

1                   A bill to be entitled  
2           An act relating to the prohibition of electronic  
3           gambling devices; providing legislative findings and a  
4           declaration of intent and construction; amending s.  
5           849.0935, F.S., relating to drawings by chance offered  
6           by nonprofit organizations; revising the definition of  
7           the term "drawing by chance" to include the term  
8           "raffle" within the meaning of the term and exclude  
9           the term "game promotions"; revising conditions for  
10          exceptions to prohibitions on lotteries; amending s.  
11          849.094, F.S., relating to game promotions in  
12          connection with sale of consumer products or services;  
13          defining the term "department" as the Department of  
14          Agriculture and Consumer Services; revising  
15          definitions; prohibiting specified nonprofit  
16          organizations from operating a game promotion;  
17          providing conditions for exceptions to prohibitions on  
18          lotteries; prohibiting the use of certain devices  
19          operated by game promotion entrants; revising  
20          procedures for operation of a game promotion;  
21          providing for construction; providing that violations  
22          are deceptive and unfair trade practices; revising  
23          applicability provisions; amending s. 849.16, F.S.;  
24          defining the term "slot machine or device" for  
25          purposes of specified gambling provisions; providing a  
26          rebuttable presumption that a device, system, or  
27          network is a prohibited slot machine; amending s.  
28          849.161, F.S., relating to amusement games or

29 machines; revising and providing definitions; revising  
 30 provisions that exempt certain amusement games and  
 31 centers from the application of specified provisions  
 32 relating to gambling; amending s. 895.02, F.S.;  
 33 revising the definition of the term "racketeering  
 34 activity" to include violations of specified  
 35 provisions; amending s. 721.111, F.S., relating to  
 36 promotional offers; conforming cross-references;  
 37 reenacting ss. 16.56(1)(a), 338.234(1), 655.50(3)(g),  
 38 849.19, 896.101(2)(g), and 905.34(3), F.S., relating  
 39 to the Office of Statewide Prosecution, the Florida  
 40 Turnpike, money laundering, seizure of property, the  
 41 Florida Money Laundering Act, and a statewide grand  
 42 jury, respectively, to incorporate changes made by the  
 43 act in references thereto; providing an effective  
 44 date.

45  
 46 Be It Enacted by the Legislature of the State of Florida:

47  
 48 Section 1. Findings and declarations of necessity.—

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

52 (2) The Legislature finds that s. 849.0935, Florida  
 53 Statutes, was enacted to allow specified charitable or nonprofit  
 54 organizations the opportunity to raise funds to carry out their  
 55 charitable or nonprofit purpose by conducting a raffle for  
 56 prizes by eliminating the element of monetary consideration and

57 allowing the receipt of voluntary donations or contributions and  
58 was not intended to provide a vehicle for the establishment of  
59 places of gambling or gaming.

60 (3) The Legislature finds that s. 849.094, Florida  
61 Statutes, was enacted to regulate certain game promotions or  
62 sweepstakes conducted by for-profit commercial entities on a  
63 limited and occasional basis as an advertising and marketing  
64 tool and incidental to substantial bona fide sales of consumer  
65 products or services, if the element of consideration is removed  
66 as no purchase necessary and they comply with the requirements  
67 and rules specified by law, and was not intended to provide a  
68 vehicle for the establishment of places of ongoing gambling or  
69 gaming.

70 (4) The Legislature finds that s. 849.161, Florida  
71 Statutes, was enacted to regulate the operation of skill-based  
72 arcade games offered at specified arcade amusement centers and  
73 truck stops if they comply with the requirements of law and was  
74 not provided as a vehicle for the conduct of casino-style  
75 gambling.

76 (5) Therefore, the Legislature finds that there is a  
77 compelling state interest in clarifying the operation and use of  
78 ss. 849.0935, 849.094, and 849.161, Florida Statutes, to ensure  
79 that a charitable drawing by chance, game promotion in  
80 connection with the sale of a consumer product or service, and  
81 arcade amusement games are not subject to abuse or interpreted  
82 in any manner as creating an exception to Florida's general  
83 prohibitions against gambling.

84 Section 2. Paragraph (a) of subsection (1) and subsections  
 85 (2), (4), and (7) of section 849.0935, Florida Statutes, are  
 86 amended to read:

87 849.0935 Charitable, nonprofit organizations; drawings by  
 88 chance; required disclosures; unlawful acts and practices;  
 89 penalties.—

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

91 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means  
 92 an enterprise in which, from the entries submitted by the public  
 93 to the organization conducting the drawing, one or more entries  
 94 are selected by chance to win a prize. The term "drawing" does  
 95 not include those enterprises, commonly known as "game  
 96 promotions," as defined by s. 849.094, "matching," "instant  
 97 winner," or "preselected sweepstakes," which involve the  
 98 distribution of winning numbers, previously designated as such,  
 99 to the public.

