s.  
 33 16.56(1)(a), 338.234(1), 655.50(3)(g), 849.19,  
 34 896.101(2)(g), and 905.34(3), F.S., relating to the  
 35 Office of Statewide Prosecution, the Florida Turnpike,  
 36 money laundering, seizure of property, the Florida  
 37 Money Laundering Act, and a statewide grand jury,  
 38 respectively, to incorporate changes made by the act  
 39 in references thereto; providing an effective date.  
 40

41 Be It Enacted by the Legislature of the State of Florida:

42  
 43 Section 1. (1) This act may be cited as the "Simulated  
 44 Gambling Prohibition and Community Protection Act."

45 (2) The Legislature finds that there is a compelling state  
 46 interest in addressing the deleterious effects of the  
 47 proliferation of electronic machines and devices used for  
 48 simulated gambling. The Legislature declares that it is the  
 49 intent of this section to prohibit the use of such devices.

50 Section 2. Paragraph (a) of subsection (1), subsection  
 51 (2), and subsection (7) of section 849.0935, Florida Statutes,  
 52 are amended, and paragraphs (j) is added to subsection (4) of  
 53 that section, to read:

54 849.0935 Charitable, nonprofit organizations; drawings by  
 55 chance; required disclosures; unlawful acts and practices;  
 56 penalties.—

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

58 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means  
 59 an enterprise in which, from the entries submitted by the public  
 60 to the organization conducting the drawing, one or more entries  
 61 are selected by chance to win a prize. The term "drawing" does  
 62 not include those enterprises, commonly known as "game  
 63 promotions," as defined by s. 849.094, "matching," "instant  
 64 winner," or ~~"preselected sweepstakes,"~~ which involve the  
 65 distribution of winning numbers, previously designated as such,  
 66 to the public.

67 (2) The provisions of s. 849.09 shall not be construed to  
 68 prohibit an organization ~~qualified under 26 U.S.C. s. 501(c)(3),~~  
 69 ~~(4), (7), (8), (10), or (19)~~ from conducting drawings by chance  
 70 pursuant to the authority granted by this section, provided the  
 71 organization has complied with all applicable provisions of  
 72 chapter 496 and this section. Authority to conduct drawings by  
 73 chance pursuant to this section does not provide an exemption to  
 74 ss. 849.01, 849.15, or any other law.

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

78 (j) To design, engage in, promote, or conduct any drawing  
 79 through the use of any mechanically or electronically operated  
 80 machine, network, system, or device that is:

81 1. Owned, leased, or otherwise controlled by the  
 82 organization or a partner, affiliate, subsidiary, contractor, or  
 83 agent of the organization; and

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

85 entrant to the drawing.

86 (7) (a) ~~Any organization which engages in any act or~~  
 87 ~~practice in violation of this section is guilty of a misdemeanor~~  
 88 ~~of the second degree, punishable as provided in s. 775.082 or s.~~  
 89 ~~775.083. However,~~ Any organization or other person who sells or  
 90 offers for sale in this state a ticket or entry blank for a  
 91 raffle or other drawing by chance, without complying with the  
 92 requirements of paragraph (3) (d), commits ~~is guilty of~~ a  
 93 misdemeanor of the second degree, punishable by fine only as  
 94 provided in s. 775.083.

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

98 (c) Any organization that engages in any other act or  
 99 practice in violation of this section commits a misdemeanor of  
 100 the second degree, punishable as provided in s. 775.082 or s.  
 101 775.083.

102 Section 3. Section 849.094, Florida Statutes, is amended  
 103 to read:

104 849.094 Game promotion in connection with sale of consumer  
 105 products or services.—

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

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

113 ~~shall~~ not be construed to apply to bingo games conducted  
 114 pursuant to s. 849.0931.

115 (b) "Operator" means any person, firm, corporation,  
 116 enterprise, organization, or association or agent or employee  
 117 thereof who promotes, operates, or conducts a game promotion,  
 118 ~~except any charitable nonprofit organization.~~

119 (c) "Department" means the Department of Business and  
 120 Professional Regulation.

