



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; amending s. 849.094, F.S., relating to game promotions in connection with sale of consumer products or services; revising definitions; providing that violations are deceptive and unfair trade practices; 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. 849.161, F.S., relating to amusement games or machines; revising and providing definitions; revising provisions that exempt certain amusement games and centers from the application of specified provisions relating to gambling; amending s. 895.02, F.S.; revising the definition of the term "racketeering activity" to include violations of specified provisions; amending s. 721.111, F.S., relating to promotional offers; conforming cross-references; reenacting ss. 16.56(1)(a), 338.234(1),



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655.50(3)(g), 849.19, 896.101(2)(g), and 905.34(3),
F.S., relating to the Office of Statewide Prosecution,
the Florida Turnpike, money laundering, seizure of
property, the Florida Money Laundering Act, and a
statewide grand jury, respectively, to incorporate
changes made by the act in references thereto;
providing an effective date.

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

Section 1. Findings and declarations of necessity.—

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

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

(3) The Legislature finds that s. 849.094, Florida
Statutes, was enacted to regulate certain game promotions or
sweepstakes conducted by for-profit commercial entities on a
limited and occasional basis as an advertising and marketing
tool and incidental to substantial bona fide sales of consumer
products or services, if the element of consideration is removed



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57 as no purchase necessary and they comply with the requirements
58 and rules specified by law, and was not intended to provide a
59 vehicle for the establishment of places of ongoing gambling or
60 gaming.

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

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

75 Section 2. Paragraph (a) of subsection (1) and subsections
76 (2), (4), and (7) of section 849.0935, Florida Statutes, are
77 amended to read:

78 849.0935 Charitable, nonprofit organizations; drawings by
79 chance; required disclosures; unlawful acts and practices;
80 penalties.—

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

82 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means
83 an enterprise in which, from the entries submitted by the public
84 to the organization conducting the drawing, one or more entries



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are selected by chance to win a prize. The term "drawing" does not include those enterprises, commonly known as "game promotions," as defined by s. 849.094, "matching," "instant winner," or "preselected sweepstakes," which involve the distribution of winning numbers, previously designated as such, to the public.

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

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

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

(b) To require an entry fee, donation, substantial consideration, payment, proof of purchase, or contribution as a condition of entering the drawing or of being selected to win a prize. However, this paragraph does ~~provision shall~~ not prohibit an organization from suggesting a minimum donation or from including a statement of such suggested minimum donation on any printed material used ~~utilized~~ in connection with the fundraising event or drawing;



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

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

(e) To fail to promptly notify, at the address set forth on the entry blank, any person⁷ whose entry is selected to win⁷ of the fact that he or she won;

(f) To fail to award all prizes offered;

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

(h) To cancel a drawing; or

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

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



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Section 3. Subsections (1) and (8) of section 849.094, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

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

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

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

(b) "Operator" means a retailer who operates a game promotion or any person, firm, corporation, organization, or association or agent or employee thereof who promotes, operates, or conducts a nationally advertised game promotion, ~~except any charitable nonprofit organization.~~

(8) (a) The Department of Agriculture and Consumer Services shall have the power to promulgate such rules and regulations respecting the operation of game promotions as it deems ~~may deem~~ advisable.

(b) Compliance with the rules of the Department of Agriculture and Consumer Services does not authorize and is not a defense to a charge of possession of a slot machine or device or any other device or a violation of any other law.



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165 ~~(c)-(b)~~ Whenever the Department of Agriculture and Consumer
166 Services or the Department of Legal Affairs has reason to
167 believe that a game promotion is being operated in violation of
168 this section, it may bring an action in the circuit court of any
169 judicial circuit in which the game promotion is being operated
170 in the name and on behalf of the people of the state against any
171 operator thereof to enjoin the continued operation of such game
172 promotion anywhere within the state.

