

By Senator Oelrich

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

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30 specified provisions; providing for construction;
31 amending s. 721.111, F.S., relating to promotional
32 offers; conforming cross-references; reenacting ss.
33 16.56(1)(a), 338.234(1), 655.50(3)(g), 849.19,
34 896.101(2)(g), and 905.34(3), F.S., relating to the
35 Office of Statewide Prosecution, the Florida Turnpike,
36 money laundering, seizure of property, the Florida
37 Money Laundering Act, and a statewide grand jury,
38 respectively, to incorporate changes made by the act
39 in references thereto; providing an effective date.
40

41 WHEREAS, the State of Florida has specifically prohibited
42 gambling in section 849.08, Florida Statutes, and

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

51 WHEREAS, section 849.094, Florida Statutes, is intended to
52 allow, without violation of the lottery law, for-profit
53 commercial enterprises to conduct a game promotion or
54 sweepstakes on a limited and occasional basis as a marketing
55 tool and incidental to substantial bona fide sales of consumer
56 products or services provided they comply with specified
57 requirements and rules of the Department of Agriculture and
58 Consumer Services and was not intended to provide a vehicle for

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59 the establishment of places of ongoing gambling or gaming, and

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

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

70 WHEREAS, the State of Florida has specifically prohibited
71 any slot machine or device in section 849.15, Florida Statutes,
72 and has specifically defined slot machine or device in section
73 849.16, Florida Statutes, and

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

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

86 WHEREAS, such simulated gambling encourages the vice of
87 compulsive gambling, even when purportedly used as a marketing

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88 or fundraising technique, by delivering the same instant
89 gratification as other forms of electronic gambling, limiting
90 the duration of game play to encourage continued play, promoting
91 hopes to win large sums of money through electronic game play,
92 and allowing players to wager more consideration in the hopes of
93 achieving a larger financial award, and

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

100

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

102

103 Section 1. Section 849.162, Florida Statutes, is created to
104 read:

105 849.162 Simulated gambling devices.—

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

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

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

115 (a) "Simulated gambling device" means a mechanically or
116 electronically operated machine, network, system, or device that

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117 is intended to be used by an entrant to a game promotion,
118 sweepstakes, drawing, raffle, or any game of chance and that is
119 capable of displaying a simulated gambling display on a screen
120 or other mechanism.

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

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

128 2. Card games or simulations of card games, such as video
129 poker.

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

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

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

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

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

145 (a) Conduct a game promotion, sweepstakes, drawing, raffle,

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146 or any game of chance, including the entry process or the
147 revealing of a prize or outcome; or

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

152 (5) A person who violates this section commits a felony of
153 the third degree, punishable as provided in s. 775.082, s.
154 775.083, or s. 775.084.

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

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

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

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

165 (b) Activity that is lawfully conducted pursuant to s.
166 849.161.

167 Section 2. Paragraph (a) of subsection (1), subsection (2),
168 and subsection (7) of section 849.0935, Florida Statutes, are
169 amended, and paragraphs (j) and (k) are added to subsection (4)
170 of that section, to read:

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

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

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

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

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

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

194 (k) To design, engage in, promote, or conduct any drawing
195 through the use of any mechanically or electronically operated
196 machine, network, system, or device that is:

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

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

202 (7) ~~(a) Any organization which engages in any act or~~
203 ~~practice in violation of this section is guilty of a misdemeanor~~

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

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

214 (c) Any organization that engages in any other act or
215 practice in violation of this section commits a misdemeanor of
216 the second degree, punishable as provided in s. 775.082 or s.
217 775.083.

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

220 849.094 Game promotion in connection with sale of consumer
221 products or services.—

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

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

231 (b) "Operator" means any person, firm, corporation,
232 enterprise, organization, or association or agent or employee

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233 thereof who promotes, operates, or conducts a game promotion,
234 ~~except any charitable nonprofit organization.~~

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

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

241 (4)~~(2)~~ It is unlawful for any operator:

242 (a) To design, engage in, promote, or conduct such a game
243 promotion through a simulated gambling device, as defined in s.
244 849.162.