121 (2) The provisions of s. 849.09 may not be construed to  
 122 prohibit an operator from conducting a game promotion pursuant  
 123 to this section, provided the operator has complied with the  
 124 provisions of this section. Authority to conduct game promotions  
 125 pursuant to this section does not provide an exemption to ss.  
 126 849.01, 849.15, or any other law.

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

129 (4)~~(2)~~ It is unlawful for any operator:

130 (a) To design, engage in, promote, or conduct such a game  
 131 promotion through the use of any mechanically or electronically  
 132 operated machine, network, system, or device that is:

133 1. Owned, leased, or otherwise controlled by the  
 134 organization or the organization's partners, affiliates,  
 135 subsidiaries, contractors, or agents; and

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

138 (b)~~(a)~~ To design, engage in, promote, or conduct such a  
 139 game promotion, in connection with the promotion or sale of  
 140 consumer products or services, wherein the winner may be

141 | predetermined or the game may be manipulated or rigged so as to:

142 |       1. Allocate a winning game or any portion thereof to  
143 | certain lessees, agents, or franchises; or

144 |       2. Allocate a winning game or part thereof to a particular  
145 | period of the game promotion or to a particular geographic area;

146 |       (c)~~(b)~~ Arbitrarily to remove, disqualify, disallow, or  
147 | reject any entry;

148 |       (d)~~(e)~~ To fail to award prizes offered;

149 |       (e)~~(d)~~ To print, publish, or circulate literature or  
150 | advertising material used in connection with such game  
151 | promotions which is false, deceptive, or misleading; or

152 |       (f)~~(e)~~ To require an entry fee, payment, or proof of  
153 | purchase as a condition of entering a game promotion.

154 |       (5)~~(3)~~ The operator of a game promotion in which the total  
155 | announced value of the prizes offered is greater than \$5,000  
156 | shall file with the department of ~~Agriculture and Consumer~~  
157 | ~~Services~~ a copy of the rules and regulations of the game  
158 | promotion and a list of all prizes and prize categories offered  
159 | at least 7 days before the commencement of the game promotion.

160 | Such rules and regulations may not thereafter be changed,  
161 | modified, or altered. The operator of a game promotion shall  
162 | conspicuously post the rules and regulations of such game  
163 | promotion in each and every retail outlet or place where such  
164 | game promotion may be played or participated in by the public  
165 | and shall also publish the rules and regulations in all  
166 | advertising copy used in connection therewith. However, such  
167 | advertising copy need only include the material terms of the  
168 | rules and regulations if the advertising copy includes a website

169 address, a toll-free telephone number, or a mailing address  
 170 where the full rules and regulations may be viewed, heard, or  
 171 obtained for the full duration of the game promotion. Such  
 172 disclosures must be legible. Radio and television announcements  
 173 may indicate that the rules and regulations are available at  
 174 retail outlets or from the operator of the promotion. A  
 175 nonrefundable filing fee of \$100 shall accompany each filing and  
 176 shall be used to pay the costs incurred in administering and  
 177 enforcing the provisions of this section.

178 (6)~~(4)~~(a) Every operator of such a game promotion in which  
 179 the total announced value of the prizes offered is greater than  
 180 \$5,000 shall establish a trust account, in a national or state-  
 181 chartered financial institution, with a balance sufficient to  
 182 pay or purchase the total value of all prizes offered. On a form  
 183 supplied by the department ~~of Agriculture and Consumer Services,~~  
 184 an official of the financial institution holding the trust  
 185 account shall set forth the dollar amount of the trust account,  
 186 the identity of the entity or individual establishing the trust  
 187 account, and the name of the game promotion for which the trust  
 188 account has been established. Such form shall be filed with the  
 189 department ~~of Agriculture and Consumer Services~~ at least 7 days  
 190 in advance of the commencement of the game promotion. In lieu of  
 191 establishing such trust account, the operator may obtain a  
 192 surety bond in an amount equivalent to the total value of all  
 193 prizes offered; and such bond shall be filed with the department  
 194 ~~of Agriculture and Consumer Services~~ at least 7 days in advance  
 195 of the commencement of the game promotion.

