

1 A bill to be entitled
2 An act relating to the prohibition of simulated gambling
3 devices; creating s. 849.162, F.S.; creating the
4 "Simulated Gambling Prohibition and Community Protection
5 Act"; providing legislative findings and intent; providing
6 definitions; prohibiting the use of simulated gambling
7 devices to conduct or promote game promotions, drawings,
8 and games of chance; providing penalties; providing for
9 construction; amending s. 849.0935, F.S., relating to
10 drawings by chance offered by nonprofit organizations;
11 revising definitions; revising conditions for exceptions
12 to prohibitions on lotteries; prohibiting the use of
13 simulated gambling devices or other devices operated by
14 drawing entrants; providing penalties; amending s.
15 849.094, F.S.; revising definitions; providing conditions
16 for exceptions to prohibitions on lotteries; prohibiting
17 the use of simulated gambling devices or other devices
18 operated by game promotion entrants; limiting the
19 rulemaking authority of the Department of Agriculture and
20 Consumer Services; providing for construction; providing
21 penalties; providing that violations are deceptive and
22 unfair trade practices; amending s. 849.15, F.S.;
23 prohibiting production, possession, or distribution of any
24 gambling apparatus; amending s. 849.16, F.S.; providing
25 that described machines or devices are subject to gambling
26 provisions; amending s. 895.02, F.S.; revising the
27 definition of the term "racketeering activity" to include
28 violations of specified provisions; providing for

29 construction; amending s. 721.111, F.S., relating to
30 promotional offers; conforming cross-references;
31 reenacting s. 16.56(1)(a), 338.234(1), 655.50(3)(g),
32 849.19, 896.101(2)(g), and 905.34(3), F.S., relating to
33 the Office of Statewide Prosecution, the Florida Turnpike,
34 money laundering, seizure of property, the Florida Money
35 Laundering Act, and a statewide grand jury, respectively,
36 to incorporate changes made by the act in references
37 thereto; providing an effective date.

38
39 WHEREAS, the State of Florida has specifically prohibited
40 gambling in section 849.08, Florida Statutes, and

41 WHEREAS, section 849.0935, Florida Statutes is intended to
42 allow, without violation of the lottery law, specified
43 charitable or nonprofit organizations the opportunity to raise
44 funds to carry out their charitable or nonprofit purpose by
45 conducting an occasional drawing or raffle for prizes upon the
46 receipt of voluntary donations or contributions and was not
47 intended to provide a vehicle for the establishment of places of
48 ongoing gambling or gaming, and

49 WHEREAS, section 849.094, Florida Statutes is intended to
50 allow, without violation of the lottery law, for-profit
51 commercial enterprises to conduct a game promotion or
52 sweepstakes on a limited and occasional basis as a marketing
53 tool and incidental to substantial bona fide sales of consumer
54 products or services provided they comply with specified
55 requirements and rules of the Department of Agriculture and

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56 Consumer Services and was not intended to provide a vehicle for
57 the establishment of places of ongoing gambling or gaming, and

58 WHEREAS, section 849.0935, Florida Statutes and section
59 849.094, Florida Statutes regulate such activities and require
60 operation in a very specific manner deemed to be beneficial or
61 less harmful to the community and were not intended to allow for
62 large-scale ongoing operations of gaming or gambling, and

63 WHEREAS, due to the instant gratification provided, the use
64 of electronic gambling machines or devices for convenience
65 gambling is associated with higher levels and faster development
66 of compulsive gambling problems and should be tightly regulated
67 if and when permitted, and

68 WHEREAS, the State of Florida has specifically prohibited
69 any slot machine or device in section 849.15, Florida Statutes,
70 and has specifically defined slot machine or device in section
71 849.16, Florida Statutes, and

72 WHEREAS, various companies have developed electronic
73 machines and devices to simulate the experience of gambling
74 while attempting to avoid Florida's prohibition on slot machines
75 and devices through the pretextual conduct of charitable or
76 nonprofit drawings by chance or raffles or game promotions in
77 connection with merely incidental consumer sales or services,
78 such as sale of internet or telephone time, and

