

By the Committee on Governmental Oversight and Productivity;
and Senator Webster

302-2075B-99

1 A bill to be entitled
2 An act relating to the Secretary of State;
3 amending s. 15.01, F.S.; clarifying the
4 location of the Secretary's office;
5 establishing office hours; transferring the
6 Division of Licensing of the Department of
7 State to the Department of Business and
8 Professional Regulation; transferring concealed
9 weapons permitting to the Department of
10 Business and Professional Regulation;
11 transferring games promotions to the Department
12 of Agriculture and Consumer Services; amending
13 ss. 20.10, 493.6101, 790.06, 849.094, F.S., to
14 conform to changes made by this act; providing
15 an effective date.

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

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19 Section 1. Section 15.01, Florida Statutes, is amended
20 to read:

21 15.01 Residence, office, and duties.--The Secretary of
22 State shall reside at the seat of government of this state and
23 shall have her or his office in the Capitol and perform the
24 duties prescribed by the State Constitution. The Secretary of
25 State's office shall be open Monday through Friday of every
26 week from 8 a.m. to 5 p.m., except on legal holidays.The
27 Department of State shall have the custody of the constitution
28 and Great Seal of this state, and of the original statutes
29 thereof, and of the resolutions of the Legislature, and of all
30 the official correspondence of the Governor. The department
31 shall keep in its office a register and an index of all

1 official letters, orders, communications, messages, documents,
2 and other official acts issued or received by the Governor or
3 the Secretary of State, and record these in a book numbered in
4 chronological order. The Governor, before issuing any order
5 or transmission of any official letter, communication, or
6 document from the executive office or promulgation of any
7 official act or proceeding, except military orders, shall
8 deliver the same or a copy thereof to the Department of State
9 to be recorded.

10 Section 2. The Division of Licensing of the Department
11 of State is transferred by a type two transfer, as defined in
12 section 20.06, Florida Statutes, to the Department of Business
13 and Professional Regulation.

14 Section 3. Section 20.10, Florida Statutes, is amended
15 to read:

16 20.10 Department of State.--There is created a
17 Department of State.

18 (1) The head of the Department of State is the
19 Secretary of State.

20 (2) The following divisions of the Department of State
21 are established:

22 (a) Division of Elections.

23 (b) Division of Historical Resources.

24 (c) Division of Corporations.

25 (d) Division of Library and Information Services.

26 ~~(e) Division of Licensing.~~

27 (e)(f) Division of Cultural Affairs.

28 (f)(g) Division of Administration.

29 Section 4. Subsection (1) of section 493.6101, Florida
30 Statutes, is amended to read:

31 493.6101 Definitions.--

1 (1) "Department" means the Department of Business and
2 Professional Regulation State.

3 Section 5. Section 790.06, Florida Statutes, 1998
4 Supplement, is amended to read:

5 790.06 License to carry concealed weapon or firearm.--

6 (1) The Department of Business and Professional
7 Regulation State is authorized to issue licenses to carry
8 concealed weapons or concealed firearms to persons qualified
9 as provided in this section. Each such license must bear a
10 color photograph of the licensee. For the purposes of this
11 section, concealed weapons or concealed firearms are defined
12 as a handgun, electronic weapon or device, tear gas gun,
13 knife, or billie, but the term does not include a machine gun
14 as defined in s. 790.001(9). Such licenses shall be valid
15 throughout the state for a period of 5 years from the date of
16 issuance. Any person in compliance with the terms of such
17 license may carry a concealed weapon or concealed firearm
18 notwithstanding the provisions of s. 790.01. The licensee
19 must carry the license, together with valid identification, at
20 all times in which the licensee is in actual possession of a
21 concealed weapon or firearm and must display both the license
22 and proper identification upon demand by a law enforcement
23 officer. Violations of the provisions of this subsection shall
24 constitute a noncriminal violation with a penalty of \$25,
25 payable to the clerk of the court.