100 (2) Section ~~The provisions of s. 849.09~~ does ~~shall not be~~  
 101 ~~construed to~~ prohibit an organization ~~qualified under 26 U.S.C.~~  
 102 ~~s. 501(c)(3), (4), (7), (8), (10), or (19)~~ from conducting  
 103 drawings by chance pursuant to the authority granted by this  
 104 section, ~~if provided~~ the organization has complied with all  
 105 applicable provisions of chapter 496 and this section. Authority  
 106 to conduct drawings by chance pursuant to this section does not  
 107 provide an exemption to s. 849.01, s. 849.15, or any other law.

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

111 (a) To design, engage in, promote, or conduct any drawing

112 in which the winner is predetermined by means of matching,  
113 instant win, or preselected sweepstakes or otherwise or in which  
114 the selection of the winners is in any way rigged;

115 (b) To require an entry fee, donation, substantial  
116 consideration, payment, proof of purchase, or contribution as a  
117 condition of entering the drawing or of being selected to win a  
118 prize. However, this paragraph does ~~provision shall~~ not prohibit  
119 an organization from suggesting a minimum donation or from  
120 including a statement of such suggested minimum donation on any  
121 printed material used ~~utilized~~ in connection with the  
122 fundraising event or drawing;

123 (c) To condition the drawing on a minimum number of  
124 tickets having been disbursed to contributors or on a minimum  
125 amount of contributions having been received;

126 (d) To arbitrarily remove, disqualify, disallow, or reject  
127 any entry or to discriminate in any manner between entrants who  
128 gave contributions to the organization and those who did not  
129 give such contributions;

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

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

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

137 (h) To cancel a drawing; or

138 (i) To condition the acquisition or giveaway of any prize  
139 upon the receipt of voluntary donations or contributions.

140 (7) Any organization that ~~which~~ engages in any act or  
 141 practice in violation of this section commits ~~is guilty of~~ a  
 142 misdemeanor of the second degree, punishable as provided in s.  
 143 775.082 or s. 775.083. ~~However,~~ Any organization or other person  
 144 who sells or offers for sale in this state a ticket or entry  
 145 blank for a raffle or other drawing by chance, without complying  
 146 with the requirements of paragraph (3)(d), commits ~~is guilty of~~  
 147 a misdemeanor of the second degree, punishable by fine only as  
 148 provided in s. 775.083.

149 Section 3. Section 849.094, Florida Statutes, is amended  
 150 to read:

151 849.094 Game promotion in connection with sale of consumer  
 152 products or services.—

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

154 (a) "Department" means the Department of Agriculture and  
 155 Consumer Services.

156 (b) ~~(a)~~ "Game promotion" means, but is not limited to, a  
 157 contest, game of chance, sweepstakes, or gift enterprise,  
 158 conducted by an operator within or throughout the state and  
 159 other states in connection with and incidental to the sale of  
 160 consumer products or services, and in which the elements of  
 161 chance and prize are present. However, "game promotion" may  
 162 ~~shall~~ not be construed to apply to bingo games conducted  
 163 pursuant to s. 849.0931.

164 (c) ~~(b)~~ "Operator" means any person, firm, corporation,  
 165 enterprise, organization, or association or agent or employee  
 166 thereof who promotes, operates, or conducts a game promotion,  
 167 ~~except any charitable nonprofit organization.~~

168        (2) Section 849.09 does not prohibit an operator from  
169 conducting a game promotion pursuant to this section if the  
170 operator has complied with this section. Authority to conduct  
171 game promotions pursuant to this section does not provide an  
172 exemption to s. 849.01, s. 849.15, or any other law.

173        (3) An organization as defined in s. 849.0935 may not  
174 operate a game promotion.

175        (4)-(2) It is unlawful for any operator:

176        (a) To design, engage in, promote, or conduct such a game  
177 promotion, in connection with the promotion or sale of consumer  
178 products or services, wherein the winner may be predetermined or  
179 the game may be manipulated or rigged so as to:

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

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

184        (b) Arbitrarily to remove, disqualify, disallow, or reject  
185 any entry;

186        (c) To fail to award prizes offered;

187        (d) To print, publish, or circulate literature or  
188 advertising material used in connection with such game  
189 promotions which is false, deceptive, or misleading; or

190        (e) To require an entry fee, payment, or proof of purchase  
191 as a condition of entering a game promotion.

