

By Senator Thrasher

6-00766B-13

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1 A bill to be entitled
2 An act relating to sweepstakes devices; providing
3 legislative intent; creating s. 849.0945, F.S.;
4 providing definitions; prohibiting the use of certain
5 sweepstakes devices; providing an exception for
6 operators who were using such devices on or before a
7 specified date; requiring local governments to renew
8 certain permits, licenses, or permissions to operate
9 such devices; authorizing certain officials to seek
10 injunctive relief against operators who violate this
11 act; limiting the scope of the act; providing for
12 future repeal; providing an effective date.

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

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16 Section 1. (1) The Legislature finds that there is an
17 increasing proliferation of establishments that use computer or
18 video displays to show the results of sweepstakes, contests, or
19 other game promotions, which has created uncertainty and
20 inconsistency in the application of existing laws, and further
21 finds that the continued increase of such electronic devices may
22 lead to adverse effects on persons in this state.

23 (2) The Legislature also finds that to provide for the
24 uniform and clear enforcement of existing law, to preserve the
25 public peace and order, and to safeguard the health, safety, and
26 welfare of the residents of this state, the Legislature should
27 study these issues and pass appropriate legislation.

28 (3) Therefore, the Legislature intends to limit the
29 expansion and use of certain electronic devices in connection

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30 with game promotions until the Legislature can study the issue
31 and enact appropriate legislation.

32 Section 2. Section 849.0945, Florida Statutes, is created
33 to read:

34 849.0945 Use of electronic devices in connection with game
35 promotions; moratorium.—

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

37 (a) "Game promotion" means the same as in s. 849.094.

38 (b) "Operator" means the same as in s. 849.094.

39 (c) "Sweepstakes device" means an electronic machine or
40 device operated by or in interaction with a participant in a
41 game promotion if the machine or device is:

42 1. Owned, leased, or otherwise controlled by the operator
43 or a partner, affiliate, subsidiary, contractor, or agent of the
44 operator; and

45 2. Located in an establishment owned, leased, or controlled
46 by the operator or a partner, affiliate, subsidiary, contractor,
47 or agent of the operator.

48 (2) An operator may not use a sweepstakes device unless the
49 operator was using it on or before July 1, 2013. An operator who
50 was using a sweepstakes device on or before July 1, 2013, may
51 continue to operate the device if the operator files an
52 affidavit with the Department of Agriculture and Consumer
53 Services by August 1, 2013, stating the address where each
54 device is located and attesting to its use on or before July 1,
55 2013, and updates the affidavit at the time of any change.

56 (3) Upon the expiration of a current permit, license, or
57 other permission to operate that was issued by a county or
58 municipality to such operator, the county or municipality shall

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59 renew the permit, license, or other permission to operate the
60 device pursuant to its ordinances and procedures. However, no
61 new permits, licenses, or other permission to operate may be
62 issued to any operator that has not met the requirements of this
63 section.

64 (4) The Attorney General or the state attorney for the
65 judicial circuit in which a sweepstakes device is located may
66 seek injunctive relief against an operator who operates it in
67 violation of this section.

68 (5) This section does not prevent or limit a county or
69 municipality from otherwise regulating the use of sweepstakes
70 devices in its jurisdiction.

71 (6) This section may not be construed to allow the use of a
72 mechanical or electromechanical reel in connection with a game
73 promotion.

74 (7) This section shall stand repealed on July 1, 2015.

75 Section 3. This act shall take effect July 1, 2013.