

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; reenacting and amending s. 849.161, F.S.;
 38 | correcting a reference; amending s. 895.02, F.S.;
 39 | revising the definition of the term "racketeering
 40 | activity" to include violations of specified
 41 | provisions; amending s. 721.111, F.S., relating to
 42 | promotional offers; conforming cross-references;
 43 | reenacting ss. 16.56(1)(a), 338.234(1), 655.50(3)(g),
 44 | 849.19, 896.101(2)(g), and 905.34(3), F.S., relating
 45 | to the Office of Statewide Prosecution, the Florida
 46 | Turnpike, money laundering, seizure of property, the
 47 | Florida Money Laundering Act, and a statewide grand
 48 | jury, respectively, to incorporate changes made by the
 49 | act in references thereto; providing an effective
 50 | date.

51 |

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

53 |

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

56 | Section 2. (1) All of the statutory powers, duties,

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

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

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

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

85 rules of the Department of Business and Professional Regulation
86 and shall remain in effect until amended or repealed in the
87 manner provided by law.

88 Section 3. Findings and declarations of necessity.—

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

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

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

110 (4) Therefore, the Legislature finds that there is a
111 compelling state interest in addressing the deleterious effects
112 of the proliferation of electronic machines and devices used for

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

121 Section 4. Paragraph (a) of subsection (1) and subsections
 122 (2), (4), and (7) of section 849.0935, Florida Statutes, are
 123 amended to read:

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

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

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

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

141 provided the organization has complied with all applicable
 142 provisions of chapter 496 and this section. Authority to conduct
 143 drawings by chance pursuant to this section does not provide an
 144 exemption to s. 849.01, s. 849.15, or any other law.

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

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

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

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

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

167 (e) To fail to promptly notify, at the address set forth
 168 on the entry blank, any person, whose entry is selected to win,

169 of the fact that he or she won;

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

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

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

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

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

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

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

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

195 (b) Any organization or person who violates paragraph
196 (4)(j) commits a misdemeanor of the first degree, punishable as

197 provided in s. 775.082 or s. 775.083.

198 (c) Any organization that engages in any other act or
 199 practice in violation of this section commits a misdemeanor of
 200 the second degree, punishable as provided in s. 775.082 or s.
 201 775.083.

202 Section 5. Section 849.094, Florida Statutes, is amended
 203 to read:

204 849.094 Game promotion in connection with sale of consumer
 205 products or services.—

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

207 (a) "Department" means the Department of Business and
 208 Professional Regulation.

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

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

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

225 pursuant to this section does not provide an exemption to s.
 226 849.01, s. 849.15, or any other law.

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

229 (4)(2) It is unlawful for any operator:

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

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

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

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

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

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

247 (c)(b) Arbitrarily to remove, disqualify, disallow, or
 248 reject any entry;

249 (d)(e) To fail to award prizes offered;

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

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

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

279 (6)~~(4)~~(a) Every operator of such a game promotion in which
280 the total announced value of the prizes offered is greater than

281 \$5,000 shall establish a trust account, in a national or state-
282 chartered financial institution, with a balance sufficient to
283 pay or purchase the total value of all prizes offered. On a form
284 supplied by the department ~~of Agriculture and Consumer Services~~,
285 an official of the financial institution holding the trust
286 account shall set forth the dollar amount of the trust account,
287 the identity of the entity or individual establishing the trust
288 account, and the name of the game promotion for which the trust
289 account has been established. Such form shall be filed with the
290 department ~~of Agriculture and Consumer Services~~ at least 7 days
291 in advance of the commencement of the game promotion. In lieu of
292 establishing such trust account, the operator may obtain a
293 surety bond in an amount equivalent to the total value of all
294 prizes offered; and such bond shall be filed with the department
295 ~~of Agriculture and Consumer Services~~ at least 7 days in advance
296 of the commencement of the game promotion.

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

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

306 (b) The department ~~of Agriculture and Consumer Services~~
307 may waive the provisions of this subsection for any operator who
308 has conducted game promotions in the state for not less than 5

309 consecutive years and who has not had any civil, criminal, or
310 administrative action instituted against him or her by the state
311 or an agency of the state for violation of this section within
312 that 5-year period. Such waiver may be revoked upon the
313 commission of a violation of this section by such operator, as
314 determined by the department ~~of Agriculture and Consumer~~
315 ~~Services~~.

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

337 completion of the game.

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

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

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

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

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

365 in the name and on behalf of the people of the state against any
 366 operator thereof to enjoin the continued operation of such game
 367 promotion anywhere within the state.