26 (2) The Department of Business and Professional
27 Regulation State shall issue a license if the applicant:

28 (a) Is a resident of the United States or is a
29 consular security official of a foreign government that
30 maintains diplomatic relations and treaties of commerce,
31 friendship, and navigation with the United States and is

1 certified as such by the foreign government and by the
2 appropriate embassy in this country;

3 (b) Is 21 years of age or older;

4 (c) Does not suffer from a physical infirmity which
5 prevents the safe handling of a weapon or firearm;

6 (d) Is not ineligible to possess a firearm pursuant to
7 s. 790.23 by virtue of having been convicted of a felony;

8 (e) Has not been committed for the abuse of a
9 controlled substance or been found guilty of a crime under the
10 provisions of chapter 893 or similar laws of any other state
11 relating to controlled substances within a 3-year period
12 immediately preceding the date on which the application is
13 submitted;

14 (f) Does not chronically and habitually use alcoholic
15 beverages or other substances to the extent that his or her
16 normal faculties are impaired. It shall be presumed that an
17 applicant chronically and habitually uses alcoholic beverages
18 or other substances to the extent that his or her normal
19 faculties are impaired if the applicant has been committed
20 under chapter 397 or under the provisions of former chapter
21 396 or has been convicted under s. 790.151 or has been deemed
22 a habitual offender under s. 856.011(3), or has had two or
23 more convictions under s. 316.193 or similar laws of any other
24 state, within the 3-year period immediately preceding the date
25 on which the application is submitted;

26 (g) Desires a legal means to carry a concealed weapon
27 or firearm for lawful self-defense;

28 (h) Demonstrates competence with a firearm by any one
29 of the following:

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- 1 1. Completion of any hunter education or hunter safety
2 course approved by the Game and Fresh Water Fish Commission or
3 a similar agency of another state;
- 4 2. Completion of any National Rifle Association
5 firearms safety or training course;
- 6 3. Completion of any firearms safety or training
7 course or class available to the general public offered by a
8 law enforcement, junior college, college, or private or public
9 institution or organization or firearms training school,
10 utilizing instructors certified by the National Rifle
11 Association, Criminal Justice Standards and Training
12 Commission, or the Department of State;
- 13 4. Completion of any law enforcement firearms safety
14 or training course or class offered for security guards,
15 investigators, special deputies, or any division or
16 subdivision of law enforcement or security enforcement;
- 17 5. Presents evidence of equivalent experience with a
18 firearm through participation in organized shooting
19 competition or military service;
- 20 6. Is licensed or has been licensed to carry a firearm
21 in this state or a county or municipality of this state,
22 unless such license has been revoked for cause; or
- 23 7. Completion of any firearms training or safety
24 course or class conducted by a state-certified or National
25 Rifle Association certified firearms instructor;
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27 A photocopy of a certificate of completion of any of the
28 courses or classes; or an affidavit from the instructor,
29 school, club, organization, or group that conducted or taught
30 said course or class attesting to the completion of the course
31 or class by the applicant; or a copy of any document which

1 shows completion of the course or class or evidences
2 participation in firearms competition shall constitute
3 evidence of qualification under this paragraph; any person who
4 conducts a course pursuant to subparagraph 2., subparagraph
5 3., or subparagraph 7., or who, as an instructor, attests to
6 the completion of such courses, must maintain records
7 certifying that he or she observed the student safely handle
8 and discharge the firearm;

9 (i) Has not been adjudicated an incapacitated person
10 under s. 744.331, or similar laws of any other state, unless 5
11 years have elapsed since the applicant's restoration to
12 capacity by court order;

13 (j) Has not been committed to a mental institution
14 under chapter 394, or similar laws of any other state, unless
15 the applicant produces a certificate from a licensed
16 psychiatrist that he or she has not suffered from disability
17 for at least 5 years prior to the date of submission of the
18 application;

19 (k) Has not had adjudication of guilt withheld or
20 imposition of sentence suspended on any felony or misdemeanor
21 crime of domestic violence unless 3 years have elapsed since
22 probation or any other conditions set by the court have been
23 fulfilled, or the record has been sealed or expunged; and

24 (l) Has not been issued an injunction that is
25 currently in force and effect and that restrains the applicant
26 from committing acts of domestic violence or acts of repeat
27 violence.

