

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing PCS: Select Committee on Gaming
 2 Representative Trujillo offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Findings and declarations of necessity.-

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

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

18 (3) The Legislature finds that s. 849.094, Florida
 19 Statutes, was enacted to regulate certain game promotions or

Amendment No.

20 sweepstakes conducted by for-profit commercial entities on a
21 limited and occasional basis as an advertising and marketing
22 tool and incidental to substantial bona fide sales of consumer
23 products or services, if the element of consideration is removed
24 as no purchase necessary and they comply with the requirements
25 and rules specified by law, and was not intended to provide a
26 vehicle for the establishment of places of ongoing gambling or
27 gaming.

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

34 (5) Therefore the Legislature finds that there is a
35 compelling state interest in clarifying the operation and use of
36 Sections 849.0935, 849.094, 849.161, Florida Statutes, to ensure
37 that a charitable drawing by chance, game promotion in
38 connection with the sale of a consumer product or service, and
39 arcade amusement games are not subject to abuse or interpreted
40 in any manner as creating an exception to Florida's general
41 prohibitions against gambling.

42 Section 2. Paragraph (a) of subsection (1) and subsections
43 (2), (4), and (7) of section 849.0935, Florida Statutes, are
44 amended to read:

45 849.0935 Charitable, nonprofit organizations; drawings by
46 chance; required disclosures; unlawful acts and practices;
47 penalties.—

Amendment No.

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

49 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means
50 an enterprise in which, from the entries submitted by the public
51 to the organization conducting the drawing, one or more entries
52 are selected by chance to win a prize. The term "drawing" does
53 not include those enterprises, commonly known as "game
54 promotions," as defined by s. 849.094, "matching," "instant
55 winner," or "preselected sweepstakes," which involve the
56 distribution of winning numbers, previously designated as such,
57 to the public.

58 (2) Section ~~The provisions of s. 849.09~~ does shall not be
59 ~~construed to~~ prohibit an organization ~~qualified under 26 U.S.C.~~
60 ~~s. 501(e) (3), (4), (7), (8), (10), or (19)~~ from conducting
61 drawings by chance pursuant to the authority granted by this
62 section, if provided the organization has complied with all
63 applicable provisions of chapter 496 and this section. Authority
64 to conduct drawings by chance pursuant to this section does not
65 provide an exemption to s. 849.01, s. 849.15, or any other law.

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

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

73 (b) To require an entry fee, donation, substantial
74 consideration, payment, proof of purchase, or contribution as a
75 condition of entering the drawing or of being selected to win a

Amendment No.

76 prize. However, this paragraph does ~~provision shall~~ not prohibit
77 an organization from suggesting a minimum donation or from
78 including a statement of such suggested minimum donation on any
79 printed material used ~~utilized~~ in connection with the
80 fundraising event or drawing;

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

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

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

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

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

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

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

98 (7) Any organization that ~~which~~ engages in any act or
99 practice in violation of this section commits ~~is guilty of~~ a
100 misdemeanor of the second degree, punishable as provided in s.
101 775.082 or s. 775.083. ~~However,~~ Any organization or other person
102 who sells or offers for sale in this state a ticket or entry
103 blank for a raffle or other drawing by chance, without complying

Amendment No.

104 with the requirements of paragraph (3)(d), commits is guilty of
105 a misdemeanor of the second degree, punishable by fine only as
106 provided in s. 775.083.

107 Section 3. Section 849.094, Florida Statutes, is amended
108 to read:

109 849.094 Game promotion in connection with sale of consumer
110 products or services.—

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

112 (a) "Department" means the Department of Agriculture and
113 Consumer Services.

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

122 (c) ~~(b)~~ "Operator" means any person, firm, corporation,
123 enterprise, organization, or association or agent or employee
124 thereof who promotes, operates, or conducts a game promotion,
125 ~~except any charitable nonprofit organization.~~

126 (2) Section 849.09 does not prohibit an operator from
127 conducting a game promotion pursuant to this section if the
128 operator has complied with this section. Authority to conduct
129 game promotions pursuant to this section does not provide an
130 exemption to s. 849.01, s. 849.15, or any other law.

