

1 A bill to be entitled
2 An act relating to the prohibition of electronic
3 gambling devices; providing a short title;
4 transferring powers, duties, functions, records,
5 personnel, rules, issues, filings, certifications, and
6 existing contracts for administration and enforcement
7 of specified provisions, relating to certain game
8 promotions, from the Department of Agriculture and
9 Consumer Services to the Department of Business and
10 Professional Regulation; providing legislative
11 findings and a declaration of intent and construction;
12 amending s. 849.0935, F.S., relating to drawings by
13 chance offered by nonprofit organizations; revising
14 the definition of the term "drawing by chance" to
15 include the term "raffle" within the meaning of the
16 term and exclude the term "game promotions"; revising
17 conditions for exceptions to prohibitions on
18 lotteries; prohibiting the use of certain devices
19 operated by drawing entrants; providing penalties;
20 amending s. 849.094, F.S., relating to game promotions
21 in connection with sale of consumer products or
22 services; defining the term "department" as the
23 Department of Business and Professional Regulation;
24 revising definitions; prohibiting specified nonprofit
25 organizations from operating a game promotion;
26 providing conditions for exceptions to prohibitions on
27 lotteries; prohibiting the use of certain devices
28 operated by game promotion entrants; revising

29 | procedures for operation of a game promotion;
 30 | providing for construction; providing penalties;
 31 | providing that violations are deceptive and unfair
 32 | trade practices; revising applicability provisions;
 33 | amending s. 849.16, F.S.; defining the term "slot
 34 | machine or device" for purposes of specified gambling
 35 | provisions; providing a rebuttable presumption that a
 36 | device, system, or network is a prohibited slot
 37 | machine; amending s. 895.02, F.S.; revising the
 38 | definition of the term "racketeering activity" to
 39 | include violations of specified provisions; amending
 40 | s. 721.111, F.S., relating to promotional offers;
 41 | conforming cross-references; reenacting ss.
 42 | 16.56(1) (a), 338.234(1), 655.50(3) (g), 849.19,
 43 | 896.101(2) (g), and 905.34(3), F.S., relating to the
 44 | Office of Statewide Prosecution, the Florida Turnpike,
 45 | money laundering, seizure of property, the Florida
 46 | Money Laundering Act, and a statewide grand jury,
 47 | respectively, to incorporate changes made by the act
 48 | in references thereto; providing an effective date.

49 |
 50 | Be It Enacted by the Legislature of the State of Florida:

51 |
 52 | Section 1. Short title.—This act may be cited as the
 53 | "Electronic Gambling Prohibition and Community Protection Act."

54 | Section 2. (1) All of the statutory powers, duties,
 55 | functions, records, personnel, administrative authority;
 56 | administrative rules; pending issues; and filings,

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57 certifications, and existing contracts for administration and
58 enforcement of s. 849.094, Florida Statutes, relating to game
59 promotions in connection with the sale of consumer products or
60 services, are transferred by a type two transfer, as defined in
61 s. 20.06(2), Florida Statutes, from the Department of
62 Agriculture and Consumer Services to the Department of Business
63 and Professional Regulation.

64 (2) The transfer of regulatory authority under s. 849.094,
65 Florida Statutes, provided by this section shall not affect the
66 validity of any judicial or administrative action pending as of
67 11:59 p.m. on the day before the effective date of this section
68 to which the Department of Agriculture and Consumer Services is
69 at that time a party, and the Department of Business and
70 Professional Regulation shall be substituted as a party in
71 interest in any such action.

72 (3) All lawful orders issued by the Department of
73 Agriculture and Consumer Services implementing or enforcing or
74 otherwise in regard to any provision of s. 849.094, Florida
75 Statutes, issued prior to the effective date of this section
76 shall remain in effect and be enforceable after the effective
77 date of this section unless thereafter modified in accordance
78 with law.

79 (4) The rules of the Department of Agriculture and
80 Consumer Services relating to the implementation of s. 849.094,
81 Florida Statutes, that were in effect at 11:59 p.m. on the day
82 prior to the effective date of this section shall become the
83 rules of the Department of Business and Professional Regulation

84 and shall remain in effect until amended or repealed in the
85 manner provided by law.

86 Section 3. Findings and declarations of necessity.—

87 (1) The Legislature declares that s. 849.01, Florida
88 Statutes, specifically prohibits the keeping or maintaining of a
89 place for the purpose of gambling or gaming.

