

By Senator Oelrich

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1                                   A bill to be entitled  
2           An act relating to gambling devices; creating s.  
3           849.162, F.S.; creating the "Electronic Machines and  
4           Devices for Sweepstakes Prohibited Act"; providing  
5           legislative findings and intent; providing  
6           definitions; prohibiting operation of an electronic  
7           device to conduct a sweepstakes through the use of an  
8           entertaining display or to promote such a sweepstakes;  
9           providing penalties; providing intent; providing for  
10          construction; amending s. 849.0935, F.S.; revising  
11          conditions for exceptions to provisions relating to  
12          drawings by chance conducted by certain organizations;  
13          amending s. 849.094, F.S., relating to game promotion  
14          in connection with sale of consumer products or  
15          services; revising the definition of the term "game  
16          promotion" to prohibit the use of a machine, computer,  
17          or other electronic or mechanical device; limiting the  
18          power of the Department of Agriculture and Consumer  
19          Services to adopt rules concerning the operation of  
20          game promotions; providing for construction; amending  
21          s. 849.15, F.S.; prohibiting production, possession,  
22          or distribution of, permitting possession or use of,  
23          or offering to provide any gambling apparatus or any  
24          part thereof that is otherwise prohibited from  
25          operation or possession; amending s. 849.16, F.S.;  
26          providing that described machines or devices are  
27          subject to specified provisions for gambling; amending  
28          s. 849.161, F.S.; revising provisions for amusement  
29          games or machines excluded from application of

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30 specified provisions relating to gambling; revising  
31 provisions for exceptions to such exclusions; defining  
32 the term "skill"; amending s. 895.02, F.S.; revising  
33 the definition of the term "racketeering activity" to  
34 include violations of the act; providing for  
35 construction; reenacting s. 721.111(2), F.S., relating  
36 to prize and gift promotional offers, to incorporate  
37 in a cross-reference changes made by the act;  
38 reenacting s. 338.234(1), F.S., relating to granting  
39 concessions or selling along the turnpike system, to  
40 incorporate in a cross-reference changes made by the  
41 act; reenacting s. 849.19, F.S., relating to property  
42 rights in confiscated machine, to incorporate in a  
43 cross-reference changes made by the act; reenacting s.  
44 16.56(1) (a), F.S., relating to the Office of Statewide  
45 Prosecution, to incorporate in a cross-reference  
46 changes made by the act; reenacting s. 655.50(3) (g),  
47 F.S., relating to control of money laundering in  
48 financial institutions, to incorporate in a cross-  
49 reference changes made by the act; reenacting s.  
50 896.101(2) (g), F.S., relating to money laundering, to  
51 incorporate in a cross-reference changes made by the  
52 act; reenacting s. 905.34(3), F.S., relating to  
53 jurisdiction of a statewide grand jury, to incorporate  
54 in a cross-reference changes made by the act;  
55 providing an effective date.

56  
57 WHEREAS, the State of Florida has specifically prohibited  
58 gambling in section 849.08, Florida Statutes, and

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59 WHEREAS, the State of Florida has specifically prohibited  
60 slot machines in section 849.15, Florida Statutes, and

61 WHEREAS, the State of Florida has specifically defined slot  
62 machines and gambling devices in section 849.16, Florida  
63 Statutes, and

64 WHEREAS, beginning on or around the year 2004, various  
65 companies developed electronic machines and devices to enable  
66 gambling through pretextual sweepstakes relationships with  
67 Internet services, telephone cards, and other products, and

68 WHEREAS, such electronic sweepstakes systems using video  
69 gambling machines and other similar simulated game play create  
70 the same encouragement of vice and dissipation as other forms of  
71 gambling, in particular slot machines and video poker which  
72 encourage repeated play, even when purportedly used as a  
73 marketing technique, NOW, THEREFORE,

74

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

76

77 Section 1. Section 849.162, Florida Statutes, is created to  
78 read:

79 849.162 Sweepstakes devices.-

80 (1) This section may be cited as the "Electronic Machines  
81 and Devices for Sweepstakes Prohibited Act."

