

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.

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

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,

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 does 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, enforcing, or
74 otherwise relating to any provision of s. 849.094, Florida
75 Statutes, issued before the effective date of this section shall
76 remain in effect and be enforceable after the effective date of
77 this section unless thereafter modified in accordance with law.

78 (4) The rules of the Department of Agriculture and
79 Consumer Services relating to implementation of s. 849.094,
80 Florida Statutes, that were in effect at 11:59 p.m. on the day
81 before the effective date of this section shall become rules of
82 the Department of Business and Professional Regulation and
83 remain in effect until amended or repealed in the manner
84 provided by law.

85 Section 3. Findings and declarations of necessity.-

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

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

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

107 (4) Therefore, the Legislature finds that there is a
108 compelling state interest in addressing the deleterious effects
109 of the proliferation of electronic machines and devices used for
110 maintaining an ongoing place of gambling or gaming under the
111 pretext of conducting a charitable nonprofit drawing by chance,
112 or a sweepstakes game promotion in connection with the sale of a

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113 consumer product or service. The Legislature declares that it is
114 the intent of this act to prohibit the use of such devices, and
115 this act may not be construed to authorize the possession or
116 operation of any machine or device that is prohibited under any
117 other provision of law.

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

121 849.0935 Charitable, nonprofit organizations; drawings by
122 chance; required disclosures; unlawful acts and practices;
123 penalties.—

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

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

134 (2) Section ~~The provisions of s. 849.09~~ does ~~shall not be~~
135 ~~construed to prohibit an organization qualified under 26 U.S.C.~~
136 ~~s. 501(e) (3), (4), (7), (8), (10), or (19)~~ from conducting
137 drawings by chance pursuant to the authority granted by this
138 section, if provided the organization has complied with all
139 applicable provisions of chapter 496 and this section. Authority
140 to conduct drawings by chance pursuant to this section does not

141 provide an exemption to s. 849.01, s. 849.15, or any other law.

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

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

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

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

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

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

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

168 (g) To print, publish, or circulate literature or

169 advertising material used in connection with the drawing which
 170 is false, deceptive, or misleading;

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

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

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

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

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

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

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

195 (c) Any organization that engages in any other act or
 196 practice in violation of this section commits a misdemeanor of

197 | the second degree, punishable as provided in s. 775.082 or s.
198 | 775.083.

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

201 | 849.094 Game promotion in connection with sale of consumer
202 | products or services.—

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

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

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

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

218 | (2) Section 849.09 does not prohibit an operator from
219 | conducting a game promotion pursuant to this section, if the
220 | operator has complied with this section. Authority to conduct
221 | game promotions pursuant to this section does not provide an
222 | exemption to s. 849.01, s. 849.15, or any other law.

223 | (3) An organization as defined in s. 849.0935 may not
224 | operate a game promotion.

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225 ~~(4)-(2)~~ It is unlawful for any operator:
226 (a) To engage in, promote, or conduct such a game
227 promotion through the use of any mechanically or electronically
228 operated machine or device that is:

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

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

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

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

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

243 ~~(c)-(b)~~ Arbitrarily to remove, disqualify, disallow, or
244 reject any entry;

245 ~~(d)-(e)~~ To fail to award prizes offered;

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

249 ~~(f)-(e)~~ To require an entry fee, payment, or proof of
250 purchase as a condition of entering a game promotion.

251 ~~(5)-(3)~~ The operator of a game promotion in which the total
252 announced value of the prizes offered is greater than \$5,000

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

275 (6)~~(4)~~(a) Every operator of such a game promotion in which
276 the total announced value of the prizes offered is greater than
277 \$5,000 shall establish a trust account, in a national or state-
278 chartered financial institution, with a balance sufficient to
279 pay or purchase the total value of all prizes offered. On a form
280 supplied by the department ~~of Agriculture and Consumer Services,~~

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

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

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

302 (b) The department ~~of Agriculture and Consumer Services~~
303 may waive the provisions of this subsection for any operator who
304 has conducted game promotions in the state for not less than 5
305 consecutive years and who has not had any civil, criminal, or
306 administrative action instituted against him or her by the state
307 or an agency of the state for violation of this section within
308 that 5-year period. Such waiver may be revoked upon the

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309 commission of a violation of this section by such operator, as
310 determined by the department ~~of Agriculture and Consumer~~
311 ~~Services~~.