196 1. The moneys held in the trust account may be withdrawn

197 | in order to pay the prizes offered only upon certification to  
 198 | the department ~~of Agriculture and Consumer Services~~ of the name  
 199 | of the winner or winners and the amount of the prize or prizes  
 200 | and the value thereof.

201 |         2. If the operator of a game promotion has obtained a  
 202 | surety bond in lieu of establishing a trust account, the amount  
 203 | of the surety bond shall equal at all times the total amount of  
 204 | the prizes offered.

205 |         (b) The department ~~of Agriculture and Consumer Services~~  
 206 | may waive the provisions of this subsection for any operator who  
 207 | has conducted game promotions in the state for not less than 5  
 208 | consecutive years and who has not had any civil, criminal, or  
 209 | administrative action instituted against him or her by the state  
 210 | or an agency of the state for violation of this section within  
 211 | that 5-year period. Such waiver may be revoked upon the  
 212 | commission of a violation of this section by such operator, as  
 213 | determined by the department ~~of Agriculture and Consumer~~  
 214 | ~~Services~~.

215 |         (7)~~(5)~~ Every operator of a game promotion in which the  
 216 | total announced value of the prizes offered is greater than  
 217 | \$5,000 shall provide the department ~~of Agriculture and Consumer~~  
 218 | ~~Services~~ with a certified list of the names and addresses of all  
 219 | persons, whether from this state or from another state, who have  
 220 | won prizes which have a value of more than \$25, the value of  
 221 | such prizes, and the dates when the prizes were won within 60  
 222 | days after such winners have been finally determined. The  
 223 | operator shall provide a copy of the list of winners, without  
 224 | charge, to any person who requests it. In lieu of the foregoing,



225 the operator of a game promotion may, at his or her option,  
 226 publish the same information about the winners in a Florida  
 227 newspaper of general circulation within 60 days after such  
 228 winners have been determined and shall provide to the department  
 229 ~~of Agriculture and Consumer Services~~ a certified copy of the  
 230 publication containing the information about the winners. The  
 231 operator of a game promotion is not required to notify a winner  
 232 by mail or by telephone when the winner is already in possession  
 233 of a game card from which the winner can determine that he or  
 234 she has won a designated prize. All winning entries shall be  
 235 held by the operator for a period of 90 days after the close or  
 236 completion of the game.

237 (8)~~(6)~~ The department ~~of Agriculture and Consumer Services~~  
 238 shall keep the certified list of winners for a period of at  
 239 least 6 months after receipt of the certified list. The  
 240 department thereafter may dispose of all records and lists.

241 (9)~~(7)~~ No operator shall force, directly or indirectly, a  
 242 lessee, agent, or franchise dealer to purchase or participate in  
 243 any game promotion. For the purpose of this section, coercion or  
 244 force shall be presumed in these circumstances in which a course  
 245 of business extending over a period of 1 year or longer is  
 246 materially changed coincident with a failure or refusal of a  
 247 lessee, agent, or franchise dealer to participate in such game  
 248 promotions. Such force or coercion shall further be presumed  
 249 when an operator advertises generally that game promotions are  
 250 available at its lessee dealers or agent dealers.

251 (10)~~(8)~~(a) The department ~~of Agriculture and Consumer~~  
 252 ~~Services~~ shall have the power to promulgate such rules and

253 regulations respecting the operation of game promotions as it  
 254 may deem advisable.

255 (b) Compliance with the rules of the department does not  
 256 authorize and is not a defense to a charge of possession of a  
 257 slot machine or device or any other device or a violation of any  
 258 other law.