82 (2) The Legislature finds that there is a compelling state  
83 interest in addressing the deleterious effects caused to society  
84 as a result of the proliferation of electronic machines and  
85 devices used for sweepstakes gambling. The Legislature declares  
86 that it is the intent of this section to prohibit the use of  
87 such devices.

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

89 (a) "Electronic machine or device" means a mechanically,  
90 electrically, or electronically operated machine or device that  
91 is intended to be used by a sweepstakes entrant and is capable  
92 of displaying information on a screen or other mechanism. This  
93 section is applicable to an electronic machine or device whether  
94 or not:

95 1. It is server-based.

96 2. It uses a simulated game terminal as a representation of  
97 the prizes associated with the results of the sweepstakes  
98 entries.

99 3. It uses software such that the simulated game influences  
100 or determines the winning or value of the prize.

101 4. It selects prizes from a predetermined finite pool of  
102 entries.

103 5. It uses a mechanism that reveals the content of a  
104 predetermined sweepstakes entry.

105 6. It predetermines the prize results and stores those  
106 results to be revealed at a later time.

107 7. It uses software to create a game result.

108 8. It requires deposit of any money, coin, or token or the  
109 use of any credit card, debit card, prepaid card, or other  
110 method of payment to activate the electronic machine or device.

111 9. It requires direct payment into the electronic machine  
112 or device or remote activation of the electronic machine or  
113 device.

114 10.a. It requires purchase of a related product.

115 b. The related product, if any, has legitimate value.

116 11. It reveals the prize incrementally even though it may

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117 not influence if a prize is awarded or the value of any prize  
118 awarded.

119 12. It determines and associates the prize with an entry or  
120 entries at the time the sweepstakes is entered.

121 13. It is a slot machine or other form of electrical or  
122 mechanical machine or computer game.

123 (b) "Enter" or "entry" means the act or process by which a  
124 person becomes eligible to receive any prize offered in a  
125 sweepstakes.

126 (c) "Entertaining display" means visual information capable  
127 of being seen by a sweepstakes entrant which takes the form of  
128 actual game play or simulated game play, such as, by way of  
129 illustration and not exclusion:

130 1. A video poker game or any other kind of video card game.

131 2. A video bingo game.

132 3. A video craps game.

133 4. A video keno game.

134 5. A video lotto game.

135 6. Eight liner.

136 7. Pot-of-gold.

137 8. A video game based on or involving the random or chance  
138 matching of different pictures, words, numbers, or symbols not  
139 dependent on the skill or dexterity of the player.

140 9. Any other video game not dependent on skill or dexterity  
141 that is played while revealing a prize as the result of an entry  
142 into a sweepstakes.

143 (d) "Prize" means any gift, award, gratuity, good, service,  
144 credit, or anything else of value, which may be transferred to a  
145 person, whether possession of the prize is actually transferred

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146 or placed on an account or other record as evidence of the  
147 intent to transfer the prize.

148 (e) "Skill" means that the outcome is not based on chance  
149 or is not unpredictable to the player or is an outcome in which  
150 the player or patron is able to select a specific outcome in  
151 advance of actual play and then, by use of eye-hand  
152 coordination, physical dexterity, speed, or accuracy, employ or  
153 manipulate the game's controls in such a way as to catch,  
154 capture, or achieve the preselected outcome in at least 51  
155 percent of 20 contiguous iterations of game play.

156 (f) "Sweepstakes" means any game, advertising scheme or  
157 plan, or other promotion that, with or without payment of any  
158 consideration, a person may enter to win or become eligible to  
159 receive any prize, the determination of which is not determined  
160 by skill.

161 (4) Notwithstanding any other provision of this chapter, a  
162 person may not operate, maintain, or place into operation an  
163 electronic machine or device to do either of the following:

164 (a) Conduct a sweepstakes through the use of an  
165 entertaining display, including the entry process or the  
166 revealing of a prize.

167 (b) Promote a sweepstakes that is conducted through the use  
168 of an entertaining display, including the entry process or the  
169 revealing of a prize.