131 (3) An organization as defined in s. 849.0935 may not

Amendment No.

132 operate a game promotion.

133 ~~(4)(2)~~ It is unlawful for any operator:

134 (a) To design, engage in, promote, or conduct such a game
135 promotion, in connection with the promotion or sale of consumer
136 products or services, wherein the winner may be predetermined or
137 the game may be manipulated or rigged so as to:

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

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

142 (b) Arbitrarily to remove, disqualify, disallow, or reject
143 any entry;

144 (c) To fail to award prizes offered;

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

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

150 ~~(5)(3)~~ The operator of a game promotion in which the total
151 announced value of the prizes offered is greater than \$5,000
152 shall file with the department of ~~Agriculture and Consumer~~
153 ~~Services~~ a copy of the rules and regulations of the game
154 promotion and a list of all prizes and prize categories offered
155 at least 7 days before the commencement of the game promotion.
156 Such rules and regulations may not thereafter be changed,
157 modified, or altered. The operator of a game promotion shall
158 conspicuously post the rules and regulations of such game
159 promotion in each and every retail outlet or place where such

Amendment No.

160 game promotion may be played or participated in by the public
161 and shall also publish the rules and regulations in all
162 advertising copy used in connection therewith. However, such
163 advertising copy need only include the material terms of the
164 rules and regulations if the advertising copy includes a website
165 address, a toll-free telephone number, or a mailing address
166 where the full rules and regulations may be viewed, heard, or
167 obtained for the full duration of the game promotion. Such
168 disclosures must be legible. Radio and television announcements
169 may indicate that the rules and regulations are available at
170 retail outlets or from the operator of the promotion. A
171 nonrefundable filing fee of \$100 shall accompany each filing and
172 shall be used to pay the costs incurred in administering and
173 enforcing the provisions of this section.

174 (6)~~(4)~~(a) Every operator of such a game promotion in which
175 the total announced value of the prizes offered is greater than
176 \$5,000 shall establish a trust account, in a national or state-
177 chartered financial institution, with a balance sufficient to
178 pay or purchase the total value of all prizes offered. On a form
179 supplied by the department ~~of Agriculture and Consumer Services~~,
180 an official of the financial institution holding the trust
181 account shall set forth the dollar amount of the trust account,
182 the identity of the entity or individual establishing the trust
183 account, and the name of the game promotion for which the trust
184 account has been established. Such form shall be filed with the
185 department ~~of Agriculture and Consumer Services~~ at least 7 days
186 in advance of the commencement of the game promotion. In lieu of
187 establishing such trust account, the operator may obtain a

Amendment No.

188 surety bond in an amount equivalent to the total value of all
189 prizes offered; and such bond shall be filed with the department
190 ~~of Agriculture and Consumer Services~~ at least 7 days in advance
191 of the commencement of the game promotion.

192 1. The moneys held in the trust account may be withdrawn
193 in order to pay the prizes offered only upon certification to
194 the department ~~of Agriculture and Consumer Services~~ of the name
195 of the winner or winners and the amount of the prize or prizes
196 and the value thereof.

197 2. If the operator of a game promotion has obtained a
198 surety bond in lieu of establishing a trust account, the amount
199 of the surety bond shall equal at all times the total amount of
200 the prizes offered.

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

211 ~~(7)(5)~~ Every operator of a game promotion in which the
212 total announced value of the prizes offered is greater than
213 \$5,000 shall provide the department ~~of Agriculture and Consumer~~
214 ~~Services~~ with a certified list of the names and addresses of all
215 persons, whether from this state or from another state, who have

Amendment No.