259 (c) ~~(b)~~ Whenever the department ~~of Agriculture and Consumer~~  
 260 ~~Services~~ or the Department of Legal Affairs has reason to  
 261 believe that a game promotion is being operated in violation of  
 262 this section, it may bring an action in the circuit court of any  
 263 judicial circuit in which the game promotion is being operated  
 264 in the name and on behalf of the people of the state against any  
 265 operator thereof to enjoin the continued operation of such game  
 266 promotion anywhere within the state.

267 (11) ~~(9)~~ (a) Any person, firm, or corporation, or  
 268 association or agent or employee thereof, who engages in any  
 269 acts or practices stated in this section to be unlawful, or who  
 270 violates any of the rules and regulations made pursuant to this  
 271 section, commits ~~is guilty of~~ a misdemeanor of the second  
 272 degree, punishable as provided in s. 775.082 or s. 775.083.

273 (b) Any person, firm, or corporation, or association or  
 274 agent or employee thereof, who violates paragraph (4) (a) commits  
 275 a felony of the third degree, punishable as provided in s.  
 276 775.082, s. 775.083, or s. 775.084.

277 (c) ~~(b)~~ Any person, firm, corporation, association, agent,  
 278 or employee who violates any provision of this section or any of  
 279 the rules and regulations made pursuant to this section shall be  
 280 liable for a civil penalty of not more than \$1,000 for each such

281 violation, which shall accrue to the state and may be recovered  
 282 in a civil action brought by the department of ~~Agriculture and~~  
 283 ~~Consumer Services~~ or the Department of Legal Affairs.

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

287 ~~(13)(10) This section does not apply to actions or~~  
 288 ~~transactions regulated by the Department of Business and~~  
 289 ~~Professional Regulation or to the activities of nonprofit~~  
 290 ~~organizations or to any other organization engaged in any~~  
 291 ~~enterprise other than the sale of consumer products or services.~~  
 292 Subsections ~~(3), (4),~~ (5), (6), and (7), (8), and (9) and  
 293 paragraph ~~(10)(8)~~(a) and any of the rules made pursuant thereto  
 294 do not apply to television or radio broadcasting companies  
 295 licensed by the Federal Communications Commission.

296 Section 4. Subsection (2) of section 721.111, Florida  
 297 Statutes, is amended to read:

298 721.111 Prize and gift promotional offers.—

299 (2) A game promotion, such as a contest of chance, gift  
 300 enterprise, or sweepstakes, in which the elements of chance and  
 301 prize are present may not be used in connection with the  
 302 offering or sale of timeshare interests, except for drawings, as  
 303 that term is defined in s. 849.0935(1)(a), in which no more than  
 304 26 prizes are promoted and in which all promoted prizes are  
 305 actually awarded. All such drawings must meet all requirements  
 306 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and  
 307 (9) ~~(7)~~.

308 Section 5. Subsection (1) of section 849.15, Florida

309 Statutes, is amended to read:

310 849.15 Manufacture, sale, possession, etc., of coin-  
 311 operated devices prohibited.—

312 (1) It is unlawful:

313 (a) To manufacture, own, store, keep, possess, sell, rent,  
 314 lease, let on shares, lend or give away, transport, or expose  
 315 for sale or lease, or to offer to sell, rent, lease, let on  
 316 shares, lend or give away, or permit the operation of, or for  
 317 any person to permit to be placed, maintained, or used or kept  
 318 in any room, space, or building owned, leased, or occupied by  
 319 the person or under the person's management or control, any slot  
 320 machine or device or any part thereof, or other gambling  
 321 apparatus or any part thereof that is otherwise prohibited from  
 322 operation or possession in the state; or

323 (b) To make or to permit to be made with any person any  
 324 agreement with reference to any slot machine or device, pursuant  
 325 to which the user thereof, as a result of any element of chance  
 326 or other outcome unpredictable to him or her, may become  
 327 entitled to receive any money, credit, allowance, or thing of  
 328 value or additional chance or right to use such machine or  
 329 device, or to receive any check, slug, token, or memorandum  
 330 entitling the holder to receive any money, credit, allowance, or  
 331 thing of value.

