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Proposed Committee Substitute by the Committee on Gaming

A bill to be entitled

An act relating to the prohibition of electronic gambling devices; providing legislative findings and a declaration of intent and construction; amending s. 849.0935, F.S., relating to drawings by chance offered by nonprofit organizations; revising the definition of the term "drawing by chance" to include the term "raffle" within the meaning of the term and exclude the term "game promotions"; revising conditions for exceptions to prohibitions on lotteries; prohibiting the use of certain devices operated by drawing entrants; providing penalties; amending s. 849.094, F.S., relating to game promotions in connection with sale of consumer products or services; defining the term "department" as the Department of Agriculture and Consumer Services; revising definitions; prohibiting specified nonprofit organizations from operating a game promotion; providing conditions for exceptions to prohibitions on lotteries; prohibiting the use of certain devices operated by game promotion entrants; revising procedures for operation of a game promotion; providing for construction; providing that violations are deceptive and unfair trade practices; revising applicability provisions; amending s. 849.16, F.S.; defining the term "slot machine or device" for purposes of specified gambling provisions; providing a rebuttable presumption that a device, system, or network is a prohibited slot machine; amending s.



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29 849.161, F.S.; providing definitions; revising and
30 clarifying provisions relating to amusement games and
31 machines; amending s. 895.02, F.S.; revising the
32 definition of the term "racketeering activity" to
33 include violations of specified provisions; amending
34 s. 721.111, F.S., relating to promotional offers;
35 conforming cross-references; reenacting ss.
36 16.56(1) (a), 338.234(1), 655.50(3) (g), 849.19,
37 896.101(2) (g), and 905.34(3), F.S., relating to the
38 Office of Statewide Prosecution, the Florida Turnpike,
39 money laundering, seizure of property, the Florida
40 Money Laundering Act, and a statewide grand jury,
41 respectively, to incorporate changes made by the act
42 in references thereto; providing an effective date.

43

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

45

46 Section 1. Findings and declarations of necessity.—

47 (1) The Legislature declares that s. 849.01, Florida
48 Statutes, specifically prohibits the keeping or maintaining of a
49 place for the purpose of gambling or gaming.

50 (2) The Legislature finds that s. 849.0935, Florida
51 Statutes, was enacted to allow specified charitable or nonprofit
52 organizations the opportunity to raise funds to carry out their
53 charitable or nonprofit purpose by conducting a raffle for
54 prizes by eliminating the element of consideration and allowing
55 the receipt of voluntary donations or contributions and was not
56 intended to provide a vehicle for the establishment of places of
57 gambling or gaming.



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58 (3) The Legislature finds that s. 849.094, Florida
59 Statutes, was enacted to regulate certain game promotions or
60 sweepstakes conducted by for-profit commercial entities on a
61 limited and occasional basis as an advertising and marketing
62 tool and incidental to substantial bona fide sales of consumer
63 products or services, if the element of consideration is removed
64 as no purchase necessary and they comply with the requirements
65 and rules specified by law, and was not intended to provide a
66 vehicle for the establishment of places of ongoing gambling or
67 gaming.

68 (4) The Legislature finds that s. 849.161, Florida
69 Statutes, was enacted to regulate the operation of skill-based
70 arcade games offered at specified arcade amusement centers and
71 truck stops if they comply with the requirements of law and was
72 not provided as a vehicle to conduct casino-style gambling.

73 (5) Therefore the Legislature finds that there is a
74 compelling state interest in clarifying the operation and use of
75 ss. 849.0935, 849.094, and 849.161, Florida Statutes, to ensure
76 that a charitable drawing by chance, game promotion in
77 connection with the sale of a consumer product or service, and
78 arcade amusement games are not subject to abuse or interpreted
79 in any manner as creating an exception to Florida's general
80 prohibitions against gambling.

81 Section 2. Paragraph (a) of subsection (1) and subsections
82 (2), (4), and (7) of section 849.0935, Florida Statutes, are
83 amended to read:

84 849.0935 Charitable, nonprofit organizations; drawings by
85 chance; required disclosures; unlawful acts and practices;
86 penalties.—



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

88 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means an
89 enterprise in which, from the entries submitted by the public to
90 the organization conducting the drawing, one or more entries are
91 selected by chance to win a prize. The term "drawing" does not
92 include those enterprises, commonly known as "game promotions,"
93 as defined by s. 849.094, "matching," "instant winner," or
94 "preselected sweepstakes," which involve the distribution of
95 winning numbers, previously designated as such, to the public.