216 won prizes which have a value of more than \$25, the value of
217 such prizes, and the dates when the prizes were won within 60
218 days after such winners have been finally determined. The
219 operator shall provide a copy of the list of winners, without
220 charge, to any person who requests it. In lieu of the foregoing,
221 the operator of a game promotion may, at his or her option,
222 publish the same information about the winners in a Florida
223 newspaper of general circulation within 60 days after such
224 winners have been determined and shall provide to the department
225 ~~of Agriculture and Consumer Services~~ a certified copy of the
226 publication containing the information about the winners. The
227 operator of a game promotion is not required to notify a winner
228 by mail or by telephone when the winner is already in possession
229 of a game card from which the winner can determine that he or
230 she has won a designated prize. All winning entries shall be
231 held by the operator for a period of 90 days after the close or
232 completion of the game.

233 (8) ~~(6)~~ The department ~~of Agriculture and Consumer Services~~
234 shall keep the certified list of winners for a period of at
235 least 6 months after receipt of the certified list. The
236 department thereafter may dispose of all records and lists.

237 (9) ~~(7)~~ An ~~No~~ operator may not ~~shall~~ force, directly or
238 indirectly, a lessee, agent, or franchise dealer to purchase or
239 participate in any game promotion. For the purpose of this
240 section, coercion or force is ~~shall be~~ presumed in these
241 circumstances in which a course of business extending ~~over a~~
242 ~~period of~~ 1 year or more ~~longer~~ is materially changed coincident
243 with a failure or refusal of a lessee, agent, or franchise

Amendment No.

244 dealer to participate in such game promotions. Such force or
245 coercion is ~~shall further be~~ presumed when an operator
246 advertises generally that game promotions are available at its
247 lessee dealers or agent dealers.

248 (10)-(8)(a) The department may adopt ~~of Agriculture and~~
249 ~~Consumer Services shall have the power to promulgate~~ such rules
250 and regulations respecting the operation of game promotions as
251 it deems ~~may deem~~ advisable.

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

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

264 (11)-(9)(a) Any person, firm, or corporation, or
265 association or agent or employee thereof, who engages in any
266 acts or practices stated in this section to be unlawful, or who
267 violates any of the rules and regulations made pursuant to this
268 section, commits ~~is guilty of~~ a misdemeanor of the second
269 degree, punishable as provided in s. 775.082 or s. 775.083.

270 (b) Any person, firm, corporation, association, agent, or
271 employee who violates any provision of this section or any of

Amendment No.

272 the rules and regulations made pursuant to this section shall be
273 liable for a civil penalty of not more than \$1,000 for each such
274 violation, which shall accrue to the state and may be recovered
275 in a civil action brought by the department of ~~Agriculture and~~
276 ~~Consumer Services~~ or the Department of Legal Affairs.

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

281 ~~(13)(10) This section does not apply to actions or~~
282 ~~transactions regulated by the Department of Business and~~
283 ~~Professional Regulation or to the activities of nonprofit~~
284 ~~organizations or to any other organization engaged in any~~
285 ~~enterprise other than the sale of consumer products or services.~~

286 Subsections ~~(3), (4),~~ (5), (6), ~~and (7),~~ (8), and (9) and
287 paragraph (10)(a) ~~(8)(a)~~ and any of the rules made pursuant
288 thereto do not apply to television or radio broadcasting
289 companies licensed by the Federal Communications Commission.

290 Section 4. Section 849.16, Florida Statutes, is amended to
291 read:

292 849.16 Machines or devices which come within provisions of
293 law defined.—

294 (1) As used in this chapter, the term "slot machine or
295 device" means any machine or device or system or network of
296 devices ~~is a slot machine or device within the provisions of~~
297 ~~this chapter if it is one~~ that is adapted for use in such a way
298 that, upon activation, which may be achieved by, but is not
299 limited to, as a result of the insertion of any piece of money,

Amendment No.