90 (2) The Legislature finds that s. 849.0935, Florida
91 Statutes, was enacted to allow specified charitable or nonprofit
92 organizations the opportunity to raise funds to carry out their
93 charitable or nonprofit purpose by conducting a raffle for
94 prizes by eliminating the element of consideration and allowing
95 the receipt of voluntary donations or contributions and was not
96 intended to provide a vehicle for the establishment of places of
97 gambling or gaming.

98 (3) The Legislature finds that s. 849.094, Florida
99 Statutes, was enacted to regulate certain game promotions or
100 sweepstakes conducted by for-profit commercial entities on a
101 limited and occasional basis as an advertising and marketing
102 tool and incidental to substantial bona fide sales of consumer
103 products or services, provided the element of consideration is
104 removed as no purchase necessary and provided they comply with
105 the requirements and rules specified by law, and was not
106 intended to provide a vehicle for the establishment of places of
107 ongoing gambling or gaming.

108 (4) Therefore, the Legislature finds that there is a
109 compelling state interest in addressing the deleterious effects
110 of the proliferation of electronic machines and devices used for
111 maintaining an ongoing place of gambling or gaming under the

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112 pretext of conducting a charitable nonprofit drawing by chance,
 113 or a sweepstakes game promotion in connection with the sale of a
 114 consumer product or service. The Legislature declares that it is
 115 the intent of this act to prohibit the use of such devices, and
 116 nothing in this act may be construed to authorize the possession
 117 or operation of any machine or device that is prohibited under
 118 any other provision of law.

119 Section 4. Paragraph (a) of subsection (1) and subsections
 120 (2), (4), and (7) of section 849.0935, Florida Statutes, are
 121 amended to read:

122 849.0935 Charitable, nonprofit organizations; drawings by
 123 chance; required disclosures; unlawful acts and practices;
 124 penalties.—

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

126 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means
 127 an enterprise in which, from the entries submitted by the public
 128 to the organization conducting the drawing, one or more entries
 129 are selected by chance to win a prize. The term "drawing" does
 130 not include those enterprises, commonly known as "game
 131 promotions," as defined by s. 849.094, "matching," "instant
 132 winner," or "preselected sweepstakes," which involve the
 133 distribution of winning numbers, previously designated as such,
 134 to the public.

135 (2) The provisions of s. 849.09 may ~~shall~~ not be construed
 136 to prohibit an organization ~~qualified under 26 U.S.C. s.~~
 137 ~~501(c)(3), (4), (7), (8), (10), or (19)~~ from conducting drawings
 138 by chance pursuant to the authority granted by this section,
 139 provided the organization has complied with all applicable

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140 provisions of chapter 496 and this section. Authority to conduct
 141 drawings by chance pursuant to this section does not provide an
 142 exemption to s. 849.01, s. 849.15, or any other law.

143 (4) It is unlawful for any organization that ~~which~~,
 144 pursuant to the authority granted by this section, promotes,
 145 operates, or conducts a drawing by chance:

146 (a) To design, engage in, promote, or conduct any drawing
 147 in which the winner is predetermined by means of matching,
 148 instant win, or preselected sweepstakes or otherwise or in which
 149 the selection of the winners is in any way rigged;

150 (b) To require an entry fee, donation, substantial
 151 consideration, payment, proof of purchase, or contribution as a
 152 condition of entering the drawing or of being selected to win a
 153 prize. However, this provision shall not prohibit an
 154 organization from suggesting a minimum donation or from
 155 including a statement of such suggested minimum donation on any
 156 printed material used ~~utilized~~ in connection with the
 157 fundraising event or drawing;

158 (c) To condition the drawing on a minimum number of
 159 tickets having been disbursed to contributors or on a minimum
 160 amount of contributions having been received;

161 (d) To arbitrarily remove, disqualify, disallow, or reject
 162 any entry or to discriminate in any manner between entrants who
 163 gave contributions to the organization and those who did not
 164 give such contributions;

165 (e) To fail to promptly notify, at the address set forth
 166 on the entry blank, any person, whose entry is selected to win,
 167 of the fact that he or she won;

168 (f) To fail to award all prizes offered;

169 (g) To print, publish, or circulate literature or
 170 advertising material used in connection with the drawing which
 171 is false, deceptive, or misleading;

172 (h) To cancel a drawing; ~~or~~

173 (i) To condition the acquisition or giveaway of any prize
 174 upon the receipt of voluntary donations or contributions; ~~or~~

175 (j) To engage in, promote, or conduct any drawing through
 176 the use of any mechanically or electronically operated machine
 177 or device that is:

178 1. Owned, leased, or otherwise controlled by the
 179 organization or a partner, affiliate, subsidiary, contractor, or
 180 agent of the organization; and

181 2. Operated, played, or otherwise interacted with by an
 182 entrant to the drawing in an establishment controlled by or in
 183 any way affiliated with the operator.

