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1 A bill to be entitled
2 An act relating to gambling devices; creating s. 849.162,
3 F.S.; creating the "Electronic Machines and Devices for
4 Sweepstakes Prohibited Act"; providing legislative
5 findings and intent; providing definitions; prohibiting
6 operation of an electronic device to conduct a sweepstakes
7 through the use of an entertaining display or to promote
8 such a sweepstakes; providing penalties; providing intent;
9 providing for construction; amending s. 849.0935, F.S.;
10 revising conditions for exceptions to provisions relating
11 to drawings by chance conducted by certain organizations;
12 amending s. 849.094, F.S., relating to game promotion in
13 connection with sale of consumer products or services;
14 revising the definition of the term "game promotion" to
15 prohibit the use of a machine, computer, or other
16 electronic or mechanical device; limiting the power of the
17 Department of Agriculture and Consumer Services to adopt
18 rules concerning the operation of game promotions;
19 providing for construction; amending s. 849.15, F.S.;
20 prohibiting production, possession, or distribution of,
21 permitting possession or use of, or offering to provide
22 any gambling apparatus or any part thereof that is
23 otherwise prohibited from operation or possession;
24 amending s. 849.16, F.S.; providing that described
25 machines or devices are subject to specified provisions
26 for gambling; amending s. 849.161, F.S.; revising
27 provisions for amusement games or machines excluded from
28 application of specified provisions relating to gambling;

29 | revising provisions for exceptions to such exclusions;
 30 | defining the term "skill"; amending s. 895.02, F.S.;
 31 | revising the definition of the term "racketeering
 32 | activity" to include violations of the act; providing for
 33 | construction; reenacting s. 721.111(2), F.S., relating to
 34 | prize and gift promotional offers, to incorporate in a
 35 | cross-reference changes made by the act; reenacting s.
 36 | 338.234(1), F.S., relating to granting concessions or
 37 | selling along the turnpike system, to incorporate in a
 38 | cross-reference changes made by the act; reenacting s.
 39 | 849.19, F.S., relating to property rights in confiscated
 40 | machine, to incorporate in a cross-reference changes made
 41 | by the act; reenacting s. 16.56(1)(a), F.S., relating to
 42 | the Office of Statewide Prosecution, to incorporate in a
 43 | cross-reference changes made by the act; reenacting s.
 44 | 655.50(3)(g), F.S., relating to control of money
 45 | laundering in financial institutions, to incorporate in a
 46 | cross-reference changes made by the act; reenacting s.
 47 | 896.101(2)(g), F.S., relating to money laundering, to
 48 | incorporate in a cross-reference changes made by the act;
 49 | reenacting s. 905.34(3), F.S., relating to jurisdiction of
 50 | a statewide grand jury, to incorporate in a cross-
 51 | reference changes made by the act; providing an effective
 52 | date.

53 |
 54 | WHEREAS, the State of Florida has specifically prohibited
 55 | gambling in section 849.08, Florida Statutes, and

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56 WHEREAS, the State of Florida has specifically prohibited
 57 slot machines in section 849.15, Florida Statutes, and

58 WHEREAS, the State of Florida has specifically defined slot
 59 machines and gambling devices in section 849.16, Florida
 60 Statutes, and

61 WHEREAS, beginning on or around the year 2004, various
 62 companies developed electronic machines and devices to enable
 63 gambling through pretextual sweepstakes relationships with
 64 Internet services, telephone cards, and other products, and

65 WHEREAS, such electronic sweepstakes systems using video
 66 gambling machines and other similar simulated game play create
 67 the same encouragement of vice and dissipation as other forms of
 68 gambling, in particular slot machines and video poker which
 69 encourage repeated play, even when purportedly used as a
 70 marketing technique, NOW, THEREFORE,

71

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

73

74 Section 1. Section 849.162, Florida Statutes, is created
 75 to read:

76 849.162 Sweepstakes devices.—

77 (1) This section may be cited as the "Electronic Machines
 78 and Devices for Sweepstakes Prohibited Act."