79 WHEREAS, operators are offering such simulated gambling at
80 ongoing establishments located in local communities and offering
81 extended hours and days of operation, attracting convenience
82 gamblers and encouraging unplanned repeated convenience
83 gambling, and

84 WHEREAS, such simulated gambling encourages the vice of
 85 compulsive gambling, even when purportedly used as a marketing
 86 or fundraising technique, by delivering the same instant
 87 gratification as other forms of electronic gambling, limiting
 88 the duration of game play to encourage continued play, promoting
 89 hopes to win large sums of money through electronic game play,
 90 and allowing players to wager more consideration in the hopes of
 91 achieving a larger financial award, and

92 WHEREAS, such simulated gambling create the same negative
 93 secondary effects in the community as other forms of gambling,
 94 even when purportedly used as a marketing or fundraising
 95 technique, including claims of compulsive gambling problems by
 96 players and excessive financial losses reported by players, NOW,
 97 THEREFORE,

98
 99 Be It Enacted by the Legislature of the State of Florida:

100
 101 Section 1. Section 849.162, Florida Statutes, is created
 102 to read:

103 849.162 Simulated gambling devices.—

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

106 (2) The Legislature finds that there is a compelling state
 107 interest in addressing the deleterious effects of the
 108 proliferation of electronic machines and devices used for
 109 simulated gambling or gaming. The Legislature declares that it
 110 is the intent of this section to prohibit the use of such
 111 devices.

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

113 (a) "Simulated gambling device" means a mechanically or
114 electronically operated machine, network, system, or device that
115 is intended to be used by an entrant to a game promotion,
116 sweepstakes, drawing, raffle, or any game of chance and that is
117 capable of displaying a simulated gambling display on a screen
118 or other mechanism.

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

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

126 2. Card games or simulations of card games, such as video
127 poker.

128 3. Video games representing a game regulated by Florida
129 law, such as bingo, sweepstakes, game promotions, drawings, or
130 raffles.

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

133 5. Any video game based on or involving the random or
134 chance matching of different pictures, words, numbers, or
135 symbols.

136 (c) "Gambling," "gaming," or "game" is not used to
137 incorporate any legal definition of the term and does not
138 necessitate the presence of elements of consideration, chance,
139 or prize.

140 (4) Notwithstanding any other provision of law, a person
 141 may not design, promote, or operate a simulated gambling device
 142 to:

143 (a) Conduct a game promotion, sweepstakes, drawing,
 144 raffle, or any game of chance, including the entry process or
 145 the revealing of a prize or outcome; or

146 (b) Promote a game promotion, sweepstakes, drawing,
 147 raffle, or any game of chance that is conducted through the use
 148 of a simulated gambling display, including the entry process or
 149 the revealing of a prize or outcome.

150 (5) A person who violates this section commits a felony of
 151 the third degree, punishable as provided in s. 775.082, s.
 152 775.083, or s. 775.084.

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

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

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

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

163 (b) Activity that is lawfully conducted pursuant to s.
 164 849.161.

165 Section 2. Paragraph (a) of subsection (1), subsection
 166 (2), and subsection (7) of section 849.0935, Florida Statutes,

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

169 849.0935 Charitable, nonprofit organizations; drawings by
 170 chance; required disclosures; unlawful acts and practices;
 171 penalties.—

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

173 (a) "Drawing by chance," ~~or "drawing,"~~ or "raffle" means
 174 an enterprise in which, from the entries submitted by the public
 175 to the organization conducting the drawing, one or more entries
 176 are selected by chance to win a prize. The term "drawing" does
 177 not include those enterprises, commonly known as "game
 178 promotions," as defined by s. 849.094, "matching," "instant
 179 winner," or ~~"preselected sweepstakes,"~~ which involve the
 180 distribution of winning numbers, previously designated as such,
 181 to the public.