170 (5) A person who violates this section commits a felony of  
171 the third degree, punishable as provided in s. 775.082, s.  
172 775.083, or s. 775.084.

173 (6) It is the intent of this section to prohibit any  
174 mechanism that seeks to avoid application of this section

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175 through the use of any subterfuge or pretense whatsoever.

176 (7) Nothing in this section may be construed to prohibit  
177 any activity that is lawfully conducted on Indian lands pursuant  
178 to and in accordance with an approved Tribal-State Gaming  
179 Compact.

180 Section 2. Subsection (2) of section 849.0935, Florida  
181 Statutes, is amended to read:

182 849.0935 Charitable, nonprofit organizations; drawings by  
183 chance; required disclosures; unlawful acts and practices;  
184 penalties.—

185 (2) The provisions of s. 849.09 may ~~shall~~ not be construed  
186 to prohibit an organization qualified under 26 U.S.C. s.  
187 501(c)(3), (4), (7), (8), (10), or (19) from conducting drawings  
188 by chance pursuant to the authority granted by this section, if  
189 ~~provided~~ the organization has complied with all applicable  
190 provisions of chapter 496 and the drawing by chance is not  
191 conducted through the use of any machine, computer, or other  
192 electronic or mechanical device.

193 Section 3. Paragraph (a) of subsection (1) and paragraph  
194 (a) of subsection (8) of section 849.094, Florida Statutes, are  
195 amended, and subsection (11) is added to that section, to read:

196 849.094 Game promotion in connection with sale of consumer  
197 products or services.—

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

199 (a) "Game promotion" means, but is not limited to, a  
200 contest, game of chance, or gift enterprise, conducted within or  
201 throughout the state and other states in connection with the  
202 sale of consumer products or services, and in which the elements  
203 of chance and prize are present. However, "game promotion" may

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204 ~~shall~~ not be construed to apply to bingo games conducted  
205 pursuant to s. 849.0931 and may not be conducted through the use  
206 of any machine, computer, or other electronic or mechanical  
207 device.

208 (8) (a) The Department of Agriculture and Consumer Services  
209 shall have the power to promulgate such rules and regulations  
210 respecting the operation of game promotions as it may deem  
211 advisable; however, it may not authorize the operation or  
212 possession of slot machines or other gambling devices that are  
213 otherwise prohibited from operation or possession in the state  
214 and may not authorize game promotions to be conducted through  
215 the use of any machine, computer, or other electronic or  
216 mechanical device.

217 (11) The provisions of s. 849.09 may not be construed to  
218 prohibit an operator under this section from conducting a game  
219 promotion under this section provided that it is not conducted  
220 through the use of any machine, computer, or other electronic or  
221 mechanical device.

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

224 849.15 Manufacture, sale, possession, etc., of coin-  
225 operated devices prohibited.-

226 (1) It is unlawful:

227 (a) To manufacture, own, store, keep, possess, sell, rent,  
228 lease, let on shares, lend or give away, transport, or expose  
229 for sale or lease, or to offer to sell, rent, lease, let on  
230 shares, lend or give away, or permit the operation of, or for  
231 any person to permit to be placed, maintained, or used or kept  
232 in any room, space, or building owned, leased, or occupied by

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233 the person or under the person's management or control, any slot  
234 machine or device or any part thereof, or other gambling  
235 apparatus or any part thereof that is otherwise prohibited from  
236 operation or possession in the state; or

237 (b) To make or to permit to be made with any person any  
238 agreement with reference to any slot machine or device, pursuant  
239 to which the user thereof, as a result of any element of chance  
240 or other outcome unpredictable to him or her, may become  
241 entitled to receive any money, credit, allowance, or thing of  
242 value or additional chance or right to use such machine or  
243 device, or to receive any check, slug, token, or memorandum  
244 entitling the holder to receive any money, credit, allowance, or  
245 thing of value.