79 (2) The Legislature finds that there is a compelling state
 80 interest in addressing the deleterious effects caused to society
 81 as a result of the proliferation of electronic machines and
 82 devices used for sweepstakes gambling. The Legislature declares

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83 that it is the intent of this section to prohibit the use of
84 such devices.

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

86 (a) "Electronic machine or device" means a mechanically,
87 electrically, or electronically operated machine or device that
88 is intended to be used by a sweepstakes entrant and is capable
89 of displaying information on a screen or other mechanism. This
90 section is applicable to an electronic machine or device whether
91 or not:

92 1. It is server-based.

93 2. It uses a simulated game terminal as a representation
94 of the prizes associated with the results of the sweepstakes
95 entries.

96 3. It uses software such that the simulated game
97 influences or determines the winning or value of the prize.

98 4. It selects prizes from a predetermined finite pool of
99 entries.

100 5. It uses a mechanism that reveals the content of a
101 predetermined sweepstakes entry.

102 6. It predetermines the prize results and stores those
103 results to be revealed at a later time.

104 7. It uses software to create a game result.

105 8. It requires deposit of any money, coin, or token or the
106 use of any credit card, debit card, prepaid card, or other
107 method of payment to activate the electronic machine or device.

108 9. It requires direct payment into the electronic machine
109 or device or remote activation of the electronic machine or
110 device.

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- 111 10.a. It requires purchase of a related product.
- 112 b. The related product, if any, has legitimate value.
- 113 11. It reveals the prize incrementally even though it may
114 not influence if a prize is awarded or the value of any prize
115 awarded.
- 116 12. It determines and associates the prize with an entry
117 or entries at the time the sweepstakes is entered.
- 118 13. It is a slot machine or other form of electrical or
119 mechanical machine or computer game.
- 120 (b) "Enter" or "entry" means the act or process by which a
121 person becomes eligible to receive any prize offered in a
122 sweepstakes.
- 123 (c) "Entertaining display" means visual information
124 capable of being seen by a sweepstakes entrant which takes the
125 form of actual game play or simulated game play, such as, by way
126 of illustration and not exclusion:
- 127 1. A video poker game or any other kind of video card
128 game.
- 129 2. A video bingo game.
- 130 3. A video craps game.
- 131 4. A video keno game.
- 132 5. A video lotto game.
- 133 6. Eight liner.
- 134 7. Pot-of-gold.
- 135 8. A video game based on or involving the random or chance
136 matching of different pictures, words, numbers, or symbols not
137 dependent on the skill or dexterity of the player.
- 138 9. Any other video game not dependent on skill or

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139 dexterity that is played while revealing a prize as the result
140 of an entry into a sweepstakes.

141 (d) "Prize" means any gift, award, gratuity, good,
142 service, credit, or anything else of value, which may be
143 transferred to a person, whether possession of the prize is
144 actually transferred or placed on an account or other record as
145 evidence of the intent to transfer the prize.

146 (e) "Skill" means that the outcome is not based on chance
147 or is not unpredictable to the player or is an outcome in which
148 the player or patron is able to select a specific outcome in
149 advance of actual play and then, by use of eye-hand
150 coordination, physical dexterity, speed, or accuracy, employ or
151 manipulate the game's controls in such a way as to catch,
152 capture, or achieve the preselected outcome in at least 51
153 percent of 20 contiguous iterations of game play.

154 (f) "Sweepstakes" means any game, advertising scheme or
155 plan, or other promotion that, with or without payment of any
156 consideration, a person may enter to win or become eligible to
157 receive any prize, the determination of which is not determined
158 by skill.

159 (4) Notwithstanding any other provision of this chapter, a
160 person may not operate, maintain, or place into operation an
161 electronic machine or device to do either of the following:

162 (a) Conduct a sweepstakes through the use of an
163 entertaining display, including the entry process or the
164 revealing of a prize.

165 (b) Promote a sweepstakes that is conducted through the
166 use of an entertaining display, including the entry process or

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167 the revealing of a prize.

168 (5) A person who violates this section commits a felony of
 169 the third degree, punishable as provided in s. 775.082, s.
 170 775.083, or s. 775.084.