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

374 (b) Any person, firm, or corporation, or association or
 375 agent or employee thereof, who violates paragraph (4) (a) commits
 376 a felony of the third degree, punishable as provided in s.
 377 775.082, s. 775.083, or s. 775.084.

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

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

389 ~~(13)~~~~(10)~~ ~~This section does not apply to actions or~~
 390 ~~transactions regulated by the Department of Business and~~
 391 ~~Professional Regulation or to the activities of nonprofit~~
 392 ~~organizations or to any other organization engaged in any~~

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

398 Section 6. Section 849.16, Florida Statutes, is amended to
 399 read:

400 849.16 Machines or devices which come within provisions of
 401 law defined.—

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

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

419 (b) Secure additional chances or rights to use such
 420 machine, apparatus, or device, even though the device or system

421 ~~it~~ may be available for free play or, in addition to any element
422 of chance or unpredictable outcome of such operation, may also
423 sell, deliver, or present some merchandise, indication of
424 weight, entertainment, or other thing of value. The term "slot
425 machine or device" includes, but is not limited to, devices
426 regulated as slot machines pursuant to chapter 551.

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

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

446 Section 7. Section 849.161, Florida Statutes, is reenacted
447 and amended to read:

448 849.161 Amusement games or machines; when chapter

449 | inapplicable.—

450 | (1) (a) 1. Nothing contained in this chapter shall be taken
451 | or construed as applicable to an arcade amusement center having
452 | amusement games or machines which operate by means of the
453 | insertion of a coin and which by application of skill may
454 | entitle the person playing or operating the game or machine to
455 | receive points or coupons which may be exchanged for merchandise
456 | only, excluding cash and alcoholic beverages, provided the cost
457 | value of the merchandise or prize awarded in exchange for such
458 | points or coupons does not exceed 75 cents on any game played.

459 | 2. Nothing contained in this chapter shall be taken or
460 | construed as applicable to any retail dealer who operates as a
461 | truck stop, as defined in chapter 336 and which operates a
462 | minimum of 6 functional diesel fuel pumps, having amusement
463 | games or machines which operate by means of the insertion of a
464 | coin or other currency and which by application of skill may
465 | entitle the person playing or operating the game or machine to
466 | receive points or coupons which may be exchanged for merchandise
467 | limited to noncash prizes, toys, novelties, and Florida Lottery
468 | products, excluding alcoholic beverages, provided the cost value
469 | of the merchandise or prize awarded in exchange for such points
470 | or coupons does not exceed 75 cents on any game played. This
471 | subparagraph applies only to games and machines which are
472 | operated for the entertainment of the general public and
473 | tourists as bona fide amusement games or machines. This
474 | subsection shall not apply, however, to any game or device
475 | defined as a gambling device in 15 ~~24~~ U.S.C. s. 1171, which
476 | requires identification of each device by permanently affixing

477 seriatim numbering and name, trade name, and date of manufacture
478 under s. 1173, and registration with the United States Attorney
479 General, unless excluded from applicability of the chapter under
480 s. 1178. This subsection shall not be construed to authorize
481 video poker games or any other game or machine that may be
482 construed as a gambling device under Florida law.

483 (b) Nothing in this subsection shall be taken or construed
484 as applicable to a coin-operated game or device designed and
485 manufactured only for bona fide amusement purposes which game or
486 device may by application of skill entitle the player to replay
487 the game or device at no additional cost, if the game or device:
488 can accumulate and react to no more than 15 free replays; can be
489 discharged of accumulated free replays only by reactivating the
490 game or device for one additional play for such accumulated free
491 replay; can make no permanent record, directly or indirectly, of
492 free replays; and is not classified by the United States as a
493 gambling device in 15 ~~24~~ U.S.C. s. 1171, which requires
494 identification of each device by permanently affixing seriatim
495 numbering and name, trade name, and date of manufacture under s.
496 1173, and registration with the United States Attorney General,
497 unless excluded from applicability of the chapter under s. 1178.
498 This subsection shall not be construed to authorize video poker
499 games, or any other game or machine that may be construed as a
500 gambling device under Florida law.

501 (2) The term "arcade amusement center" as used in this
502 section means a place of business having at least 50 coin-
503 operated amusement games or machines on premises which are
504 operated for the entertainment of the general public and

505 tourists as a bona fide amusement facility.

