

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Plakon offered the following:

2
3 **Amendment to Amendment (295170) (with title amendment)**

4 Between lines 659 and 660, insert:

5
6 Section 15. Section 849.162, Florida Statutes, is created
7 to read:

8 849.162 Simulated gambling devices.-

9 (1) This section may be cited as the "Simulated Gambling
10 Prohibition and Community Protection Act."

11 (2) The Legislature finds that there is a compelling state
12 interest in addressing the deleterious effects of the
13 proliferation of electronic machines and devices used for
14 simulated gambling or gaming. The Legislature declares that it
15 is the intent of this section to prohibit the use of such
16 devices.

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

18 (a) "Simulated gambling device" means a mechanically or
19 electronically operated machine, network, system, or device that
20 is intended to be used by an entrant to a game promotion,
21 sweepstakes, drawing, raffle, or any game of chance and that is
22 capable of displaying a simulated gambling display on a screen
23 or other mechanism.

24 (b) "Simulated gambling display" means visual or aural
25 information capable of being perceived by a user which takes the
26 form of actual or simulated gambling or gaming play. The term
27 includes, but is not limited to, displays depicting the
28 following types of games:

29 1. Reel games or simulations of reel games, such as slot
30 machines, eight liners, or pot-of-gold.

31 2. Card games or simulations of card games, such as video
32 poker.

33 3. Video games representing a game regulated by Florida
34 law, such as bingo, sweepstakes, game promotions, drawings, or
35 raffles.

36 4. Video games representing a game prohibited by Florida
37 law, such as craps, keno, and lotteries.

38 5. Any video game based on or involving the random or
39 chance matching of different pictures, words, numbers, or
40 symbols.

41 (c) "Gambling," "gaming," or "game" is not used to
42 incorporate any legal definition of the term and does not
43 necessitate the presence of elements of consideration, chance,
44 or prize.

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45 (4) Notwithstanding any other provision of law, a person
46 may not design, promote, or operate a simulated gambling device
47 to:

48 (a) Conduct a game promotion, sweepstakes, drawing,
49 raffle, or any game of chance, including the entry process or
50 the revealing of a prize or outcome; or

51 (b) Promote a game promotion, sweepstakes, drawing,
52 raffle, or any game of chance that is conducted through the use
53 of a simulated gambling display, including the entry process or
54 the revealing of a prize or outcome.

55 (5) A person who violates this section commits a felony of
56 the third degree, punishable as provided in s. 775.082, s.
57 775.083, or s. 775.084.

58 (6) A finding that a machine or device is a simulated
59 gambling device under this section does not preclude a finding
60 that it is also a slot machine or device under s. 849.16.

61 (7) It is the intent of this section to prohibit any
62 mechanism that seeks to avoid application of this section
63 through the use of any subterfuge or pretense whatsoever.

64 (8) Nothing in this section may be construed to prohibit:

65 (a) Activity that is lawfully conducted on Indian lands
66 pursuant to and in accordance with an approved Tribal-State
67 Gaming Compact.

68 (b) Activity that is lawfully conducted pursuant to s.
69 849.161.

70 Section 16. Paragraph (a) of subsection (1), subsection
71 (2), and subsection (7) of section 849.0935, Florida Statutes,

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72 are amended, and paragraphs (j) and (k) are added to subsection
73 (4) of that section, to read:

74 849.0935 Charitable, nonprofit organizations; drawings by
75 chance; required disclosures; unlawful acts and practices;
76 penalties.—

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

78 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means
79 an enterprise in which, from the entries submitted by the public
80 to the organization conducting the drawing, one or more entries
81 are selected by chance to win a prize. The term "drawing" does
82 not include those enterprises, commonly known as "game
83 promotions," as defined by s. 849.094, "matching," "instant
84 winner," or "~~preselected~~ sweepstakes," which involve the
85 distribution of winning numbers, previously designated as such,
86 to the public.

87 (2) The provisions of s. 849.09 shall not be construed to
88 prohibit an organization qualified under 26 U.S.C. s. 501(c)(3),
89 (4), (7), (8), (10), or (19) from conducting drawings by chance
90 pursuant to the authority granted by this section, provided the
91 organization has complied with all applicable provisions of
92 chapter 496 and this section.

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

96 (j) To design, engage in, promote, or conduct any drawing
97 using a simulated gambling device, as defined by s. 849.162.