171 (6) It is the intent of this section to prohibit any
 172 mechanism that seeks to avoid application of this section
 173 through the use of any subterfuge or pretense whatsoever.

174 (7) Nothing in this section may be construed to prohibit
 175 any activity that is lawfully conducted on Indian lands pursuant
 176 to and in accordance with an approved Tribal-State Gaming
 177 Compact.

178 Section 2. Subsection (2) of section 849.0935, Florida
 179 Statutes, is amended to read:

180 849.0935 Charitable, nonprofit organizations; drawings by
 181 chance; required disclosures; unlawful acts and practices;
 182 penalties.—

183 (2) The provisions of s. 849.09 may ~~shall~~ not be construed
 184 to prohibit an organization qualified under 26 U.S.C. s.
 185 501(c)(3), (4), (7), (8), (10), or (19) from conducting drawings
 186 by chance pursuant to the authority granted by this section, if
 187 ~~provided~~ the organization has complied with all applicable
 188 provisions of chapter 496 and the drawing by chance is not
 189 conducted through the use of any machine, computer, or other
 190 electronic or mechanical device.

191 Section 3. Paragraph (a) of subsection (1) and paragraph
 192 (a) of subsection (8) of section 849.094, Florida Statutes, are
 193 amended, and subsection (11) is added to that section, to read:

194 849.094 Game promotion in connection with sale of consumer

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195 products or services.-

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

197 (a) "Game promotion" means, but is not limited to, a
 198 contest, game of chance, or gift enterprise, conducted within or
 199 throughout the state and other states in connection with the
 200 sale of consumer products or services, and in which the elements
 201 of chance and prize are present. However, "game promotion" may
 202 ~~shall~~ not be construed to apply to bingo games conducted
 203 pursuant to s. 849.0931 and may not be conducted through the use
 204 of any machine, computer, or other electronic or mechanical
 205 device.

206 (8) (a) The Department of Agriculture and Consumer Services
 207 shall have the power to promulgate such rules and regulations
 208 respecting the operation of game promotions as it may deem
 209 advisable; however, it may not authorize the operation or
 210 possession of slot machines or other gambling devices that are
 211 otherwise prohibited from operation or possession in the state
 212 and may not authorize game promotions to be conducted through
 213 the use of any machine, computer, or other electronic or
 214 mechanical device.

215 (11) The provisions of s. 849.09 may not be construed to
 216 prohibit an operator under this section from conducting a game
 217 promotion under this section provided that it is not conducted
 218 through the use of any machine, computer, or other electronic or
 219 mechanical device.

220 Section 4. Subsection (1) of section 849.15, Florida
 221 Statutes, is amended to read:

222 849.15 Manufacture, sale, possession, etc., of coin-

223 operated devices prohibited.—

224 (1) It is unlawful:

225 (a) To manufacture, own, store, keep, possess, sell, rent,
 226 lease, let on shares, lend or give away, transport, or expose
 227 for sale or lease, or to offer to sell, rent, lease, let on
 228 shares, lend or give away, or permit the operation of, or for
 229 any person to permit to be placed, maintained, or used or kept
 230 in any room, space, or building owned, leased, or occupied by
 231 the person or under the person's management or control, any slot
 232 machine or device or any part thereof, or other gambling
 233 apparatus or any part thereof that is otherwise prohibited from
 234 operation or possession in the state; or

235 (b) To make or to permit to be made with any person any
 236 agreement with reference to any slot machine or device, pursuant
 237 to which the user thereof, as a result of any element of chance
 238 or other outcome unpredictable to him or her, may become
 239 entitled to receive any money, credit, allowance, or thing of
 240 value or additional chance or right to use such machine or
 241 device, or to receive any check, slug, token, or memorandum
 242 entitling the holder to receive any money, credit, allowance, or
 243 thing of value.

