

Amendment No. TABLE 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Overdorf offered the following:

Amendment

Remove lines 150-306 and insert:

6 1. At the time of the violation the person is knowingly
7 acting as a manager; or

8 2. Has one prior conviction for a violation of this
9 section.

10 (c) A person commits a felony of the second degree,
11 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
12 if he or she violates subsection (2) and:

13 1.a. At the time of the violation the person is knowingly
14 acting as a manager; and

15 b. The violation involves five or more slot machines or
16 devices; or

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17 2. Has two or more prior convictions for a violation of
18 this section.

19 ~~(4)-(2)~~ Pursuant to section 2 of that chapter of the
20 Congress of the United States entitled "An act to prohibit
21 transportation of gaming devices in interstate and foreign
22 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
23 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
24 of Florida, acting by and through the duly elected and qualified
25 members of its Legislature, does hereby in this section, and in
26 accordance with and in compliance with the provisions of section
27 2 of such chapter of Congress, declare and proclaim that any
28 county of the State of Florida within which slot machine gaming
29 is authorized pursuant to chapter 551 is exempt from the
30 provisions of section 2 of that chapter of the Congress of the
31 United States entitled "An act to prohibit transportation of
32 gaming devices in interstate and foreign commerce," designated
33 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
34 shipments of gaming devices, including slot machines, into any
35 county of this state within which slot machine gaming is
36 authorized pursuant to chapter 551 and the registering,
37 recording, and labeling of which have been duly performed by the
38 manufacturer or distributor thereof in accordance with sections
39 3 and 4 of that chapter of the Congress of the United States
40 entitled "An act to prohibit transportation of gaming devices in
41 interstate and foreign commerce," approved January 2, 1951,

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42 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
43 ss. 1171-1177, shall be deemed legal shipments thereof into this
44 state provided the destination of such shipments is an eligible
45 facility as defined in s. 551.102 or the facility of a slot
46 machine manufacturer or slot machine distributor as provided in
47 s. 551.109(2)(a).

48 Section 4. Section 849.155, Florida Statutes, is created
49 to read:

50 849.155 Trafficking in slot machines or devices or any
51 parts thereof.—Any person who knowingly sells, purchases,
52 manufactures, transports, delivers, or brings into this state
53 more than 15 slot machines or devices or any part thereof,
54 commits a felony of the first degree, punishable as provided in
55 s. 775.082, s. 775.083, or s. 775.084. If the quantity of slot
56 machines or devices or any part thereof involved:

57 (1) Is more than 15 slot machines or devices or any part
58 thereof, but less than 25 slot machines or devices or any part
59 thereof, such person must be ordered to pay a fine of \$100,000.

60 (2) Is 25 slot machines or devices or any part thereof or
61 more, but less than 50 slot machines or devices or any part
62 thereof, such person must be ordered to pay a fine of \$250,000.

63 (3) Is 50 slot machines or devices or any part thereof or
64 more, such person must be ordered to pay a fine of \$500,000.

65

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66 All fines imposed and collected pursuant to this section must be
67 deposited into the Pari-mutuel Wagering Trust Fund and may be
68 used for the enforcement of chapters 546, 550, 551, and this
69 chapter by the Florida Gaming Control Commission.

70 Section 5. Section 849.157, Florida Statutes, is created
71 to read:

72 849.157 Making a false or misleading statement regarding
73 the legality of slot machines or devices to facilitate sale.-

74 (1) Except as provided in subsection (2), a person who
75 knowingly and willfully makes a materially false or misleading
76 statement or who knowingly and willfully disseminates false or
77 misleading information regarding the legality of a slot machine
78 or device for the purpose of facilitating the sale or delivery
79 of a slot machine or device for any money or other valuable
80 consideration commits a felony of the third degree, punishable
81 as provided in s. 775.082, s. 775.083, or s. 775.084.

82 (2) A person who violates subsection (1) when such a
83 violation involves the sale or delivery, or attempted sale or
84 delivery, of five or more slot machines or devices commits a
85 felony of the second degree, punishable as provided in s.
86 775.082, s. 775.083, or s. 775.084.