173 (11) A violation of this section, or soliciting another to
174 commit an act that violates this section, constitutes a
175 deceptive and unfair trade practice actionable under the Florida
176 Deceptive and Unfair Trade Practices Act.

177 Section 4. Section 849.16, Florida Statutes, is amended to
178 read:

179 849.16 Machines or devices which come within provisions of
180 law defined.—

181 (1) As used in this chapter, the term "slot machine or
182 device" means any machine or device or system or network of
183 devices ~~is a slot machine or device within the provisions of~~
184 ~~this chapter if it is one~~ that is adapted for use in such a way
185 that, upon activation, which may be achieved by, but is not
186 limited to, as a result of the insertion of any piece of money,
187 coin, account number, code, or other object or information, such
188 ~~machine or device or system~~ is directly or indirectly caused to
189 operate or may be operated and if the user, whether by
190 application of skill or by reason of any element of chance or of
191 any other outcome of such operation unpredictable by the user
192 ~~him or her,~~ may:



193 (a) Receive or become entitled to receive any piece of
194 money, credit, allowance, or thing of value, or any check, slug,
195 token, or memorandum, whether of value or otherwise, which may
196 be exchanged for any money, credit, allowance, or thing of value
197 or which may be given in trade; or

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

206 (2) ~~Nothing contained in~~ This chapter may not ~~shall~~ be
207 construed, interpreted, or applied to the possession of a
208 reverse vending machine. As used in this section, the term a
209 "reverse vending machine" means ~~is~~ a machine into which empty
210 beverage containers are deposited for recycling and which
211 provides a payment of money, merchandise, vouchers, or other
212 incentives. At a frequency less than upon the deposit of each
213 beverage container, a reverse vending machine may pay out a
214 random incentive bonus greater than that guaranteed payment in
215 the form of money, merchandise, vouchers, or other incentives.
216 The deposit of any empty beverage container into a reverse
217 vending machine does not constitute consideration, and ~~nor shall~~
218 a reverse vending machine may not be deemed ~~to be~~ a slot machine
219 as defined in ~~within~~ this section.

220 (3) There is a rebuttable presumption that a device,



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221 system, or network is a prohibited slot machine or device if it
222 is used to display images of games of chance and is part of a
223 scheme involving any payment or donation of money or its
224 equivalent and awarding anything of value.

225 Section 5. Section 849.161, Florida Statutes, is amended
226 to read:

227 849.161 Amusement games or machines; when chapter
228 inapplicable.—

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

230 (a) "Amusement games or machines" means games which
231 operate by means of the insertion of a coin, and which by
232 application of skill may entitle the person playing or operating
233 the game or machine to receive points or coupons, the cost value
234 of which does not exceed 75 cents on any game played, which may
235 be exchanged for merchandise. The term does not include casino-
236 style games in which the outcome is determined by factors
237 unpredictable by the player or games in which the player may not
238 control the outcome of the game through skill.

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

243 (c) "Game played" means the event occurring from the
244 initial activation of the machine until the results of play are
245 determined without payment of additional consideration. Free
246 replays do not constitute additional consideration.

247 (d) "Merchandise" means noncash prizes, including toys and
248 novelties. The term does not include cash or any equivalent



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thereof, including gift cards or certificates, or alcoholic beverages.

(e) "Truck stop" means any dealer registered pursuant to chapter 212, excluding marinas, which:

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

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

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

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

~~2. Nothing contained in this chapter shall be taken or construed as applicable to any retail dealer who operates as a truck stop, as defined in chapter 336 and which operates a minimum of 6 functional diesel fuel pumps, having amusement games or machines which operate by means of the insertion of a coin or other currency and which by application of skill may~~



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entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise limited to noncash prizes, toys, novelties, and Florida Lottery products, excluding alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

(3) This section ~~subparagraph~~ applies only to games and machines which are operated for the entertainment of the general public and tourists as bona fide amusement games or machines.