244 Section 5. Subsection (1) of section 849.16, Florida
 245 Statutes, is amended to read:

246 849.16 Machines or devices which come within provisions of
 247 law defined.—

248 (1) Any machine or device or system or network of
 249 computers or other devices is a slot machine or device within
 250 the provisions of this chapter if it is one that is adapted for

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251 use in such a way that, as a result of the insertion of any
 252 piece of money, coin, code, account number, credit, or other
 253 object or method of activation, such machine, ~~or~~ device, or
 254 system or network of computers or other devices is caused to
 255 operate or may be operated, whether directly or as the result of
 256 indirect remote activation, and if the user, by reason of any
 257 element of chance or of any other outcome of such operation
 258 unpredictable by him or her, may:

259 (a) Receive or become entitled to receive any piece of
 260 money, credit, allowance, or thing of value, or any check, slug,
 261 token, or memorandum, whether of value or otherwise, which may
 262 be exchanged for any money, credit, allowance, or thing of value
 263 or which may be given in trade; or

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

269 Section 6. Section 849.161, Florida Statutes, is amended
 270 to read:

271 849.161 Amusement games or machines; when chapter
 272 inapplicable.—

273 (1) (a) 1. Nothing ~~contained~~ in this chapter may ~~shall~~ be
 274 taken or construed as applicable to an arcade amusement center
 275 having amusement games or machines which operate by means of the
 276 insertion of a coin and which by application of skill may
 277 entitle the person playing or operating the game or machine to
 278 receive points or coupons which may be exchanged for merchandise

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279 only, excluding cash and alcoholic beverages, provided the cost
 280 value of the merchandise or prize awarded in exchange for such
 281 points or coupons does not exceed 75 cents on any game played.

282 2. Nothing ~~contained~~ in this chapter may ~~shall~~ be taken or
 283 construed as applicable to any retail dealer who operates as a
 284 truck stop, as defined in chapter 336 and which operates a
 285 minimum of six ~~6~~ functional diesel fuel pumps, having amusement
 286 games or machines which operate by means of the insertion of a
 287 coin or other currency and which by application of skill may
 288 entitle the person playing or operating the game or machine to
 289 receive points or coupons which may be exchanged for merchandise
 290 limited to noncash prizes, toys, novelties, and Florida Lottery
 291 products, excluding alcoholic beverages, provided the cost value
 292 of the merchandise or prize awarded in exchange for such points
 293 or coupons does not exceed 75 cents on any game played. This
 294 subparagraph applies only to games and machines which are
 295 operated for the entertainment of the general public and
 296 tourists as bona fide amusement games or machines. This
 297 subsection does ~~shall~~ not apply, however, to any game or device
 298 defined as a gambling device under state law and whose owner or
 299 operator is required to register annually with the United States
 300 Department of Justice under 15 U.S.C. ss. 1171-1178 in 24 U.S.C.
 301 s. 1171, which requires identification of each device by
 302 permanently affixing seriatim numbering and name, trade name,
 303 and date of manufacture under s. 1173, and registration with the
 304 United States Attorney General, unless excluded from
 305 applicability of the chapter under s. 1178. This subsection may
 306 ~~shall~~ not be construed to authorize video poker games or any

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307 other game or machine that may be construed as a gambling device
 308 under Florida law.

309 (b) Nothing in this subsection may ~~shall~~ be taken or
 310 construed as applicable to a coin-operated game or device
 311 designed and manufactured only for bona fide amusement purposes
 312 which game or device may by application of skill entitle the
 313 player to replay the game or device at no additional cost, if
 314 the game or device: can accumulate and react to no more than 15
 315 free replays; can be discharged of accumulated free replays only
 316 by reactivating the game or device for one additional play for
 317 such accumulated free replay; can make no permanent record,
 318 directly or indirectly, of free replays; and is not classified
 319 by the United States or under state law as a gambling device and
 320 whose owner or operator is required to register annually with
 321 the United States Department of Justice under 15 U.S.C. ss.
 322 1171-1178 in 24 U.S.C. s. 1171, which requires identification of
 323 each device by permanently affixing seriatim numbering and name,
 324 trade name, and date of manufacture under s. 1173, and
 325 registration with the United States Attorney General, unless
 326 excluded from applicability of the chapter under s. 1178. This
 327 subsection may ~~shall~~ not be construed to authorize video poker
 328 games, or any other game or machine that may be construed as a
 329 gambling device under Florida law.