332 Section 6. Subsection (1) of section 849.16, Florida  
 333 Statutes, is amended to read:

334 849.16 Machines or devices which come within provisions of  
 335 law defined.—

336 (1) As used in this chapter, the term "slot machine or

337 device" means any machine or device or system or network of  
 338 devices ~~is a slot machine or device within the provisions of~~  
 339 ~~this chapter if it is one~~ that is adapted for use in such a way  
 340 that, as a result of the exchange of any consideration  
 341 whatsoever, ~~insertion of any piece of money, coin, or other~~  
 342 ~~object~~, such ~~machine or device~~ or system is directly or  
 343 indirectly caused to operate or may be operated and if the user,  
 344 whether by application of skill or by reason of any element of  
 345 ~~chance or of any other outcome of such operation~~ unpredictable  
 346 by him or her, may:

347 (a) Receive or become entitled to receive any piece of  
 348 money, credit, allowance, or thing of value, or any check, slug,  
 349 token, or memorandum, whether of value or otherwise, which may  
 350 be exchanged for any money, credit, allowance, or thing of value  
 351 or which may be given in trade; or

352 (b) Secure additional chances or rights to use such  
 353 machine, apparatus, or device,  
 354 even though the device or system may be available for free play  
 355 or, in addition to any element of chance or unpredictable  
 356 outcome of such operation, may also sell, deliver, or present  
 357 some merchandise, indication of weight, entertainment, or other  
 358 thing of value. The term includes, but is not limited to,  
 359 devices regulated as slot machines pursuant to ch. 551.

360 (3) There is a rebuttable presumption that a device is a  
 361 prohibited slot machine if it is used to simulate games of  
 362 chance and is part of a scheme requiring any consideration  
 363 whatsoever and awarding any thing of value.

364 Section 7. For the purpose of incorporating the amendment

365 made by this act to section 849.16, Florida Statutes, in a  
 366 reference thereto, subsection (1) of section 338.234, Florida  
 367 Statutes, is reenacted to read:

368 338.234 Granting concessions or selling along the turnpike  
 369 system; immunity from taxation.—

370 (1) The department may enter into contracts or licenses  
 371 with any person for the sale of services or products or business  
 372 opportunities on the turnpike system, or the turnpike enterprise  
 373 may sell services, products, or business opportunities on the  
 374 turnpike system, which benefit the traveling public or provide  
 375 additional revenue to the turnpike system. Services, business  
 376 opportunities, and products authorized to be sold include, but  
 377 are not limited to, motor fuel, vehicle towing, and vehicle  
 378 maintenance services; food with attendant nonalcoholic  
 379 beverages; lodging, meeting rooms, and other business services  
 380 opportunities; advertising and other promotional opportunities,  
 381 which advertising and promotions must be consistent with the  
 382 dignity and integrity of the state; state lottery tickets sold  
 383 by authorized retailers; games and amusements that operate by  
 384 the application of skill, not including games of chance as  
 385 defined in s. 849.16 or other illegal gambling games; Florida  
 386 citrus, goods promoting the state, or handmade goods produced  
 387 within the state; and travel information, tickets, reservations,  
 388 or other related services. However, the department, pursuant to  
 389 the grants of authority to the turnpike enterprise under this  
 390 section, shall not exercise the power of eminent domain solely  
 391 for the purpose of acquiring real property in order to provide  
 392 business services or opportunities, such as lodging and meeting-

393 room space on the turnpike system.