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

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

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

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

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

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

261 (d)~~(b)~~ Arbitrarily to remove, disqualify, disallow, or

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262 reject any entry;

263 (e)~~(e)~~ To fail to award prizes offered;

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

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

269 (5)~~(3)~~ The operator of a game promotion in which the total
270 announced value of the prizes offered is greater than \$5,000
271 shall file with the Department of Agriculture and Consumer
272 Services a copy of the rules and regulations of the game
273 promotion and a list of all prizes and prize categories offered
274 at least 7 days before the commencement of the game promotion.
275 Such rules and regulations may not thereafter be changed,
276 modified, or altered. The operator of a game promotion shall
277 conspicuously post the rules and regulations of such game
278 promotion in each and every retail outlet or place where such
279 game promotion may be played or participated in by the public
280 and shall also publish the rules and regulations in all
281 advertising copy used in connection therewith. However, such
282 advertising copy need only include the material terms of the
283 rules and regulations if the advertising copy includes a website
284 address, a toll-free telephone number, or a mailing address
285 where the full rules and regulations may be viewed, heard, or
286 obtained for the full duration of the game promotion. Such
287 disclosures must be legible. Radio and television announcements
288 may indicate that the rules and regulations are available at
289 retail outlets or from the operator of the promotion. A
290 nonrefundable filing fee of \$100 shall accompany each filing and

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291 shall be used to pay the costs incurred in administering and
292 enforcing the provisions of this section.

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

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

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

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

330 (7)~~(5)~~ Every operator of a game promotion in which the
331 total announced value of the prizes offered is greater than
332 \$5,000 shall provide the Department of Agriculture and Consumer
333 Services with a certified list of the names and addresses of all
334 persons, whether from this state or from another state, who have
335 won prizes which have a value of more than \$25, the value of
336 such prizes, and the dates when the prizes were won within 60
337 days after such winners have been finally determined. The
338 operator shall provide a copy of the list of winners, without
339 charge, to any person who requests it. In lieu of the foregoing,
340 the operator of a game promotion may, at his or her option,
341 publish the same information about the winners in a Florida
342 newspaper of general circulation within 60 days after such
343 winners have been determined and shall provide to the Department
344 of Agriculture and Consumer Services a certified copy of the
345 publication containing the information about the winners. The
346 operator of a game promotion is not required to notify a winner
347 by mail or by telephone when the winner is already in possession
348 of a game card from which the winner can determine that he or

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349 she has won a designated prize. All winning entries shall be
350 held by the operator for a period of 90 days after the close or
351 completion of the game.

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

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

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

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

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378 other law.

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

387 (11)~~(9)~~ (a) Any person, firm, or corporation, or association
388 or agent or employee thereof, who engages in any acts or
389 practices stated in this section to be unlawful, or who violates
390 any of the rules and regulations made pursuant to this section,
391 commits ~~is guilty of~~ a misdemeanor of the second degree,
392 punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

416 (14) Nothing in this section shall prohibit a corporation
417 or its wholly owned subsidiaries, or a franchisee association or
418 cooperative thereof, that is registered under the federal
419 Securities Exchange Act of 1934 and has total assets of not less
420 than \$25 million from conducting a game promotion which can be
421 played on an electronic communication device, including, but not
422 limited to, a computer or a cellular telephone.

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

425 849.15 Manufacture, sale, possession, etc., of coin-
426 operated devices prohibited.—

427 (1) It is unlawful:

428 (a) To manufacture, own, store, keep, possess, sell, rent,
429 lease, let on shares, lend or give away, transport, or expose
430 for sale or lease, or to offer to sell, rent, lease, let on
431 shares, lend or give away, or permit the operation of, or for
432 any person to permit to be placed, maintained, or used or kept
433 in any room, space, or building owned, leased, or occupied by
434 the person or under the person's management or control, any slot
435 machine or device or any part thereof, or other gambling

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436 apparatus or any part thereof that is otherwise prohibited from
437 operation or possession in the state; or

438 (b) To make or to permit to be made with any person any
439 agreement with reference to any slot machine or device, pursuant
440 to which the user thereof, as a result of any element of chance
441 or other outcome unpredictable to him or her, may become
442 entitled to receive any money, credit, allowance, or thing of
443 value or additional chance or right to use such machine or
444 device, or to receive any check, slug, token, or memorandum
445 entitling the holder to receive any money, credit, allowance, or
446 thing of value.