28 (3) The Department of Business and Professional
29 Regulation ~~State~~ shall deny a license if the applicant has
30 been found guilty of, had adjudication of guilt withheld for,
31 or had imposition of sentence suspended for one or more crimes

1 of violence constituting a misdemeanor, unless 3 years have
2 elapsed since probation or any other conditions set by the
3 court have been fulfilled or the record has been sealed or
4 expunged. The Department of Business and Professional
5 Regulation ~~State~~ shall revoke a license if the licensee has
6 been found guilty of, had adjudication of guilt withheld for,
7 or had imposition of sentence suspended for one or more crimes
8 of violence within the preceding 3 years. The department
9 shall, upon notification by a law enforcement agency, a court,
10 or the Florida Department of Law Enforcement and subsequent
11 written verification, suspend a license or the processing of
12 an application for a license if the licensee or applicant is
13 arrested or formally charged with a crime that would
14 disqualify such person from having a license under this
15 section, until final disposition of the case. The department
16 shall suspend a license or the processing of an application
17 for a license if the licensee or applicant is issued an
18 injunction that restrains the licensee or applicant from
19 committing acts of domestic violence or acts of repeat
20 violence.

21 (4) The application shall be completed, under oath, on
22 a form promulgated by the Department of Business and
23 Professional Regulation ~~State~~ and shall include:

24 (a) The name, address, place and date of birth, race,
25 and occupation of the applicant;

26 (b) A statement that the applicant is in compliance
27 with criteria contained within subsections (2) and (3);

28 (c) A statement that the applicant has been furnished
29 a copy of this chapter and is knowledgeable of its provisions;

30 (d) A conspicuous warning that the application is
31 executed under oath and that a false answer to any question,

1 or the submission of any false document by the applicant,
2 subjects the applicant to criminal prosecution under s.
3 837.06; and

4 (e) A statement that the applicant desires a concealed
5 weapon or firearms license as a means of lawful self-defense.

6 (5) The applicant shall submit to the Department of
7 Business and Professional Regulation ~~State~~:

8 (a) A completed application as described in subsection
9 (4).

10 (b) A nonrefundable license fee not to exceed \$85, if
11 he or she has not previously been issued a statewide license,
12 or a nonrefundable license fee not to exceed \$70 for renewal
13 of a statewide license. Costs for processing the set of
14 fingerprints as required in paragraph (c) shall be borne by
15 the applicant. However, an individual holding an active
16 certification from the Criminal Justice Standards and Training
17 Commission as a "law enforcement officer," "correctional
18 officer," or "correctional probation officer" as defined in s.
19 943.10(1), (2), (3), (6), (7), (8), or (9) is exempt from the
20 licensing requirements of this section. If any individual
21 holding an active certification from the Criminal Justice
22 Standards and Training Commission as a "law enforcement
23 officer," a "correctional officer," or a "correctional
24 probation officer" as defined in s. 943.10(1), (2), (3), (6),
25 (7), (8), or (9) wishes to receive a concealed weapons or
26 firearms license, such person is exempt from the background
27 investigation and all background investigation fees, but shall
28 pay the current license fees regularly required to be paid by
29 nonexempt applicants. Further, a law enforcement officer, a
30 correctional officer, or a correctional probation officer as
31 defined in s. 943.10(1), (2), or (3) is exempt from the

1 required fees and background investigation for a period of 1
2 year subsequent to the date of retirement of said officer as a
3 law enforcement officer, a correctional officer, or a
4 correctional probation officer.

5 (c) A full set of fingerprints of the applicant
6 administered by a law enforcement agency.

7 (d) A photocopy of a certificate or an affidavit or
8 document as described in paragraph (2)(h).

9 (e) A full frontal view color photograph of the
10 applicant taken within the preceding 30 days, in which the
11 head, including hair, measures $7/8$ of an inch wide and $1\ 1/8$
12 inches high.

