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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment (with title amendment)

Between lines 5343 and 5344
insert:

Section 74. Section 849.0915, Florida Statutes, is amended
to read:

849.0915 Referral selling.—

(1) Referral selling, whereby the seller gives or offers a
rebate or discount to the buyer as an inducement for a sale in
consideration of the buyer's providing the seller with the names
of prospective purchasers, is declared to be a lottery if
earning the rebate or discount is contingent upon the occurrence



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13 of an event subsequent to the time the buyer agrees to buy.

14 (2) Any person conducting a lottery by referral selling is
15 guilty of a misdemeanor of the first degree, punishable as
16 provided in s. 775.082 or s. 775.083.

17 (3) In addition to the penalty provided herein, the
18 Attorney General and her or his assistants, the state attorneys
19 and their assistants, and the Department of Gaming Control
20 ~~Division of Consumer Services of the Department of Agriculture~~
21 ~~and Consumer Services~~ are authorized to apply to the circuit
22 court within their respective jurisdictions, and such court
23 shall have jurisdiction, upon hearing and for cause shown, to
24 grant a temporary or permanent injunction restraining any person
25 from violating the provisions of this section, whether or not
26 there exists an adequate remedy at law, and such injunction
27 shall issue without bond.

28
29 Between lines 5510 and 5511

30 insert:

31 Section 76. Section 849.12, Florida Statutes, is amended to
32 read:

33 849.12 Money and prizes to be forfeited.—All sums of money
34 and every other valuable thing drawn and won as a prize, or as a
35 share of a prize, or as a share, percentage or profit of the
36 principal promoter or operator, in any lottery, and all money,
37 currency or property of any kind to be disposed of, or offered
38 to be disposed of, by chance or device in any scheme or under
39 any pretext by any person, and all sums of money or other thing
40 of value received by any person by reason of her or his being
41 the owner or holder of any ticket or share of a ticket in a



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42 lottery, or pretended lottery, or of a share or right in any
43 such schemes of chance or device and all sums of money and other
44 thing of value used in the setting up, conducting or operation
45 of a lottery, and all money or other thing of value at stake, or
46 used or displayed in or in connection with any illegal gambling
47 or any illegal gambling device contrary to the laws of this
48 state, shall be forfeited, and may be recovered by civil
49 proceedings, filed, or by action for money had and received, to
50 be brought by the Department of Gaming Control, the Department
51 of Legal Affairs, or any state attorney, or other prosecuting
52 officer, in the circuit courts in the name and on behalf of the
53 state; the same to be applied when collected as all other penal
54 forfeitures are disposed of.

55
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete lines 76 - 83

59 and insert:

60 Gaming Control; amending s. 849.0915, F.S.; adding the
61 Department of Gaming Control to the group of entities
62 authorized to seek an injunction against a person who
63 is engaged in referral selling; amending s. 849.094,
64 F.S.; providing for the regulation of game promotions
65 by the Department of Gaming Control, rather than the
66 Department of Agriculture and Consumer Services;
67 deleting a reference to charitable nonprofit
68 organizations; deleting a reference to the Department
69 of Business and Professional Regulation to conform to
70 changes made by the act; amending s. 849.12, F.S.;



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71 adding the Department of Gaming Control to the group
72 of entities authorized to recover moneys and other
73 items used in illegal gambling activities; providing
74 an effective date.