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

248 849.16 Machines or devices which come within provisions of  
249 law defined.—

250 (1) Any machine or device or system or network of computers  
251 or other devices is a slot machine or device within the  
252 provisions of this chapter if it is one that is adapted for use  
253 in such a way that, as a result of the insertion of any piece of  
254 money, coin, code, account number, credit, or other object or  
255 method of activation, such machine, ~~or~~ device, or system or  
256 network of computers or other devices is caused to operate or  
257 may be operated, whether directly or as the result of indirect  
258 remote activation, and if the user, by reason of any element of  
259 chance or of any other outcome of such operation unpredictable  
260 by him or her, may:

261 (a) Receive or become entitled to receive any piece of

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262 money, credit, allowance, or thing of value, or any check, slug,  
263 token, or memorandum, whether of value or otherwise, which may  
264 be exchanged for any money, credit, allowance, or thing of value  
265 or which may be given in trade; or

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

271 Section 6. Section 849.161, Florida Statutes, is amended to  
272 read:

273 849.161 Amusement games or machines; when chapter  
274 inapplicable.—

275 (1) (a) 1. Nothing ~~contained~~ in this chapter may ~~shall~~ be  
276 taken or construed as applicable to an arcade amusement center  
277 having amusement games or machines which operate by means of the  
278 insertion of a coin and which by application of skill may  
279 entitle the person playing or operating the game or machine to  
280 receive points or coupons which may be exchanged for merchandise  
281 only, excluding cash and alcoholic beverages, provided the cost  
282 value of the merchandise or prize awarded in exchange for such  
283 points or coupons does not exceed 75 cents on any game played.

284 2. Nothing ~~contained~~ in this chapter may ~~shall~~ be taken or  
285 construed as applicable to any retail dealer who operates as a  
286 truck stop, as defined in chapter 336 and which operates a  
287 minimum of six ~~6~~ functional diesel fuel pumps, having amusement  
288 games or machines which operate by means of the insertion of a  
289 coin or other currency and which by application of skill may  
290 entitle the person playing or operating the game or machine to

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291 receive points or coupons which may be exchanged for merchandise  
292 limited to noncash prizes, toys, novelties, and Florida Lottery  
293 products, excluding alcoholic beverages, provided the cost value  
294 of the merchandise or prize awarded in exchange for such points  
295 or coupons does not exceed 75 cents on any game played. This  
296 subparagraph applies only to games and machines which are  
297 operated for the entertainment of the general public and  
298 tourists as bona fide amusement games or machines. This  
299 subsection does ~~shall~~ not apply, however, to any game or device  
300 defined as a gambling device under state law and whose owner or  
301 operator is required to register annually with the United States  
302 Department of Justice under 15 U.S.C. ss. 1171-1178 ~~in 24 U.S.C.~~  
303 ~~s. 1171, which requires identification of each device by~~  
304 ~~permanently affixing seriatim numbering and name, trade name,~~  
305 ~~and date of manufacture under s. 1173, and registration with the~~  
306 ~~United States Attorney General, unless excluded from~~  
307 ~~applicability of the chapter under s. 1178.~~ This subsection may  
308 ~~shall~~ not be construed to authorize video poker games or any  
309 other game or machine that may be construed as a gambling device  
310 under Florida law.

311 (b) Nothing in this subsection may ~~shall~~ be taken or  
312 construed as applicable to a coin-operated game or device  
313 designed and manufactured only for bona fide amusement purposes  
314 which game or device may by application of skill entitle the  
315 player to replay the game or device at no additional cost, if  
316 the game or device: can accumulate and react to no more than 15  
317 free replays; can be discharged of accumulated free replays only  
318 by reactivating the game or device for one additional play for  
319 such accumulated free replay; can make no permanent record,

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320 directly or indirectly, of free replays; and is not classified  
321 by the United States or under state law as a gambling device and  
322 whose owner or operator is required to register annually with  
323 the United States Department of Justice under 15 U.S.C. ss.  
324 1171-1178 in 24 U.S.C. s. 1171, which requires identification of  
325 each device by permanently affixing seriatim numbering and name,  
326 trade name, and date of manufacture under s. 1173, and  
327 registration with the United States Attorney General, unless  
328 excluded from applicability of the chapter under s. 1178. This  
329 subsection may shall not be construed to authorize video poker  
330 games, or any other game or machine that may be construed as a  
331 gambling device under Florida law.