192        (5)-(3) The operator of a game promotion in which the total  
193 announced value of the prizes offered is greater than \$5,000  
194 shall file with the department of Agriculture and Consumer  
195 ~~Services~~ a copy of the rules and regulations of the game

196 promotion and a list of all prizes and prize categories offered  
197 at least 7 days before the commencement of the game promotion.  
198 Such rules and regulations may not thereafter be changed,  
199 modified, or altered. The operator of a game promotion shall  
200 conspicuously post the rules and regulations of such game  
201 promotion in each and every retail outlet or place where such  
202 game promotion may be played or participated in by the public  
203 and shall also publish the rules and regulations in all  
204 advertising copy used in connection therewith. However, such  
205 advertising copy need only include the material terms of the  
206 rules and regulations if the advertising copy includes a website  
207 address, a toll-free telephone number, or a mailing address  
208 where the full rules and regulations may be viewed, heard, or  
209 obtained for the full duration of the game promotion. Such  
210 disclosures must be legible. Radio and television announcements  
211 may indicate that the rules and regulations are available at  
212 retail outlets or from the operator of the promotion. A  
213 nonrefundable filing fee of \$100 shall accompany each filing and  
214 shall be used to pay the costs incurred in administering and  
215 enforcing the provisions of this section.

216 (6)~~(4)~~ (a) Every operator of such a game promotion in which  
217 the total announced value of the prizes offered is greater than  
218 \$5,000 shall establish a trust account, in a national or state-  
219 chartered financial institution, with a balance sufficient to  
220 pay or purchase the total value of all prizes offered. On a form  
221 supplied by the department of ~~Agriculture and Consumer Services~~,  
222 an official of the financial institution holding the trust  
223 account shall set forth the dollar amount of the trust account,



224 the identity of the entity or individual establishing the trust  
225 account, and the name of the game promotion for which the trust  
226 account has been established. Such form shall be filed with the  
227 department ~~of Agriculture and Consumer Services~~ at least 7 days  
228 in advance of the commencement of the game promotion. In lieu of  
229 establishing such trust account, the operator may obtain a  
230 surety bond in an amount equivalent to the total value of all  
231 prizes offered; and such bond shall be filed with the department  
232 ~~of Agriculture and Consumer Services~~ at least 7 days in advance  
233 of the commencement of the game promotion.

234 1. The moneys held in the trust account may be withdrawn  
235 in order to pay the prizes offered only upon certification to  
236 the department ~~of Agriculture and Consumer Services~~ of the name  
237 of the winner or winners and the amount of the prize or prizes  
238 and the value thereof.

239 2. If the operator of a game promotion has obtained a  
240 surety bond in lieu of establishing a trust account, the amount  
241 of the surety bond shall equal at all times the total amount of  
242 the prizes offered.

243 (b) The department ~~of Agriculture and Consumer Services~~  
244 may waive the provisions of this subsection for any operator who  
245 has conducted game promotions in the state for not less than 5  
246 consecutive years and who has not had any civil, criminal, or  
247 administrative action instituted against him or her by the state  
248 or an agency of the state for violation of this section within  
249 that 5-year period. Such waiver may be revoked upon the  
250 commission of a violation of this section by such operator, as  
251 determined by the department ~~of Agriculture and Consumer~~

252 Services.

253 (7)~~(5)~~ Every operator of a game promotion in which the  
254 total announced value of the prizes offered is greater than  
255 \$5,000 shall provide the department ~~of Agriculture and Consumer~~  
256 ~~Services~~ with a certified list of the names and addresses of all  
257 persons, whether from this state or from another state, who have  
258 won prizes which have a value of more than \$25, the value of  
259 such prizes, and the dates when the prizes were won within 60  
260 days after such winners have been finally determined. The  
261 operator shall provide a copy of the list of winners, without  
262 charge, to any person who requests it. In lieu of the foregoing,  
263 the operator of a game promotion may, at his or her option,  
264 publish the same information about the winners in a Florida  
265 newspaper of general circulation within 60 days after such  
266 winners have been determined and shall provide to the department  
267 ~~of Agriculture and Consumer Services~~ a certified copy of the  
268 publication containing the information about the winners. The  
269 operator of a game promotion is not required to notify a winner  
270 by mail or by telephone when the winner is already in possession  
271 of a game card from which the winner can determine that he or  
272 she has won a designated prize. All winning entries shall be  
273 held by the operator for a period of 90 days after the close or  
274 completion of the game.

275 (8)~~(6)~~ The department ~~of Agriculture and Consumer Services~~  
276 shall keep the certified list of winners for a period of at  
277 least 6 months after receipt of the certified list. The  
278 department thereafter may dispose of all records and lists.

279 (9)~~(7)~~ An ~~No~~ operator may not ~~shall~~ force, directly or

280 indirectly, a lessee, agent, or franchise dealer to purchase or  
281 participate in any game promotion. For the purpose of this  
282 section, coercion or force is ~~shall be~~ presumed in these  
283 circumstances in which a course of business extending ~~over a~~  
284 ~~period of~~ 1 year or more ~~longer~~ is materially changed coincident  
285 with a failure or refusal of a lessee, agent, or franchise  
286 dealer to participate in such game promotions. Such force or  
287 coercion is ~~shall further be~~ presumed when an operator  
288 advertises generally that game promotions are available at its  
289 lessee dealers or agent dealers.