182 (2) The provisions of s. 849.09 shall not be construed to
 183 prohibit an organization qualified under 26 U.S.C. s. 501(c)(3),
 184 (4), (7), (8), (10), or (19) from conducting drawings by chance
 185 pursuant to the authority granted by this section, provided the
 186 organization has complied with all applicable provisions of
 187 chapter 496 and this section.

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

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

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

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

196 1. Owned, leased, or otherwise controlled by the
 197 organization or a partner, affiliate, subsidiary, contractor, or
 198 agent of the organization; and

199 2. Operated, played, or otherwise interacted with by an
 200 entrant to the drawing.

201 ~~(7) (a) Any organization which engages in any act or~~
 202 ~~practice in violation of this section is guilty of a misdemeanor~~
 203 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
 204 ~~775.083. However, Any organization or other person who sells or~~
 205 ~~offers for sale in this state a ticket or entry blank for a~~
 206 ~~raffle or other drawing by chance, without complying with the~~
 207 ~~requirements of paragraph (3) (d), commits ~~is guilty of~~ a~~
 208 ~~misdemeanor of the second degree, punishable by fine only as~~
 209 ~~provided in s. 775.083.~~

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

213 (c) Any organization that engages in any other act or
 214 practice in violation of this section commits a misdemeanor of
 215 the second degree, punishable as provided in s. 775.082 or s.
 216 775.083.

217 Section 3. Section 849.094, Florida Statutes, is amended
 218 to read:

219 849.094 Game promotion in connection with sale of consumer
 220 products or services.-

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

222 (a) "Game promotion" means, but is not limited to, a

223 | contest, game of chance, sweepstakes, or gift enterprise,
 224 | conducted by an operator within or throughout the state and
 225 | other states in connection with and incidental to the sale of
 226 | consumer products or services, and in which the elements of
 227 | chance and prize are present. However, "game promotion" may
 228 | ~~shall~~ not be construed to apply to bingo games conducted
 229 | pursuant to s. 849.0931.

230 | (b) "Operator" means any person, firm, corporation,
 231 | enterprise, organization, or association or agent or employee
 232 | thereof who promotes, operates, or conducts a game promotion,
 233 | ~~except any charitable nonprofit organization.~~

234 | (2) The provisions of s. 849.09 may not be construed to
 235 | prohibit an operator from conducting a game promotion pursuant
 236 | to this section, provided the operator has complied with the
 237 | provisions of this section.

238 | (3) No organization, as defined by s. 849.0935, may
 239 | operate a game promotion.

240 | (4)-(2) It is unlawful for any operator:

241 | (a) To design, engage in, promote, or conduct such a game
 242 | promotion through a simulated gambling device, as defined in s.
 243 | 849.162.

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

247 | 1. Owned, leased, or otherwise controlled by the
 248 | organization or the organization's partners, affiliates,
 249 | subsidiaries, contractors, or agents; and

250 | 2. Operated, played, or otherwise interacted with by an

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251 entrant to the game promotion.

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

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

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

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

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

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

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

268 (5)~~(3)~~ The operator of a game promotion in which the total
269 announced value of the prizes offered is greater than \$5,000
270 shall file with the Department of Agriculture and Consumer
271 Services a copy of the rules and regulations of the game
272 promotion and a list of all prizes and prize categories offered
273 at least 7 days before the commencement of the game promotion.

274 Such rules and regulations may not thereafter be changed,
275 modified, or altered. The operator of a game promotion shall
276 conspicuously post the rules and regulations of such game
277 promotion in each and every retail outlet or place where such
278 game promotion may be played or participated in by the public

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279 and shall also publish the rules and regulations in all
280 advertising copy used in connection therewith. However, such
281 advertising copy need only include the material terms of the
282 rules and regulations if the advertising copy includes a website
283 address, a toll-free telephone number, or a mailing address
284 where the full rules and regulations may be viewed, heard, or
285 obtained for the full duration of the game promotion. Such
286 disclosures must be legible. Radio and television announcements
287 may indicate that the rules and regulations are available at
288 retail outlets or from the operator of the promotion. A
289 nonrefundable filing fee of \$100 shall accompany each filing and
290 shall be used to pay the costs incurred in administering and
291 enforcing the provisions of this section.