96 (2) Section ~~The provisions of s. 849.09~~ does shall not be
97 ~~construed to prohibit an organization qualified under 26 U.S.C.~~
98 ~~s. 501(c) (3), (4), (7), (8), (10), or (19)~~ from conducting
99 drawings by chance pursuant to the authority granted by this
100 section, if provided the organization has complied with all
101 applicable provisions of chapter 496 and this section. Authority
102 to conduct drawings by chance pursuant to this section does not
103 provide an exemption to s. 849.01, s. 849.15, or any other law.

104 (4) It is unlawful for any organization that ~~which~~,
105 pursuant to the authority granted by this section, promotes,
106 operates, or conducts a drawing by chance:

107 (a) To design, engage in, promote, or conduct any drawing
108 in which the winner is predetermined by means of matching,
109 instant win, or preselected sweepstakes or otherwise or in which
110 the selection of the winners is in any way rigged;

111 (b) To require an entry fee, donation, substantial
112 consideration, payment, proof of purchase, or contribution as a
113 condition of entering the drawing or of being selected to win a
114 prize. However, this paragraph does ~~provision shall~~ not prohibit
115 an organization from suggesting a minimum donation or from



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116 including a statement of such suggested minimum donation on any
117 printed material used ~~utilized~~ in connection with the
118 fundraising event or drawing;

119 (c) To condition the drawing on a minimum number of tickets
120 having been disbursed to contributors or on a minimum amount of
121 contributions having been received;

122 (d) To arbitrarily remove, disqualify, disallow, or reject
123 any entry or to discriminate in any manner between entrants who
124 gave contributions to the organization and those who did not
125 give such contributions;

126 (e) To fail to promptly notify, at the address set forth on
127 the entry blank, any person, whose entry is selected to win, of
128 the fact that he or she won;

129 (f) To fail to award all prizes offered;

130 (g) To print, publish, or circulate literature or
131 advertising material used in connection with the drawing which
132 is false, deceptive, or misleading;

133 (h) To cancel a drawing; ~~or~~

134 (i) To condition the acquisition or giveaway of any prize
135 upon the receipt of voluntary donations or contributions; or.

136 (7) Any organization which engages in any act or practice
137 in violation of this section is guilty of a misdemeanor of the
138 second degree, punishable as provided in s. 775.082 or s.
139 775.083. However, Any organization or other person who sells or
140 offers for sale in this state a ticket or entry blank for a
141 raffle or other drawing by chance, without complying with the
142 requirements of paragraph (3) (d), commits ~~is guilty of~~ a
143 misdemeanor of the second degree, punishable by fine only as
144 provided in s. 775.083.



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145 Section 3. Section 849.094, Florida Statutes, is amended to
146 read:

147 849.094 Game promotion in connection with sale of consumer
148 products or services.—

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

150 (a) "Department" means the Department of Agriculture and
151 Consumer Services.

152 (b) ~~(a)~~ "Game promotion" means, but is not limited to, a
153 contest, game of chance, sweepstakes, or gift enterprise,
154 conducted by an operator within or throughout the state and
155 other states in connection with and incidental to the sale of
156 consumer products or services, and in which the elements of
157 chance and prize are present. However, "game promotion" may
158 ~~shall~~ not be construed to apply to bingo games conducted
159 pursuant to s. 849.0931.

160 (c) ~~(b)~~ "Operator" means any person, firm, corporation,
161 enterprise, organization, or association or agent or employee
162 thereof who promotes, operates, or conducts a game promotion,
163 ~~except any charitable nonprofit organization.~~

164 (2) Section 849.09 does not prohibit an operator from
165 conducting a game promotion pursuant to this section, if the
166 operator has complied with this section. Authority to conduct
167 game promotions pursuant to this section does not provide an
168 exemption to s. 849.01, s. 849.15, or any other law.

169 (3) An organization as defined in s. 849.0935 may not
170 operate a game promotion.

171 (4) ~~(2)~~ It is unlawful for any operator:

172 (a) To design, engage in, promote, or conduct such a game
173 promotion, in connection with the promotion or sale of consumer



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174 products or services, wherein the winner may be predetermined or
175 the game may be manipulated or rigged so as to:

176 1. Allocate a winning game or any portion thereof to
177 certain lessees, agents, or franchises; or

178 2. Allocate a winning game or part thereof to a particular
179 period of the game promotion or to a particular geographic area;

180 (b) Arbitrarily to remove, disqualify, disallow, or reject
181 any entry;

182 (c) To fail to award prizes offered;

183 (d) To print, publish, or circulate literature or
184 advertising material used in connection with such game
185 promotions which is false, deceptive, or misleading; or

186 (e) To require an entry fee, payment, or proof of purchase
187 as a condition of entering a game promotion.