184 ~~(7) (a) Any organization which engages in any act or~~
 185 ~~practice in violation of this section is guilty of a misdemeanor~~
 186 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
 187 ~~775.083. However,~~ Any organization or other person who sells or
 188 offers for sale in this state a ticket or entry blank for a
 189 raffle or other drawing by chance, without complying with the
 190 requirements of paragraph (3) (d), commits ~~is guilty of~~ a
 191 misdemeanor of the second degree, punishable by fine only as
 192 provided in s. 775.083.

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

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196 (c) Any organization that engages in any other act or
 197 practice in violation of this section commits a misdemeanor of
 198 the second degree, punishable as provided in s. 775.082 or s.
 199 775.083.

200 Section 5. Section 849.094, Florida Statutes, is amended
 201 to read:

202 849.094 Game promotion in connection with sale of consumer
 203 products or services.—

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

205 (a) "Department" means the Department of Business and
 206 Professional Regulation.

207 (b)~~(a)~~ "Game promotion" means, but is not limited to, a
 208 contest, game of chance, sweepstakes, or gift enterprise,
 209 conducted by an operator within or throughout the state and
 210 other states in connection with and incidental to the sale of
 211 consumer products or services, and in which the elements of
 212 chance and prize are present. However, "game promotion" may
 213 ~~shall~~ not be construed to apply to bingo games conducted
 214 pursuant to s. 849.0931.

215 (c)~~(b)~~ "Operator" means any person, firm, corporation,
 216 enterprise, organization, or association or agent or employee
 217 thereof who promotes, operates, or conducts a game promotion,
 218 ~~except any charitable nonprofit organization.~~

219 (2) The provisions of s. 849.09 may not be construed to
 220 prohibit an operator from conducting a game promotion pursuant
 221 to this section, provided the operator has complied with the
 222 provisions of this section. Authority to conduct game promotions
 223 pursuant to this section does not provide an exemption to s.

224 849.01, s. 849.15, or any other law.

225 (3) An organization, as defined by s. 849.0935, may not
 226 operate a game promotion.

227 (4)~~(2)~~ It is unlawful for any operator:

228 (a) To engage in, promote, or conduct such a game
 229 promotion through the use of any mechanically or electronically
 230 operated machine or device that is:

231 1. Owned, leased, or otherwise controlled by the
 232 organization or the organization's partners, affiliates,
 233 subsidiaries, contractors, or agents; and

234 2. Operated, played, or otherwise interacted with by an
 235 entrant to the game promotion in an establishment controlled by
 236 or in any way affiliated with the operator.

237 (b)~~(a)~~ To design, engage in, promote, or conduct such a
 238 game promotion, in connection with the promotion or sale of
 239 consumer products or services, wherein the winner may be
 240 predetermined or the game may be manipulated or rigged so as to:

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

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

245 (c)~~(b)~~ Arbitrarily to remove, disqualify, disallow, or
 246 reject any entry;

247 (d)~~(c)~~ To fail to award prizes offered;

248 (e)~~(d)~~ To print, publish, or circulate literature or
 249 advertising material used in connection with such game
 250 promotions which is false, deceptive, or misleading; or

251 (f)~~(e)~~ To require an entry fee, payment, or proof of

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252 purchase as a condition of entering a game promotion.

253 (5)~~(3)~~ The operator of a game promotion in which the total
254 announced value of the prizes offered is greater than \$5,000
255 shall file with the department ~~of Agriculture and Consumer~~
256 ~~Services~~ a copy of the rules and regulations of the game
257 promotion and a list of all prizes and prize categories offered
258 at least 7 days before the commencement of the game promotion.
259 Such rules and regulations may not thereafter be changed,
260 modified, or altered. The operator of a game promotion shall
261 conspicuously post the rules and regulations of such game
262 promotion in each and every retail outlet or place where such
263 game promotion may be played or participated in by the public
264 and shall also publish the rules and regulations in all
265 advertising copy used in connection therewith. However, such
266 advertising copy need only include the material terms of the
267 rules and regulations if the advertising copy includes a website
268 address, a toll-free telephone number, or a mailing address
269 where the full rules and regulations may be viewed, heard, or
270 obtained for the full duration of the game promotion. Such
271 disclosures must be legible. Radio and television announcements
272 may indicate that the rules and regulations are available at
273 retail outlets or from the operator of the promotion. A
274 nonrefundable filing fee of \$100 shall accompany each filing and
275 shall be used to pay the costs incurred in administering and
276 enforcing the provisions of this section.