300 coin, account number, code, or other object or information, such
301 ~~machine or device~~ or system is directly or indirectly caused to
302 operate or may be operated and if the user, whether by
303 application of skill or by reason of any element of chance or ~~of~~
304 any other outcome ~~of such operation~~ unpredictable by the user
305 ~~him or her,~~ may:

306 (a) Receive or become entitled to receive any piece of
307 money, credit, allowance, or thing of value, or any check, slug,
308 token, or memorandum, whether of value or otherwise, which may
309 be exchanged for any money, credit, allowance, or thing of value
310 or which may be given in trade; or

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

319 (2) ~~Nothing contained in~~ This chapter may not ~~shall~~ be
320 construed, interpreted, or applied to the possession of a
321 reverse vending machine. As used in this section, the term a
322 "reverse vending machine" means ~~is~~ a machine into which empty
323 beverage containers are deposited for recycling and which
324 provides a payment of money, merchandise, vouchers, or other
325 incentives. At a frequency less than upon the deposit of each
326 beverage container, a reverse vending machine may pay out a
327 random incentive bonus greater than that guaranteed payment in

Amendment No.

328 the form of money, merchandise, vouchers, or other incentives.

329 The deposit of any empty beverage container into a reverse
330 vending machine does not constitute consideration, and ~~nor shall~~
331 a reverse vending machine may not be deemed ~~to be~~ a slot machine
332 as defined in within this section.

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

338 Section 5. Section 849.161, Florida Statutes, is amended
339 to read:

340 849.161 Amusement games or machines; when chapter
341 inapplicable.—

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

343 (a) "Amusement games or machines" means games which
344 operate by means of the insertion of a coin, and which by
345 application of skill may entitle the person playing or
346 operating the game or machine to receive points or coupons, the
347 cost value of which does not exceed 75 cents on any game played,
348 which may be exchanged for merchandise. The term does not
349 include casino-style games in which the outcome is determined by
350 factors unpredictable by the player or games in which the player
351 may not control the outcome of the game through skill.

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

Amendment No.

356 (c) "Merchandise" means noncash prizes, including toys and
357 novelties. The term does not include cash or any equivalent
358 thereof, including gift cards or certificates, or alcoholic
359 beverages.

360 (d) "Game played" means the event occurring from the
361 initial activation of the machine until the results of play are
362 determined without payment of additional consideration. Free
363 replays do not constitute additional consideration.

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

- 366 1. Declared its primary fuel business to be the sale of
367 diesel fuel;
368 2. Operates a minimum of six functional diesel fuel pumps;
369 and
370 3. Has coin-operated amusement games or machines on
371 premises which are operated for the entertainment of the general
372 public and tourists as a bona fide amusement games or machines.

373 (2) ~~(1) (a) 1.~~ Nothing contained in this chapter shall be
374 taken or construed to prohibit ~~as applicable to~~ an arcade
375 amusement center ~~or truck stop from operating~~ ~~having~~ amusement
376 games or machines ~~in conformance with this section~~ ~~which operate~~
377 by means of the insertion of a coin and which by application of
378 skill may entitle the person playing or operating the game or
379 machine to receive points or coupons which may be exchanged for
380 merchandise only, excluding cash and alcoholic beverages,
381 provided the cost value of the merchandise or prize awarded in
382 exchange for such points or coupons does not exceed 75 cents on
383 any game played.

Amendment No.

384 ~~2. Nothing contained in this chapter shall be taken or~~
385 ~~construed as applicable to any retail dealer who operates as a~~
386 ~~truck stop, as defined in chapter 336 and which operates a~~
387 ~~minimum of 6 functional diesel fuel pumps, having amusement~~
388 ~~games or machines which operate by means of the insertion of a~~
389 ~~coin or other currency and which by application of skill may~~
390 ~~entitle the person playing or operating the game or machine to~~
391 ~~receive points or coupons which may be exchanged for merchandise~~
392 ~~limited to noncash prizes, toys, novelties, and Florida Lottery~~
393 ~~products, excluding alcoholic beverages, provided the cost value~~
394 ~~of the merchandise or prize awarded in exchange for such points~~
395 ~~or coupons does not exceed 75 cents on any game played.~~

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

399 (4) This section ~~subsection~~ shall not be construed to
400 authorize ~~apply, however, to~~ any game or device defined as a
401 gambling device in 15 ~~24~~ U.S.C. s. 1171, which requires
402 identification of each device by permanently affixing serial
403 numbering and name, trade name, and date of manufacture under s.
404 1173, and registration with the United States Attorney General,
405 unless excluded from applicability of the chapter under s. 1178,
406 or. ~~This subsection shall not be construed to authorize~~ video
407 poker games or any other game or machine that may be construed
408 as a gambling device under Florida law.