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

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335 (3) (a) As used in this section, the term "skill" means a
336 machine or device for which the outcome is not determined by
337 chance, but which is predictable to the player or operator, or
338 for which the player or operator is able to consistently achieve
339 a winning outcome through the use of eye-hand coordination,
340 physical dexterity, speed, or accuracy, or employing or
341 manipulating the game's controls in such a way as to catch,
342 capture, achieve, or win an objective.

343 (b) There is a rebuttable presumption that a game machine
344 or device is not operated by skill if a player or operator
345 cannot win a prize or achieve a selected outcome or a
346 substantial level of success in 51 percent of 20 contiguous
347 attempts or iterations of game play or operation of the machine
348 or device.

349 Section 7. Paragraph (a) of subsection (1) of section
350 895.02, Florida Statutes, is amended to read:

351 895.02 Definitions.—As used in ss. 895.01-895.08, the
352 term:

353 (1) "Racketeering activity" means to commit, to attempt to
354 commit, to conspire to commit, or to solicit, coerce, or
355 intimidate another person to commit:

356 (a) Any crime that is chargeable by petition, indictment,
357 or information under the following provisions of the Florida
358 Statutes:

359 1. Section 210.18, relating to evasion of payment of
360 cigarette taxes.

361 2. Section 316.1935, relating to fleeing or attempting to
362 elude a law enforcement officer and aggravated fleeing or

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- 363 eluding.
- 364 3. Section 403.727(3)(b), relating to environmental
365 control.
- 366 4. Section 409.920 or s. 409.9201, relating to Medicaid
367 fraud.
- 368 5. Section 414.39, relating to public assistance fraud.
- 369 6. Section 440.105 or s. 440.106, relating to workers'
370 compensation.
- 371 7. Section 443.071(4), relating to creation of a
372 fictitious employer scheme to commit unemployment compensation
373 fraud.
- 374 8. Section 465.0161, relating to distribution of medicinal
375 drugs without a permit as an Internet pharmacy.
- 376 9. Section 499.0051, relating to crimes involving
377 contraband and adulterated drugs.
- 378 10. Part IV of chapter 501, relating to telemarketing.
- 379 11. Chapter 517, relating to sale of securities and
380 investor protection.
- 381 12. Section 550.235 or s. 550.3551, relating to dogracing
382 and horseracing.
- 383 13. Chapter 550, relating to jai alai frontons.
- 384 14. Section 551.109, relating to slot machine gaming.
- 385 15. Chapter 552, relating to the manufacture,
386 distribution, and use of explosives.
- 387 16. Chapter 560, relating to money transmitters, if the
388 violation is punishable as a felony.
- 389 17. Chapter 562, relating to beverage law enforcement.
- 390 18. Section 624.401, relating to transacting insurance

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391 without a certificate of authority, s. 624.437(4)(c)1., relating
 392 to operating an unauthorized multiple-employer welfare
 393 arrangement, or s. 626.902(1)(b), relating to representing or
 394 aiding an unauthorized insurer.

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

397 20. Chapter 687, relating to interest and usurious
 398 practices.

399 21. Section 721.08, s. 721.09, or s. 721.13, relating to
 400 real estate timeshare plans.

401 22. Section 775.13(5)(b), relating to registration of
 402 persons found to have committed any offense for the purpose of
 403 benefiting, promoting, or furthering the interests of a criminal
 404 gang.

405 23. Section 777.03, relating to commission of crimes by
 406 accessories after the fact.

407 24. Chapter 782, relating to homicide.

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

409 26. Chapter 787, relating to kidnapping or human
 410 trafficking.

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

412 28. Chapter 794, relating to sexual battery, but only if
 413 such crime was committed with the intent to benefit, promote, or
 414 further the interests of a criminal gang, or for the purpose of
 415 increasing a criminal gang member's own standing or position
 416 within a criminal gang.