98 (k) To design, engage in, promote, or conduct any drawing
99 through the use of any mechanically or electronically operated

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100 machine, network, system, or device that is:

101 1. Owned, leased, or otherwise controlled by the
102 organization or a partner, affiliate, subsidiary, contractor, or
103 agent of the organization; and

104 2. Operated, played, or otherwise interacted with by an
105 entrant to the drawing.

106 ~~(7)(a) Any organization which engages in any act or~~
107 ~~practice in violation of this section is guilty of a misdemeanor~~
108 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
109 ~~775.083. However, Any organization or other person who sells or~~
110 ~~offers for sale in this state a ticket or entry blank for a~~
111 ~~raffle or other drawing by chance, without complying with the~~
112 ~~requirements of paragraph (3)(d), commits is guilty of a~~
113 ~~misdemeanor of the second degree, punishable by fine only as~~
114 ~~provided in s. 775.083.~~

115 (b) Any organization or person who violates paragraph
116 (4)(j) or paragraph (4)(k) commits a misdemeanor of the first
117 degree, punishable as provided in s. 775.082 or s. 775.083.

118 (c) Any organization that engages in any other act or
119 practice in violation of this section commits a misdemeanor of
120 the second degree, punishable as provided in s. 775.082 or s.
121 775.083.

122 Section 17. Section 849.094, Florida Statutes, is amended
123 to read:

124 849.094 Game promotion in connection with sale of consumer
125 products or services.-

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

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

135 (b) "Operator" means any person, firm, corporation,
136 enterprise, organization, or association or agent or employee
137 thereof who promotes, operates, or conducts a game promotion,
138 ~~except any charitable nonprofit organization.~~

139 (2) The provisions of s. 849.09 may not be construed to
140 prohibit an operator from conducting a game promotion pursuant
141 to this section, provided the operator has complied with the
142 provisions of this section.

143 (3) No organization, as defined by s. 849.0935, may
144 operate a game promotion.

145 (4)-(2) It is unlawful for any operator:

146 (a) To design, engage in, promote, or conduct such a game
147 promotion through a simulated gambling device, as defined in s.
148 849.162.

149 (b) To design, engage in, promote, or conduct such a game
150 promotion through the use of any mechanically or electronically
151 operated machine, network, system, or device that is:

152 1. Owned, leased, or otherwise controlled by the
153 organization or the organization's partners, affiliates,
154 subsidiaries, contractors, or agents; and

155 2. Operated, played, or otherwise interacted with by an
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156 entrant to the game promotion.

157 (c)~~(a)~~ To design, engage in, promote, or conduct such a
158 game promotion, in connection with the promotion or sale of
159 consumer products or services, wherein the winner may be
160 predetermined or the game may be manipulated or rigged so as to:

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

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

165 (d)~~(b)~~ Arbitrarily to remove, disqualify, disallow, or
166 reject any entry;

167 (e)~~(c)~~ To fail to award prizes offered;

168 (f)~~(d)~~ To print, publish, or circulate literature or
169 advertising material used in connection with such game
170 promotions which is false, deceptive, or misleading; or

171 (g)~~(e)~~ To require an entry fee, payment, or proof of
172 purchase as a condition of entering a game promotion.

173 (5)~~(3)~~ The operator of a game promotion in which the total
174 announced value of the prizes offered is greater than \$5,000
175 shall file with the Department of Agriculture and Consumer
176 Services a copy of the rules and regulations of the game
177 promotion and a list of all prizes and prize categories offered
178 at least 7 days before the commencement of the game promotion.

179 Such rules and regulations may not thereafter be changed,
180 modified, or altered. The operator of a game promotion shall
181 conspicuously post the rules and regulations of such game
182 promotion in each and every retail outlet or place where such
183 game promotion may be played or participated in by the public

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184 and shall also publish the rules and regulations in all
185 advertising copy used in connection therewith. However, such
186 advertising copy need only include the material terms of the
187 rules and regulations if the advertising copy includes a website
188 address, a toll-free telephone number, or a mailing address
189 where the full rules and regulations may be viewed, heard, or
190 obtained for the full duration of the game promotion. Such
191 disclosures must be legible. Radio and television announcements
192 may indicate that the rules and regulations are available at
193 retail outlets or from the operator of the promotion. A
194 nonrefundable filing fee of \$100 shall accompany each filing and
195 shall be used to pay the costs incurred in administering and
196 enforcing the provisions of this section.