290 (10)-(8) (a) The department may adopt ~~of Agriculture and~~  
291 ~~Consumer Services shall have the power to promulgate~~ such rules  
292 and regulations respecting the operation of game promotions as  
293 it deems ~~may deem~~ advisable.

294 (b) Compliance with the rules of the department does not  
295 authorize and is not a defense to a charge of possession of a  
296 slot machine or device or any other device or a violation of any  
297 other law.

298 (c)-(b) Whenever the department ~~of Agriculture and Consumer~~  
299 ~~Services~~ or the Department of Legal Affairs has reason to  
300 believe that a game promotion is being operated in violation of  
301 this section, it may bring an action in the circuit court of any  
302 judicial circuit in which the game promotion is being operated  
303 in the name and on behalf of the people of the state against any  
304 operator thereof to enjoin the continued operation of such game  
305 promotion anywhere within the state.

306 (11)-(9) (a) Any person, firm, or corporation, or  
307 association or agent or employee thereof, who engages in any

308 acts or practices stated in this section to be unlawful, or who  
309 violates any of the rules and regulations made pursuant to this  
310 section, commits ~~is guilty of~~ a misdemeanor of the second  
311 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

323 ~~(13)(10) This section does not apply to actions or~~  
324 ~~transactions regulated by the Department of Business and~~  
325 ~~Professional Regulation or to the activities of nonprofit~~  
326 ~~organizations or to any other organization engaged in any~~  
327 ~~enterprise other than the sale of consumer products or services.~~  
328 Subsections ~~(3), (4),~~ (5), (6), and (7), (8), and (9) and  
329 paragraph (10)(a) ~~(8)(a)~~ and any of the rules made pursuant  
330 thereto do not apply to television or radio broadcasting  
331 companies licensed by the Federal Communications Commission.

332 Section 4. Section 849.16, Florida Statutes, is amended to  
333 read:

334 849.16 Machines or devices which come within provisions of  
335 law defined.-

336           (1) As used in this chapter, the term "slot machine or  
337 device" means any machine or device or system or network of  
338 devices ~~is a slot machine or device within the provisions of~~  
339 ~~this chapter if it is one~~ that is adapted for use in such a way  
340 that, upon activation, which may be achieved by, but is not  
341 limited to, as a result of the insertion of any piece of money,  
342 coin, account number, code, or other object or information, such  
343 ~~machine or device or system~~ is directly or indirectly caused to  
344 operate or may be operated and if the user, whether by  
345 application of skill or by reason of any element of chance or of  
346 any other outcome ~~of such operation~~ unpredictable by the user  
347 ~~him or her,~~ may:

348           (a) Receive or become entitled to receive any piece of  
349 money, credit, allowance, or thing of value, or any check, slug,  
350 token, or memorandum, whether of value or otherwise, which may  
351 be exchanged for any money, credit, allowance, or thing of value  
352 or which may be given in trade; or

353           (b) Secure additional chances or rights to use such  
354 machine, apparatus, or device, even though the device or system  
355 ~~it~~ may be available for free play or, in addition to any element  
356 of chance or unpredictable outcome of such operation, may also  
357 sell, deliver, or present some merchandise, indication of  
358 weight, entertainment, or other thing of value. The term "slot  
359 machine or device" includes, but is not limited to, devices  
360 regulated as slot machines pursuant to chapter 551.

361           (2) ~~Nothing contained in This chapter~~ may not shall be  
362 construed, interpreted, or applied to the possession of a  
363 reverse vending machine. As used in this section, the term a

364 "reverse vending machine" means ~~is~~ a machine into which empty  
365 beverage containers are deposited for recycling and which  
366 provides a payment of money, merchandise, vouchers, or other  
367 incentives. At a frequency less than upon the deposit of each  
368 beverage container, a reverse vending machine may pay out a  
369 random incentive bonus greater than that guaranteed payment in  
370 the form of money, merchandise, vouchers, or other incentives.  
371 The deposit of any empty beverage container into a reverse  
372 vending machine does not constitute consideration, and ~~nor shall~~  
373 a reverse vending machine may not be deemed ~~to be~~ a slot machine  
374 as defined in ~~within~~ this section.

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

380 Section 5. Section 849.161, Florida Statutes, is amended  
381 to read:

382 849.161 Amusement games or machines; when chapter  
383 inapplicable.—

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

385 (a) "Amusement games or machines" means games which  
386 operate by means of the insertion of a coin, and which by  
387 application of skill may entitle the person playing or operating  
388 the game or machine to receive points or coupons, the cost value  
389 of which does not exceed 75 cents on any game played, which may  
390 be exchanged for merchandise. The term does not include casino-  
391 style games in which the outcome is determined by factors

392 unpredictable by the player or games in which the player may not  
 393 control the outcome of the game through skill.