394 Section 8. For the purpose of incorporating the amendment  
 395 made by this act to section 849.16, Florida Statutes, in a  
 396 reference thereto, section 849.19, Florida Statutes, is  
 397 reenacted to read:

398 849.19 Property rights in confiscated machine.—The right  
 399 of property in and to any machine, apparatus or device as  
 400 defined in s. 849.16 and to all money and other things of value  
 401 therein, is declared not to exist in any person, and the same  
 402 shall be forfeited and such money or other things of value shall  
 403 be forfeited to the county in which the seizure was made and  
 404 shall be delivered forthwith to the clerk of the circuit court  
 405 and shall by her or him be placed in the fine and forfeiture  
 406 fund of said county.

407 Section 9. Paragraph (a) of subsection (1) of section  
 408 895.02, Florida Statutes, is amended to read:

409 895.02 Definitions.—As used in ss. 895.01-895.08, the  
 410 term:

411 (1) "Racketeering activity" means to commit, to attempt to  
 412 commit, to conspire to commit, or to solicit, coerce, or  
 413 intimidate another person to commit:

414 (a) Any crime that is chargeable by petition, indictment,  
 415 or information under the following provisions of the Florida  
 416 Statutes:

417 1. Section 210.18, relating to evasion of payment of  
 418 cigarette taxes.

419 2. Section 316.1935, relating to fleeing or attempting to  
 420 elude a law enforcement officer and aggravated fleeing or

- 421 eluding.
- 422 3. Section 403.727(3)(b), relating to environmental
- 423 control.
- 424 4. Section 409.920 or s. 409.9201, relating to Medicaid
- 425 fraud.
- 426 5. Section 414.39, relating to public assistance fraud.
- 427 6. Section 440.105 or s. 440.106, relating to workers'
- 428 compensation.
- 429 7. Section 443.071(4), relating to creation of a
- 430 fictitious employer scheme to commit unemployment compensation
- 431 fraud.
- 432 8. Section 465.0161, relating to distribution of medicinal
- 433 drugs without a permit as an Internet pharmacy.
- 434 9. Section 499.0051, relating to crimes involving
- 435 contraband and adulterated drugs.
- 436 10. Part IV of chapter 501, relating to telemarketing.
- 437 11. Chapter 517, relating to sale of securities and
- 438 investor protection.
- 439 12. Section 550.235 or s. 550.3551, relating to dogracing
- 440 and horseracing.
- 441 13. Chapter 550, relating to jai alai frontons.
- 442 14. Section 551.109, relating to slot machine gaming.
- 443 15. Chapter 552, relating to the manufacture,
- 444 distribution, and use of explosives.
- 445 16. Chapter 560, relating to money transmitters, if the
- 446 violation is punishable as a felony.
- 447 17. Chapter 562, relating to beverage law enforcement.
- 448 18. Section 624.401, relating to transacting insurance



449 without a certificate of authority, s. 624.437(4)(c)1., relating  
 450 to operating an unauthorized multiple-employer welfare  
 451 arrangement, or s. 626.902(1)(b), relating to representing or  
 452 aiding an unauthorized insurer.

453 19. Section 655.50, relating to reports of currency  
 454 transactions, when such violation is punishable as a felony.

455 20. Chapter 687, relating to interest and usurious  
 456 practices.

457 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
 458 real estate timeshare plans.

459 22. Section 775.13(5)(b), relating to registration of  
 460 persons found to have committed any offense for the purpose of  
 461 benefiting, promoting, or furthering the interests of a criminal  
 462 gang.

463 23. Section 777.03, relating to commission of crimes by  
 464 accessories after the fact.

465 24. Chapter 782, relating to homicide.

466 25. Chapter 784, relating to assault and battery.

467 26. Chapter 787, relating to kidnapping or human  
 468 trafficking.

469 27. Chapter 790, relating to weapons and firearms.

470 28. Chapter 794, relating to sexual battery, but only if  
 471 such crime was committed with the intent to benefit, promote, or  
 472 further the interests of a criminal gang, or for the purpose of  
 473 increasing a criminal gang member's own standing or position  
 474 within a criminal gang.