417 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
 418 796.05, or s. 796.07, relating to prostitution and sex

- 419 trafficking.
- 420 30. Chapter 806, relating to arson and criminal mischief.
- 421 31. Chapter 810, relating to burglary and trespass.
- 422 32. Chapter 812, relating to theft, robbery, and related
- 423 crimes.
- 424 33. Chapter 815, relating to computer-related crimes.
- 425 34. Chapter 817, relating to fraudulent practices, false
- 426 pretenses, fraud generally, and credit card crimes.
- 427 35. Chapter 825, relating to abuse, neglect, or
- 428 exploitation of an elderly person or disabled adult.
- 429 36. Section 827.071, relating to commercial sexual
- 430 exploitation of children.
- 431 37. Chapter 831, relating to forgery and counterfeiting.
- 432 38. Chapter 832, relating to issuance of worthless checks
- 433 and drafts.
- 434 39. Section 836.05, relating to extortion.
- 435 40. Chapter 837, relating to perjury.
- 436 41. Chapter 838, relating to bribery and misuse of public
- 437 office.
- 438 42. Chapter 843, relating to obstruction of justice.
- 439 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 440 s. 847.07, relating to obscene literature and profanity.
- 441 44. Section 849.09, s. 849.14, s. 849.15, s. 849.162, s.
- 442 849.23, or s. 849.25, relating to gambling.
- 443 45. Chapter 874, relating to criminal gangs.
- 444 46. Chapter 893, relating to drug abuse prevention and
- 445 control.
- 446 47. Chapter 896, relating to offenses related to financial

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447 transactions.

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

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

453 Section 8. Nothing in this act may be construed to
 454 authorize the possession or operation of any machine or device
 455 that is prohibited under any other provision of law.

456 Section 9. For the purpose of incorporating the amendment
 457 made by this act to section 849.094, Florida Statutes, in a
 458 reference thereto, subsection (2) of section 721.111, Florida
 459 Statutes, is reenacted to read:

460 721.111 Prize and gift promotional offers.—

461 (2) A game promotion, such as a contest of chance, gift
 462 enterprise, or sweepstakes, in which the elements of chance and
 463 prize are present may not be used in connection with the
 464 offering or sale of timeshare interests, except for drawings, as
 465 that term is defined in s. 849.0935(1)(a), in which no more than
 466 26 prizes are promoted and in which all promoted prizes are
 467 actually awarded. All such drawings must meet all requirements
 468 of this chapter and of ss. 849.092 and 849.094(1), (2), and (7).

469 Section 10. For the purpose of incorporating the amendment
 470 made by this act to section 849.16, Florida Statutes, in a
 471 reference thereto, subsection (1) of section 338.234, Florida
 472 Statutes, is reenacted to read:

473 338.234 Granting concessions or selling along the turnpike
 474 system; immunity from taxation.—

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475 (1) The department may enter into contracts or licenses
476 with any person for the sale of services or products or business
477 opportunities on the turnpike system, or the turnpike enterprise
478 may sell services, products, or business opportunities on the
479 turnpike system, which benefit the traveling public or provide
480 additional revenue to the turnpike system. Services, business
481 opportunities, and products authorized to be sold include, but
482 are not limited to, motor fuel, vehicle towing, and vehicle
483 maintenance services; food with attendant nonalcoholic
484 beverages; lodging, meeting rooms, and other business services
485 opportunities; advertising and other promotional opportunities,
486 which advertising and promotions must be consistent with the
487 dignity and integrity of the state; state lottery tickets sold
488 by authorized retailers; games and amusements that operate by
489 the application of skill, not including games of chance as
490 defined in s. 849.16 or other illegal gambling games; Florida
491 citrus, goods promoting the state, or handmade goods produced
492 within the state; and travel information, tickets, reservations,
493 or other related services. However, the department, pursuant to
494 the grants of authority to the turnpike enterprise under this
495 section, shall not exercise the power of eminent domain solely
496 for the purpose of acquiring real property in order to provide
497 business services or opportunities, such as lodging and meeting-
498 room space on the turnpike system.