506 Section 8. Paragraph (a) of subsection (1) of section
507 895.02, Florida Statutes, is amended to read:

508 895.02 Definitions.—As used in ss. 895.01-895.08, the
509 term:

510 (1) "Racketeering activity" means to commit, to attempt to
511 commit, to conspire to commit, or to solicit, coerce, or
512 intimidate another person to commit:

513 (a) Any crime that is chargeable by petition, indictment,
514 or information under the following provisions of the Florida
515 Statutes:

516 1. Section 210.18, relating to evasion of payment of
517 cigarette taxes.

518 2. Section 316.1935, relating to fleeing or attempting to
519 elude a law enforcement officer and aggravated fleeing or
520 eluding.

521 3. Section 403.727(3)(b), relating to environmental
522 control.

523 4. Section 409.920 or s. 409.9201, relating to Medicaid
524 fraud.

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

526 6. Section 440.105 or s. 440.106, relating to workers'
527 compensation.

528 7. Section 443.071(4), relating to creation of a
529 fictitious employer scheme to commit unemployment compensation
530 fraud.

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

- 533 9. Section 499.0051, relating to crimes involving
534 contraband and adulterated drugs.
- 535 10. Part IV of chapter 501, relating to telemarketing.
- 536 11. Chapter 517, relating to sale of securities and
537 investor protection.
- 538 12. Section 550.235 or s. 550.3551, relating to dogracing
539 and horseracing.
- 540 13. Chapter 550, relating to jai alai frontons.
- 541 14. Section 551.109, relating to slot machine gaming.
- 542 15. Chapter 552, relating to the manufacture,
543 distribution, and use of explosives.
- 544 16. Chapter 560, relating to money transmitters, if the
545 violation is punishable as a felony.
- 546 17. Chapter 562, relating to beverage law enforcement.
- 547 18. Section 624.401, relating to transacting insurance
548 without a certificate of authority, s. 624.437(4)(c)1., relating
549 to operating an unauthorized multiple-employer welfare
550 arrangement, or s. 626.902(1)(b), relating to representing or
551 aiding an unauthorized insurer.
- 552 19. Section 655.50, relating to reports of currency
553 transactions, when such violation is punishable as a felony.
- 554 20. Chapter 687, relating to interest and usurious
555 practices.
- 556 21. Section 721.08, s. 721.09, or s. 721.13, relating to
557 real estate timeshare plans.
- 558 22. Section 775.13(5)(b), relating to registration of
559 persons found to have committed any offense for the purpose of
560 benefiting, promoting, or furthering the interests of a criminal

- 561 gang.
- 562 23. Section 777.03, relating to commission of crimes by
- 563 accessories after the fact.
- 564 24. Chapter 782, relating to homicide.
- 565 25. Chapter 784, relating to assault and battery.
- 566 26. Chapter 787, relating to kidnapping or human
- 567 trafficking.
- 568 27. Chapter 790, relating to weapons and firearms.
- 569 28. Chapter 794, relating to sexual battery, but only if
- 570 such crime was committed with the intent to benefit, promote, or
- 571 further the interests of a criminal gang, or for the purpose of
- 572 increasing a criminal gang member's own standing or position
- 573 within a criminal gang.
- 574 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 575 796.05, or s. 796.07, relating to prostitution and sex
- 576 trafficking.
- 577 30. Chapter 806, relating to arson and criminal mischief.
- 578 31. Chapter 810, relating to burglary and trespass.
- 579 32. Chapter 812, relating to theft, robbery, and related
- 580 crimes.
- 581 33. Chapter 815, relating to computer-related crimes.
- 582 34. Chapter 817, relating to fraudulent practices, false
- 583 pretenses, fraud generally, and credit card crimes.
- 584 35. Chapter 825, relating to abuse, neglect, or
- 585 exploitation of an elderly person or disabled adult.
- 586 36. Section 827.071, relating to commercial sexual
- 587 exploitation of children.
- 588 37. Chapter 831, relating to forgery and counterfeiting.