312 (7)~~(5)~~ Every operator of a game promotion in which the
313 total announced value of the prizes offered is greater than
314 \$5,000 shall provide the department ~~of Agriculture and Consumer~~
315 ~~Services~~ with a certified list of the names and addresses of all
316 persons, whether from this state or from another state, who have
317 won prizes which have a value of more than \$25, the value of
318 such prizes, and the dates when the prizes were won within 60
319 days after such winners have been finally determined. The
320 operator shall provide a copy of the list of winners, without
321 charge, to any person who requests it. In lieu of the foregoing,
322 the operator of a game promotion may, at his or her option,
323 publish the same information about the winners in a Florida
324 newspaper of general circulation within 60 days after such
325 winners have been determined and shall provide to the department
326 ~~of Agriculture and Consumer Services~~ a certified copy of the
327 publication containing the information about the winners. The
328 operator of a game promotion is not required to notify a winner
329 by mail or by telephone when the winner is already in possession
330 of a game card from which the winner can determine that he or
331 she has won a designated prize. All winning entries shall be
332 held by the operator for a period of 90 days after the close or
333 completion of the game.

334 (8)~~(6)~~ The department ~~of Agriculture and Consumer Services~~
335 shall keep the certified list of winners for a period of at
336 least 6 months after receipt of the certified list. The

337 department thereafter may dispose of all records and lists.

338 (9)~~(7)~~ An ~~No~~ operator may not ~~shall~~ force, directly or
339 indirectly, a lessee, agent, or franchise dealer to purchase or
340 participate in any game promotion. For the purpose of this
341 section, coercion or force is ~~shall be~~ presumed in these
342 circumstances in which a course of business extending ~~over a~~
343 ~~period of~~ 1 year or more ~~longer~~ is materially changed coincident
344 with a failure or refusal of a lessee, agent, or franchise
345 dealer to participate in such game promotions. Such force or
346 coercion is ~~shall further be~~ presumed when an operator
347 advertises generally that game promotions are available at its
348 lessee dealers or agent dealers.

349 (10)~~(8)~~ (a) The department may adopt ~~of Agriculture and~~
350 ~~Consumer Services shall have the power to promulgate~~ such rules
351 and regulations respecting the operation of game promotions as
352 it deems ~~may deem~~ advisable.

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

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

365 ~~(11)-(9)~~ (a) Any person, firm, or corporation, or
366 association or agent or employee thereof, who engages in any
367 acts or practices stated in this section to be unlawful, or who
368 violates any of the rules and regulations made pursuant to this
369 section, commits ~~is guilty of~~ a misdemeanor of the second
370 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

386 ~~(13)-(10) This section does not apply to actions or~~
387 ~~transactions regulated by the Department of Business and~~
388 ~~Professional Regulation or to the activities of nonprofit~~
389 ~~organizations or to any other organization engaged in any~~
390 ~~enterprise other than the sale of consumer products or services.~~
391 Subsections ~~(3), (4),~~ (5), (6), and (7), (8), and (9) and
392 paragraph (10) (a) ~~(8)-(a)~~ and any of the rules made pursuant

393 thereto do not apply to television or radio broadcasting
 394 companies licensed by the Federal Communications Commission.

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

397 849.16 Machines or devices which come within provisions of
 398 law defined.—

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

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

416 (b) Secure additional chances or rights to use such
 417 machine, apparatus, or device, even though the device or system
 418 ~~it~~ may be available for free play or, in addition to any element
 419 of chance or unpredictable outcome of such operation, may also
 420 sell, deliver, or present some merchandise, indication of

CODING: Words **stricken** are deletions; words **underlined** are additions.

421 weight, entertainment, or other thing of value. The term "slot
422 machine or device" includes, but is not limited to, devices
423 regulated as slot machines pursuant to chapter 551.

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

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

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

445 895.02 Definitions.—As used in ss. 895.01-895.08, the
446 term:

447 (1) "Racketeering activity" means to commit, to attempt to
448 commit, to conspire to commit, or to solicit, coerce, or

449 | intimidate another person to commit:

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

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

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

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

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

462 | 5. Section 414.39, relating to public assistance fraud.