394 (b) "Arcade amusement center" means a place of business  
 395 having at least 50 coin-operated amusement games or machines on  
 396 premises which are operated for the entertainment of the general  
 397 public and tourists as a bona fide amusement facility.

398 (c) "Game played" means the event occurring from the  
 399 initial activation of the machine until the results of play are  
 400 determined without payment of additional consideration. Free  
 401 replays do not constitute additional consideration.

402 (d) "Merchandise" means noncash prizes, including toys and  
 403 novelties. The term does not include cash or any equivalent  
 404 thereof, including gift cards or certificates, or alcoholic  
 405 beverages.

406 (e) "Truck stop" means any dealer registered pursuant to  
 407 chapter 212, excluding marinas, which:

- 408 1. Declared its primary fuel business to be the sale of  
 409 diesel fuel;
- 410 2. Operates a minimum of six functional diesel fuel pumps;  
 411 and
- 412 3. Has coin-operated amusement games or machines on  
 413 premises which are operated for the entertainment of the general  
 414 public and tourists as bona fide amusement games or machines.

415 (2)-(1)-(a)1. Nothing contained in this chapter shall be  
 416 taken or construed to prohibit as applicable to an arcade  
 417 amusement center or truck stop from operating having amusement  
 418 games or machines in conformance with this section ~~which operate~~  
 419 ~~by means of the insertion of a coin and which by application of~~

420 ~~skill may entitle the person playing or operating the game or~~  
421 ~~machine to receive points or coupons which may be exchanged for~~  
422 ~~merchandise only, excluding cash and alcoholic beverages,~~  
423 ~~provided the cost value of the merchandise or prize awarded in~~  
424 ~~exchange for such points or coupons does not exceed 75 cents on~~  
425 ~~any game played.~~

426 ~~2. Nothing contained in this chapter shall be taken or~~  
427 ~~construed as applicable to any retail dealer who operates as a~~  
428 ~~truck stop, as defined in chapter 336 and which operates a~~  
429 ~~minimum of 6 functional diesel fuel pumps, having amusement~~  
430 ~~games or machines which operate by means of the insertion of a~~  
431 ~~coin or other currency and which by application of skill may~~  
432 ~~entitle the person playing or operating the game or machine to~~  
433 ~~receive points or coupons which may be exchanged for merchandise~~  
434 ~~limited to noncash prizes, toys, novelties, and Florida Lottery~~  
435 ~~products, excluding alcoholic beverages, provided the cost value~~  
436 ~~of the merchandise or prize awarded in exchange for such points~~  
437 ~~or coupons does not exceed 75 cents on any game played.~~

438 (3) This section ~~subparagraph~~ applies only to games and  
439 machines which are operated for the entertainment of the general  
440 public and tourists as bona fide amusement games or machines.

441 (4) This section ~~subsection~~ shall not be construed to  
442 authorize ~~apply, however, to~~ any game or device defined as a  
443 gambling device in 15 ~~24~~ U.S.C. s. 1171, which requires  
444 identification of each device by permanently affixing serial  
445 numbering and name, trade name, and date of manufacture under s.  
446 1173, and registration with the United States Attorney General,  
447 unless excluded from applicability of the chapter under s. 1178.



448 ~~or. This subsection shall not be construed to authorize video~~  
449 ~~poker games or any other game or machine that may be construed~~  
450 ~~as a gambling device under Florida law.~~

451 (5)(b) This section does not apply ~~Nothing in this~~  
452 ~~subsection shall be taken or construed as applicable to a coin-~~  
453 ~~operated game or device designed and manufactured only for bona~~  
454 ~~fide amusement purposes which game or device may by application~~  
455 ~~of skill entitle the player to replay the game or device at no~~  
456 ~~additional cost, if the game or device: can accumulate and react~~  
457 ~~to no more than 15 free replays; can be discharged of~~  
458 ~~accumulated free replays only by reactivating the game or device~~  
459 ~~for one additional play for such accumulated free replay; can~~  
460 ~~make no permanent record, directly or indirectly, of free~~  
461 ~~replays; and is not classified by the United States as a~~  
462 ~~gambling device in 15 24 U.S.C. s. 1171, which requires~~  
463 ~~identification of each device by permanently affixing serial~~  
464 ~~numbering and name, trade name, and date of manufacture under s.~~  
465 ~~1173, and registration with the United States Attorney General,~~  
466 ~~unless excluded from applicability of the chapter under s. 1178.~~  
467 ~~This subsection shall not be construed to authorize video poker~~  
468 ~~games, or any other game or machine that may be construed as a~~  
469 ~~gambling device under Florida law.~~