- 589 38. Chapter 832, relating to issuance of worthless checks
590 and drafts.
- 591 39. Section 836.05, relating to extortion.
- 592 40. Chapter 837, relating to perjury.
- 593 41. Chapter 838, relating to bribery and misuse of public
594 office.
- 595 42. Chapter 843, relating to obstruction of justice.
- 596 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
597 s. 847.07, relating to obscene literature and profanity.
- 598 44. Chapter 849 ~~Section 849.09, s. 849.14, s. 849.15, s.~~
599 ~~849.23, or s. 849.25,~~ relating to gambling, lottery, gambling or
600 gaming devices, slot machines, or any of the provisions within
601 that chapter.
- 602 45. Chapter 874, relating to criminal gangs.
- 603 46. Chapter 893, relating to drug abuse prevention and
604 control.
- 605 47. Chapter 896, relating to offenses related to financial
606 transactions.
- 607 48. Sections 914.22 and 914.23, relating to tampering with
608 or harassing a witness, victim, or informant, and retaliation
609 against a witness, victim, or informant.
- 610 49. Sections 918.12 and 918.13, relating to tampering with
611 jurors and evidence.
- 612 Section 9. Subsection (2) of section 721.111, Florida
613 Statutes, is amended to read:
- 614 721.111 Prize and gift promotional offers.—
- 615 (2) A game promotion, such as a contest of chance, gift
616 enterprise, or sweepstakes, in which the elements of chance and

617 prize are present may not be used in connection with the
 618 offering or sale of timeshare interests, except for drawings, as
 619 that term is defined in s. 849.0935(1)(a), in which no more than
 620 26 prizes are promoted and in which all promoted prizes are
 621 actually awarded. All such drawings must meet all requirements
 622 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and
 623 (9) ~~(7)~~.

624 Section 10. For the purpose of incorporating the amendment
 625 made by this act to section 895.02, Florida Statutes, in a
 626 reference thereto, paragraph (a) of subsection (1) of section
 627 16.56, Florida Statutes, is reenacted to read:

628 16.56 Office of Statewide Prosecution.—

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

633 (a) Investigate and prosecute the offenses of:

634 1. Bribery, burglary, criminal usury, extortion, gambling,
 635 kidnapping, larceny, murder, prostitution, perjury, robbery,
 636 carjacking, and home-invasion robbery;

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

638 3. Any violation of the provisions of the Florida RICO
 639 (Racketeer Influenced and Corrupt Organization) Act, including
 640 any offense listed in the definition of racketeering activity in
 641 s. 895.02(1)(a), providing such listed offense is investigated
 642 in connection with a violation of s. 895.03 and is charged in a
 643 separate count of an information or indictment containing a
 644 count charging a violation of s. 895.03, the prosecution of

645 | which listed offense may continue independently if the
 646 | prosecution of the violation of s. 895.03 is terminated for any
 647 | reason;

648 | 4. Any violation of the provisions of the Florida Anti-
 649 | Fencing Act;

650 | 5. Any violation of the provisions of the Florida
 651 | Antitrust Act of 1980, as amended;

652 | 6. Any crime involving, or resulting in, fraud or deceit
 653 | upon any person;

654 | 7. Any violation of s. 847.0135, relating to computer
 655 | pornography and child exploitation prevention, or any offense
 656 | related to a violation of s. 847.0135 or any violation of
 657 | chapter 827 where the crime is facilitated by or connected to
 658 | the use of the Internet or any device capable of electronic data
 659 | storage or transmission;

660 | 8. Any violation of the provisions of chapter 815;

661 | 9. Any criminal violation of part I of chapter 499;

662 | 10. Any violation of the provisions of the Florida Motor
 663 | Fuel Tax Relief Act of 2004;

664 | 11. Any criminal violation of s. 409.920 or s. 409.9201;

665 | 12. Any crime involving voter registration, voting, or
 666 | candidate or issue petition activities;

667 | 13. Any criminal violation of the Florida Money Laundering
 668 | Act; or

669 | 14. Any criminal violation of the Florida Securities and
 670 | Investor Protection Act; or any attempt, solicitation, or
 671 | conspiracy to commit any of the crimes specifically enumerated
 672 | above. The office shall have such power only when any such

673 offense is occurring, or has occurred, in two or more judicial
674 circuits as part of a related transaction, or when any such
675 offense is connected with an organized criminal conspiracy
676 affecting two or more judicial circuits. Informations or
677 indictments charging such offenses shall contain general
678 allegations stating the judicial circuits and counties in which
679 crimes are alleged to have occurred or the judicial circuits and
680 counties in which crimes affecting such circuits or counties are
681 alleged to have been connected with an organized criminal
682 conspiracy.