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

449 849.16 Machines or devices which come within provisions of
450 law defined.—

451 (1) Any machine or device or system or network of computers
452 or other devices is a slot machine or device within the
453 provisions of this chapter if it is one that is adapted for use
454 in such a way that, as a result of the insertion of any piece of
455 money, coin, code, account number, credit, or other object or
456 method of activation, such machine, ~~or~~ device, or system or
457 network of computers or other devices is caused to operate or
458 may be operated, whether directly or as the result of indirect
459 remote activation, and if the user, by reason of any element of
460 chance or of any other outcome of such operation unpredictable
461 by him or her, may:

462 (a) Receive or become entitled to receive any piece of
463 money, credit, allowance, or thing of value, or any check, slug,
464 token, or memorandum, whether of value or otherwise, which may

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465 be exchanged for any money, credit, allowance, or thing of value
466 or which may be given in trade; or

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

472 Section 6. Paragraph (a) of subsection (1) of section
473 895.02, Florida Statutes, is amended to read:

474 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

475 (1) "Racketeering activity" means to commit, to attempt to
476 commit, to conspire to commit, or to solicit, coerce, or
477 intimidate another person to commit:

478 (a) Any crime that is chargeable by petition, indictment,
479 or information under the following provisions of the Florida
480 Statutes:

481 1. Section 210.18, relating to evasion of payment of
482 cigarette taxes.

483 2. Section 316.1935, relating to fleeing or attempting to
484 elude a law enforcement officer and aggravated fleeing or
485 eluding.

486 3. Section 403.727(3)(b), relating to environmental
487 control.

488 4. Section 409.920 or s. 409.9201, relating to Medicaid
489 fraud.

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

491 6. Section 440.105 or s. 440.106, relating to workers'
492 compensation.

493 7. Section 443.071(4), relating to creation of a fictitious

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- 494 employer scheme to commit unemployment compensation fraud.
- 495 8. Section 465.0161, relating to distribution of medicinal
- 496 drugs without a permit as an Internet pharmacy.
- 497 9. Section 499.0051, relating to crimes involving
- 498 contraband and adulterated drugs.
- 499 10. Part IV of chapter 501, relating to telemarketing.
- 500 11. Chapter 517, relating to sale of securities and
- 501 investor protection.
- 502 12. Section 550.235 or s. 550.3551, relating to dogracing
- 503 and horseracing.
- 504 13. Chapter 550, relating to jai alai frontons.
- 505 14. Section 551.109, relating to slot machine gaming.
- 506 15. Chapter 552, relating to the manufacture, distribution,
- 507 and use of explosives.
- 508 16. Chapter 560, relating to money transmitters, if the
- 509 violation is punishable as a felony.
- 510 17. Chapter 562, relating to beverage law enforcement.
- 511 18. Section 624.401, relating to transacting insurance
- 512 without a certificate of authority, s. 624.437(4)(c)1., relating
- 513 to operating an unauthorized multiple-employer welfare
- 514 arrangement, or s. 626.902(1)(b), relating to representing or
- 515 aiding an unauthorized insurer.
- 516 19. Section 655.50, relating to reports of currency
- 517 transactions, when such violation is punishable as a felony.
- 518 20. Chapter 687, relating to interest and usurious
- 519 practices.
- 520 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 521 real estate timeshare plans.
- 522 22. Section 775.13(5)(b), relating to registration of

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523 persons found to have committed any offense for the purpose of
524 benefiting, promoting, or furthering the interests of a criminal
525 gang.

526 23. Section 777.03, relating to commission of crimes by
527 accessories after the fact.

528 24. Chapter 782, relating to homicide.

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

530 26. Chapter 787, relating to kidnapping or human
531 trafficking.

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

533 28. Chapter 794, relating to sexual battery, but only if
534 such crime was committed with the intent to benefit, promote, or
535 further the interests of a criminal gang, or for the purpose of
536 increasing a criminal gang member's own standing or position
537 within a criminal gang.

538 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
539 796.05, or s. 796.07, relating to prostitution and sex
540 trafficking.

541 30. Chapter 806, relating to arson and criminal mischief.

542 31. Chapter 810, relating to burglary and trespass.

543 32. Chapter 812, relating to theft, robbery, and related
544 crimes.

545 33. Chapter 815, relating to computer-related crimes.

546 34. Chapter 817, relating to fraudulent practices, false
547 pretenses, fraud generally, and credit card crimes.