292 (6)~~(4)~~(a) Every operator of such a game promotion in which
293 the total announced value of the prizes offered is greater than
294 \$5,000 shall establish a trust account, in a national or state-
295 chartered financial institution, with a balance sufficient to
296 pay or purchase the total value of all prizes offered. On a form
297 supplied by the Department of Agriculture and Consumer Services,
298 an official of the financial institution holding the trust
299 account shall set forth the dollar amount of the trust account,
300 the identity of the entity or individual establishing the trust
301 account, and the name of the game promotion for which the trust
302 account has been established. Such form shall be filed with the
303 Department of Agriculture and Consumer Services at least 7 days
304 in advance of the commencement of the game promotion. In lieu of
305 establishing such trust account, the operator may obtain a
306 surety bond in an amount equivalent to the total value of all

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

310 1. The moneys held in the trust account may be withdrawn
311 in order to pay the prizes offered only upon certification to
312 the Department of Agriculture and Consumer Services of the name
313 of the winner or winners and the amount of the prize or prizes
314 and the value thereof.

315 2. If the operator of a game promotion has obtained a
316 surety bond in lieu of establishing a trust account, the amount
317 of the surety bond shall equal at all times the total amount of
318 the prizes offered.

319 (b) The Department of Agriculture and Consumer Services
320 may waive the provisions of this subsection for any operator who
321 has conducted game promotions in the state for not less than 5
322 consecutive years and who has not had any civil, criminal, or
323 administrative action instituted against him or her by the state
324 or an agency of the state for violation of this section within
325 that 5-year period. Such waiver may be revoked upon the
326 commission of a violation of this section by such operator, as
327 determined by the Department of Agriculture and Consumer
328 Services.

329 (7)~~(5)~~ Every operator of a game promotion in which the
330 total announced value of the prizes offered is greater than
331 \$5,000 shall provide the Department of Agriculture and Consumer
332 Services with a certified list of the names and addresses of all
333 persons, whether from this state or from another state, who have
334 won prizes which have a value of more than \$25, the value of

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335 such prizes, and the dates when the prizes were won within 60
336 days after such winners have been finally determined. The
337 operator shall provide a copy of the list of winners, without
338 charge, to any person who requests it. In lieu of the foregoing,
339 the operator of a game promotion may, at his or her option,
340 publish the same information about the winners in a Florida
341 newspaper of general circulation within 60 days after such
342 winners have been determined and shall provide to the Department
343 of Agriculture and Consumer Services a certified copy of the
344 publication containing the information about the winners. The
345 operator of a game promotion is not required to notify a winner
346 by mail or by telephone when the winner is already in possession
347 of a game card from which the winner can determine that he or
348 she has won a designated prize. All winning entries shall be
349 held by the operator for a period of 90 days after the close or
350 completion of the game.

351 (8)~~(6)~~ The Department of Agriculture and Consumer Services
352 shall keep the certified list of winners for a period of at
353 least 6 months after receipt of the certified list. The
354 department thereafter may dispose of all records and lists.

355 (9)~~(7)~~ No operator shall force, directly or indirectly, a
356 lessee, agent, or franchise dealer to purchase or participate in
357 any game promotion. For the purpose of this section, coercion or
358 force shall be presumed in these circumstances in which a course
359 of business extending over a period of 1 year or longer is
360 materially changed coincident with a failure or refusal of a
361 lessee, agent, or franchise dealer to participate in such game
362 promotions. Such force or coercion shall further be presumed

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

365 (10)~~(8)~~ (a) The Department of Agriculture and Consumer
 366 Services shall have the power to promulgate such rules and
 367 regulations respecting the operation of game promotions as it
 368 may deem advisable. However, the department may not authorize
 369 the operation or possession of a slot machine or device or any
 370 other device that is otherwise prohibited from operation or
 371 possession in the state and may not authorize game promotions to
 372 be conducted through the use of any mechanically or
 373 electronically operated machine, network, system, or device.