188 (5)~~(3)~~ The operator of a game promotion in which the total
189 announced value of the prizes offered is greater than \$5,000
190 shall file with the department of ~~Agriculture and Consumer~~
191 ~~Services~~ a copy of the rules and regulations of the game
192 promotion and a list of all prizes and prize categories offered
193 at least 7 days before the commencement of the game promotion.
194 Such rules and regulations may not thereafter be changed,
195 modified, or altered. The operator of a game promotion shall
196 conspicuously post the rules and regulations of such game
197 promotion in each and every retail outlet or place where such
198 game promotion may be played or participated in by the public
199 and shall also publish the rules and regulations in all
200 advertising copy used in connection therewith. However, such
201 advertising copy need only include the material terms of the
202 rules and regulations if the advertising copy includes a website



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203 address, a toll-free telephone number, or a mailing address
204 where the full rules and regulations may be viewed, heard, or
205 obtained for the full duration of the game promotion. Such
206 disclosures must be legible. Radio and television announcements
207 may indicate that the rules and regulations are available at
208 retail outlets or from the operator of the promotion. A
209 nonrefundable filing fee of \$100 shall accompany each filing and
210 shall be used to pay the costs incurred in administering and
211 enforcing the provisions of this section.

212 (6)~~(4)~~(a) Every operator of such a game promotion in which
213 the total announced value of the prizes offered is greater than
214 \$5,000 shall establish a trust account, in a national or state-
215 chartered financial institution, with a balance sufficient to
216 pay or purchase the total value of all prizes offered. On a form
217 supplied by the department ~~of Agriculture and Consumer Services~~,
218 an official of the financial institution holding the trust
219 account shall set forth the dollar amount of the trust account,
220 the identity of the entity or individual establishing the trust
221 account, and the name of the game promotion for which the trust
222 account has been established. Such form shall be filed with the
223 department ~~of Agriculture and Consumer Services~~ at least 7 days
224 in advance of the commencement of the game promotion. In lieu of
225 establishing such trust account, the operator may obtain a
226 surety bond in an amount equivalent to the total value of all
227 prizes offered; and such bond shall be filed with the department
228 ~~of Agriculture and Consumer Services~~ at least 7 days in advance
229 of the commencement of the game promotion.

230 1. The moneys held in the trust account may be withdrawn in
231 order to pay the prizes offered only upon certification to the



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232 department ~~of Agriculture and Consumer Services~~ of the name of
233 the winner or winners and the amount of the prize or prizes and
234 the value thereof.

235 2. If the operator of a game promotion has obtained a
236 surety bond in lieu of establishing a trust account, the amount
237 of the surety bond shall equal at all times the total amount of
238 the prizes offered.

239 (b) The department ~~of Agriculture and Consumer Services~~ may
240 waive the provisions of this subsection for any operator who has
241 conducted game promotions in the state for not less than 5
242 consecutive years and who has not had any civil, criminal, or
243 administrative action instituted against him or her by the state
244 or an agency of the state for violation of this section within
245 that 5-year period. Such waiver may be revoked upon the
246 commission of a violation of this section by such operator, as
247 determined by the department ~~of Agriculture and Consumer~~
248 ~~Services~~.

249 (7) ~~(5)~~ Every operator of a game promotion in which the
250 total announced value of the prizes offered is greater than
251 \$5,000 shall provide the department ~~of Agriculture and Consumer~~
252 ~~Services~~ with a certified list of the names and addresses of all
253 persons, whether from this state or from another state, who have
254 won prizes which have a value of more than \$25, the value of
255 such prizes, and the dates when the prizes were won within 60
256 days after such winners have been finally determined. The
257 operator shall provide a copy of the list of winners, without
258 charge, to any person who requests it. In lieu of the foregoing,
259 the operator of a game promotion may, at his or her option,
260 publish the same information about the winners in a Florida



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261 newspaper of general circulation within 60 days after such
262 winners have been determined and shall provide to the department
263 ~~of Agriculture and Consumer Services~~ a certified copy of the
264 publication containing the information about the winners. The
265 operator of a game promotion is not required to notify a winner
266 by mail or by telephone when the winner is already in possession
267 of a game card from which the winner can determine that he or
268 she has won a designated prize. All winning entries shall be
269 held by the operator for a period of 90 days after the close or
270 completion of the game.