409 (5) ~~(b)~~ This section does not apply ~~Nothing in this~~
410 ~~subsection shall be taken or construed as applicable to a coin-~~
411 ~~operated game or device designed and manufactured only for bona~~

Amendment No.

412 | fide amusement purposes which game or device may by application
413 | of skill entitle the player to replay the game or device at no
414 | additional cost, if the game or device: can accumulate and react
415 | to no more than 15 free replays; can be discharged of
416 | accumulated free replays only by reactivating the game or device
417 | for one additional play for such accumulated free replay; can
418 | make no permanent record, directly or indirectly, of free
419 | replays; and is not classified by the United States as a
420 | gambling device in 15 24 U.S.C. s. 1171, which requires
421 | identification of each device by permanently affixing seriatim
422 | numbering and name, trade name, and date of manufacture under s.
423 | 1173, and registration with the United States Attorney General,
424 | unless excluded from applicability of the chapter under s. 1178.
425 | This subsection shall not be construed to authorize video poker
426 | games, or any other game or machine that may be construed as a
427 | gambling device under Florida law.

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

433 | Section 6. Paragraph (a) of subsection (1) of section
434 | 895.02, Florida Statutes, is amended to read:

435 | 895.02 Definitions.—As used in ss. 895.01-895.08, the
436 | term:

437 | (1) "Racketeering activity" means to commit, to attempt to
438 | commit, to conspire to commit, or to solicit, coerce, or
439 | intimidate another person to commit:

Amendment No.

440 (a) Any crime that is chargeable by petition, indictment,
441 or information under the following provisions of the Florida
442 Statutes:

443 1. Section 210.18, relating to evasion of payment of
444 cigarette taxes.

445 2. Section 316.1935, relating to fleeing or attempting to
446 elude a law enforcement officer and aggravated fleeing or
447 eluding.

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

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

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

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

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

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

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

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

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

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

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

Amendment No.

- 468 14. Section 551.109, relating to slot machine gaming.
- 469 15. Chapter 552, relating to the manufacture,
470 distribution, and use of explosives.
- 471 16. Chapter 560, relating to money transmitters, if the
472 violation is punishable as a felony.
- 473 17. Chapter 562, relating to beverage law enforcement.
- 474 18. Section 624.401, relating to transacting insurance
475 without a certificate of authority, s. 624.437(4)(c)1., relating
476 to operating an unauthorized multiple-employer welfare
477 arrangement, or s. 626.902(1)(b), relating to representing or
478 aiding an unauthorized insurer.
- 479 19. Section 655.50, relating to reports of currency
480 transactions, when such violation is punishable as a felony.
- 481 20. Chapter 687, relating to interest and usurious
482 practices.
- 483 21. Section 721.08, s. 721.09, or s. 721.13, relating to
484 real estate timeshare plans.
- 485 22. Section 775.13(5)(b), relating to registration of
486 persons found to have committed any offense for the purpose of
487 benefiting, promoting, or furthering the interests of a criminal
488 gang.
- 489 23. Section 777.03, relating to commission of crimes by
490 accessories after the fact.
- 491 24. Chapter 782, relating to homicide.
- 492 25. Chapter 784, relating to assault and battery.
- 493 26. Chapter 787, relating to kidnapping or human
494 trafficking.
- 495 27. Chapter 790, relating to weapons and firearms.

Amendment No.

496 28. Chapter 794, relating to sexual battery, but only if
497 such crime was committed with the intent to benefit, promote, or
498 further the interests of a criminal gang, or for the purpose of
499 increasing a criminal gang member's own standing or position
500 within a criminal gang.