13 (6)(a) The Department of Business and Professional
14 Regulation ~~State~~, upon receipt of the items listed in
15 subsection (5), shall forward the full set of fingerprints of
16 the applicant to the Department of Law Enforcement for state
17 and federal processing, provided the federal service is
18 available, to be processed for any criminal justice
19 information as defined in s. 943.045. The cost of processing
20 such fingerprints shall be payable to the Department of Law
21 Enforcement by the Department of Business and Professional
22 Regulation.

23 (b) The sheriff's office shall provide fingerprinting
24 service if requested by the applicant and may charge a fee not
25 to exceed \$5 for this service.

26 (c) The Department of Business and Professional
27 Regulation ~~State~~ shall, within 90 days after the date of
28 receipt of the items listed in subsection (5):

- 29 1. Issue the license; or
30 2. Deny the application based solely on the ground
31 that the applicant fails to qualify under the criteria listed

1 in subsection (2) or subsection (3). If the Department of
2 Business and Professional Regulation State denies the
3 application, it shall notify the applicant in writing, stating
4 the ground for denial and informing the applicant of any right
5 to a hearing pursuant to chapter 120.

6 3. In the event the department receives criminal
7 history information with no final disposition on a crime which
8 may disqualify the applicant, the time limitation prescribed
9 by this paragraph may be suspended until receipt of the final
10 disposition or proof of restoration of civil and firearm
11 rights.

12 (d) In the event a legible set of fingerprints, as
13 determined by the Department of Business and Professional
14 Regulation State or the Federal Bureau of Investigation,
15 cannot be obtained after two attempts, the Department of
16 Business and Professional Regulation State shall determine
17 eligibility based upon ~~the~~ name checks conducted by the
18 Florida Department of Law Enforcement.

19 (e) A consular security official of a foreign
20 government that maintains diplomatic relations and treaties of
21 commerce, friendship, and navigation with the United States
22 and is certified as such by the foreign government and by the
23 appropriate embassy in this country must be issued a license
24 within 20 days after the date of the receipt of a completed
25 application, certification document, color photograph as
26 specified in paragraph (5)(e), and a nonrefundable license fee
27 of \$300. Consular security official licenses shall be valid
28 for 1 year and may be renewed upon completion of the
29 application process as provided in this section.

30 (7) The Department of Business and Professional
31 Regulation State shall maintain an automated listing of

1 licenseholders and pertinent information, and such information
2 shall be available on-line, upon request, at all times to all
3 law enforcement agencies through the Florida Crime Information
4 Center.

5 (8) Within 30 days after the changing of a permanent
6 address, or within 30 days after having a license lost or
7 destroyed, the licensee shall notify the Department of
8 Business and Professional Regulation ~~State~~ of such change.
9 Failure to notify the Department of Business and Professional
10 Regulation ~~State~~ pursuant to the provisions of this subsection
11 shall constitute a noncriminal violation with a penalty of
12 \$25.

13 (9) In the event that a concealed weapon or firearm
14 license is lost or destroyed, the license shall be
15 automatically invalid, and the person to whom the same was
16 issued may, upon payment of \$15 to the Department of Business
17 and Professional Regulation ~~State~~, obtain a duplicate, or
18 substitute thereof, upon furnishing a notarized statement to
19 the Department of Business and Professional Regulation ~~State~~
20 that such license has been lost or destroyed.

21 (10) A license issued under this section shall be
22 suspended or revoked pursuant to chapter 120 if the licensee:

23 (a) Is found to be ineligible under the criteria set
24 forth in subsection (2);

25 (b) Develops or sustains a physical infirmity which
26 prevents the safe handling of a weapon or firearm;

27 (c) Is convicted of a felony which would make the
28 licensee ineligible to possess a firearm pursuant to s.