277 (6)~~(4)~~ (a) Every operator of such a game promotion in which
278 the total announced value of the prizes offered is greater than
279 \$5,000 shall establish a trust account, in a national or state-

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280 chartered financial institution, with a balance sufficient to
281 pay or purchase the total value of all prizes offered. On a form
282 supplied by the department ~~of Agriculture and Consumer Services~~,
283 an official of the financial institution holding the trust
284 account shall set forth the dollar amount of the trust account,
285 the identity of the entity or individual establishing the trust
286 account, and the name of the game promotion for which the trust
287 account has been established. Such form shall be filed with the
288 department ~~of Agriculture and Consumer Services~~ at least 7 days
289 in advance of the commencement of the game promotion. In lieu of
290 establishing such trust account, the operator may obtain a
291 surety bond in an amount equivalent to the total value of all
292 prizes offered; and such bond shall be filed with the department
293 ~~of Agriculture and Consumer Services~~ at least 7 days in advance
294 of the commencement of the game promotion.

295 1. The moneys held in the trust account may be withdrawn
296 in order to pay the prizes offered only upon certification to
297 the department ~~of Agriculture and Consumer Services~~ of the name
298 of the winner or winners and the amount of the prize or prizes
299 and the value thereof.

300 2. If the operator of a game promotion has obtained a
301 surety bond in lieu of establishing a trust account, the amount
302 of the surety bond shall equal at all times the total amount of
303 the prizes offered.

304 (b) The department ~~of Agriculture and Consumer Services~~
305 may waive the provisions of this subsection for any operator who
306 has conducted game promotions in the state for not less than 5
307 consecutive years and who has not had any civil, criminal, or

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308 administrative action instituted against him or her by the state
309 or an agency of the state for violation of this section within
310 that 5-year period. Such waiver may be revoked upon the
311 commission of a violation of this section by such operator, as
312 determined by the department ~~of Agriculture and Consumer~~
313 ~~Services~~.

314 (7)~~(5)~~ Every operator of a game promotion in which the
315 total announced value of the prizes offered is greater than
316 \$5,000 shall provide the department ~~of Agriculture and Consumer~~
317 ~~Services~~ with a certified list of the names and addresses of all
318 persons, whether from this state or from another state, who have
319 won prizes which have a value of more than \$25, the value of
320 such prizes, and the dates when the prizes were won within 60
321 days after such winners have been finally determined. The
322 operator shall provide a copy of the list of winners, without
323 charge, to any person who requests it. In lieu of the foregoing,
324 the operator of a game promotion may, at his or her option,
325 publish the same information about the winners in a Florida
326 newspaper of general circulation within 60 days after such
327 winners have been determined and shall provide to the department
328 ~~of Agriculture and Consumer Services~~ a certified copy of the
329 publication containing the information about the winners. The
330 operator of a game promotion is not required to notify a winner
331 by mail or by telephone when the winner is already in possession
332 of a game card from which the winner can determine that he or
333 she has won a designated prize. All winning entries shall be
334 held by the operator for a period of 90 days after the close or
335 completion of the game.

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336 (8) ~~(6)~~ The department ~~of Agriculture and Consumer Services~~
337 shall keep the certified list of winners for a period of at
338 least 6 months after receipt of the certified list. The
339 department thereafter may dispose of all records and lists.

340 (9) ~~(7)~~ No operator shall force, directly or indirectly, a
341 lessee, agent, or franchise dealer to purchase or participate in
342 any game promotion. For the purpose of this section, coercion or
343 force shall be presumed in these circumstances in which a course
344 of business extending over a period of 1 year or longer is
345 materially changed coincident with a failure or refusal of a
346 lessee, agent, or franchise dealer to participate in such game
347 promotions. Such force or coercion shall further be presumed
348 when an operator advertises generally that game promotions are
349 available at its lessee dealers or agent dealers.

350 (10) ~~(8)~~ (a) The department may adopt ~~of Agriculture and~~
351 ~~Consumer Services shall have the power to promulgate~~ such rules
352 and regulations respecting the operation of game promotions as
353 it deems ~~may deem~~ advisable.