470 ~~(2) The term "arcade amusement center" as used in this~~  
471 ~~section means a place of business having at least 50 coin-~~  
472 ~~operated amusement games or machines on premises which are~~  
473 ~~operated for the entertainment of the general public and~~  
474 ~~tourists as a bona fide amusement facility.~~

475 Section 6. Paragraph (a) of subsection (1) of section

476 | 895.02, Florida Statutes, is amended to read:

477 |       895.02 Definitions.—As used in ss. 895.01-895.08, the  
478 | term:

479 |       (1) "Racketeering activity" means to commit, to attempt to  
480 | commit, to conspire to commit, or to solicit, coerce, or  
481 | intimidate another person to commit:

482 |       (a) Any crime that is chargeable by petition, indictment,  
483 | or information under the following provisions of the Florida  
484 | Statutes:

485 |       1. Section 210.18, relating to evasion of payment of  
486 | cigarette taxes.

487 |       2. Section 316.1935, relating to fleeing or attempting to  
488 | elude a law enforcement officer and aggravated fleeing or  
489 | eluding.

490 |       3. Section 403.727(3)(b), relating to environmental  
491 | control.

492 |       4. Section 409.920 or s. 409.9201, relating to Medicaid  
493 | fraud.

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

495 |       6. Section 440.105 or s. 440.106, relating to workers'  
496 | compensation.

497 |       7. Section 443.071(4), relating to creation of a  
498 | fictitious employer scheme to commit reemployment assistance  
499 | fraud.

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

502 |       9. Section 499.0051, relating to crimes involving  
503 | contraband and adulterated drugs.

- 504 |       10. Part IV of chapter 501, relating to telemarketing.
- 505 |       11. Chapter 517, relating to sale of securities and
- 506 | investor protection.
- 507 |       12. Section 550.235 or s. 550.3551, relating to dogracing
- 508 | and horseracing.
- 509 |       13. Chapter 550, relating to jai alai frontons.
- 510 |       14. Section 551.109, relating to slot machine gaming.
- 511 |       15. Chapter 552, relating to the manufacture,
- 512 | distribution, and use of explosives.
- 513 |       16. Chapter 560, relating to money transmitters, if the
- 514 | violation is punishable as a felony.
- 515 |       17. Chapter 562, relating to beverage law enforcement.
- 516 |       18. Section 624.401, relating to transacting insurance
- 517 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 518 | to operating an unauthorized multiple-employer welfare
- 519 | arrangement, or s. 626.902(1)(b), relating to representing or
- 520 | aiding an unauthorized insurer.
- 521 |       19. Section 655.50, relating to reports of currency
- 522 | transactions, when such violation is punishable as a felony.
- 523 |       20. Chapter 687, relating to interest and usurious
- 524 | practices.
- 525 |       21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 526 | real estate timeshare plans.
- 527 |       22. Section 775.13(5)(b), relating to registration of
- 528 | persons found to have committed any offense for the purpose of
- 529 | benefiting, promoting, or furthering the interests of a criminal
- 530 | gang.
- 531 |       23. Section 777.03, relating to commission of crimes by

- 532 accessories after the fact.
- 533 24. Chapter 782, relating to homicide.
- 534 25. Chapter 784, relating to assault and battery.
- 535 26. Chapter 787, relating to kidnapping or human
- 536 trafficking.
- 537 27. Chapter 790, relating to weapons and firearms.
- 538 28. Chapter 794, relating to sexual battery, but only if
- 539 such crime was committed with the intent to benefit, promote, or
- 540 further the interests of a criminal gang, or for the purpose of
- 541 increasing a criminal gang member's own standing or position
- 542 within a criminal gang.
- 543 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or
- 544 s. 796.07, relating to prostitution and sex trafficking.
- 545 30. Chapter 806, relating to arson and criminal mischief.
- 546 31. Chapter 810, relating to burglary and trespass.
- 547 32. Chapter 812, relating to theft, robbery, and related
- 548 crimes.
- 549 33. Chapter 815, relating to computer-related crimes.
- 550 34. Chapter 817, relating to fraudulent practices, false
- 551 pretenses, fraud generally, and credit card crimes.
- 552 35. Chapter 825, relating to abuse, neglect, or
- 553 exploitation of an elderly person or disabled adult.
- 554 36. Section 827.071, relating to commercial sexual
- 555 exploitation of children.
- 556 37. Chapter 831, relating to forgery and counterfeiting.
- 557 38. Chapter 832, relating to issuance of worthless checks
- 558 and drafts.
- 559 39. Section 836.05, relating to extortion.