29 790.23;
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1 (d) Is found guilty of a crime under the provisions of
2 chapter 893, or similar laws of any other state, relating to
3 controlled substances;

4 (e) Is committed as a substance abuser under chapter
5 397, or is deemed a habitual offender under s. 856.011(3), or
6 similar laws of any other state;

7 (f) Is convicted of a second violation of s. 316.193,
8 or a similar law of another state, within 3 years of a
9 previous conviction of such section, or similar law of another
10 state, even though the first violation may have occurred prior
11 to the date on which the application was submitted;

12 (g) Is adjudicated an incapacitated person under s.
13 744.331, or similar laws of any other state; or

14 (h) Is committed to a mental institution under chapter
15 394, or similar laws of any other state.

16 (11) No less than 90 days prior to the expiration date
17 of the license, the Department of Business and Professional
18 Regulation State shall mail to each licensee a written notice
19 of the expiration and a renewal form prescribed by the
20 Department of Business and Professional Regulation State. The
21 licensee must renew his or her license on or before the
22 expiration date by filing with the Department of Business and
23 Professional Regulation State the renewal form containing a
24 notarized affidavit stating that the licensee remains
25 qualified pursuant to the criteria specified in subsections
26 (2) and (3), a color photograph as specified in paragraph
27 (5)(e), and the required renewal fee. Out-of-state residents
28 must also submit a completed fingerprint card and fingerprint
29 processing fee. The license shall be renewed upon receipt of
30 the completed renewal form, color photograph, appropriate
31 payment of fees, and, if applicable, a completed fingerprint

1 card. Additionally, a licensee who fails to file a renewal
2 application on or before its expiration date must renew his or
3 her license by paying a late fee of \$15. No license shall be
4 renewed 6 months or more after its expiration date, and such
5 license shall be deemed to be permanently expired. A person
6 whose license has been permanently expired may reapply for
7 licensure; however, an application for licensure and fees
8 pursuant to subsection (5) must be submitted, and a background
9 investigation shall be conducted pursuant to the provisions of
10 this section. Persons who knowingly file false information
11 pursuant to this subsection shall be subject to criminal
12 prosecution under s. 837.06.

13 (12) No license issued pursuant to this section shall
14 authorize any person to carry a concealed weapon or firearm
15 into any place of nuisance as defined in s. 823.05; any
16 police, sheriff, or highway patrol station; any detention
17 facility, prison, or jail; any courthouse; any courtroom,
18 except that nothing in this section would preclude a judge
19 from carrying a concealed weapon or determining who will carry
20 a concealed weapon in his or her courtroom; any polling place;
21 any meeting of the governing body of a county, public school
22 district, municipality, or special district; any meeting of
23 the Legislature or a committee thereof; any school, college,
24 or professional athletic event not related to firearms; any
25 school administration building; any portion of an
26 establishment licensed to dispense alcoholic beverages for
27 consumption on the premises, which portion of the
28 establishment is primarily devoted to such purpose; any
29 elementary or secondary school facility; any area technical
30 center; any college or university facility unless the licensee
31 is a registered student, employee, or faculty member of such

1 college or university and the weapon is a stun gun or
2 nonlethal electric weapon or device designed solely for
3 defensive purposes and the weapon does not fire a dart or
4 projectile; inside the passenger terminal and sterile area of
5 any airport, provided that no person shall be prohibited from
6 carrying any legal firearm into the terminal, which firearm is
7 encased for shipment for purposes of checking such firearm as
8 baggage to be lawfully transported on any aircraft; or any
9 place where the carrying of firearms is prohibited by federal
10 law. Any person who willfully violates any provision of this
11 subsection commits a misdemeanor of the second degree,
12 punishable as provided in s. 775.082 or s. 775.083.

13 (13) All moneys collected by the department pursuant
14 to this section shall be deposited in the Business and
15 Professional Regulation ~~Division of Licensing~~ Trust Fund, and
16 the Legislature shall appropriate from the fund those amounts
17 deemed necessary to administer the provisions of this section.
18 All revenues collected, less those costs determined by the
19 Department of Business and Professional Regulation ~~State~~ to be
20 nonrecurring or one-time costs, shall be deferred over the
21 3-year licensure period. Notwithstanding the provisions of s.
22 493.6117, all moneys collected pursuant to this section shall
23 not revert to the General Revenue Fund; however, this shall
24 not abrogate the requirement for payment of the service charge
25 imposed pursuant to chapter 215.