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

337 (3) (a) As used in this section, the term "skill" means a  
338 machine or device for which the outcome is not determined by  
339 chance, but which is predictable to the player or operator, or  
340 for which the player or operator is able to consistently achieve  
341 a winning outcome through the use of eye-hand coordination,  
342 physical dexterity, speed, or accuracy, or employing or  
343 manipulating the game's controls in such a way as to catch,  
344 capture, achieve, or win an objective.

345 (b) There is a rebuttable presumption that a game machine  
346 or device is not operated by skill if a player or operator  
347 cannot win a prize or achieve a selected outcome or a  
348 substantial level of success in 51 percent of 20 contiguous

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349 attempts or iterations of game play or operation of the machine  
350 or device.

351 Section 7. Paragraph (a) of subsection (1) of section  
352 895.02, Florida Statutes, is amended to read:

353 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

354 (1) "Racketeering activity" means to commit, to attempt to  
355 commit, to conspire to commit, or to solicit, coerce, or  
356 intimidate another person to commit:

357 (a) Any crime that is chargeable by petition, indictment,  
358 or information under the following provisions of the Florida  
359 Statutes:

360 1. Section 210.18, relating to evasion of payment of  
361 cigarette taxes.

362 2. Section 316.1935, relating to fleeing or attempting to  
363 elude a law enforcement officer and aggravated fleeing or  
364 eluding.

365 3. Section 403.727(3)(b), relating to environmental  
366 control.

367 4. Section 409.920 or s. 409.9201, relating to Medicaid  
368 fraud.

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

370 6. Section 440.105 or s. 440.106, relating to workers'  
371 compensation.

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

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

376 9. Section 499.0051, relating to crimes involving  
377 contraband and adulterated drugs.

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- 378 10. Part IV of chapter 501, relating to telemarketing.
- 379 11. Chapter 517, relating to sale of securities and  
380 investor protection.
- 381 12. Section 550.235 or s. 550.3551, relating to dogracing  
382 and horseracing.
- 383 13. Chapter 550, relating to jai alai frontons.
- 384 14. Section 551.109, relating to slot machine gaming.
- 385 15. Chapter 552, relating to the manufacture, distribution,  
386 and use of explosives.
- 387 16. Chapter 560, relating to money transmitters, if the  
388 violation is punishable as a felony.
- 389 17. Chapter 562, relating to beverage law enforcement.
- 390 18. Section 624.401, relating to transacting insurance  
391 without a certificate of authority, s. 624.437(4)(c)1., relating  
392 to operating an unauthorized multiple-employer welfare  
393 arrangement, or s. 626.902(1)(b), relating to representing or  
394 aiding an unauthorized insurer.
- 395 19. Section 655.50, relating to reports of currency  
396 transactions, when such violation is punishable as a felony.
- 397 20. Chapter 687, relating to interest and usurious  
398 practices.
- 399 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
400 real estate timeshare plans.
- 401 22. Section 775.13(5)(b), relating to registration of  
402 persons found to have committed any offense for the purpose of  
403 benefiting, promoting, or furthering the interests of a criminal  
404 gang.
- 405 23. Section 777.03, relating to commission of crimes by  
406 accessories after the fact.