271 (8)~~(6)~~ The department ~~of Agriculture and Consumer Services~~
272 shall keep the certified list of winners for a period of at
273 least 6 months after receipt of the certified list. The
274 department thereafter may dispose of all records and lists.

275 (9)~~(7)~~ An ~~No~~ operator may not ~~shall~~ force, directly or
276 indirectly, a lessee, agent, or franchise dealer to purchase or
277 participate in any game promotion. For the purpose of this
278 section, coercion or force is ~~shall be~~ presumed in these
279 circumstances in which a course of business extending ~~over a~~
280 ~~period of~~ 1 year or more ~~longer~~ is materially changed coincident
281 with a failure or refusal of a lessee, agent, or franchise
282 dealer to participate in such game promotions. Such force or
283 coercion is ~~shall further be~~ presumed when an operator
284 advertises generally that game promotions are available at its
285 lessee dealers or agent dealers.

286 (10)~~(8)~~ (a) The department may adopt ~~of Agriculture and~~
287 ~~Consumer Services shall have the power to promulgate~~ such rules
288 and regulations respecting the operation of game promotions as
289 it deems ~~may deem~~ advisable.



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290 (b) Compliance with the rules of the department does not
291 authorize and is not a defense to a charge of possession of a
292 slot machine or device or any other device or a violation of any
293 other law.

294 (c) ~~(b)~~ Whenever the department ~~of Agriculture and Consumer~~
295 ~~Services~~ or the Department of Legal Affairs has reason to
296 believe that a game promotion is being operated in violation of
297 this section, it may bring an action in the circuit court of any
298 judicial circuit in which the game promotion is being operated
299 in the name and on behalf of the people of the state against any
300 operator thereof to enjoin the continued operation of such game
301 promotion anywhere within the state.

302 (11) ~~(9)~~ (a) Any person, firm, or corporation, or association
303 or agent or employee thereof, who engages in any acts or
304 practices stated in this section to be unlawful, or who violates
305 any of the rules and regulations made pursuant to this section,
306 commits is guilty of a misdemeanor of the second degree,
307 punishable as provided in s. 775.082 or s. 775.083.

308 (b) Any person, firm, corporation, association, agent, or
309 employee who violates any provision of this section or any of
310 the rules and regulations made pursuant to this section shall be
311 liable for a civil penalty of not more than \$1,000 for each such
312 violation, which shall accrue to the state and may be recovered
313 in a civil action brought by the department ~~of Agriculture and~~
314 ~~Consumer Services~~ or the Department of Legal Affairs.

315 (12) A violation of this section, or soliciting another to
316 do an act that violates this section, constitutes a deceptive
317 and unfair trade practice actionable under the Florida Deceptive
318 and Unfair Trade Practices Act.



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319 ~~(13)(10) This section does not apply to actions or~~
320 ~~transactions regulated by the Department of Business and~~
321 ~~Professional Regulation or to the activities of nonprofit~~
322 ~~organizations or to any other organization engaged in any~~
323 ~~enterprise other than the sale of consumer products or services.~~
324 Subsections (3), (4), (5), (6), and (7), (8), and (9) and
325 paragraph (10)(a) (8)(a) and any of the rules made pursuant
326 thereto do not apply to television or radio broadcasting
327 companies licensed by the Federal Communications Commission.

328 Section 4. Section 849.16, Florida Statutes, is amended to
329 read:

330 849.16 Machines or devices which come within provisions of
331 law defined.-

332 (1) As used in this chapter, the term "slot machine or
333 device" means any machine or device or system or network of
334 devices is a slot machine or device within the provisions of
335 this chapter if it is one that is adapted for use in such a way
336 that, upon activation, which may be achieved by, but is not
337 limited to, as a result of the insertion of any piece of money,
338 coin, account number, code, or other object or information, such
339 machine or device or system is directly or indirectly caused to
340 operate or may be operated and if the user, whether by
341 application of skill or by reason of any element of chance or of
342 any other outcome of such operation unpredictable by the user
343 him or her, may:

344 (a) Receive or become entitled to receive any piece of
345 money, credit, allowance, or thing of value, or any check, slug,
346 token, or memorandum, whether of value or otherwise, which may
347 be exchanged for any money, credit, allowance, or thing of value



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348 or which may be given in trade; or

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

357 (2) ~~Nothing contained in~~ This chapter may not ~~shall~~ be
358 construed, interpreted, or applied to the possession of a
359 reverse vending machine. As used in this section, the term a
360 "reverse vending machine" means ~~is~~ a machine into which empty
361 beverage containers are deposited for recycling and which
362 provides a payment of money, merchandise, vouchers, or other
363 incentives. At a frequency less than upon the deposit of each
364 beverage container, a reverse vending machine may pay out a
365 random incentive bonus greater than that guaranteed payment in
366 the form of money, merchandise, vouchers, or other incentives.
367 The deposit of any empty beverage container into a reverse
368 vending machine does not constitute consideration, and ~~nor shall~~
369 a reverse vending machine may not be deemed ~~to be~~ a slot machine
370 as defined in ~~within~~ this section.