- 560           40. Chapter 837, relating to perjury.
- 561           41. Chapter 838, relating to bribery and misuse of public  
562 office.
- 563           42. Chapter 843, relating to obstruction of justice.
- 564           43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
565 s. 847.07, relating to obscene literature and profanity.
- 566           44. Chapter 849 ~~Section 849.09, s. 849.14, s. 849.15, s.~~  
567 ~~849.23, or s. 849.25,~~ relating to gambling, lottery, gambling or  
568 gaming devices, slot machines, or any of the provisions within  
569 that chapter.
- 570           45. Chapter 874, relating to criminal gangs.
- 571           46. Chapter 893, relating to drug abuse prevention and  
572 control.
- 573           47. Chapter 896, relating to offenses related to financial  
574 transactions.
- 575           48. Sections 914.22 and 914.23, relating to tampering with  
576 or harassing a witness, victim, or informant, and retaliation  
577 against a witness, victim, or informant.
- 578           49. Sections 918.12 and 918.13, relating to tampering with  
579 jurors and evidence.
- 580           Section 7. Subsection (2) of section 721.111, Florida  
581 Statutes, is amended to read:
- 582           721.111 Prize and gift promotional offers.—
- 583           (2) A game promotion, such as a contest of chance, gift  
584 enterprise, or sweepstakes, in which the elements of chance and  
585 prize are present may not be used in connection with the  
586 offering or sale of timeshare interests, except for drawings, as  
587 that term is defined in s. 849.0935(1)(a), in which no more than

588 26 prizes are promoted and in which all promoted prizes are  
589 actually awarded. All such drawings must meet all requirements  
590 of this chapter and of ss. 849.092 and 849.094(1), (4) ~~(2)~~, and  
591 (9) ~~(7)~~.

592 Section 8. For the purpose of incorporating the amendment  
593 made by this act to section 895.02, Florida Statutes, in a  
594 reference thereto, paragraph (a) of subsection (1) of section  
595 16.56, Florida Statutes, is reenacted to read:

596 16.56 Office of Statewide Prosecution.—

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

601 (a) Investigate and prosecute the offenses of:

602 1. Bribery, burglary, criminal usury, extortion, gambling,  
603 kidnapping, larceny, murder, prostitution, perjury, robbery,  
604 carjacking, and home-invasion robbery;

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

606 3. Any violation of the provisions of the Florida RICO  
607 (Racketeer Influenced and Corrupt Organization) Act, including  
608 any offense listed in the definition of racketeering activity in  
609 s. 895.02(1)(a), providing such listed offense is investigated  
610 in connection with a violation of s. 895.03 and is charged in a  
611 separate count of an information or indictment containing a  
612 count charging a violation of s. 895.03, the prosecution of  
613 which listed offense may continue independently if the  
614 prosecution of the violation of s. 895.03 is terminated for any  
615 reason;

- 616 4. Any violation of the provisions of the Florida Anti-  
617 Fencing Act;
- 618 5. Any violation of the provisions of the Florida  
619 Antitrust Act of 1980, as amended;
- 620 6. Any crime involving, or resulting in, fraud or deceit  
621 upon any person;
- 622 7. Any violation of s. 847.0135, relating to computer  
623 pornography and child exploitation prevention, or any offense  
624 related to a violation of s. 847.0135 or any violation of  
625 chapter 827 where the crime is facilitated by or connected to  
626 the use of the Internet or any device capable of electronic data  
627 storage or transmission;
- 628 8. Any violation of the provisions of chapter 815;
- 629 9. Any criminal violation of part I of chapter 499;
- 630 10. Any violation of the provisions of the Florida Motor  
631 Fuel Tax Relief Act of 2004;
- 632 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 633 12. Any crime involving voter registration, voting, or  
634 candidate or issue petition activities;
- 635 13. Any criminal violation of the Florida Money Laundering  
636 Act;
- 637 14. Any criminal violation of the Florida Securities and  
638 Investor Protection Act; or
- 639 15. Any violation of the provisions of chapter 787, as  
640 well as any and all offenses related to a violation of the  
641 provisions of chapter 787;
- 642
- 643 or any attempt, solicitation, or conspiracy to commit any of the

644 crimes specifically enumerated above. The office shall have such  
645 power only when any such offense is occurring, or has occurred,  
646 in two or more judicial circuits as part of a related  
647 transaction, or when any such offense is connected with an  
648 organized criminal conspiracy affecting two or more judicial  
649 circuits. Informations or indictments charging such offenses  
650 shall contain general allegations stating the judicial circuits  
651 and counties in which crimes are alleged to have occurred or the  
652 judicial circuits and counties in which crimes affecting such  
653 circuits or counties are alleged to have been connected with an  
654 organized criminal conspiracy.