197 ~~(6)~~(4)(a) Every operator of such a game promotion in which
198 the total announced value of the prizes offered is greater than
199 \$5,000 shall establish a trust account, in a national or state-
200 chartered financial institution, with a balance sufficient to
201 pay or purchase the total value of all prizes offered. On a form
202 supplied by the Department of Agriculture and Consumer Services,
203 an official of the financial institution holding the trust
204 account shall set forth the dollar amount of the trust account,
205 the identity of the entity or individual establishing the trust
206 account, and the name of the game promotion for which the trust
207 account has been established. Such form shall be filed with the
208 Department of Agriculture and Consumer Services at least 7 days
209 in advance of the commencement of the game promotion. In lieu of
210 establishing such trust account, the operator may obtain a
211 surety bond in an amount equivalent to the total value of all

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212 prizes offered; and such bond shall be filed with the Department
213 of Agriculture and Consumer Services at least 7 days in advance
214 of the commencement of the game promotion.

215 1. The moneys held in the trust account may be withdrawn
216 in order to pay the prizes offered only upon certification to
217 the Department of Agriculture and Consumer Services of the name
218 of the winner or winners and the amount of the prize or prizes
219 and the value thereof.

220 2. If the operator of a game promotion has obtained a
221 surety bond in lieu of establishing a trust account, the amount
222 of the surety bond shall equal at all times the total amount of
223 the prizes offered.

224 (b) The Department of Agriculture and Consumer Services
225 may waive the provisions of this subsection for any operator who
226 has conducted game promotions in the state for not less than 5
227 consecutive years and who has not had any civil, criminal, or
228 administrative action instituted against him or her by the state
229 or an agency of the state for violation of this section within
230 that 5-year period. Such waiver may be revoked upon the
231 commission of a violation of this section by such operator, as
232 determined by the Department of Agriculture and Consumer
233 Services.

234 ~~(7)-(5)~~ Every operator of a game promotion in which the
235 total announced value of the prizes offered is greater than
236 \$5,000 shall provide the Department of Agriculture and Consumer
237 Services with a certified list of the names and addresses of all
238 persons, whether from this state or from another state, who have
239 won prizes which have a value of more than \$25, the value of
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240 such prizes, and the dates when the prizes were won within 60
241 days after such winners have been finally determined. The
242 operator shall provide a copy of the list of winners, without
243 charge, to any person who requests it. In lieu of the foregoing,
244 the operator of a game promotion may, at his or her option,
245 publish the same information about the winners in a Florida
246 newspaper of general circulation within 60 days after such
247 winners have been determined and shall provide to the Department
248 of Agriculture and Consumer Services a certified copy of the
249 publication containing the information about the winners. The
250 operator of a game promotion is not required to notify a winner
251 by mail or by telephone when the winner is already in possession
252 of a game card from which the winner can determine that he or
253 she has won a designated prize. All winning entries shall be
254 held by the operator for a period of 90 days after the close or
255 completion of the game.

256 (8)~~(6)~~ The Department of Agriculture and Consumer Services
257 shall keep the certified list of winners for a period of at
258 least 6 months after receipt of the certified list. The
259 department thereafter may dispose of all records and lists.

260 (9)~~(7)~~ No operator shall force, directly or indirectly, a
261 lessee, agent, or franchise dealer to purchase or participate in
262 any game promotion. For the purpose of this section, coercion or
263 force shall be presumed in these circumstances in which a course
264 of business extending over a period of 1 year or longer is
265 materially changed coincident with a failure or refusal of a
266 lessee, agent, or franchise dealer to participate in such game
267 promotions. Such force or coercion shall further be presumed

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268 when an operator advertises generally that game promotions are
269 available at its lessee dealers or agent dealers.

270 (10)-(8) (a) The Department of Agriculture and Consumer
271 Services shall have the power to promulgate such rules and
272 regulations respecting the operation of game promotions as it
273 may deem advisable. However, the department may not authorize
274 the operation or possession of a slot machine or device or any
275 other device that is otherwise prohibited from operation or
276 possession in the state and may not authorize game promotions to
277 be conducted through the use of any mechanically or
278 electronically operated machine, network, system, or device.

279 (b) Compliance with the rules of the department does not
280 authorize and is not a defense to a charge of possession of a
281 slot machine or device or any other device or a violation of any
282 other law.