475 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.  
 476 796.05, or s. 796.07, relating to prostitution and sex

- 477 trafficking.
- 478 30. Chapter 806, relating to arson and criminal mischief.
- 479 31. Chapter 810, relating to burglary and trespass.
- 480 32. Chapter 812, relating to theft, robbery, and related
- 481 crimes.
- 482 33. Chapter 815, relating to computer-related crimes.
- 483 34. Chapter 817, relating to fraudulent practices, false
- 484 pretenses, fraud generally, and credit card crimes.
- 485 35. Chapter 825, relating to abuse, neglect, or
- 486 exploitation of an elderly person or disabled adult.
- 487 36. Section 827.071, relating to commercial sexual
- 488 exploitation of children.
- 489 37. Chapter 831, relating to forgery and counterfeiting.
- 490 38. Chapter 832, relating to issuance of worthless checks
- 491 and drafts.
- 492 39. Section 836.05, relating to extortion.
- 493 40. Chapter 837, relating to perjury.
- 494 41. Chapter 838, relating to bribery and misuse of public
- 495 office.
- 496 42. Chapter 843, relating to obstruction of justice.
- 497 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 498 s. 847.07, relating to obscene literature and profanity.
- 499 44. ~~Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.~~
- 500 ~~849.25~~ Chapter 849, relating to gambling.
- 501 45. Chapter 874, relating to criminal gangs.
- 502 46. Chapter 893, relating to drug abuse prevention and
- 503 control.
- 504 47. Chapter 896, relating to offenses related to financial

505 transactions.

506 48. Sections 914.22 and 914.23, relating to tampering with  
 507 or harassing a witness, victim, or informant, and retaliation  
 508 against a witness, victim, or informant.

509 49. Sections 918.12 and 918.13, relating to tampering with  
 510 jurors and evidence.

511 Section 10. For the purpose of incorporating the amendment  
 512 made by this act to section 895.02, Florida Statutes, in a  
 513 reference thereto, paragraph (a) of subsection (1) of section  
 514 16.56, Florida Statutes, is reenacted to read:

515 16.56 Office of Statewide Prosecution.—

516 (1) There is created in the Department of Legal Affairs an  
 517 Office of Statewide Prosecution. The office shall be a separate  
 518 "budget entity" as that term is defined in chapter 216. The  
 519 office may:

520 (a) Investigate and prosecute the offenses of:

521 1. Bribery, burglary, criminal usury, extortion, gambling,  
 522 kidnapping, larceny, murder, prostitution, perjury, robbery,  
 523 carjacking, and home-invasion robbery;

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

525 3. Any violation of the provisions of the Florida RICO  
 526 (Racketeer Influenced and Corrupt Organization) Act, including  
 527 any offense listed in the definition of racketeering activity in  
 528 s. 895.02(1)(a), providing such listed offense is investigated  
 529 in connection with a violation of s. 895.03 and is charged in a  
 530 separate count of an information or indictment containing a  
 531 count charging a violation of s. 895.03, the prosecution of  
 532 which listed offense may continue independently if the

533 prosecution of the violation of s. 895.03 is terminated for any  
 534 reason;

535 4. Any violation of the provisions of the Florida Anti-  
 536 Fencing Act;

537 5. Any violation of the provisions of the Florida  
 538 Antitrust Act of 1980, as amended;

539 6. Any crime involving, or resulting in, fraud or deceit  
 540 upon any person;

541 7. Any violation of s. 847.0135, relating to computer  
 542 pornography and child exploitation prevention, or any offense  
 543 related to a violation of s. 847.0135 or any violation of  
 544 chapter 827 where the crime is facilitated by or connected to  
 545 the use of the Internet or any device capable of electronic data  
 546 storage or transmission;

547 8. Any violation of the provisions of chapter 815;

548 9. Any criminal violation of part I of chapter 499;

549 10. Any violation of the provisions of the Florida Motor  
 550 Fuel Tax Relief Act of 2004;

551 11. Any criminal violation of s. 409.920 or s. 409.9201;