655 Section 9. For the purpose of incorporating the amendment  
656 made by this act to section 849.16, Florida Statutes, in a  
657 reference thereto, subsection (1) of section 338.234, Florida  
658 Statutes, is reenacted to read:

659 338.234 Granting concessions or selling along the turnpike  
660 system; immunity from taxation.—

661 (1) The department may enter into contracts or licenses  
662 with any person for the sale of services or products or business  
663 opportunities on the turnpike system, or the turnpike enterprise  
664 may sell services, products, or business opportunities on the  
665 turnpike system, which benefit the traveling public or provide  
666 additional revenue to the turnpike system. Services, business  
667 opportunities, and products authorized to be sold include, but  
668 are not limited to, motor fuel, vehicle towing, and vehicle  
669 maintenance services; food with attendant nonalcoholic  
670 beverages; lodging, meeting rooms, and other business services  
671 opportunities; advertising and other promotional opportunities,



672 | which advertising and promotions must be consistent with the  
673 | dignity and integrity of the state; state lottery tickets sold  
674 | by authorized retailers; games and amusements that operate by  
675 | the application of skill, not including games of chance as  
676 | defined in s. 849.16 or other illegal gambling games; Florida  
677 | citrus, goods promoting the state, or handmade goods produced  
678 | within the state; and travel information, tickets, reservations,  
679 | or other related services. However, the department, pursuant to  
680 | the grants of authority to the turnpike enterprise under this  
681 | section, shall not exercise the power of eminent domain solely  
682 | for the purpose of acquiring real property in order to provide  
683 | business services or opportunities, such as lodging and meeting-  
684 | room space on the turnpike system.

685 |       Section 10. For the purpose of incorporating the amendment  
686 | made by this act to section 895.02, Florida Statutes, in a  
687 | reference thereto, paragraph (g) of subsection (3) of section  
688 | 655.50, Florida Statutes, is reenacted to read:

689 |       655.50 Florida Control of Money Laundering in Financial  
690 | Institutions Act; reports of transactions involving currency or  
691 | monetary instruments; when required; purpose; definitions;  
692 | penalties.—

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

694 |       (g) "Specified unlawful activity" means any "racketeering  
695 | activity" as defined in s. 895.02.

696 |       Section 11. For the purpose of incorporating the amendment  
697 | made by this act to section 849.16, Florida Statutes, in a  
698 | reference thereto, section 849.19, Florida Statutes, is  
699 | reenacted to read:

700           849.19 Property rights in confiscated machine.—The right  
 701 of property in and to any machine, apparatus or device as  
 702 defined in s. 849.16 and to all money and other things of value  
 703 therein, is declared not to exist in any person, and the same  
 704 shall be forfeited and such money or other things of value shall  
 705 be forfeited to the county in which the seizure was made and  
 706 shall be delivered forthwith to the clerk of the circuit court  
 707 and shall by her or him be placed in the fine and forfeiture  
 708 fund of said county.

709           Section 12. For the purpose of incorporating the amendment  
 710 made by this act to section 895.02, Florida Statutes, in a  
 711 reference thereto, paragraph (g) of subsection (2) of section  
 712 896.101, Florida Statutes, is reenacted to read:

713           896.101 Florida Money Laundering Act; definitions;  
 714 penalties; injunctions; seizure warrants; immunity.—

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

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

718           Section 13. For the purpose of incorporating the amendment  
 719 made by this act to section 895.02, Florida Statutes, in a  
 720 reference thereto, subsection (3) of section 905.34, Florida  
 721 Statutes, is reenacted to read:

722           905.34 Powers and duties; law applicable.—The jurisdiction  
 723 of a statewide grand jury impaneled under this chapter shall  
 724 extend throughout the state. The subject matter jurisdiction of  
 725 the statewide grand jury shall be limited to the offenses of:

726           (3) Any violation of the provisions of the Florida RICO  
 727 (Racketeer Influenced and Corrupt Organization) Act, including

728 any offense listed in the definition of racketeering activity in  
729 s. 895.02(1)(a), providing such listed offense is investigated  
730 in connection with a violation of s. 895.03 and is charged in a  
731 separate count of an information or indictment containing a  
732 count charging a violation of s. 895.03, the prosecution of  
733 which listed offense may continue independently if the  
734 prosecution of the violation of s. 895.03 is terminated for any  
735 reason;

736

737 or any attempt, solicitation, or conspiracy to commit any  
738 violation of the crimes specifically enumerated above, when any  
739 such offense is occurring, or has occurred, in two or more  
740 judicial circuits as part of a related transaction or when any  
741 such offense is connected with an organized criminal conspiracy  
742 affecting two or more judicial circuits. The statewide grand  
743 jury may return indictments and presentments irrespective of the  
744 county or judicial circuit where the offense is committed or  
745 triable. If an indictment is returned, it shall be certified and  
746 transferred for trial to the county where the offense was  
747 committed. The powers and duties of, and law applicable to,  
748 county grand juries shall apply to a statewide grand jury except  
749 when such powers, duties, and law are inconsistent with the  
750 provisions of ss. 905.31-905.40.

751 Section 14. This act shall take effect upon becoming a  
752 law.