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- 407           24. Chapter 782, relating to homicide.
- 408           25. Chapter 784, relating to assault and battery.
- 409           26. Chapter 787, relating to kidnapping or human  
410 trafficking.
- 411           27. Chapter 790, relating to weapons and firearms.
- 412           28. Chapter 794, relating to sexual battery, but only if  
413 such crime was committed with the intent to benefit, promote, or  
414 further the interests of a criminal gang, or for the purpose of  
415 increasing a criminal gang member's own standing or position  
416 within a criminal gang.
- 417           29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.  
418 796.05, or s. 796.07, relating to prostitution and sex  
419 trafficking.
- 420           30. Chapter 806, relating to arson and criminal mischief.
- 421           31. Chapter 810, relating to burglary and trespass.
- 422           32. Chapter 812, relating to theft, robbery, and related  
423 crimes.
- 424           33. Chapter 815, relating to computer-related crimes.
- 425           34. Chapter 817, relating to fraudulent practices, false  
426 pretenses, fraud generally, and credit card crimes.
- 427           35. Chapter 825, relating to abuse, neglect, or  
428 exploitation of an elderly person or disabled adult.
- 429           36. Section 827.071, relating to commercial sexual  
430 exploitation of children.
- 431           37. Chapter 831, relating to forgery and counterfeiting.
- 432           38. Chapter 832, relating to issuance of worthless checks  
433 and drafts.
- 434           39. Section 836.05, relating to extortion.
- 435           40. Chapter 837, relating to perjury.

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436 41. Chapter 838, relating to bribery and misuse of public  
437 office.

438 42. Chapter 843, relating to obstruction of justice.

439 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
440 s. 847.07, relating to obscene literature and profanity.

441 44. Section 849.09, s. 849.14, s. 849.15, s. 849.162, s.  
442 849.23, or s. 849.25, relating to gambling.

443 45. Chapter 874, relating to criminal gangs.

444 46. Chapter 893, relating to drug abuse prevention and  
445 control.

446 47. Chapter 896, relating to offenses related to financial  
447 transactions.

448 48. Sections 914.22 and 914.23, relating to tampering with  
449 or harassing a witness, victim, or informant, and retaliation  
450 against a witness, victim, or informant.

451 49. Sections 918.12 and 918.13, relating to tampering with  
452 jurors and evidence.

453 Section 8. Nothing in this act may be construed to  
454 authorize the possession or operation of any machine or device  
455 that is prohibited under any other provision of law.

456 Section 9. For the purpose of incorporating the amendment  
457 made by this act to section 849.094, Florida Statutes, in a  
458 reference thereto, subsection (2) of section 721.111, Florida  
459 Statutes, is reenacted to read:

460 721.111 Prize and gift promotional offers.—

461 (2) A game promotion, such as a contest of chance, gift  
462 enterprise, or sweepstakes, in which the elements of chance and  
463 prize are present may not be used in connection with the  
464 offering or sale of timeshare interests, except for drawings, as

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465 that term is defined in s. 849.0935(1)(a), in which no more than  
466 26 prizes are promoted and in which all promoted prizes are  
467 actually awarded. All such drawings must meet all requirements  
468 of this chapter and of ss. 849.092 and 849.094(1), (2), and (7).

469 Section 10. For the purpose of incorporating the amendment  
470 made by this act to section 849.16, Florida Statutes, in a  
471 reference thereto, subsection (1) of section 338.234, Florida  
472 Statutes, is reenacted to read:

473 338.234 Granting concessions or selling along the turnpike  
474 system; immunity from taxation.—

475 (1) The department may enter into contracts or licenses  
476 with any person for the sale of services or products or business  
477 opportunities on the turnpike system, or the turnpike enterprise  
478 may sell services, products, or business opportunities on the  
479 turnpike system, which benefit the traveling public or provide  
480 additional revenue to the turnpike system. Services, business  
481 opportunities, and products authorized to be sold include, but  
482 are not limited to, motor fuel, vehicle towing, and vehicle  
483 maintenance services; food with attendant nonalcoholic  
484 beverages; lodging, meeting rooms, and other business services  
485 opportunities; advertising and other promotional opportunities,  
486 which advertising and promotions must be consistent with the  
487 dignity and integrity of the state; state lottery tickets sold  
488 by authorized retailers; games and amusements that operate by  
489 the application of skill, not including games of chance as  
490 defined in s. 849.16 or other illegal gambling games; Florida  
491 citrus, goods promoting the state, or handmade goods produced  
492 within the state; and travel information, tickets, reservations,  
493 or other related services. However, the department, pursuant to

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494 the grants of authority to the turnpike enterprise under this  
495 section, shall not exercise the power of eminent domain solely  
496 for the purpose of acquiring real property in order to provide  
497 business services or opportunities, such as lodging and meeting-  
498 room space on the turnpike system.