683 Section 11. For the purpose of incorporating the amendment
684 made by this act to section 849.16, Florida Statutes, in a
685 reference thereto, subsection (1) of section 338.234, Florida
686 Statutes, is reenacted to read:

687 338.234 Granting concessions or selling along the turnpike
688 system; immunity from taxation.-

689 (1) The department may enter into contracts or licenses
690 with any person for the sale of services or products or business
691 opportunities on the turnpike system, or the turnpike enterprise
692 may sell services, products, or business opportunities on the
693 turnpike system, which benefit the traveling public or provide
694 additional revenue to the turnpike system. Services, business
695 opportunities, and products authorized to be sold include, but
696 are not limited to, motor fuel, vehicle towing, and vehicle
697 maintenance services; food with attendant nonalcoholic
698 beverages; lodging, meeting rooms, and other business services
699 opportunities; advertising and other promotional opportunities,
700 which advertising and promotions must be consistent with the

701 dignity and integrity of the state; state lottery tickets sold
702 by authorized retailers; games and amusements that operate by
703 the application of skill, not including games of chance as
704 defined in s. 849.16 or other illegal gambling games; Florida
705 citrus, goods promoting the state, or handmade goods produced
706 within the state; and travel information, tickets, reservations,
707 or other related services. However, the department, pursuant to
708 the grants of authority to the turnpike enterprise under this
709 section, shall not exercise the power of eminent domain solely
710 for the purpose of acquiring real property in order to provide
711 business services or opportunities, such as lodging and meeting-
712 room space on the turnpike system.

713 Section 12. For the purpose of incorporating the amendment
714 made by this act to section 895.02, Florida Statutes, in a
715 reference thereto, paragraph (g) of subsection (3) of section
716 655.50, Florida Statutes, is reenacted to read:

717 655.50 Florida Control of Money Laundering in Financial
718 Institutions Act; reports of transactions involving currency or
719 monetary instruments; when required; purpose; definitions;
720 penalties.—

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

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

724 Section 13. For the purpose of incorporating the amendment
725 made by this act to section 849.16, Florida Statutes, in a
726 reference thereto, section 849.19, Florida Statutes, is
727 reenacted to read:

728 849.19 Property rights in confiscated machine.—The right

729 of property in and to any machine, apparatus or device as
 730 defined in s. 849.16 and to all money and other things of value
 731 therein, is declared not to exist in any person, and the same
 732 shall be forfeited and such money or other things of value shall
 733 be forfeited to the county in which the seizure was made and
 734 shall be delivered forthwith to the clerk of the circuit court
 735 and shall by her or him be placed in the fine and forfeiture
 736 fund of said county.

737 Section 14. For the purpose of incorporating the amendment
 738 made by this act to section 895.02, Florida Statutes, in a
 739 reference thereto, paragraph (g) of subsection (2) of section
 740 896.101, Florida Statutes, is reenacted to read:

741 896.101 Florida Money Laundering Act; definitions;
 742 penalties; injunctions; seizure warrants; immunity.—

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

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

746 Section 15. For the purpose of incorporating the amendment
 747 made by this act to section 895.02, Florida Statutes, in a
 748 reference thereto, subsection (3) of section 905.34, Florida
 749 Statutes, is reenacted to read:

750 905.34 Powers and duties; law applicable.—The jurisdiction
 751 of a statewide grand jury impaneled under this chapter shall
 752 extend throughout the state. The subject matter jurisdiction of
 753 the statewide grand jury shall be limited to the offenses of:

754 (3) Any violation of the provisions of the Florida RICO
 755 (Racketeer Influenced and Corrupt Organization) Act, including
 756 any offense listed in the definition of racketeering activity in

757 s. 895.02(1)(a), providing such listed offense is investigated
758 in connection with a violation of s. 895.03 and is charged in a
759 separate count of an information or indictment containing a
760 count charging a violation of s. 895.03, the prosecution of
761 which listed offense may continue independently if the
762 prosecution of the violation of s. 895.03 is terminated for any
763 reason; or any attempt, solicitation, or conspiracy to commit
764 any violation of the crimes specifically enumerated above, when
765 any such offense is occurring, or has occurred, in two or more
766 judicial circuits as part of a related transaction or when any
767 such offense is connected with an organized criminal conspiracy
768 affecting two or more judicial circuits. The statewide grand
769 jury may return indictments and presentments irrespective of the
770 county or judicial circuit where the offense is committed or
771 triable. If an indictment is returned, it shall be certified and
772 transferred for trial to the county where the offense was
773 committed. The powers and duties of, and law applicable to,
774 county grand juries shall apply to a statewide grand jury except
775 when such powers, duties, and law are inconsistent with the
776 provisions of ss. 905.31-905.40.

777 Section 16. This act shall take effect upon becoming a
778 law.