354 (b) Compliance with the rules of the department does not
355 authorize and is not a defense to a charge of possession of a
356 slot machine or device or any other device or a violation of any
357 other law.

358 (c) ~~(b)~~ Whenever the department ~~of Agriculture and Consumer~~
359 ~~Services~~ or the Department of Legal Affairs has reason to
360 believe that a game promotion is being operated in violation of
361 this section, it may bring an action in the circuit court of any
362 judicial circuit in which the game promotion is being operated
363 in the name and on behalf of the people of the state against any

364 operator thereof to enjoin the continued operation of such game
 365 promotion anywhere within the state.

366 (11)~~(9)~~ (a) Any person, firm, or corporation, or
 367 association or agent or employee thereof, who engages in any
 368 acts or practices stated in this section to be unlawful, or who
 369 violates any of the rules and regulations made pursuant to this
 370 section, commits ~~is guilty of~~ a misdemeanor of the second
 371 degree, punishable as provided in s. 775.082 or s. 775.083.

372 (b) Any person, firm, or corporation, or association or
 373 agent or employee thereof, who violates paragraph (4) (a) commits
 374 a felony of the third degree, punishable as provided in s.
 375 775.082, s. 775.083, or s. 775.084.

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

383 (12) A violation of this section, or soliciting another to
 384 do an act that violates this section, constitutes a deceptive
 385 and unfair trade practice actionable under the Florida Deceptive
 386 and Unfair Trade Practices Act.

387 ~~(13)~~~~(10)~~ ~~This section does not apply to actions or~~
 388 ~~transactions regulated by the Department of Business and~~
 389 ~~Professional Regulation or to the activities of nonprofit~~
 390 ~~organizations or to any other organization engaged in any~~
 391 ~~enterprise other than the sale of consumer products or services.~~

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392 Subsections ~~(3), (4),~~ (5), (6), ~~and (7),~~ (8), and (9) and
 393 paragraph (10)(a) ~~(8)(a)~~ and any of the rules made pursuant
 394 thereto do not apply to television or radio broadcasting
 395 companies licensed by the Federal Communications Commission.

396 Section 6. Section 849.16, Florida Statutes, is amended to
 397 read:

398 849.16 Machines or devices which come within provisions of
 399 law defined.—

400 (1) As used in this chapter, the term "slot machine or
 401 device" means any machine or device or system or network of
 402 devices ~~is a slot machine or device within the provisions of~~
 403 ~~this chapter if it is one~~ that is adapted for use in such a way
 404 that, upon activation, which may be achieved by, but is not
 405 limited to, as a result of the insertion of any piece of money,
 406 coin, account number, code, or other object or information, such
 407 ~~machine or device or system~~ is directly or indirectly caused to
 408 operate or may be operated and if the user, whether by
 409 application of skill or by reason of any element of chance or ~~of~~
 410 any other outcome ~~of such operation~~ unpredictable by the user
 411 ~~him or her,~~ may:

412 (a) Receive or become entitled to receive any piece of
 413 money, credit, allowance, or thing of value, or any check, slug,
 414 token, or memorandum, whether of value or otherwise, which may
 415 be exchanged for any money, credit, allowance, or thing of value
 416 or which may be given in trade; or

417 (b) Secure additional chances or rights to use such
 418 machine, apparatus, or device, even though the device or system
 419 ~~it~~ may be available for free play or, in addition to any element

420 of chance or unpredictable outcome of such operation, may also
 421 sell, deliver, or present some merchandise, indication of
 422 weight, entertainment, or other thing of value. The term "slot
 423 machine or device" includes, but is not limited to, devices
 424 regulated as slot machines pursuant to chapter 551.

425 (2) Nothing ~~contained~~ in this chapter may ~~shall~~ be
 426 construed, interpreted, or applied to the possession of a
 427 reverse vending machine. As used in this section, the term a
 428 "reverse vending machine" means ~~is~~ a machine into which empty
 429 beverage containers are deposited for recycling and which
 430 provides a payment of money, merchandise, vouchers, or other
 431 incentives. At a frequency less than upon the deposit of each
 432 beverage container, a reverse vending machine may pay out a
 433 random incentive bonus greater than that guaranteed payment in
 434 the form of money, merchandise, vouchers, or other incentives.
 435 The deposit of any empty beverage container into a reverse
 436 vending machine does not constitute consideration, and ~~nor shall~~
 437 a reverse vending machine may not be deemed ~~to be~~ a slot machine
 438 as defined in ~~within~~ this section.