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

465 | 7. Section 443.071(4), relating to creation of a
466 | fictitious employer scheme to commit reemployment assistance
467 | fraud.

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

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

472 | 10. Part IV of chapter 501, relating to telemarketing.

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

475 | 12. Section 550.235 or s. 550.3551, relating to dogracing
476 | and horseracing.

- 477 | 13. Chapter 550, relating to jai alai frontons.
- 478 | 14. Section 551.109, relating to slot machine gaming.
- 479 | 15. Chapter 552, relating to the manufacture,
- 480 | distribution, and use of explosives.
- 481 | 16. Chapter 560, relating to money transmitters, if the
- 482 | violation is punishable as a felony.
- 483 | 17. Chapter 562, relating to beverage law enforcement.
- 484 | 18. Section 624.401, relating to transacting insurance
- 485 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 486 | to operating an unauthorized multiple-employer welfare
- 487 | arrangement, or s. 626.902(1)(b), relating to representing or
- 488 | aiding an unauthorized insurer.
- 489 | 19. Section 655.50, relating to reports of currency
- 490 | transactions, when such violation is punishable as a felony.
- 491 | 20. Chapter 687, relating to interest and usurious
- 492 | practices.
- 493 | 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 494 | real estate timeshare plans.
- 495 | 22. Section 775.13(5)(b), relating to registration of
- 496 | persons found to have committed any offense for the purpose of
- 497 | benefiting, promoting, or furthering the interests of a criminal
- 498 | gang.
- 499 | 23. Section 777.03, relating to commission of crimes by
- 500 | accessories after the fact.
- 501 | 24. Chapter 782, relating to homicide.
- 502 | 25. Chapter 784, relating to assault and battery.
- 503 | 26. Chapter 787, relating to kidnapping or human
- 504 | trafficking.

- 505 | 27. Chapter 790, relating to weapons and firearms.
- 506 | 28. Chapter 794, relating to sexual battery, but only if
- 507 | such crime was committed with the intent to benefit, promote, or
- 508 | further the interests of a criminal gang, or for the purpose of
- 509 | increasing a criminal gang member's own standing or position
- 510 | within a criminal gang.
- 511 | 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or
- 512 | s. 796.07, relating to prostitution and sex trafficking.
- 513 | 30. Chapter 806, relating to arson and criminal mischief.
- 514 | 31. Chapter 810, relating to burglary and trespass.
- 515 | 32. Chapter 812, relating to theft, robbery, and related
- 516 | crimes.
- 517 | 33. Chapter 815, relating to computer-related crimes.
- 518 | 34. Chapter 817, relating to fraudulent practices, false
- 519 | pretenses, fraud generally, and credit card crimes.
- 520 | 35. Chapter 825, relating to abuse, neglect, or
- 521 | exploitation of an elderly person or disabled adult.
- 522 | 36. Section 827.071, relating to commercial sexual
- 523 | exploitation of children.
- 524 | 37. Chapter 831, relating to forgery and counterfeiting.
- 525 | 38. Chapter 832, relating to issuance of worthless checks
- 526 | and drafts.
- 527 | 39. Section 836.05, relating to extortion.
- 528 | 40. Chapter 837, relating to perjury.
- 529 | 41. Chapter 838, relating to bribery and misuse of public
- 530 | office.
- 531 | 42. Chapter 843, relating to obstruction of justice.
- 532 | 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

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

534 44. Chapter 849 ~~Section 849.09, s. 849.14, s. 849.15, s.~~
535 ~~849.23, or s. 849.25,~~ relating to gambling, lottery, gambling or
536 gaming devices, slot machines, or any of the provisions within
537 that chapter.

538 45. Chapter 874, relating to criminal gangs.

539 46. Chapter 893, relating to drug abuse prevention and
540 control.

541 47. Chapter 896, relating to offenses related to financial
542 transactions.

543 48. Sections 914.22 and 914.23, relating to tampering with
544 or harassing a witness, victim, or informant, and retaliation
545 against a witness, victim, or informant.

546 49. Sections 918.12 and 918.13, relating to tampering with
547 jurors and evidence.