283 (c)-(b) Whenever the Department of Agriculture and Consumer
284 Services or the Department of Legal Affairs has reason to
285 believe that a game promotion is being operated in violation of
286 this section, it may bring an action in the circuit court of any
287 judicial circuit in which the game promotion is being operated
288 in the name and on behalf of the people of the state against any
289 operator thereof to enjoin the continued operation of such game
290 promotion anywhere within the state.

291 (11)-(9) (a) Any person, firm, or corporation, or
292 association or agent or employee thereof, who engages in any
293 acts or practices stated in this section to be unlawful, or who
294 violates any of the rules and regulations made pursuant to this
295 section, commits ~~is guilty of~~ a misdemeanor of the second

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296 degree, punishable as provided in s. 775.082 or s. 775.083.

297 (b) Any person, firm, or corporation, or association or
298 agent or employee thereof, who violates paragraph (4) (f) or
299 paragraph (4) (g) commits a felony of the third degree,
300 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

301 (c) ~~(b)~~ Any person, firm, corporation, association, agent,
302 or employee who violates any provision of this section or any of
303 the rules and regulations made pursuant to this section shall be
304 liable for a civil penalty of not more than \$1,000 for each such
305 violation, which shall accrue to the state and may be recovered
306 in a civil action brought by the Department of Agriculture and
307 Consumer Services or the Department of Legal Affairs.

308 (12) A violation of this section, or soliciting another to
309 do an act which violates this section, is a deceptive and unfair
310 trade practice.

311 (13) ~~(10)~~ This section does not apply to actions or
312 transactions regulated by the Department of Business and
313 Professional Regulation or to the activities of nonprofit
314 organizations or to any other organization engaged in any
315 enterprise other than the sale of consumer products or services.
316 Subsections ~~(3)~~, ~~(4)~~, (5), (6), ~~and~~ (7), (8), and (9) and
317 paragraph ~~(10)~~ ~~(8)~~ (a) and any of the rules made pursuant thereto
318 do not apply to television or radio broadcasting companies
319 licensed by the Federal Communications Commission.

320 (14) This section does not prohibit a corporation, or its
321 wholly owned subsidiaries, or a franchisee association or
322 cooperative thereof, that is registered under the federal
323 Securities Exchange Act of 1934 and has total assets of not less
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324 than \$25 million from conducting a game promotion that can be
325 played on a electronic communication device, including, but not
326 limited to, a computer or a cellular telephone.

327 Section 18. Subsection (1) of section 849.15, Florida
328 Statutes, is amended to read:

329 849.15 Manufacture, sale, possession, etc., of coin-
330 operated devices prohibited.-

331 (1) It is unlawful:

332 (a) To manufacture, own, store, keep, possess, sell, rent,
333 lease, let on shares, lend or give away, transport, or expose
334 for sale or lease, or to offer to sell, rent, lease, let on
335 shares, lend or give away, or permit the operation of, or for
336 any person to permit to be placed, maintained, or used or kept
337 in any room, space, or building owned, leased, or occupied by
338 the person or under the person's management or control, any slot
339 machine or device or any part thereof, or other gambling
340 apparatus or any part thereof that is otherwise prohibited from
341 operation or possession in the state; or

342 (b) To make or to permit to be made with any person any
343 agreement with reference to any slot machine or device, pursuant
344 to which the user thereof, as a result of any element of chance
345 or other outcome unpredictable to him or her, may become
346 entitled to receive any money, credit, allowance, or thing of
347 value or additional chance or right to use such machine or
348 device, or to receive any check, slug, token, or memorandum
349 entitling the holder to receive any money, credit, allowance, or
350 thing of value.

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351 Section 19. Subsection (1) of section 849.16, Florida
352 Statutes, is amended to read:

353 849.16 Machines or devices which come within provisions of
354 law defined.—

355 (1) Any machine or device or system or network of
356 computers or other devices is a slot machine or device within
357 the provisions of this chapter if it is one that is adapted for
358 use in such a way that, as a result of the insertion of any
359 piece of money, coin, code, account number, credit, or other
360 object or method of activation, such machine, ~~or~~ device, or
361 system or network of computers or other devices is caused to
362 operate or may be operated, whether directly or as the result of
363 indirect remote activation, and if the user, by reason of any
364 element of chance or of any other outcome of such operation
365 unpredictable by him or her, may:

366 (a) Receive or become entitled to receive any piece of
367 money, credit, allowance, or thing of value, or any check, slug,
368 token, or memorandum, whether of value or otherwise, which may
369 be exchanged for any money, credit, allowance, or thing of value
370 or which may be given in trade; or

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

376 Section 20. Paragraph (a) of subsection (1) of section
377 895.02, Florida Statutes, is amended to read:

378 895.02 Definitions.—As used in ss. 895.01-895.08, the
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379 term:

380 (1) "Racketeering activity" means to commit, to attempt to
381 commit, to conspire to commit, or to solicit, coerce, or
382 intimidate another person to commit:

383 (a) Any crime that is chargeable by petition, indictment,
384 or information under the following provisions of the Florida
385 Statutes:

386 1. Section 210.18, relating to evasion of payment of
387 cigarette taxes.

388 2. Section 316.1935, relating to fleeing or attempting to
389 elude a law enforcement officer and aggravated fleeing or
390 eluding.

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

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

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

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

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

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

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

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

406 11. Chapter 517, relating to sale of securities and

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407 investor protection.

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

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

411 14. Section 551.109, relating to slot machine gaming.

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

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

416 17. Chapter 562, relating to beverage law enforcement.

417 18. Section 624.401, relating to transacting insurance
418 without a certificate of authority, s. 624.437(4)(c)1., relating
419 to operating an unauthorized multiple-employer welfare
420 arrangement, or s. 626.902(1)(b), relating to representing or
421 aiding an unauthorized insurer.

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

424 20. Chapter 687, relating to interest and usurious
425 practices.

426 21. Section 721.08, s. 721.09, or s. 721.13, relating to
427 real estate timeshare plans.

428 22. Section 775.13(5)(b), relating to registration of
429 persons found to have committed any offense for the purpose of
430 benefiting, promoting, or furthering the interests of a criminal
431 gang.

432 23. Section 777.03, relating to commission of crimes by
433 accessories after the fact.

434 24. Chapter 782, relating to homicide.

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- 435 25. Chapter 784, relating to assault and battery.
- 436 26. Chapter 787, relating to kidnapping or human
437 trafficking.
- 438 27. Chapter 790, relating to weapons and firearms.
- 439 28. Chapter 794, relating to sexual battery, but only if
440 such crime was committed with the intent to benefit, promote, or
441 further the interests of a criminal gang, or for the purpose of
442 increasing a criminal gang member's own standing or position
443 within a criminal gang.
- 444 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
445 796.05, or s. 796.07, relating to prostitution and sex
446 trafficking.
- 447 30. Chapter 806, relating to arson and criminal mischief.
- 448 31. Chapter 810, relating to burglary and trespass.
- 449 32. Chapter 812, relating to theft, robbery, and related
450 crimes.
- 451 33. Chapter 815, relating to computer-related crimes.
- 452 34. Chapter 817, relating to fraudulent practices, false
453 pretenses, fraud generally, and credit card crimes.
- 454 35. Chapter 825, relating to abuse, neglect, or
455 exploitation of an elderly person or disabled adult.
- 456 36. Section 827.071, relating to commercial sexual
457 exploitation of children.
- 458 37. Chapter 831, relating to forgery and counterfeiting.
- 459 38. Chapter 832, relating to issuance of worthless checks
460 and drafts.
- 461 39. Section 836.05, relating to extortion.
- 462 40. Chapter 837, relating to perjury.

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463 41. Chapter 838, relating to bribery and misuse of public
464 office.

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

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

468 44. Section 849.09, s. 849.14, s. 849.15, s. 849.162, s.
469 849.23, or s. 849.25, relating to gambling.

470 45. Chapter 874, relating to criminal gangs.

471 46. Chapter 893, relating to drug abuse prevention and
472 control.

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

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

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

480 Section 21. Nothing in this act may be construed to
481 authorize the possession or operation of any machine or device
482 that is prohibited under any other provision of law.

483 Section 22. Subsection (2) of section 721.111, Florida
484 Statutes, is amended to read:

485 721.111 Prize and gift promotional offers.—

486 (2) A game promotion, such as a contest of chance, gift
487 enterprise, or sweepstakes, in which the elements of chance and
488 prize are present may not be used in connection with the
489 offering or sale of timeshare interests, except for drawings, as
490 that term is defined in s. 849.0935(1)(a), in which no more than
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491 26 prizes are promoted and in which all promoted prizes are
492 actually awarded. All such drawings must meet all requirements
493 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and
494 (9) ~~(7)~~.