439 (3) There is a rebuttable presumption that a device,
 440 system, or network is a prohibited slot machine or device if it
 441 is used to display images of games of chance and is part of a
 442 scheme involving any payment or donation of money or its
 443 equivalent and awarding any thing of value.

444 Section 7. Paragraph (a) of subsection (1) of section
 445 895.02, Florida Statutes, is amended to read:

446 895.02 Definitions.—As used in ss. 895.01-895.08, the
 447 term:

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448 (1) "Racketeering activity" means to commit, to attempt to
 449 commit, to conspire to commit, or to solicit, coerce, or
 450 intimidate another person to commit:

451 (a) Any crime that is chargeable by petition, indictment,
 452 or information under the following provisions of the Florida
 453 Statutes:

454 1. Section 210.18, relating to evasion of payment of
 455 cigarette taxes.

456 2. Section 316.1935, relating to fleeing or attempting to
 457 elude a law enforcement officer and aggravated fleeing or
 458 eluding.

459 3. Section 403.727(3)(b), relating to environmental
 460 control.

461 4. Section 409.920 or s. 409.9201, relating to Medicaid
 462 fraud.

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

464 6. Section 440.105 or s. 440.106, relating to workers'
 465 compensation.

466 7. Section 443.071(4), relating to creation of a
 467 fictitious employer scheme to commit unemployment compensation
 468 fraud.

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

471 9. Section 499.0051, relating to crimes involving
 472 contraband and adulterated drugs.

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

474 11. Chapter 517, relating to sale of securities and
 475 investor protection.

- 476 12. Section 550.235 or s. 550.3551, relating to dogracing
 477 and horseracing.
- 478 13. Chapter 550, relating to jai alai frontons.
- 479 14. Section 551.109, relating to slot machine gaming.
- 480 15. Chapter 552, relating to the manufacture,
 481 distribution, and use of explosives.
- 482 16. Chapter 560, relating to money transmitters, if the
 483 violation is punishable as a felony.
- 484 17. Chapter 562, relating to beverage law enforcement.
- 485 18. Section 624.401, relating to transacting insurance
 486 without a certificate of authority, s. 624.437(4)(c)1., relating
 487 to operating an unauthorized multiple-employer welfare
 488 arrangement, or s. 626.902(1)(b), relating to representing or
 489 aiding an unauthorized insurer.
- 490 19. Section 655.50, relating to reports of currency
 491 transactions, when such violation is punishable as a felony.
- 492 20. Chapter 687, relating to interest and usurious
 493 practices.
- 494 21. Section 721.08, s. 721.09, or s. 721.13, relating to
 495 real estate timeshare plans.
- 496 22. Section 775.13(5)(b), relating to registration of
 497 persons found to have committed any offense for the purpose of
 498 benefiting, promoting, or furthering the interests of a criminal
 499 gang.
- 500 23. Section 777.03, relating to commission of crimes by
 501 accessories after the fact.
- 502 24. Chapter 782, relating to homicide.
- 503 25. Chapter 784, relating to assault and battery.

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- 504 26. Chapter 787, relating to kidnapping or human
505 trafficking.
- 506 27. Chapter 790, relating to weapons and firearms.
- 507 28. Chapter 794, relating to sexual battery, but only if
508 such crime was committed with the intent to benefit, promote, or
509 further the interests of a criminal gang, or for the purpose of
510 increasing a criminal gang member's own standing or position
511 within a criminal gang.
- 512 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
513 796.05, or s. 796.07, relating to prostitution and sex
514 trafficking.
- 515 30. Chapter 806, relating to arson and criminal mischief.
- 516 31. Chapter 810, relating to burglary and trespass.
- 517 32. Chapter 812, relating to theft, robbery, and related
518 crimes.
- 519 33. Chapter 815, relating to computer-related crimes.
- 520 34. Chapter 817, relating to fraudulent practices, false
521 pretenses, fraud generally, and credit card crimes.
- 522 35. Chapter 825, relating to abuse, neglect, or
523 exploitation of an elderly person or disabled adult.
- 524 36. Section 827.071, relating to commercial sexual
525 exploitation of children.
- 526 37. Chapter 831, relating to forgery and counterfeiting.
- 527 38. Chapter 832, relating to issuance of worthless checks
528 and drafts.
- 529 39. Section 836.05, relating to extortion.
- 530 40. Chapter 837, relating to perjury.
- 531 41. Chapter 838, relating to bribery and misuse of public

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532 office.