374 (b) Compliance with the rules of the department does not
 375 authorize and is not a defense to a charge of possession of a
 376 slot machine or device or any other device or a violation of any
 377 other law.

378 (c)~~(b)~~ Whenever the Department of Agriculture and Consumer
 379 Services or the Department of Legal Affairs has reason to
 380 believe that a game promotion is being operated in violation of
 381 this section, it may bring an action in the circuit court of any
 382 judicial circuit in which the game promotion is being operated
 383 in the name and on behalf of the people of the state against any
 384 operator thereof to enjoin the continued operation of such game
 385 promotion anywhere within the state.

386 (11)~~(9)~~ (a) Any person, firm, or corporation, or
 387 association or agent or employee thereof, who engages in any
 388 acts or practices stated in this section to be unlawful, or who
 389 violates any of the rules and regulations made pursuant to this
 390 section, commits ~~is guilty of~~ a misdemeanor of the second

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

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

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

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

406 (13) ~~(10)~~ This section does not apply to actions or
 407 transactions regulated by the Department of Business and
 408 Professional Regulation or to the activities of nonprofit
 409 organizations or to any other organization engaged in any
 410 enterprise other than the sale of consumer products or services.
 411 Subsections ~~(3), (4),~~ (5), (6), ~~and~~ (7), (8), and (9) and
 412 paragraph (10) ~~(8)~~ (a) and any of the rules made pursuant thereto
 413 do not apply to television or radio broadcasting companies
 414 licensed by the Federal Communications Commission.

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

417 849.15 Manufacture, sale, possession, etc., of coin-
 418 operated devices prohibited.—

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419 (1) It is unlawful:

420 (a) To manufacture, own, store, keep, possess, sell, rent,
 421 lease, let on shares, lend or give away, transport, or expose
 422 for sale or lease, or to offer to sell, rent, lease, let on
 423 shares, lend or give away, or permit the operation of, or for
 424 any person to permit to be placed, maintained, or used or kept
 425 in any room, space, or building owned, leased, or occupied by
 426 the person or under the person's management or control, any slot
 427 machine or device or any part thereof, or other gambling
 428 apparatus or any part thereof that is otherwise prohibited from
 429 operation or possession in the state; or

430 (b) To make or to permit to be made with any person any
 431 agreement with reference to any slot machine or device, pursuant
 432 to which the user thereof, as a result of any element of chance
 433 or other outcome unpredictable to him or her, may become
 434 entitled to receive any money, credit, allowance, or thing of
 435 value or additional chance or right to use such machine or
 436 device, or to receive any check, slug, token, or memorandum
 437 entitling the holder to receive any money, credit, allowance, or
 438 thing of value.

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

441 849.16 Machines or devices which come within provisions of
 442 law defined.—

443 (1) Any machine or device or system or network of
 444 computers or other devices is a slot machine or device within
 445 the provisions of this chapter if it is one that is adapted for
 446 use in such a way that, as a result of the insertion of any

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447 piece of money, coin, code, account number, credit, or other
 448 object or method of activation, such machine, ~~or~~ device, or
 449 system or network of computers or other devices is caused to
 450 operate or may be operated, whether directly or as the result of
 451 indirect remote activation, and if the user, by reason of any
 452 element of chance or of any other outcome of such operation
 453 unpredictable by him or her, may:

454 (a) Receive or become entitled to receive any piece of
 455 money, credit, allowance, or thing of value, or any check, slug,
 456 token, or memorandum, whether of value or otherwise, which may
 457 be exchanged for any money, credit, allowance, or thing of value
 458 or which may be given in trade; or

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

464 Section 6. Paragraph (a) of subsection (1) of section
 465 895.02, Florida Statutes, is amended to read:

466 895.02 Definitions.—As used in ss. 895.01-895.08, the
 467 term:

468 (1) "Racketeering activity" means to commit, to attempt to
 469 commit, to conspire to commit, or to solicit, coerce, or
 470 intimidate another person to commit:

471 (a) Any crime that is chargeable by petition, indictment,
 472 or information under the following provisions of the Florida
 473 Statutes:

474 1. Section 210.18, relating to evasion of payment of

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- 475 cigarette taxes.
- 476 2. Section 316.1935, relating to fleeing or attempting to
 477 elude a law enforcement officer and aggravated fleeing or
 478 eluding.
- 479 3. Section 403.727(3)(b), relating to environmental
 480 control.
- 481 4. Section 409.920 or s. 409.9201, relating to Medicaid
 482 fraud.
- 483 5. Section 414.39, relating to public assistance fraud.
- 484 6. Section 440.105 or s. 440.106, relating to workers'
 485 compensation.
- 486 7. Section 443.071(4), relating to creation of a
 487 fictitious employer scheme to commit unemployment compensation
 488 fraud.
- 489 8. Section 465.0161, relating to distribution of medicinal
 490 drugs without a permit as an Internet pharmacy.
- 491 9. Section 499.0051, relating to crimes involving
 492 contraband and adulterated drugs.
- 493 10. Part IV of chapter 501, relating to telemarketing.
- 494 11. Chapter 517, relating to sale of securities and
 495 investor protection.
- 496 12. Section 550.235 or s. 550.3551, relating to dogracing
 497 and horseracing.
- 498 13. Chapter 550, relating to jai alai frontons.
- 499 14. Section 551.109, relating to slot machine gaming.
- 500 15. Chapter 552, relating to the manufacture,
 501 distribution, and use of explosives.
- 502 16. Chapter 560, relating to money transmitters, if the

503 violation is punishable as a felony.

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

505 18. Section 624.401, relating to transacting insurance

506 without a certificate of authority, s. 624.437(4)(c)1., relating

507 to operating an unauthorized multiple-employer welfare

508 arrangement, or s. 626.902(1)(b), relating to representing or

509 aiding an unauthorized insurer.

510 19. Section 655.50, relating to reports of currency

511 transactions, when such violation is punishable as a felony.

512 20. Chapter 687, relating to interest and usurious

513 practices.

514 21. Section 721.08, s. 721.09, or s. 721.13, relating to

515 real estate timeshare plans.

516 22. Section 775.13(5)(b), relating to registration of

517 persons found to have committed any offense for the purpose of

518 benefiting, promoting, or furthering the interests of a criminal

519 gang.

520 23. Section 777.03, relating to commission of crimes by

521 accessories after the fact.

522 24. Chapter 782, relating to homicide.

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

524 26. Chapter 787, relating to kidnapping or human

525 trafficking.

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

527 28. Chapter 794, relating to sexual battery, but only if

528 such crime was committed with the intent to benefit, promote, or

529 further the interests of a criminal gang, or for the purpose of

530 increasing a criminal gang member's own standing or position

- 531 within a criminal gang.
- 532 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 533 796.05, or s. 796.07, relating to prostitution and sex
- 534 trafficking.
- 535 30. Chapter 806, relating to arson and criminal mischief.
- 536 31. Chapter 810, relating to burglary and trespass.
- 537 32. Chapter 812, relating to theft, robbery, and related
- 538 crimes.
- 539 33. Chapter 815, relating to computer-related crimes.
- 540 34. Chapter 817, relating to fraudulent practices, false
- 541 pretenses, fraud generally, and credit card crimes.
- 542 35. Chapter 825, relating to abuse, neglect, or
- 543 exploitation of an elderly person or disabled adult.
- 544 36. Section 827.071, relating to commercial sexual
- 545 exploitation of children.
- 546 37. Chapter 831, relating to forgery and counterfeiting.
- 547 38. Chapter 832, relating to issuance of worthless checks
- 548 and drafts.
- 549 39. Section 836.05, relating to extortion.
- 550 40. Chapter 837, relating to perjury.
- 551 41. Chapter 838, relating to bribery and misuse of public
- 552 office.
- 553 42. Chapter 843, relating to obstruction of justice.
- 554 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 555 s. 847.07, relating to obscene literature and profanity.
- 556 44. Section 849.09, s. 849.14, s. 849.15, s. 849.162, s.
- 557 849.23, or s. 849.25, relating to gambling.
- 558 45. Chapter 874, relating to criminal gangs.