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

(5) ~~(b)~~ This section does not apply ~~Nothing in this subsection shall be taken or construed as applicable to a coin-operated game or device designed and manufactured only for bona fide amusement purposes which game or device may by application of skill entitle the player to replay the game or device at no additional cost, if the game or device: can accumulate and react to no more than 15 free replays; can be discharged of accumulated free replays only by reactivating the game or device for one additional play for such accumulated free replay; can~~



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305 make no permanent record, directly or indirectly, of free
306 replays; and is not classified by the United States as a
307 gambling device in 15 24 U.S.C. s. 1171, which requires
308 identification of each device by permanently affixing serial
309 numbering and name, trade name, and date of manufacture under s.
310 1173, and registration with the United States Attorney General,
311 unless excluded from applicability of the chapter under s. 1178.
312 This subsection shall not be construed to authorize video poker
313 games, or any other game or machine that may be construed as a
314 gambling device under Florida law.

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

320 Section 6. Paragraph (a) of subsection (1) of section
321 895.02, Florida Statutes, is amended to read:

322 895.02 Definitions.—As used in ss. 895.01-895.08, the
323 term:

324 (1) "Racketeering activity" means to commit, to attempt to
325 commit, to conspire to commit, or to solicit, coerce, or
326 intimidate another person to commit:

327 (a) Any crime that is chargeable by petition, indictment,
328 or information under the following provisions of the Florida
329 Statutes:

330 1. Section 210.18, relating to evasion of payment of
331 cigarette taxes.

332 2. Section 316.1935, relating to fleeing or attempting to



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elude a law enforcement officer and aggravated fleeing or
eluding.

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

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

5. Section 414.39, relating to public assistance fraud.

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

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

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

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

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

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

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

13. Chapter 550, relating to jai alai frontons.

14. Section 551.109, relating to slot machine gaming.

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

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

17. Chapter 562, relating to beverage law enforcement.



361 18. Section 624.401, relating to transacting insurance
362 without a certificate of authority, s. 624.437(4)(c)1., relating
363 to operating an unauthorized multiple-employer welfare
364 arrangement, or s. 626.902(1)(b), relating to representing or
365 aiding an unauthorized insurer.

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

368 20. Chapter 687, relating to interest and usurious
369 practices.

370 21. Section 721.08, s. 721.09, or s. 721.13, relating to
371 real estate timeshare plans.

372 22. Section 775.13(5)(b), relating to registration of
373 persons found to have committed any offense for the purpose of
374 benefiting, promoting, or furthering the interests of a criminal
375 gang.

376 23. Section 777.03, relating to commission of crimes by
377 accessories after the fact.

378 24. Chapter 782, relating to homicide.

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

380 26. Chapter 787, relating to kidnapping or human
381 trafficking.

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

383 28. Chapter 794, relating to sexual battery, but only if
384 such crime was committed with the intent to benefit, promote, or
385 further the interests of a criminal gang, or for the purpose of
386 increasing a criminal gang member's own standing or position
387 within a criminal gang.

388 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or



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389 s. 796.07, relating to prostitution and sex trafficking.
390 30. Chapter 806, relating to arson and criminal mischief.
391 31. Chapter 810, relating to burglary and trespass.
392 32. Chapter 812, relating to theft, robbery, and related
393 crimes.
394 33. Chapter 815, relating to computer-related crimes.
395 34. Chapter 817, relating to fraudulent practices, false
396 pretenses, fraud generally, and credit card crimes.
397 35. Chapter 825, relating to abuse, neglect, or
398 exploitation of an elderly person or disabled adult.
399 36. Section 827.071, relating to commercial sexual
400 exploitation of children.
401 37. Chapter 831, relating to forgery and counterfeiting.
402 38. Chapter 832, relating to issuance of worthless checks
403 and drafts.
404 39. Section 836.05, relating to extortion.
405 40. Chapter 837, relating to perjury.
406 41. Chapter 838, relating to bribery and misuse of public
407 office.
408 42. Chapter 843, relating to obstruction of justice.
409 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
410 s. 847.07, relating to obscene literature and profanity.
411 44. Chapter 849 ~~Section 849.09, s. 849.14, s. 849.15, s.~~
412 ~~849.23, or s. 849.25,~~ relating to gambling, lottery, gambling or
413 gaming devices, slot machines, or any of the provisions within
414 that chapter.
415 45. Chapter 874, relating to criminal gangs.
416 46. Chapter 893, relating to drug abuse prevention and