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

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

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

505 32. Chapter 812, relating to theft, robbery, and related
506 crimes.

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

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

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

512 36. Section 827.071, relating to commercial sexual
513 exploitation of children.

514 37. Chapter 831, relating to forgery and counterfeiting.

515 38. Chapter 832, relating to issuance of worthless checks
516 and drafts.

517 39. Section 836.05, relating to extortion.

518 40. Chapter 837, relating to perjury.

519 41. Chapter 838, relating to bribery and misuse of public
520 office.

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

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

Amendment No.

524 44. Chapter 849 ~~Section 849.09, s. 849.14, s. 849.15, s.~~
525 ~~849.23, or s. 849.25,~~ relating to gambling, lottery, gambling or
526 gaming devices, slot machines, or any of the provisions within
527 that chapter.

528 45. Chapter 874, relating to criminal gangs.

529 46. Chapter 893, relating to drug abuse prevention and
530 control.

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

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

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

538 Section 7. Subsection (2) of section 721.111, Florida
539 Statutes, is amended to read:

540 721.111 Prize and gift promotional offers.—

541 (2) A game promotion, such as a contest of chance, gift
542 enterprise, or sweepstakes, in which the elements of chance and
543 prize are present may not be used in connection with the
544 offering or sale of timeshare interests, except for drawings, as
545 that term is defined in s. 849.0935(1)(a), in which no more than
546 26 prizes are promoted and in which all promoted prizes are
547 actually awarded. All such drawings must meet all requirements
548 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and
549 (9) ~~(7)~~.

550 Section 8. For the purpose of incorporating the amendment
551 made by this act to section 895.02, Florida Statutes, in a

Amendment No.

552 reference thereto, paragraph (a) of subsection (1) of section
553 16.56, Florida Statutes, is reenacted to read:

554 16.56 Office of Statewide Prosecution.—

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

559 (a) Investigate and prosecute the offenses of:

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

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

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

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

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

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

Amendment No.

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

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

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

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

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

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

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

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

597 15. Any violation of the provisions of chapter 787, as
598 well as any and all offenses related to a violation of the
599 provisions of chapter 787;

600

601 or any attempt, solicitation, or conspiracy to commit any of the
602 crimes specifically enumerated above. The office shall have such
603 power only when any such offense is occurring, or has occurred,

604 in two or more judicial circuits as part of a related

605 transaction, or when any such offense is connected with an

606 organized criminal conspiracy affecting two or more judicial

607 circuits. Informations or indictments charging such offenses

Amendment No.

608 shall contain general allegations stating the judicial circuits
609 and counties in which crimes are alleged to have occurred or the
610 judicial circuits and counties in which crimes affecting such
611 circuits or counties are alleged to have been connected with an
612 organized criminal conspiracy.

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

617 338.234 Granting concessions or selling along the turnpike
618 system; immunity from taxation.—

619 (1) The department may enter into contracts or licenses
620 with any person for the sale of services or products or business
621 opportunities on the turnpike system, or the turnpike enterprise
622 may sell services, products, or business opportunities on the
623 turnpike system, which benefit the traveling public or provide
624 additional revenue to the turnpike system. Services, business
625 opportunities, and products authorized to be sold include, but
626 are not limited to, motor fuel, vehicle towing, and vehicle
627 maintenance services; food with attendant nonalcoholic
628 beverages; lodging, meeting rooms, and other business services
629 opportunities; advertising and other promotional opportunities,
630 which advertising and promotions must be consistent with the
631 dignity and integrity of the state; state lottery tickets sold
632 by authorized retailers; games and amusements that operate by
633 the application of skill, not including games of chance as
634 defined in s. 849.16 or other illegal gambling games; Florida
635 citrus, goods promoting the state, or handmade goods produced

Amendment No.

636 within the state; and travel information, tickets, reservations,
637 or other related services. However, the department, pursuant to
638 the grants of authority to the turnpike enterprise under this
639 section, shall not exercise the power of eminent domain solely
640 for the purpose of acquiring real property in order to provide
641 business services or opportunities, such as lodging and meeting-
642 room space on the turnpike system.