495 Section 23. For the purpose of incorporating the amendment
496 made by this act to section 895.02, Florida Statutes, in a
497 reference thereto, paragraph (a) of subsection (1) of section
498 16.56, Florida Statutes, is reenacted to read:

499 16.56 Office of Statewide Prosecution.—

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

504 (a) Investigate and prosecute the offenses of:

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

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

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

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- 519 4. Any violation of the provisions of the Florida Anti-
520 Fencing Act;
- 521 5. Any violation of the provisions of the Florida
522 Antitrust Act of 1980, as amended;
- 523 6. Any crime involving, or resulting in, fraud or deceit
524 upon any person;
- 525 7. Any violation of s. 847.0135, relating to computer
526 pornography and child exploitation prevention, or any offense
527 related to a violation of s. 847.0135 or any violation of
528 chapter 827 where the crime is facilitated by or connected to
529 the use of the Internet or any device capable of electronic data
530 storage or transmission;
- 531 8. Any violation of the provisions of chapter 815;
- 532 9. Any criminal violation of part I of chapter 499;
- 533 10. Any violation of the provisions of the Florida Motor
534 Fuel Tax Relief Act of 2004;
- 535 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 536 12. Any crime involving voter registration, voting, or
537 candidate or issue petition activities;
- 538 13. Any criminal violation of the Florida Money Laundering
539 Act; or
- 540 14. Any criminal violation of the Florida Securities and
541 Investor Protection Act; or any attempt, solicitation, or
542 conspiracy to commit any of the crimes specifically enumerated
543 above. The office shall have such power only when any such
544 offense is occurring, or has occurred, in two or more judicial
545 circuits as part of a related transaction, or when any such
546 offense is connected with an organized criminal conspiracy

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547 affecting two or more judicial circuits. Informations or
548 indictments charging such offenses shall contain general
549 allegations stating the judicial circuits and counties in which
550 crimes are alleged to have occurred or the judicial circuits and
551 counties in which crimes affecting such circuits or counties are
552 alleged to have been connected with an organized criminal
553 conspiracy.

554 Section 24. For the purpose of incorporating the amendment
555 made by this act to section 849.16, Florida Statutes, in a
556 reference thereto, subsection (1) of section 338.234, Florida
557 Statutes, is reenacted to read:

558 338.234 Granting concessions or selling along the turnpike
559 system; immunity from taxation.-

560 (1) The department may enter into contracts or licenses
561 with any person for the sale of services or products or business
562 opportunities on the turnpike system, or the turnpike enterprise
563 may sell services, products, or business opportunities on the
564 turnpike system, which benefit the traveling public or provide
565 additional revenue to the turnpike system. Services, business
566 opportunities, and products authorized to be sold include, but
567 are not limited to, motor fuel, vehicle towing, and vehicle
568 maintenance services; food with attendant nonalcoholic
569 beverages; lodging, meeting rooms, and other business services
570 opportunities; advertising and other promotional opportunities,
571 which advertising and promotions must be consistent with the
572 dignity and integrity of the state; state lottery tickets sold
573 by authorized retailers; games and amusements that operate by
574 the application of skill, not including games of chance as

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575 defined in s. 849.16 or other illegal gambling games; Florida
576 citrus, goods promoting the state, or handmade goods produced
577 within the state; and travel information, tickets, reservations,
578 or other related services. However, the department, pursuant to
579 the grants of authority to the turnpike enterprise under this
580 section, shall not exercise the power of eminent domain solely
581 for the purpose of acquiring real property in order to provide
582 business services or opportunities, such as lodging and meeting-
583 room space on the turnpike system.