371 (3) There is a rebuttable presumption that a device,
372 system, or network is a prohibited slot machine or device if it
373 is used to display images of games of chance and is part of a
374 scheme involving any payment or donation of money or its
375 equivalent and awarding anything of value.

376 Section 5. Section 849.161, Florida Statutes, is amended to



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377 read:

378 849.161 Amusement games or machines; when chapter
379 inapplicable.—

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

381 (a) "Amusement games or machines" means games that operate
382 by means of the insertion of a coin and that by application of
383 skill may entitle the person playing or operating the game or
384 machine to receive points or coupons, the cost value of which
385 does not exceed 75 cents on any game played, which may be
386 exchanged for merchandise. The term does not include casino-
387 style games in which the outcome is determined by factors
388 unpredictable by the player or games in which the player may not
389 control the outcome of the game through skill.

390 (b) "Arcade amusement center" means a place of business
391 having at least 50 coin-operated amusement games or machines on
392 premises which are operated for the entertainment of the general
393 public and tourists as a bona fide amusement facility.

394 (c) "Game played" means the event occurring from the
395 initial activation of the machine until the results of play are
396 determined without payment of additional consideration. Free
397 replays do not constitute additional consideration.

398 (d) "Merchandise" means noncash prizes, including toys and
399 novelties. The term does not include cash or any equivalent
400 thereof, including gift cards or certificates, or alcoholic
401 beverages.

402 (e) "Truck stop" means a dealer registered pursuant to
403 chapter 212, excluding a marina, which:

404 1. Declared its primary fuel business to be the sale of
405 diesel fuel;



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406 2. Operates a minimum of six functional diesel fuel pumps;
407 and

408 3. Has coin-operated amusement games or machines on
409 premises which are operated for the entertainment of the general
410 public and tourists as bona fide amusement games or machines.

411 ~~(2)(1)(a)1. Nothing contained in this chapter shall be~~
412 ~~taken or construed to prohibit as applicable to an arcade~~
413 ~~amusement center or truck stop from operating having amusement~~
414 ~~games or machines in conformance with this section which operate~~
415 ~~by means of the insertion of a coin and which by application of~~
416 ~~skill may entitle the person playing or operating the game or~~
417 ~~machine to receive points or coupons which may be exchanged for~~
418 ~~merchandise only, excluding cash and alcoholic beverages,~~
419 ~~provided the cost value of the merchandise or prize awarded in~~
420 ~~exchange for such points or coupons does not exceed 75 cents on~~
421 ~~any game played.~~

422 ~~2. Nothing contained in this chapter shall be taken or~~
423 ~~construed as applicable to any retail dealer who operates as a~~
424 ~~truck stop, as defined in chapter 336 and which operates a~~
425 ~~minimum of 6 functional diesel fuel pumps, having amusement~~
426 ~~games or machines which operate by means of the insertion of a~~
427 ~~coin or other currency and which by application of skill may~~
428 ~~entitle the person playing or operating the game or machine to~~
429 ~~receive points or coupons which may be exchanged for merchandise~~
430 ~~limited to noncash prizes, toys, novelties, and Florida Lottery~~
431 ~~products, excluding alcoholic beverages, provided the cost value~~
432 ~~of the merchandise or prize awarded in exchange for such points~~
433 ~~or coupons does not exceed 75 cents on any game played.~~

434 (3) This section subparagraph applies only to games and



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435 machines that ~~which~~ are operated for the entertainment of the
436 general public and tourists as bona fide amusement games or
437 machines.

438 (4) This section may subsection shall not be construed to
439 authorize apply, however, to any game or device defined as a
440 gambling device in 15 24 U.S.C. s. 1171, which requires
441 identification of each device by permanently affixing seriatim
442 numbering and name, trade name, and date of manufacture under s.
443 1173, and registration with the United States Attorney General,
444 unless excluded from applicability of the chapter under s. 1178,
445 or. this subsection shall not be construed to authorize video
446 poker games or any other game or machine that may be construed
447 as a gambling device under Florida law.