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

534 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

535 s. 847.07, relating to obscene literature and profanity.

536 44. Chapter 849 ~~Section 849.09, s. 849.14, s. 849.15, s.~~

537 ~~849.23, or s. 849.25,~~ relating to gambling, lottery, gambling or

538 gaming devices, slot machines, or any of the provisions within

539 that chapter.

540 45. Chapter 874, relating to criminal gangs.

541 46. Chapter 893, relating to drug abuse prevention and

542 control.

543 47. Chapter 896, relating to offenses related to financial

544 transactions.

545 48. Sections 914.22 and 914.23, relating to tampering with

546 or harassing a witness, victim, or informant, and retaliation

547 against a witness, victim, or informant.

548 49. Sections 918.12 and 918.13, relating to tampering with

549 jurors and evidence.

550 Section 8. Subsection (2) of section 721.111, Florida

551 Statutes, is amended to read:

552 721.111 Prize and gift promotional offers.—

553 (2) A game promotion, such as a contest of chance, gift

554 enterprise, or sweepstakes, in which the elements of chance and

555 prize are present may not be used in connection with the

556 offering or sale of timeshare interests, except for drawings, as

557 that term is defined in s. 849.0935(1)(a), in which no more than

558 26 prizes are promoted and in which all promoted prizes are

559 actually awarded. All such drawings must meet all requirements

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560 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and
 561 (9) ~~(7)~~.

562 Section 9. For the purpose of incorporating the amendment
 563 made by this act to section 895.02, Florida Statutes, in a
 564 reference thereto, paragraph (a) of subsection (1) of section
 565 16.56, Florida Statutes, is reenacted to read:

566 16.56 Office of Statewide Prosecution.—

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

571 (a) Investigate and prosecute the offenses of:

572 1. Bribery, burglary, criminal usury, extortion, gambling,
 573 kidnapping, larceny, murder, prostitution, perjury, robbery,
 574 carjacking, and home-invasion robbery;

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

576 3. Any violation of the provisions of the Florida RICO
 577 (Racketeer Influenced and Corrupt Organization) Act, including
 578 any offense listed in the definition of racketeering activity in
 579 s. 895.02(1)(a), providing such listed offense is investigated
 580 in connection with a violation of s. 895.03 and is charged in a
 581 separate count of an information or indictment containing a
 582 count charging a violation of s. 895.03, the prosecution of
 583 which listed offense may continue independently if the
 584 prosecution of the violation of s. 895.03 is terminated for any
 585 reason;

586 4. Any violation of the provisions of the Florida Anti-
 587 Fencing Act;

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- 588 5. Any violation of the provisions of the Florida
 589 Antitrust Act of 1980, as amended;
- 590 6. Any crime involving, or resulting in, fraud or deceit
 591 upon any person;
- 592 7. Any violation of s. 847.0135, relating to computer
 593 pornography and child exploitation prevention, or any offense
 594 related to a violation of s. 847.0135 or any violation of
 595 chapter 827 where the crime is facilitated by or connected to
 596 the use of the Internet or any device capable of electronic data
 597 storage or transmission;
- 598 8. Any violation of the provisions of chapter 815;
- 599 9. Any criminal violation of part I of chapter 499;
- 600 10. Any violation of the provisions of the Florida Motor
 601 Fuel Tax Relief Act of 2004;
- 602 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 603 12. Any crime involving voter registration, voting, or
 604 candidate or issue petition activities;
- 605 13. Any criminal violation of the Florida Money Laundering
 606 Act; or
- 607 14. Any criminal violation of the Florida Securities and
 608 Investor Protection Act; or any attempt, solicitation, or
 609 conspiracy to commit any of the crimes specifically enumerated
 610 above. The office shall have such power only when any such
 611 offense is occurring, or has occurred, in two or more judicial
 612 circuits as part of a related transaction, or when any such
 613 offense is connected with an organized criminal conspiracy
 614 affecting two or more judicial circuits. Informations or
 615 indictments charging such offenses shall contain general

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616 | allegations stating the judicial circuits and counties in which
617 | crimes are alleged to have occurred or the judicial circuits and
618 | counties in which crimes affecting such circuits or counties are
619 | alleged to have been connected with an organized criminal
620 | conspiracy.