87 Section 6. Section 849.23, Florida Statutes, is repealed.

88 Section 7. Section 849.47, Florida Statutes, is created to
89 read:

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90 849.47 Transporting or procuring the transportation of
91 persons to facilitate illegal gambling.-

92 (1) Except as provided in subsection (2), a person who
93 knowingly and willfully for profit or hire transports, or
94 procures the transportation of, five or more other persons into
95 or within this state when he or she knows or reasonably should
96 know such transportation is for the purpose of facilitating
97 illegal gambling commits a misdemeanor of the first degree,
98 punishable as provided in s. 775.082 or s. 775.083.

99 (2)(a) A person who transports, or procures the
100 transportation of, a minor or a person 65 years of age or older
101 in violation of subsection (1) commits a felony of the third
102 degree, punishable as provided in s. 775.082, s. 775.083, or s.
103 775.084.

104 (b) A person who transports, or procures the
105 transportation of, 12 or more persons in violation of subsection
106 (1) commits a felony of the third degree, punishable as provided
107 in s. 775.082, s. 775.083, or s. 775.084.

108 (3) As used in this section, the term "illegal gambling"
109 means any criminal violation of chapter 546, chapter 550,
110 chapter 551, or this chapter that occurs at any business,
111 establishment, premises, or other location which operates for
112 profit.

113 Section 8. Section 849.48, Florida Statutes, is created to
114 read:

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115 849.48 Gambling or gaming advertisements; prohibited.—

116 (1)(a) Except as otherwise specifically authorized by law,
117 a person may not knowingly and intentionally make, publish,
118 disseminate, circulate or place before the public, or cause,
119 directly or indirectly, to be made, published, disseminated or
120 circulated or placed before the public in this state, in any
121 manner, any advertisement, circular, bill, poster, pamphlet,
122 list, schedule, announcement, or notice for the purpose of
123 promoting or facilitating illegal gambling.

124 (b) Except as otherwise specifically authorized by law, a
125 person may not set up any type or plate for any type of
126 advertisement, circular, bill, poster, pamphlet, list, schedule,
127 announcement, or notice when he or she knows or reasonably
128 should know that such material will be used for the purpose of
129 promoting or facilitating illegal gambling.

130 (2) A person who violates subsection (1) commits a
131 misdemeanor of the first degree, punishable as provided in s.
132 775.082 or s. 775.083.

133 (3) This section does not prohibit the printing or
134 producing of any advertisement, circular, bill, poster,
135 pamphlet, list, schedule, announcement, or notice to be used for
136 the purpose of promoting or facilitating gambling conducted in
137 any other state or nation, outside of this state, where such
138 gambling is not prohibited.

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139 (4) As used in this section, the term "illegal gambling"
140 means any criminal violation of chapter 546, chapter 550,
141 chapter 551, or this chapter that occurs at any business,
142 establishment, premises, or other location which operates for
143 profit.

144 Section 9. Section 849.49, Florida Statutes, is created to
145 read:

146 849.49 Preemption.— No county, municipality, or other
147 political subdivision of the state shall enact or enforce any
148 ordinance or local rule relating to gaming, gambling, lotteries,
149 or any activities described in s. 546.10 or this chapter, except
150 as otherwise expressly provided by the state constitution,
151 general law, or special law.

152 Section 10. Paragraphs (i) through (m) of subsection (2)
153 of section 903.046, Florida Statutes, are redesignated as
154 paragraphs (j) through (n), respectively, and a new paragraph
155 (i) is added to that subsection, to read:

156 903.046 Purpose of and criteria for bail determination.—

157 (2) When determining whether to release a defendant on
158 bail or other conditions, and what that bail or those conditions
159 may be, the court shall consider:

160 (i) The amount of currency seized that is connected to or
161 involved in a violation of chapter 546, chapter 550, chapter
162 551, or chapter 849.

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