448 (5) (b) This section does not apply ~~Nothing in this~~
449 ~~subsection shall be taken or construed as applicable to a coin-~~
450 operated game or device designed and manufactured only for bona
451 fide amusement purposes which game or device may by application
452 of skill entitle the player to replay the game or device at no
453 additional cost, if the game or device: can accumulate and react
454 to no more than 15 free replays; can be discharged of
455 accumulated free replays only by reactivating the game or device
456 for one additional play for such accumulated free replay; can
457 make no permanent record, directly or indirectly, of free
458 replays; and is not classified by the United States as a
459 gambling device in 15 24 U.S.C. s. 1171, which requires
460 identification of each device by permanently affixing seriatim
461 numbering and name, trade name, and date of manufacture under s.
462 1173, and registration with the United States Attorney General,
463 unless excluded from applicability of the chapter under s. 1178.



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464 This subsection shall not be construed to authorize video poker
465 games, or any other game or machine that may be construed as a
466 gambling device under Florida law.

467 ~~(2) The term "arcade amusement center" as used in this~~
468 ~~section means a place of business having at least 50 coin-~~
469 ~~operated amusement games or machines on premises which are~~
470 ~~operated for the entertainment of the general public and~~
471 ~~tourists as a bona fide amusement facility.~~

472 Section 6. Paragraph (a) of subsection (1) of section
473 895.02, Florida Statutes, is amended to read:

474 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

475 (1) "Racketeering activity" means to commit, to attempt to
476 commit, to conspire to commit, or to solicit, coerce, or
477 intimidate another person to commit:

478 (a) Any crime that is chargeable by petition, indictment,
479 or information under the following provisions of the Florida
480 Statutes:

481 1. Section 210.18, relating to evasion of payment of
482 cigarette taxes.

483 2. Section 316.1935, relating to fleeing or attempting to
484 elude a law enforcement officer and aggravated fleeing or
485 eluding.

486 3. Section 403.727(3)(b), relating to environmental
487 control.

488 4. Section 409.920 or s. 409.9201, relating to Medicaid
489 fraud.

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

491 6. Section 440.105 or s. 440.106, relating to workers'
492 compensation.



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493 7. Section 443.071(4), relating to creation of a fictitious
494 employer scheme to commit reemployment assistance fraud.

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

497 9. Section 499.0051, relating to crimes involving
498 contraband and adulterated drugs.

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

500 11. Chapter 517, relating to sale of securities and
501 investor protection.

502 12. Section 550.235 or s. 550.3551, relating to dogracing
503 and horseracing.

504 13. Chapter 550, relating to jai alai frontons.

505 14. Section 551.109, relating to slot machine gaming.

506 15. Chapter 552, relating to the manufacture, distribution,
507 and use of explosives.

508 16. Chapter 560, relating to money transmitters, if the
509 violation is punishable as a felony.

510 17. Chapter 562, relating to beverage law enforcement.

511 18. Section 624.401, relating to transacting insurance
512 without a certificate of authority, s. 624.437(4)(c)1., relating
513 to operating an unauthorized multiple-employer welfare
514 arrangement, or s. 626.902(1)(b), relating to representing or
515 aiding an unauthorized insurer.

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

518 20. Chapter 687, relating to interest and usurious
519 practices.

520 21. Section 721.08, s. 721.09, or s. 721.13, relating to
521 real estate timeshare plans.



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522 22. Section 775.13(5) (b), relating to registration of
523 persons found to have committed any offense for the purpose of
524 benefiting, promoting, or furthering the interests of a criminal
525 gang.

526 23. Section 777.03, relating to commission of crimes by
527 accessories after the fact.

528 24. Chapter 782, relating to homicide.

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

530 26. Chapter 787, relating to kidnapping or human
531 trafficking.

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

533 28. Chapter 794, relating to sexual battery, but only if
534 such crime was committed with the intent to benefit, promote, or
535 further the interests of a criminal gang, or for the purpose of
536 increasing a criminal gang member's own standing or position
537 within a criminal gang.

538 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or s.
539 796.07, relating to prostitution and sex trafficking.

540 30. Chapter 806, relating to arson and criminal mischief.

541 31. Chapter 810, relating to burglary and trespass.

542 32. Chapter 812, relating to theft, robbery, and related
543 crimes.

544 33. Chapter 815, relating to computer-related crimes.

545 34. Chapter 817, relating to fraudulent practices, false
546 pretenses, fraud generally, and credit card crimes.