548 35. Chapter 825, relating to abuse, neglect, or
549 exploitation of an elderly person or disabled adult.

550 36. Section 827.071, relating to commercial sexual
551 exploitation of children.

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- 552 37. Chapter 831, relating to forgery and counterfeiting.
- 553 38. Chapter 832, relating to issuance of worthless checks
554 and drafts.
- 555 39. Section 836.05, relating to extortion.
- 556 40. Chapter 837, relating to perjury.
- 557 41. Chapter 838, relating to bribery and misuse of public
558 office.
- 559 42. Chapter 843, relating to obstruction of justice.
- 560 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
561 s. 847.07, relating to obscene literature and profanity.
- 562 44. Section 849.09, s. 849.14, s. 849.15, s. 849.162, s.
563 849.23, or s. 849.25, relating to gambling.
- 564 45. Chapter 874, relating to criminal gangs.
- 565 46. Chapter 893, relating to drug abuse prevention and
566 control.
- 567 47. Chapter 896, relating to offenses related to financial
568 transactions.
- 569 48. Sections 914.22 and 914.23, relating to tampering with
570 or harassing a witness, victim, or informant, and retaliation
571 against a witness, victim, or informant.
- 572 49. Sections 918.12 and 918.13, relating to tampering with
573 jurors and evidence.
- 574 Section 7. Nothing in this act may be construed to
575 authorize the possession or operation of any machine or device
576 that is prohibited under any other provision of law.
- 577 Section 8. Subsection (2) of section 721.111, Florida
578 Statutes, is amended to read:
- 579 721.111 Prize and gift promotional offers.—
- 580 (2) A game promotion, such as a contest of chance, gift

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581 enterprise, or sweepstakes, in which the elements of chance and
582 prize are present may not be used in connection with the
583 offering or sale of timeshare interests, except for drawings, as
584 that term is defined in s. 849.0935(1)(a), in which no more than
585 26 prizes are promoted and in which all promoted prizes are
586 actually awarded. All such drawings must meet all requirements
587 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and
588 (9) ~~(7)~~.

589 Section 9. For the purpose of incorporating the amendment
590 made by this act to section 895.02, Florida Statutes, in a
591 reference thereto, paragraph (a) of subsection (1) of section
592 16.56, Florida Statutes, is reenacted to read:

593 16.56 Office of Statewide Prosecution.—

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

598 (a) Investigate and prosecute the offenses of:

599 1. Bribery, burglary, criminal usury, extortion, gambling,
600 kidnapping, larceny, murder, prostitution, perjury, robbery,
601 carjacking, and home-invasion robbery;

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

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

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610 which listed offense may continue independently if the
611 prosecution of the violation of s. 895.03 is terminated for any
612 reason;

613 4. Any violation of the provisions of the Florida Anti-
614 Fencing Act;

615 5. Any violation of the provisions of the Florida Antitrust
616 Act of 1980, as amended;

617 6. Any crime involving, or resulting in, fraud or deceit
618 upon any person;

619 7. Any violation of s. 847.0135, relating to computer
620 pornography and child exploitation prevention, or any offense
621 related to a violation of s. 847.0135 or any violation of
622 chapter 827 where the crime is facilitated by or connected to
623 the use of the Internet or any device capable of electronic data
624 storage or transmission;

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

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

627 10. Any violation of the provisions of the Florida Motor
628 Fuel Tax Relief Act of 2004;

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

630 12. Any crime involving voter registration, voting, or
631 candidate or issue petition activities;

632 13. Any criminal violation of the Florida Money Laundering
633 Act; or

634 14. Any criminal violation of the Florida Securities and
635 Investor Protection Act; or any attempt, solicitation, or
636 conspiracy to commit any of the crimes specifically enumerated
637 above. The office shall have such power only when any such
638 offense is occurring, or has occurred, in two or more judicial

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639 circuits as part of a related transaction, or when any such
640 offense is connected with an organized criminal conspiracy
641 affecting two or more judicial circuits. Informations or
642 indictments charging such offenses shall contain general
643 allegations stating the judicial circuits and counties in which
644 crimes are alleged to have occurred or the judicial circuits and
645 counties in which crimes affecting such circuits or counties are
646 alleged to have been connected with an organized criminal
647 conspiracy.