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control.

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

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

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

Section 7. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 16.56, Florida Statutes, is reenacted to read:

16.56 Office of Statewide Prosecution.—

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

(a) Investigate and prosecute the offenses of:

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

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a



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count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

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

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

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

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

8. Any violation of the provisions of chapter 815;

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

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

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

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

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

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

15. Any violation of the provisions of chapter 787, as



well as any and all offenses related to a violation of the provisions of chapter 787;

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

Section 8. For the purpose of incorporating the amendment made by this act to section 849.16, Florida Statutes, in a reference thereto, subsection (1) of section 338.234, Florida Statutes, is reenacted to read:

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

(1) The department may enter into contracts or licenses with any person for the sale of services or products or business opportunities on the turnpike system, or the turnpike enterprise may sell services, products, or business opportunities on the turnpike system, which benefit the traveling public or provide additional revenue to the turnpike system. Services, business opportunities, and products authorized to be sold include, but



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are not limited to, motor fuel, vehicle towing, and vehicle maintenance services; food with attendant nonalcoholic beverages; lodging, meeting rooms, and other business services opportunities; advertising and other promotional opportunities, which advertising and promotions must be consistent with the dignity and integrity of the state; state lottery tickets sold by authorized retailers; games and amusements that operate by the application of skill, not including games of chance as defined in s. 849.16 or other illegal gambling games; Florida citrus, goods promoting the state, or handmade goods produced within the state; and travel information, tickets, reservations, or other related services. However, the department, pursuant to the grants of authority to the turnpike enterprise under this section, shall not exercise the power of eminent domain solely for the purpose of acquiring real property in order to provide business services or opportunities, such as lodging and meeting-room space on the turnpike system.

Section 9. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, in a reference thereto, paragraph (g) of subsection (3) of section 655.50, Florida Statutes, is reenacted to read:

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

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

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



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529 Section 10. For the purpose of incorporating the amendment
530 made by this act to section 849.16, Florida Statutes, in a
531 reference thereto, section 849.19, Florida Statutes, is
532 reenacted to read:

533 849.19 Property rights in confiscated machine.—The right
534 of property in and to any machine, apparatus or device as
535 defined in s. 849.16 and to all money and other things of value
536 therein, is declared not to exist in any person, and the same
537 shall be forfeited and such money or other things of value shall
538 be forfeited to the county in which the seizure was made and
539 shall be delivered forthwith to the clerk of the circuit court
540 and shall by her or him be placed in the fine and forfeiture
541 fund of said county.

542 Section 11. For the purpose of incorporating the amendment
543 made by this act to section 895.02, Florida Statutes, in a
544 reference thereto, paragraph (g) of subsection (2) of section
545 896.101, Florida Statutes, is reenacted to read:

546 896.101 Florida Money Laundering Act; definitions;
547 penalties; injunctions; seizure warrants; immunity.—

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

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

551 Section 12. For the purpose of incorporating the amendment
552 made by this act to section 895.02, Florida Statutes, in a
553 reference thereto, subsection (3) of section 905.34, Florida
554 Statutes, is reenacted to read:

555 905.34 Powers and duties; law applicable.—The jurisdiction
556 of a statewide grand jury impaneled under this chapter shall



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extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of:

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

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

Section 13. This act shall take effect upon becoming a



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585 | law.