547 35. Chapter 825, relating to abuse, neglect, or
548 exploitation of an elderly person or disabled adult.

549 36. Section 827.071, relating to commercial sexual
550 exploitation of children.



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- 551 37. Chapter 831, relating to forgery and counterfeiting.
- 552 38. Chapter 832, relating to issuance of worthless checks
553 and drafts.
- 554 39. Section 836.05, relating to extortion.
- 555 40. Chapter 837, relating to perjury.
- 556 41. Chapter 838, relating to bribery and misuse of public
557 office.
- 558 42. Chapter 843, relating to obstruction of justice.
- 559 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
560 s. 847.07, relating to obscene literature and profanity.
- 561 44. Chapter 849 ~~Section 849.09, s. 849.14, s. 849.15, s.~~
562 ~~849.23, or s. 849.25,~~ relating to gambling, lottery, gambling or
563 gaming devices, slot machines, or any of the provisions within
564 that chapter.
- 565 45. Chapter 874, relating to criminal gangs.
- 566 46. Chapter 893, relating to drug abuse prevention and
567 control.
- 568 47. Chapter 896, relating to offenses related to financial
569 transactions.
- 570 48. Sections 914.22 and 914.23, relating to tampering with
571 or harassing a witness, victim, or informant, and retaliation
572 against a witness, victim, or informant.
- 573 49. Sections 918.12 and 918.13, relating to tampering with
574 jurors and evidence.
- 575 Section 7. Subsection (2) of section 721.111, Florida
576 Statutes, is amended to read:
- 577 721.111 Prize and gift promotional offers.—
- 578 (2) A game promotion, such as a contest of chance, gift
579 enterprise, or sweepstakes, in which the elements of chance and



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580 prize are present may not be used in connection with the
581 offering or sale of timeshare interests, except for drawings, as
582 that term is defined in s. 849.0935(1)(a), in which no more than
583 26 prizes are promoted and in which all promoted prizes are
584 actually awarded. All such drawings must meet all requirements
585 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and
586 (9) ~~(7)~~.

587 Section 8. For the purpose of incorporating the amendment
588 made by this act to section 895.02, Florida Statutes, in a
589 reference thereto, paragraph (a) of subsection (1) of section
590 16.56, Florida Statutes, is reenacted to read:

591 16.56 Office of Statewide Prosecution.—

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

596 (a) Investigate and prosecute the offenses of:

597 1. Bribery, burglary, criminal usury, extortion, gambling,
598 kidnapping, larceny, murder, prostitution, perjury, robbery,
599 carjacking, and home-invasion robbery;

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

601 3. Any violation of the provisions of the Florida RICO
602 (Racketeer Influenced and Corrupt Organization) Act, including
603 any offense listed in the definition of racketeering activity in
604 s. 895.02(1)(a), providing such listed offense is investigated
605 in connection with a violation of s. 895.03 and is charged in a
606 separate count of an information or indictment containing a
607 count charging a violation of s. 895.03, the prosecution of
608 which listed offense may continue independently if the



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609 prosecution of the violation of s. 895.03 is terminated for any
610 reason;

611 4. Any violation of the provisions of the Florida Anti-
612 Fencing Act;

613 5. Any violation of the provisions of the Florida Antitrust
614 Act of 1980, as amended;

615 6. Any crime involving, or resulting in, fraud or deceit
616 upon any person;

617 7. Any violation of s. 847.0135, relating to computer
618 pornography and child exploitation prevention, or any offense
619 related to a violation of s. 847.0135 or any violation of
620 chapter 827 where the crime is facilitated by or connected to
621 the use of the Internet or any device capable of electronic data
622 storage or transmission;

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

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

625 10. Any violation of the provisions of the Florida Motor
626 Fuel Tax Relief Act of 2004;

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

628 12. Any crime involving voter registration, voting, or
629 candidate or issue petition activities;

630 13. Any criminal violation of the Florida Money Laundering
631 Act;

632 14. Any criminal violation of the Florida Securities and
633 Investor Protection Act; or

634 15. Any violation of the provisions of chapter 787, as well
635 as any and all offenses related to a violation of the provisions
636 of chapter 787;

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638 or any attempt, solicitation, or conspiracy to commit any of the
639 crimes specifically enumerated above. The office shall have such
640 power only when any such offense is occurring, or has occurred,
641 in two or more judicial circuits as part of a related
642 transaction, or when any such offense is connected with an
643 organized criminal conspiracy affecting two or more judicial
644 circuits. Informations or indictments charging such offenses
645 shall contain general allegations stating the judicial circuits
646 and counties in which crimes are alleged to have occurred or the
647 judicial circuits and counties in which crimes affecting such
648 circuits or counties are alleged to have been connected with an
649 organized criminal conspiracy.