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559 46. Chapter 893, relating to drug abuse prevention and
560 control.

561 47. Chapter 896, relating to offenses related to financial
562 transactions.

563 48. Sections 914.22 and 914.23, relating to tampering with
564 or harassing a witness, victim, or informant, and retaliation
565 against a witness, victim, or informant.

566 49. Sections 918.12 and 918.13, relating to tampering with
567 jurors and evidence.

568 Section 7. Nothing in this act may be construed to
569 authorize the possession or operation of any machine or device
570 that is prohibited under any other provision of law.

571 Section 8. Subsection (2) of section 721.111, Florida
572 Statutes, is amended to read:

573 721.111 Prize and gift promotional offers.—

574 (2) A game promotion, such as a contest of chance, gift
575 enterprise, or sweepstakes, in which the elements of chance and
576 prize are present may not be used in connection with the
577 offering or sale of timeshare interests, except for drawings, as
578 that term is defined in s. 849.0935(1)(a), in which no more than
579 26 prizes are promoted and in which all promoted prizes are
580 actually awarded. All such drawings must meet all requirements
581 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and
582 (9) ~~(7)~~.

583 Section 9. For the purpose of incorporating the amendment
584 made by this act to section 895.02, Florida Statutes, in a
585 reference thereto, paragraph (a) of subsection (1) of section
586 16.56, Florida Statutes, is reenacted to read:

587 16.56 Office of Statewide Prosecution.—

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

592 (a) Investigate and prosecute the offenses of:

593 1. Bribery, burglary, criminal usury, extortion, gambling,
 594 kidnapping, larceny, murder, prostitution, perjury, robbery,
 595 carjacking, and home-invasion robbery;

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

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

607 4. Any violation of the provisions of the Florida Anti-
 608 Fencing Act;

609 5. Any violation of the provisions of the Florida
 610 Antitrust Act of 1980, as amended;

611 6. Any crime involving, or resulting in, fraud or deceit
 612 upon any person;

613 7. Any violation of s. 847.0135, relating to computer
 614 pornography and child exploitation prevention, or any offense

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615 related to a violation of s. 847.0135 or any violation of
616 chapter 827 where the crime is facilitated by or connected to
617 the use of the Internet or any device capable of electronic data
618 storage or transmission;

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

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

621 10. Any violation of the provisions of the Florida Motor
622 Fuel Tax Relief Act of 2004;

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

624 12. Any crime involving voter registration, voting, or
625 candidate or issue petition activities;

626 13. Any criminal violation of the Florida Money Laundering
627 Act; or

628 14. Any criminal violation of the Florida Securities and
629 Investor Protection Act; or any attempt, solicitation, or
630 conspiracy to commit any of the crimes specifically enumerated
631 above. The office shall have such power only when any such
632 offense is occurring, or has occurred, in two or more judicial
633 circuits as part of a related transaction, or when any such
634 offense is connected with an organized criminal conspiracy
635 affecting two or more judicial circuits. Informations or
636 indictments charging such offenses shall contain general
637 allegations stating the judicial circuits and counties in which
638 crimes are alleged to have occurred or the judicial circuits and
639 counties in which crimes affecting such circuits or counties are
640 alleged to have been connected with an organized criminal
641 conspiracy.

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

646 338.234 Granting concessions or selling along the turnpike
647 system; immunity from taxation.—