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

550 721.111 Prize and gift promotional offers.—

551 (2) A game promotion, such as a contest of chance, gift
552 enterprise, or sweepstakes, in which the elements of chance and
553 prize are present may not be used in connection with the
554 offering or sale of timeshare interests, except for drawings, as
555 that term is defined in s. 849.0935(1)(a), in which no more than
556 26 prizes are promoted and in which all promoted prizes are
557 actually awarded. All such drawings must meet all requirements
558 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and
559 (9) ~~(7)~~.

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

564 16.56 Office of Statewide Prosecution.—

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

569 (a) Investigate and prosecute the offenses of:

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

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

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

584 4. Any violation of the provisions of the Florida Anti-
585 Fencing Act;

586 5. Any violation of the provisions of the Florida
587 Antitrust Act of 1980, as amended;

- 588 6. Any crime involving, or resulting in, fraud or deceit
 589 upon any person;
- 590 7. Any violation of s. 847.0135, relating to computer
 591 pornography and child exploitation prevention, or any offense
 592 related to a violation of s. 847.0135 or any violation of
 593 chapter 827 where the crime is facilitated by or connected to
 594 the use of the Internet or any device capable of electronic data
 595 storage or transmission;
- 596 8. Any violation of the provisions of chapter 815;
- 597 9. Any criminal violation of part I of chapter 499;
- 598 10. Any violation of the provisions of the Florida Motor
 599 Fuel Tax Relief Act of 2004;
- 600 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 601 12. Any crime involving voter registration, voting, or
 602 candidate or issue petition activities;
- 603 13. Any criminal violation of the Florida Money Laundering
 604 Act;
- 605 14. Any criminal violation of the Florida Securities and
 606 Investor Protection Act; or
- 607 15. Any violation of the provisions of chapter 787, as
 608 well as any and all offenses related to a violation of the
 609 provisions of chapter 787;
- 610
- 611 or any attempt, solicitation, or conspiracy to commit any of the
 612 crimes specifically enumerated above. The office shall have such
 613 power only when any such offense is occurring, or has occurred,
 614 in two or more judicial circuits as part of a related
 615 transaction, or when any such offense is connected with an

616 organized criminal conspiracy affecting two or more judicial
617 circuits. Informations or indictments charging such offenses
618 shall contain general allegations stating the judicial circuits
619 and counties in which crimes are alleged to have occurred or the
620 judicial circuits and counties in which crimes affecting such
621 circuits or counties are alleged to have been connected with an
622 organized criminal conspiracy.

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

627 338.234 Granting concessions or selling along the turnpike
628 system; immunity from taxation.—

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

644 defined in s. 849.16 or other illegal gambling games; Florida
 645 citrus, goods promoting the state, or handmade goods produced
 646 within the state; and travel information, tickets, reservations,
 647 or other related services. However, the department, pursuant to
 648 the grants of authority to the turnpike enterprise under this
 649 section, shall not exercise the power of eminent domain solely
 650 for the purpose of acquiring real property in order to provide
 651 business services or opportunities, such as lodging and meeting-
 652 room space on the turnpike system.

653 Section 11. For the purpose of incorporating the amendment
 654 made by this act to section 895.02, Florida Statutes, in a
 655 reference thereto, paragraph (g) of subsection (3) of section
 656 655.50, Florida Statutes, is reenacted to read:

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

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

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

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

668 849.19 Property rights in confiscated machine.—The right
 669 of property in and to any machine, apparatus or device as
 670 defined in s. 849.16 and to all money and other things of value
 671 therein, is declared not to exist in any person, and the same

672 shall be forfeited and such money or other things of value shall
673 be forfeited to the county in which the seizure was made and
674 shall be delivered forthwith to the clerk of the circuit court
675 and shall by her or him be placed in the fine and forfeiture
676 fund of said county.

677 Section 13. For the purpose of incorporating the amendment
678 made by this act to section 895.02, Florida Statutes, in a
679 reference thereto, paragraph (g) of subsection (2) of section
680 896.101, Florida Statutes, is reenacted to read:

681 896.101 Florida Money Laundering Act; definitions;
682 penalties; injunctions; seizure warrants; immunity.-

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

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

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

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

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

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700 count charging a violation of s. 895.03, the prosecution of
701 which listed offense may continue independently if the
702 prosecution of the violation of s. 895.03 is terminated for any
703 reason;

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

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