499 Section 11. For the purpose of incorporating the amendment
500 made by this act to section 849.16, Florida Statutes, in a
501 reference thereto, section 849.19, Florida Statutes, is
502 reenacted to read:

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503 849.19 Property rights in confiscated machine.—The right
 504 of property in and to any machine, apparatus or device as
 505 defined in s. 849.16 and to all money and other things of value
 506 therein, is declared not to exist in any person, and the same
 507 shall be forfeited and such money or other things of value shall
 508 be forfeited to the county in which the seizure was made and
 509 shall be delivered forthwith to the clerk of the circuit court
 510 and shall by her or him be placed in the fine and forfeiture
 511 fund of said county.

512 Section 12. For the purpose of incorporating the amendment
 513 made by this act to section 895.02, Florida Statutes, in a
 514 reference thereto, paragraph (a) of subsection (1) of section
 515 16.56, Florida Statutes, is reenacted to read:

516 16.56 Office of Statewide Prosecution.—

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

521 (a) Investigate and prosecute the offenses of:

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

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

526 3. Any violation of the provisions of the Florida RICO
 527 (Racketeer Influenced and Corrupt Organization) Act, including
 528 any offense listed in the definition of racketeering activity in
 529 s. 895.02(1)(a), providing such listed offense is investigated
 530 in connection with a violation of s. 895.03 and is charged in a

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531 separate count of an information or indictment containing a
 532 count charging a violation of s. 895.03, the prosecution of
 533 which listed offense may continue independently if the
 534 prosecution of the violation of s. 895.03 is terminated for any
 535 reason;

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

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

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

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

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

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

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

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

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

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

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

559
 560 or any attempt, solicitation, or conspiracy to commit any of the
 561 crimes specifically enumerated above. The office shall have such
 562 power only when any such offense is occurring, or has occurred,
 563 in two or more judicial circuits as part of a related
 564 transaction, or when any such offense is connected with an
 565 organized criminal conspiracy affecting two or more judicial
 566 circuits. Informations or indictments charging such offenses
 567 shall contain general allegations stating the judicial circuits
 568 and counties in which crimes are alleged to have occurred or the
 569 judicial circuits and counties in which crimes affecting such
 570 circuits or counties are alleged to have been connected with an
 571 organized criminal conspiracy.

572 Section 13. For the purpose of incorporating the amendment
 573 made by this act to section 895.02, Florida Statutes, in a
 574 reference thereto, paragraph (g) of subsection (3) of section
 575 655.50, Florida Statutes, is reenacted to read:

576 655.50 Florida Control of Money Laundering in Financial
 577 Institutions Act; reports of transactions involving currency or
 578 monetary instruments; when required; purpose; definitions;
 579 penalties.—

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

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

583 Section 14. For the purpose of incorporating the amendment
 584 made by this act to section 895.02, Florida Statutes, in a
 585 reference thereto, paragraph (g) of subsection (2) of section
 586 896.101, Florida Statutes, is reenacted to read:

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587 896.101 Florida Money Laundering Act; definitions;
 588 penalties; injunctions; seizure warrants; immunity.—

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

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

592 Section 15. For the purpose of incorporating the amendment
 593 made by this act to section 895.02, Florida Statutes, in a
 594 reference thereto, subsection (3) of section 905.34, Florida
 595 Statutes, is reenacted to read:

596 905.34 Powers and duties; law applicable.—The jurisdiction
 597 of a statewide grand jury impaneled under this chapter shall
 598 extend throughout the state. The subject matter jurisdiction of
 599 the statewide grand jury shall be limited to the offenses of:

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

610
 611 or any attempt, solicitation, or conspiracy to commit any
 612 violation of the crimes specifically enumerated above, when any
 613 such offense is occurring, or has occurred, in two or more
 614 judicial circuits as part of a related transaction or when any

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615 | such offense is connected with an organized criminal conspiracy
616 | affecting two or more judicial circuits. The statewide grand
617 | jury may return indictments and presentments irrespective of the
618 | county or judicial circuit where the offense is committed or
619 | triable. If an indictment is returned, it shall be certified and
620 | transferred for trial to the county where the offense was
621 | committed. The powers and duties of, and law applicable to,
622 | county grand juries shall apply to a statewide grand jury except
623 | when such powers, duties, and law are inconsistent with the
624 | provisions of ss. 905.31-905.40.

625 | Section 16. This act shall take effect upon becoming a
626 | law.