552 12. Any crime involving voter registration, voting, or  
 553 candidate or issue petition activities;

554 13. Any criminal violation of the Florida Money Laundering  
 555 Act; or

556 14. Any criminal violation of the Florida Securities and  
 557 Investor Protection Act; or any attempt, solicitation, or  
 558 conspiracy to commit any of the crimes specifically enumerated  
 559 above. The office shall have such power only when any such  
 560 offense is occurring, or has occurred, in two or more judicial

561 circuits as part of a related transaction, or when any such  
 562 offense is connected with an organized criminal conspiracy  
 563 affecting two or more judicial circuits. Informations or  
 564 indictments charging such offenses shall contain general  
 565 allegations stating the judicial circuits and counties in which  
 566 crimes are alleged to have occurred or the judicial circuits and  
 567 counties in which crimes affecting such circuits or counties are  
 568 alleged to have been connected with an organized criminal  
 569 conspiracy.

570 Section 11. For the purpose of incorporating the amendment  
 571 made by this act to section 895.02, Florida Statutes, in a  
 572 reference thereto, paragraph (g) of subsection (3) of section  
 573 655.50, Florida Statutes, is reenacted to read:

574 655.50 Florida Control of Money Laundering in Financial  
 575 Institutions Act; reports of transactions involving currency or  
 576 monetary instruments; when required; purpose; definitions;  
 577 penalties.—

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

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

581 Section 12. For the purpose of incorporating the amendment  
 582 made by this act to section 895.02, Florida Statutes, in a  
 583 reference thereto, paragraph (g) of subsection (2) of section  
 584 896.101, Florida Statutes, is reenacted to read:

585 896.101 Florida Money Laundering Act; definitions;  
 586 penalties; injunctions; seizure warrants; immunity.—

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

588 (g) "Specified unlawful activity" means any "racketeering

589 activity" as defined in s. 895.02.

590 Section 13. For the purpose of incorporating the amendment  
 591 made by this act to section 895.02, Florida Statutes, in a  
 592 reference thereto, subsection (3) of section 905.34, Florida  
 593 Statutes, is reenacted to read:

594 905.34 Powers and duties; law applicable.—The jurisdiction  
 595 of a statewide grand jury impaneled under this chapter shall  
 596 extend throughout the state. The subject matter jurisdiction of  
 597 the statewide grand jury shall be limited to the offenses of:

598 (3) Any violation of the provisions of the Florida RICO  
 599 (Racketeer Influenced and Corrupt Organization) Act, including  
 600 any offense listed in the definition of racketeering activity in  
 601 s. 895.02(1)(a), providing such listed offense is investigated  
 602 in connection with a violation of s. 895.03 and is charged in a  
 603 separate count of an information or indictment containing a  
 604 count charging a violation of s. 895.03, the prosecution of  
 605 which listed offense may continue independently if the  
 606 prosecution of the violation of s. 895.03 is terminated for any  
 607 reason; or any attempt, solicitation, or conspiracy to commit  
 608 any violation of the crimes specifically enumerated above, when  
 609 any such offense is occurring, or has occurred, in two or more  
 610 judicial circuits as part of a related transaction or when any  
 611 such offense is connected with an organized criminal conspiracy  
 612 affecting two or more judicial circuits. The statewide grand  
 613 jury may return indictments and presentments irrespective of the  
 614 county or judicial circuit where the offense is committed or  
 615 triable. If an indictment is returned, it shall be certified and  
 616 transferred for trial to the county where the offense was

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617 committed. The powers and duties of, and law applicable to,  
618 county grand juries shall apply to a statewide grand jury except  
619 when such powers, duties, and law are inconsistent with the  
620 provisions of ss. 905.31-905.40.

621 Section 14. Nothing in this act may be construed to  
622 authorize the possession or operation of any machine or device  
623 that is prohibited under any other provision of law.

624 Section 15. This act shall take effect upon becoming a  
625 law.