26 (14) All funds received by the sheriff pursuant to the
27 provisions of this section shall be deposited into the general
28 revenue fund of the county and shall be budgeted to the
29 sheriff.

30 (15) The Legislature finds as a matter of public
31 policy and fact that it is necessary to provide statewide

1 uniform standards for issuing licenses to carry concealed
2 weapons and firearms for self-defense and finds it necessary
3 to occupy the field of regulation of the bearing of concealed
4 weapons or firearms for self-defense to ensure that no honest,
5 law-abiding person who qualifies under the provisions of this
6 section is subjectively or arbitrarily denied his or her
7 rights. The Department of Business and Professional
8 Regulation State shall implement and administer the provisions
9 of this section. The Legislature does not delegate to the
10 Department of Business and Professional Regulation State the
11 authority to regulate or restrict the issuing of licenses
12 provided for in this section, beyond those provisions
13 contained in this section. Subjective or arbitrary actions or
14 rules which encumber the issuing process by placing burdens on
15 the applicant beyond those sworn statements and specified
16 documents detailed in this section or which create
17 restrictions beyond those specified in this section are in
18 conflict with the intent of this section and are prohibited.
19 This section shall be liberally construed to carry out the
20 constitutional right to bear arms for self-defense. This
21 section is supplemental and additional to existing rights to
22 bear arms, and nothing in this section shall impair or
23 diminish such rights.

24 (16) The Department of Business and Professional
25 Regulation State shall maintain statistical information on the
26 number of licenses issued, revoked, suspended, and denied.

27 (17) As amended by chapter 87-24, Laws of Florida,
28 this section shall be known and may be cited as the "Jack
29 Hagler Self Defense Act."

30 Section 6. Subsections (3), (4), (5), (6), (8), and
31 (9) of section 849.094, Florida Statutes, are amended to read:

1 849.094 Game promotion in connection with sale of
2 consumer products or services.--

3 (3) The operator of a game promotion in which the
4 total announced value of the prizes offered is greater than
5 \$5,000 shall file with the Department of Agriculture and
6 Consumer Services ~~State~~ a copy of the rules and regulations of
7 the game promotion and a list of all prizes and prize
8 categories offered at least 7 days before the commencement of
9 the game promotion. Such rules and regulations may not
10 thereafter be changed, modified, or altered. The operator of
11 a game promotion shall conspicuously post the rules and
12 regulations of such game promotion in each and every retail
13 outlet or place where such game promotion may be played or
14 participated in by the public and shall also publish the rules
15 and regulations in all advertising copy used in connection
16 therewith. Radio and television announcements may indicate
17 that the rules and regulations are available at retail outlets
18 or from the operator of the promotion. A nonrefundable filing
19 fee of \$100 shall accompany each filing and shall be deposited
20 into the Division of Licensing Trust Fund to be used to pay
21 the costs incurred in administering and enforcing the
22 provisions of this section.

23 (4)(a) Every operator of such a game promotion in
24 which the total announced value of the prizes offered is
25 greater than \$5,000 shall establish a trust account, in a
26 national or state-chartered financial institution, with a
27 balance sufficient to pay or purchase the total value of all
28 prizes offered. On a form supplied by the Department of
29 Agriculture and Consumer Services ~~State~~, an official of the
30 financial institution holding the trust account shall set
31 forth the dollar amount of the trust account, the identity of

1 the entity or individual establishing the trust account, and
2 the name of the game promotion for which the trust account has
3 been established. Such form shall be filed with the
4 Department of Agriculture and Consumer Services ~~State~~ at least
5 7 days in advance of the commencement of the game promotion.
6 In lieu of establishing such trust account, the operator may
7 obtain a surety bond in an amount equivalent to the total
8 value of all prizes offered; and such bond shall be filed with
9 the Department of Agriculture and Consumer Services ~~State~~ at
10 least 7 days in advance of the commencement of the game
11 promotion.

