

1                   A bill to be entitled  
 2           An act relating to sweepstakes devices; providing  
 3           legislative intent; creating s. 849.0945, F.S.;  
 4           providing definitions; prohibiting the use of certain  
 5           sweepstakes devices; providing an exception for  
 6           operators who were using such devices on or before a  
 7           specified date; requiring local governments to renew  
 8           certain permits, licenses, or permissions to operate  
 9           such devices; authorizing certain officials to seek  
 10          injunctive relief against operators who violate this  
 11          act; limiting the scope of the act; providing for  
 12          future repeal; providing an effective date.

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

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 16           Section 1. (1) The Legislature finds that there is an  
 17 increasing proliferation of establishments that use computer or  
 18 video displays to show the results of sweepstakes, contests, or  
 19 other game promotions, which has created uncertainty and  
 20 inconsistency in the application of existing laws, and further  
 21 finds that the continued increase of such electronic devices may  
 22 lead to adverse effects on persons in this state.

23           (2) The Legislature also finds that to provide for the  
 24 uniform and clear enforcement of existing law, to preserve the  
 25 public peace and order, and to safeguard the health, safety, and  
 26 welfare of the residents of this state, the Legislature should  
 27 study these issues and pass appropriate legislation.

28           (3) Therefore, the Legislature intends to limit the

29 expansion and use of certain electronic devices in connection  
 30 with game promotions until the Legislature can study the issue  
 31 and enact appropriate legislation.

32 Section 2. Section 849.0945, Florida Statutes, is created  
 33 to read:

34 849.0945 Use of electronic devices in connection with game  
 35 promotions; moratorium.—

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

37 (a) "Game promotion" means the same as in s. 849.094.

38 (b) "Operator" means the same as in s. 849.094.

39 (c) "Sweepstakes device" means an electronic machine or  
 40 device operated by or in interaction with a participant in a  
 41 game promotion if the machine or device is:

42 1. Owned, leased, or otherwise controlled by the operator  
 43 or a partner, affiliate, subsidiary, contractor, or agent of the  
 44 operator; and

45 2. Located in an establishment owned, leased, or  
 46 controlled by the operator or a partner, affiliate, subsidiary,  
 47 contractor, or agent of the operator.

48 (2) An operator may not use a sweepstakes device unless  
 49 the operator was using it on or before July 1, 2013. An operator  
 50 who was using a sweepstakes device on or before July 1, 2013,  
 51 may continue to operate the device if the operator files an  
 52 affidavit with the Department of Agriculture and Consumer  
 53 Services by August 1, 2013, stating the address where each  
 54 device is located and attesting to its use on or before July 1,  
 55 2013, and updates the affidavit at the time of any change.

56 (3) Upon the expiration of a current permit, license, or

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57 other permission to operate that was issued by a county or  
58 municipality to such operator, the county or municipality shall  
59 renew the permit, license, or other permission to operate the  
60 device pursuant to its ordinances and procedures. However, no  
61 new permits, licenses, or other permission to operate may be  
62 issued to any operator that has not met the requirements of this  
63 section.

64 (4) The Attorney General or the state attorney for the  
65 judicial circuit in which a sweepstakes device is located may  
66 seek injunctive relief against an operator who operates it in  
67 violation of this section.

68 (5) This section does not prevent or limit a county or  
69 municipality from otherwise regulating the use of sweepstakes  
70 devices in its jurisdiction.

71 (6) This section may not be construed to allow the use of  
72 a mechanical or electromechanical reel in connection with a game  
73 promotion.

74 (7) This section shall stand repealed on July 1, 2015.

75 Section 3. This act shall take effect July 1, 2013.