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

652 338.234 Granting concessions or selling along the turnpike
653 system; immunity from taxation.-

654 (1) The department may enter into contracts or licenses
655 with any person for the sale of services or products or business
656 opportunities on the turnpike system, or the turnpike enterprise
657 may sell services, products, or business opportunities on the
658 turnpike system, which benefit the traveling public or provide
659 additional revenue to the turnpike system. Services, business
660 opportunities, and products authorized to be sold include, but
661 are not limited to, motor fuel, vehicle towing, and vehicle
662 maintenance services; food with attendant nonalcoholic
663 beverages; lodging, meeting rooms, and other business services
664 opportunities; advertising and other promotional opportunities,
665 which advertising and promotions must be consistent with the
666 dignity and integrity of the state; state lottery tickets sold
667 by authorized retailers; games and amusements that operate by

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668 the application of skill, not including games of chance as
669 defined in s. 849.16 or other illegal gambling games; Florida
670 citrus, goods promoting the state, or handmade goods produced
671 within the state; and travel information, tickets, reservations,
672 or other related services. However, the department, pursuant to
673 the grants of authority to the turnpike enterprise under this
674 section, shall not exercise the power of eminent domain solely
675 for the purpose of acquiring real property in order to provide
676 business services or opportunities, such as lodging and meeting-
677 room space on the turnpike system.

678 Section 11. For the purpose of incorporating the amendment
679 made by this act to section 895.02, Florida Statutes, in a
680 reference thereto, paragraph (g) of subsection (3) of section
681 655.50, Florida Statutes, is reenacted to read:

682 655.50 Florida Control of Money Laundering in Financial
683 Institutions Act; reports of transactions involving currency or
684 monetary instruments; when required; purpose; definitions;
685 penalties.—

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

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

689 Section 12. For the purpose of incorporating the amendment
690 made by this act to section 849.16, Florida Statutes, in a
691 reference thereto, section 849.19, Florida Statutes, is
692 reenacted to read:

693 849.19 Property rights in confiscated machine.—The right of
694 property in and to any machine, apparatus or device as defined
695 in s. 849.16 and to all money and other things of value therein,
696 is declared not to exist in any person, and the same shall be

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697 forfeited and such money or other things of value shall be
698 forfeited to the county in which the seizure was made and shall
699 be delivered forthwith to the clerk of the circuit court and
700 shall by her or him be placed in the fine and forfeiture fund of
701 said county.

702 Section 13. For the purpose of incorporating the amendment
703 made by this act to section 895.02, Florida Statutes, in a
704 reference thereto, paragraph (g) of subsection (2) of section
705 896.101, Florida Statutes, is reenacted to read:

706 896.101 Florida Money Laundering Act; definitions;
707 penalties; injunctions; seizure warrants; immunity.—

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

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

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

715 905.34 Powers and duties; law applicable.—The jurisdiction
716 of a statewide grand jury impaneled under this chapter shall
717 extend throughout the state. The subject matter jurisdiction of
718 the statewide grand jury shall be limited to the offenses of:

719 (3) Any violation of the provisions of the Florida RICO
720 (Racketeer Influenced and Corrupt Organization) Act, including
721 any offense listed in the definition of racketeering activity in
722 s. 895.02(1)(a), providing such listed offense is investigated
723 in connection with a violation of s. 895.03 and is charged in a
724 separate count of an information or indictment containing a
725 count charging a violation of s. 895.03, the prosecution of

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726 which listed offense may continue independently if the
727 prosecution of the violation of s. 895.03 is terminated for any
728 reason; or any attempt, solicitation, or conspiracy to commit
729 any violation of the crimes specifically enumerated above, when
730 any such offense is occurring, or has occurred, in two or more
731 judicial circuits as part of a related transaction or when any
732 such offense is connected with an organized criminal conspiracy
733 affecting two or more judicial circuits. The statewide grand
734 jury may return indictments and presentments irrespective of the
735 county or judicial circuit where the offense is committed or
736 triable. If an indictment is returned, it shall be certified and
737 transferred for trial to the county where the offense was
738 committed. The powers and duties of, and law applicable to,
739 county grand juries shall apply to a statewide grand jury except
740 when such powers, duties, and law are inconsistent with the
741 provisions of ss. 905.31-905.40.

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