584 Section 25. For the purpose of incorporating the amendment
585 made by this act to section 895.02, Florida Statutes, in a
586 reference thereto, paragraph (g) of subsection (3) of section
587 655.50, Florida Statutes, is reenacted to read:

588 655.50 Florida Control of Money Laundering in Financial
589 Institutions Act; reports of transactions involving currency or
590 monetary instruments; when required; purpose; definitions;
591 penalties.—

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

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

595 Section 26. For the purpose of incorporating the amendment
596 made by this act to section 849.16, Florida Statutes, in a
597 reference thereto, section 849.19, Florida Statutes, is
598 reenacted to read:

599 849.19 Property rights in confiscated machine.—The right
600 of property in and to any machine, apparatus or device as
601 defined in s. 849.16 and to all money and other things of value
602 therein, is declared not to exist in any person, and the same
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603 shall be forfeited and such money or other things of value shall
604 be forfeited to the county in which the seizure was made and
605 shall be delivered forthwith to the clerk of the circuit court
606 and shall by her or him be placed in the fine and forfeiture
607 fund of said county.

608 Section 27. For the purpose of incorporating the amendment
609 made by this act to section 895.02, Florida Statutes, in a
610 reference thereto, paragraph (g) of subsection (2) of section
611 896.101, Florida Statutes, is reenacted to read:

612 896.101 Florida Money Laundering Act; definitions;
613 penalties; injunctions; seizure warrants; immunity.-

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

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

617 Section 28. For the purpose of incorporating the amendment
618 made by this act to section 895.02, Florida Statutes, in a
619 reference thereto, subsection (3) of section 905.34, Florida
620 Statutes, is reenacted to read:

621 905.34 Powers and duties; law applicable.-The jurisdiction
622 of a statewide grand jury impaneled under this chapter shall
623 extend throughout the state. The subject matter jurisdiction of
624 the statewide grand jury shall be limited to the offenses of:

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

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631 count charging a violation of s. 895.03, the prosecution of
 632 which listed offense may continue independently if the
 633 prosecution of the violation of s. 895.03 is terminated for any
 634 reason; or any attempt, solicitation, or conspiracy to commit
 635 any violation of the crimes specifically enumerated above, when
 636 any such offense is occurring, or has occurred, in two or more
 637 judicial circuits as part of a related transaction or when any
 638 such offense is connected with an organized criminal conspiracy
 639 affecting two or more judicial circuits. The statewide grand
 640 jury may return indictments and presentments irrespective of the
 641 county or judicial circuit where the offense is committed or
 642 triable. If an indictment is returned, it shall be certified and
 643 transferred for trial to the county where the offense was
 644 committed. The powers and duties of, and law applicable to,
 645 county grand juries shall apply to a statewide grand jury except
 646 when such powers, duties, and law are inconsistent with the
 647 provisions of ss. 905.31-905.40.

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

651

Remove line 667 and insert:

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653 An at relating to gaming; creating s. 849.162, F.S.;

654 creating the "Simulated Gambling Prohibition and Community

655 Protection Act"; providing legislative findings and

656 intent; providing definitions; prohibiting the use of

657 simulated gambling devices to conduct or promote game

658 promotions, drawings, and games of chance; providing

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659 penalties; providing for construction; amending s.
660 849.0935, F.S., relating to drawings by chance offered by
661 nonprofit organizations; revising definitions; revising
662 conditions for exceptions to prohibitions on lotteries;
663 prohibiting the use of simulated gambling devices or other
664 devices operated by drawing entrants; providing penalties;
665 amending s. 849.094, F.S.; revising definitions; providing
666 conditions for exceptions to prohibitions on lotteries;
667 prohibiting the use of simulated gambling devices or other
668 devices operated by game promotion entrants; limiting the
669 rulemaking authority of the Department of Agriculture and
670 Consumer Services; providing for construction; providing
671 penalties; providing that violations are deceptive and
672 unfair trade practices; providing an exception for certain
673 corporations, or wholly owned subsidiaries, or franchisee
674 associations or cooperatives; amending s. 849.15, F.S.;
675 prohibiting production, possession, or distribution of any
676 gambling apparatus; amending s. 849.16, F.S.; providing
677 that described machines or devices are subject to gambling
678 provisions; amending s. 895.02, F.S.; revising the
679 definition of the term "racketeering activity" to include
680 violations of specified provisions; providing for
681 construction; amending s. 721.111, F.S., relating to
682 promotional offers; conforming cross-references;
683 reenacting s. 16.56(1)(a), 338.234(1), 655.50(3)(g),
684 849.19, 896.101(2)(g), and 905.34(3), F.S., relating to
685 the Office of Statewide Prosecution, the Florida Turnpike,
686 money laundering, seizure of property, the Florida Money

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687 Laundering Act, and a statewide grand jury, respectively,
688 to incorporate changes made by the act in references
689 thereto; amending s.