12 1. The moneys held in the trust account may be
13 withdrawn in order to pay the prizes offered only upon
14 certification to the Department of Agriculture and Consumer
15 Services ~~State~~ of the name of the winner or winners and the
16 amount of the prize or prizes and the value thereof.

17 2. If the operator of a game promotion has obtained a
18 surety bond in lieu of establishing a trust account, the
19 amount of the surety bond shall equal at all times the total
20 amount of the prizes offered.

21 (b) The Department of Agriculture and Consumer
22 Services ~~State~~ may waive the provisions of this subsection for
23 any operator who has conducted game promotions in the state
24 for not less than 5 consecutive years and who has not had any
25 civil, criminal, or administrative action instituted against
26 him or her by the state or an agency of the state for
27 violation of this section within that 5-year period. Such
28 waiver may be revoked upon the commission of a violation of
29 this section by such operator, as determined by the Department
30 of Agriculture and Consumer Services ~~State~~.

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1 (5) Every operator of a game promotion in which the
2 total announced value of the prizes offered is greater than
3 \$5,000 shall provide the Department of Agriculture and
4 Consumer Services ~~State~~ with a certified list of the names and
5 addresses of all persons, whether from this state or from
6 another state, who have won prizes which have a value of more
7 than \$25, the value of such prizes, and the dates when the
8 prizes were won within 60 days after such winners have been
9 finally determined. The operator shall provide a copy of the
10 list of winners, without charge, to any person who requests
11 it. In lieu of the foregoing, the operator of a game
12 promotion may, at his or her option, publish the same
13 information about the winners in a Florida newspaper of
14 general circulation within 60 days after such winners have
15 been determined and shall provide to the Department of
16 Agriculture and Consumer Services ~~State~~ a certified copy of
17 the publication containing the information about the winners.
18 The operator of a game promotion is not required to notify a
19 winner by mail or by telephone when the winner is already in
20 possession of a game card from which the winner can determine
21 that he or she has won a designated prize. All winning
22 entries shall be held by the operator for a period of 90 days
23 after the close or completion of the game.

24 (6) The Department of Agriculture and Consumer
25 Services ~~State~~ shall keep the certified list of winners for a
26 period of at least 6 months after receipt of the certified
27 list. The department thereafter may dispose of all records and
28 lists.

29 (8)(a) The Department of Agriculture and Consumer
30 Services ~~State~~ shall have the power to promulgate such rules

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1 and regulations respecting the operation of game promotions as
2 it may deem advisable.

3 (b) Whenever the Department of Agriculture and
4 Consumer Services ~~State~~ or the Department of Legal Affairs has
5 reason to believe that a game promotion is being operated in
6 violation of this section, it may bring an action in the
7 circuit court of any judicial circuit in which the game
8 promotion is being operated in the name and on behalf of the
9 people of the state against any operator thereof to enjoin the
10 continued operation of such game promotion anywhere within the
11 state.

12 (9)(a) Any person, firm, or corporation, or
13 association or agent or employee thereof, who engages in any
14 acts or practices stated in this section to be unlawful, or
15 who violates any of the rules and regulations made pursuant to
16 this section, is guilty of a misdemeanor of the second degree,
17 punishable as provided in s. 775.082 or s. 775.083.

18 (b) Any person, firm, corporation, association, agent,
19 or employee who violates any provision of this section or any
20 of the rules and regulations made pursuant to this section
21 shall be liable for a civil penalty of not more than \$1,000
22 for each such violation, which shall accrue to the state and
23 may be recovered in a civil action brought by the Department
24 of Agriculture and Consumer Services ~~State~~ or the Department
25 of Legal Affairs.

26 Section 7. This act shall take effect July 1, 2000.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 2142

Transfers the Division of Licensing of the Department of State to the Department of Business and Professional Regulation.

Transfers responsibility for games promotions or sweepstakes regulation to the Department of Agriculture and Consumer Services.

Provides an effective date of July 1, 2000.