499 Section 11. For the purpose of incorporating the amendment  
500 made by this act to section 849.16, Florida Statutes, in a  
501 reference thereto, section 849.19, Florida Statutes, is  
502 reenacted to read:

503 849.19 Property rights in confiscated machine.—The right of  
504 property in and to any machine, apparatus or device as defined  
505 in s. 849.16 and to all money and other things of value therein,  
506 is declared not to exist in any person, and the same shall be  
507 forfeited and such money or other things of value shall be  
508 forfeited to the county in which the seizure was made and shall  
509 be delivered forthwith to the clerk of the circuit court and  
510 shall by her or him be placed in the fine and forfeiture fund of  
511 said county.

512 Section 12. For the purpose of incorporating the amendment  
513 made by this act to section 895.02, Florida Statutes, in a  
514 reference thereto, paragraph (a) of subsection (1) of section  
515 16.56, Florida Statutes, is reenacted to read:

516 16.56 Office of Statewide Prosecution.—

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

521 (a) Investigate and prosecute the offenses of:

522 1. Bribery, burglary, criminal usury, extortion, gambling,

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523 kidnapping, larceny, murder, prostitution, perjury, robbery,  
524 carjacking, and home-invasion robbery;

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

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

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

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

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

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

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

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

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

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552 11. Any criminal violation of s. 409.920 or s. 409.9201;  
553 12. Any crime involving voter registration, voting, or  
554 candidate or issue petition activities;  
555 13. Any criminal violation of the Florida Money Laundering  
556 Act; or  
557 14. Any criminal violation of the Florida Securities and  
558 Investor Protection Act;  
559  
560 or any attempt, solicitation, or conspiracy to commit any of the  
561 crimes specifically enumerated above. The office shall have such  
562 power only when any such offense is occurring, or has occurred,  
563 in two or more judicial circuits as part of a related  
564 transaction, or when any such offense is connected with an  
565 organized criminal conspiracy affecting two or more judicial  
566 circuits. Informations or indictments charging such offenses  
567 shall contain general allegations stating the judicial circuits  
568 and counties in which crimes are alleged to have occurred or the  
569 judicial circuits and counties in which crimes affecting such  
570 circuits or counties are alleged to have been connected with an  
571 organized criminal conspiracy.

572 Section 13. For the purpose of incorporating the amendment  
573 made by this act to section 895.02, Florida Statutes, in a  
574 reference thereto, paragraph (g) of subsection (3) of section  
575 655.50, Florida Statutes, is reenacted to read:

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

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

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

583 Section 14. For the purpose of incorporating the amendment  
584 made by this act to section 895.02, Florida Statutes, in a  
585 reference thereto, paragraph (g) of subsection (2) of section  
586 896.101, Florida Statutes, is reenacted to read:

587 896.101 Florida Money Laundering Act; definitions;  
588 penalties; injunctions; seizure warrants; immunity.-

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

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

592 Section 15. For the purpose of incorporating the amendment  
593 made by this act to section 895.02, Florida Statutes, in a  
594 reference thereto, subsection (3) of section 905.34, Florida  
595 Statutes, is reenacted to read:

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

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

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610  
611 or any attempt, solicitation, or conspiracy to commit any  
612 violation of the crimes specifically enumerated above, when any  
613 such offense is occurring, or has occurred, in two or more  
614 judicial circuits as part of a related transaction or when any  
615 such offense is connected with an organized criminal conspiracy  
616 affecting two or more judicial circuits. The statewide grand  
617 jury may return indictments and presentments irrespective of the  
618 county or judicial circuit where the offense is committed or  
619 triable. If an indictment is returned, it shall be certified and  
620 transferred for trial to the county where the offense was  
621 committed. The powers and duties of, and law applicable to,  
622 county grand juries shall apply to a statewide grand jury except  
623 when such powers, duties, and law are inconsistent with the  
624 provisions of ss. 905.31-905.40.

625 Section 16. This act shall take effect upon becoming a law.