643 Section 10. For the purpose of incorporating the amendment
644 made by this act to section 895.02, Florida Statutes, in a
645 reference thereto, paragraph (g) of subsection (3) of section
646 655.50, Florida Statutes, is reenacted to read:

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

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

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

654 Section 11. For the purpose of incorporating the amendment
655 made by this act to section 849.16, Florida Statutes, in a
656 reference thereto, section 849.19, Florida Statutes, is
657 reenacted to read:

658 849.19 Property rights in confiscated machine.—The right
659 of property in and to any machine, apparatus or device as
660 defined in s. 849.16 and to all money and other things of value
661 therein, is declared not to exist in any person, and the same
662 shall be forfeited and such money or other things of value shall
663 be forfeited to the county in which the seizure was made and

Amendment No.

664 shall be delivered forthwith to the clerk of the circuit court
665 and shall by her or him be placed in the fine and forfeiture
666 fund of said county.

667 Section 12. For the purpose of incorporating the amendment
668 made by this act to section 895.02, Florida Statutes, in a
669 reference thereto, paragraph (g) of subsection (2) of section
670 896.101, Florida Statutes, is reenacted to read:

671 896.101 Florida Money Laundering Act; definitions;
672 penalties; injunctions; seizure warrants; immunity.-

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

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

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

680 905.34 Powers and duties; law applicable.-The jurisdiction
681 of a statewide grand jury impaneled under this chapter shall
682 extend throughout the state. The subject matter jurisdiction of
683 the statewide grand jury shall be limited to the offenses of:

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

Amendment No.

692 prosecution of the violation of s. 895.03 is terminated for any
693 reason;

694

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

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

711

712

713

714

715

T I T L E A M E N D M E N T

716

Remove everything before the enacting clause and insert:

717

A bill to be entitled

718

An act relating to the prohibition of electronic

719

gambling devices; providing legislative findings and a

Amendment No.

720 declaration of intent and construction; amending s.
721 849.0935, F.S., relating to drawings by chance offered
722 by nonprofit organizations; revising the definition of
723 the term "drawing by chance" to include the term
724 "raffle" within the meaning of the term and exclude
725 the term "game promotions"; revising conditions for
726 exceptions to prohibitions on lotteries; amending s.
727 849.094, F.S., relating to game promotions in
728 connection with sale of consumer products or services;
729 defining the term "department" as the Department of
730 Agriculture and Consumer Services; revising
731 definitions; prohibiting specified nonprofit
732 organizations from operating a game promotion;
733 providing conditions for exceptions to prohibitions on
734 lotteries; prohibiting the use of certain devices
735 operated by game promotion entrants; revising
736 procedures for operation of a game promotion;
737 providing for construction; providing that violations
738 are deceptive and unfair trade practices; revising
739 applicability provisions; amending s. 849.16, F.S.;
740 defining the term "slot machine or device" for
741 purposes of specified gambling provisions; providing a
742 rebuttable presumption that a device, system, or
743 network is a prohibited slot machine; amending s.
744 849.161, F.S., relating to amusement games or
745 machines; revising and providing definitions; revising
746 provisions that exempt certain amusement games and
747 centers from the application of specified provisions

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCS Name: PCS for HB 155 (2013)

Amendment No.

748 relating to gambling; amending s. 895.02, F.S.;

749 revising the definition of the term "racketeering

750 activity" to include violations of specified

751 provisions; amending s. 721.111, F.S., relating to

752 promotional offers; conforming cross-references;

753 reenacting ss. 16.56(1)(a), 338.234(1), 655.50(3)(g),

754 849.19, 896.101(2)(g), and 905.34(3), F.S., relating

755 to the Office of Statewide Prosecution, the Florida

756 Turnpike, money laundering, seizure of property, the

757 Florida Money Laundering Act, and a statewide grand

758 jury, respectively, to incorporate changes made by the

759 act in references thereto; providing an effective

760 date.

761