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

654 338.234 Granting concessions or selling along the turnpike
655 system; immunity from taxation.-

656 (1) The department may enter into contracts or licenses
657 with any person for the sale of services or products or business
658 opportunities on the turnpike system, or the turnpike enterprise
659 may sell services, products, or business opportunities on the
660 turnpike system, which benefit the traveling public or provide
661 additional revenue to the turnpike system. Services, business
662 opportunities, and products authorized to be sold include, but
663 are not limited to, motor fuel, vehicle towing, and vehicle
664 maintenance services; food with attendant nonalcoholic
665 beverages; lodging, meeting rooms, and other business services
666 opportunities; advertising and other promotional opportunities,



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667 which advertising and promotions must be consistent with the
668 dignity and integrity of the state; state lottery tickets sold
669 by authorized retailers; games and amusements that operate by
670 the application of skill, not including games of chance as
671 defined in s. 849.16 or other illegal gambling games; Florida
672 citrus, goods promoting the state, or handmade goods produced
673 within the state; and travel information, tickets, reservations,
674 or other related services. However, the department, pursuant to
675 the grants of authority to the turnpike enterprise under this
676 section, shall not exercise the power of eminent domain solely
677 for the purpose of acquiring real property in order to provide
678 business services or opportunities, such as lodging and meeting-
679 room space on the turnpike system.

680 Section 10. For the purpose of incorporating the amendment
681 made by this act to section 895.02, Florida Statutes, in a
682 reference thereto, paragraph (g) of subsection (3) of section
683 655.50, Florida Statutes, is reenacted to read:

684 655.50 Florida Control of Money Laundering in Financial
685 Institutions Act; reports of transactions involving currency or
686 monetary instruments; when required; purpose; definitions;
687 penalties.—

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

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

691 Section 11. For the purpose of incorporating the amendment
692 made by this act to section 849.16, Florida Statutes, in a
693 reference thereto, section 849.19, Florida Statutes, is
694 reenacted to read:

695 849.19 Property rights in confiscated machine.—The right of



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696 property in and to any machine, apparatus or device as defined
697 in s. 849.16 and to all money and other things of value therein,
698 is declared not to exist in any person, and the same shall be
699 forfeited and such money or other things of value shall be
700 forfeited to the county in which the seizure was made and shall
701 be delivered forthwith to the clerk of the circuit court and
702 shall by her or him be placed in the fine and forfeiture fund of
703 said county.

704 Section 12. For the purpose of incorporating the amendment
705 made by this act to section 895.02, Florida Statutes, in a
706 reference thereto, paragraph (g) of subsection (2) of section
707 896.101, Florida Statutes, is reenacted to read:

708 896.101 Florida Money Laundering Act; definitions;
709 penalties; injunctions; seizure warrants; immunity.-

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

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

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

717 905.34 Powers and duties; law applicable.-The jurisdiction
718 of a statewide grand jury impaneled under this chapter shall
719 extend throughout the state. The subject matter jurisdiction of
720 the statewide grand jury shall be limited to the offenses of:

721 (3) Any violation of the provisions of the Florida RICO
722 (Racketeer Influenced and Corrupt Organization) Act, including
723 any offense listed in the definition of racketeering activity in
724 s. 895.02(1)(a), providing such listed offense is investigated



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725 in connection with a violation of s. 895.03 and is charged in a
726 separate count of an information or indictment containing a
727 count charging a violation of s. 895.03, the prosecution of
728 which listed offense may continue independently if the
729 prosecution of the violation of s. 895.03 is terminated for any
730 reason;

731
732 or any attempt, solicitation, or conspiracy to commit any
733 violation of the crimes specifically enumerated above, when any
734 such offense is occurring, or has occurred, in two or more
735 judicial circuits as part of a related transaction or when any
736 such offense is connected with an organized criminal conspiracy
737 affecting two or more judicial circuits. The statewide grand
738 jury may return indictments and presentments irrespective of the
739 county or judicial circuit where the offense is committed or
740 triable. If an indictment is returned, it shall be certified and
741 transferred for trial to the county where the offense was
742 committed. The powers and duties of, and law applicable to,
743 county grand juries shall apply to a statewide grand jury except
744 when such powers, duties, and law are inconsistent with the
745 provisions of ss. 905.31-905.40.

746 Section 14. This act shall take effect upon becoming a law.