648 (1) The department may enter into contracts or licenses
649 with any person for the sale of services or products or business
650 opportunities on the turnpike system, or the turnpike enterprise
651 may sell services, products, or business opportunities on the
652 turnpike system, which benefit the traveling public or provide
653 additional revenue to the turnpike system. Services, business
654 opportunities, and products authorized to be sold include, but
655 are not limited to, motor fuel, vehicle towing, and vehicle
656 maintenance services; food with attendant nonalcoholic
657 beverages; lodging, meeting rooms, and other business services
658 opportunities; advertising and other promotional opportunities,
659 which advertising and promotions must be consistent with the
660 dignity and integrity of the state; state lottery tickets sold
661 by authorized retailers; games and amusements that operate by
662 the application of skill, not including games of chance as
663 defined in s. 849.16 or other illegal gambling games; Florida
664 citrus, goods promoting the state, or handmade goods produced
665 within the state; and travel information, tickets, reservations,
666 or other related services. However, the department, pursuant to
667 the grants of authority to the turnpike enterprise under this
668 section, shall not exercise the power of eminent domain solely
669 for the purpose of acquiring real property in order to provide

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670 business services or opportunities, such as lodging and meeting-
 671 room space on the turnpike system.

672 Section 11. For the purpose of incorporating the amendment
 673 made by this act to section 895.02, Florida Statutes, in a
 674 reference thereto, paragraph (g) of subsection (3) of section
 675 655.50, Florida Statutes, is reenacted to read:

676 655.50 Florida Control of Money Laundering in Financial
 677 Institutions Act; reports of transactions involving currency or
 678 monetary instruments; when required; purpose; definitions;
 679 penalties.—

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

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

683 Section 12. For the purpose of incorporating the amendment
 684 made by this act to section 849.16, Florida Statutes, in a
 685 reference thereto, section 849.19, Florida Statutes, is
 686 reenacted to read:

687 849.19 Property rights in confiscated machine.—The right
 688 of property in and to any machine, apparatus or device as
 689 defined in s. 849.16 and to all money and other things of value
 690 therein, is declared not to exist in any person, and the same
 691 shall be forfeited and such money or other things of value shall
 692 be forfeited to the county in which the seizure was made and
 693 shall be delivered forthwith to the clerk of the circuit court
 694 and shall by her or him be placed in the fine and forfeiture
 695 fund of said county.

696 Section 13. For the purpose of incorporating the amendment
 697 made by this act to section 895.02, Florida Statutes, in a

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698 reference thereto, paragraph (g) of subsection (2) of section
 699 896.101, Florida Statutes, is reenacted to read:

700 896.101 Florida Money Laundering Act; definitions;
 701 penalties; injunctions; seizure warrants; immunity.—

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

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

705 Section 14. For the purpose of incorporating the amendment
 706 made by this act to section 895.02, Florida Statutes, in a
 707 reference thereto, subsection (3) of section 905.34, Florida
 708 Statutes, is reenacted to read:

709 905.34 Powers and duties; law applicable.—The jurisdiction
 710 of a statewide grand jury impaneled under this chapter shall
 711 extend throughout the state. The subject matter jurisdiction of
 712 the statewide grand jury shall be limited to the offenses of:

713 (3) Any violation of the provisions of the Florida RICO
 714 (Racketeer Influenced and Corrupt Organization) Act, including
 715 any offense listed in the definition of racketeering activity in
 716 s. 895.02(1)(a), providing such listed offense is investigated
 717 in connection with a violation of s. 895.03 and is charged in a
 718 separate count of an information or indictment containing a
 719 count charging a violation of s. 895.03, the prosecution of
 720 which listed offense may continue independently if the
 721 prosecution of the violation of s. 895.03 is terminated for any
 722 reason; or any attempt, solicitation, or conspiracy to commit
 723 any violation of the crimes specifically enumerated above, when
 724 any such offense is occurring, or has occurred, in two or more
 725 judicial circuits as part of a related transaction or when any

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726 | such offense is connected with an organized criminal conspiracy
727 | affecting two or more judicial circuits. The statewide grand
728 | jury may return indictments and presentments irrespective of the
729 | county or judicial circuit where the offense is committed or
730 | triable. If an indictment is returned, it shall be certified and
731 | transferred for trial to the county where the offense was
732 | committed. The powers and duties of, and law applicable to,
733 | county grand juries shall apply to a statewide grand jury except
734 | when such powers, duties, and law are inconsistent with the
735 | provisions of ss. 905.31-905.40.

736 | Section 15. This act shall take effect upon becoming a
737 | law.