621 | Section 10. For the purpose of incorporating the amendment
622 | made by this act to section 849.16, Florida Statutes, in a
623 | reference thereto, subsection (1) of section 338.234, Florida
624 | Statutes, is reenacted to read:

625 | 338.234 Granting concessions or selling along the turnpike
626 | system; immunity from taxation.—

627 | (1) The department may enter into contracts or licenses
628 | with any person for the sale of services or products or business
629 | opportunities on the turnpike system, or the turnpike enterprise
630 | may sell services, products, or business opportunities on the
631 | turnpike system, which benefit the traveling public or provide
632 | additional revenue to the turnpike system. Services, business
633 | opportunities, and products authorized to be sold include, but
634 | are not limited to, motor fuel, vehicle towing, and vehicle
635 | maintenance services; food with attendant nonalcoholic
636 | beverages; lodging, meeting rooms, and other business services
637 | opportunities; advertising and other promotional opportunities,
638 | which advertising and promotions must be consistent with the
639 | dignity and integrity of the state; state lottery tickets sold
640 | by authorized retailers; games and amusements that operate by
641 | the application of skill, not including games of chance as
642 | defined in s. 849.16 or other illegal gambling games; Florida
643 | citrus, goods promoting the state, or handmade goods produced

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644 within the state; and travel information, tickets, reservations,
645 or other related services. However, the department, pursuant to
646 the grants of authority to the turnpike enterprise under this
647 section, shall not exercise the power of eminent domain solely
648 for the purpose of acquiring real property in order to provide
649 business services or opportunities, such as lodging and meeting-
650 room space on the turnpike system.

651 Section 11. For the purpose of incorporating the amendment
652 made by this act to section 895.02, Florida Statutes, in a
653 reference thereto, paragraph (g) of subsection (3) of section
654 655.50, Florida Statutes, is reenacted to read:

655 655.50 Florida Control of Money Laundering in Financial
656 Institutions Act; reports of transactions involving currency or
657 monetary instruments; when required; purpose; definitions;
658 penalties.—

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

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

662 Section 12. For the purpose of incorporating the amendment
663 made by this act to section 849.16, Florida Statutes, in a
664 reference thereto, section 849.19, Florida Statutes, is
665 reenacted to read:

666 849.19 Property rights in confiscated machine.—The right
667 of property in and to any machine, apparatus or device as
668 defined in s. 849.16 and to all money and other things of value
669 therein, is declared not to exist in any person, and the same
670 shall be forfeited and such money or other things of value shall
671 be forfeited to the county in which the seizure was made and

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672 shall be delivered forthwith to the clerk of the circuit court
 673 and shall by her or him be placed in the fine and forfeiture
 674 fund of said county.

675 Section 13. For the purpose of incorporating the amendment
 676 made by this act to section 895.02, Florida Statutes, in a
 677 reference thereto, paragraph (g) of subsection (2) of section
 678 896.101, Florida Statutes, is reenacted to read:

679 896.101 Florida Money Laundering Act; definitions;
 680 penalties; injunctions; seizure warrants; immunity.—

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

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

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

688 905.34 Powers and duties; law applicable.—The jurisdiction
 689 of a statewide grand jury impaneled under this chapter shall
 690 extend throughout the state. The subject matter jurisdiction of
 691 the statewide grand jury shall be limited to the offenses of:

692 (3) Any violation of the provisions of the Florida RICO
 693 (Racketeer Influenced and Corrupt Organization) Act, including
 694 any offense listed in the definition of racketeering activity in
 695 s. 895.02(1)(a), providing such listed offense is investigated
 696 in connection with a violation of s. 895.03 and is charged in a
 697 separate count of an information or indictment containing a
 698 count charging a violation of s. 895.03, the prosecution of
 699 which listed offense may continue independently if the

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700 prosecution of the violation of s. 895.03 is terminated for any
701 reason; or any attempt, solicitation, or conspiracy to commit
702 any violation of the crimes specifically enumerated above, when
703 any such offense is occurring, or has occurred, in two or more
704 judicial circuits as part of a related transaction or when any
705 such offense is connected with an organized criminal conspiracy
706 affecting two or more judicial circuits. The statewide grand
707 jury may return indictments and presentments irrespective of the
708 county or judicial circuit where the offense is committed or
709 triable. If an indictment is returned, it shall be certified and
710 transferred for trial to the county where the offense was
711 committed. The powers and duties of, and law applicable to,
712 county grand juries shall apply to a statewide grand jury except
713 when such powers, duties, and law are inconsistent with the
714 provisions of ss. 905.31-905.40.

715 Section 15. This act shall take effect upon becoming a
716 law.