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1                                    A bill to be entitled  
 2            An act relating to gambling devices; creating s. 849.162,  
 3            F.S.; creating the "Electronic Machines and Devices for  
 4            Sweepstakes Prohibited Act"; providing legislative  
 5            findings and intent; providing definitions; prohibiting  
 6            operation of an electronic device to conduct a sweepstakes  
 7            through the use of an entertaining display or to promote  
 8            such a sweepstakes; providing penalties; providing intent;  
 9            providing for construction; amending s. 849.0935, F.S.;  
 10           revising conditions for exceptions to provisions relating  
 11           to drawings by chance conducted by certain organizations;  
 12           amending s. 849.094, F.S., relating to game promotion in  
 13           connection with sale of consumer products or services;  
 14           revising the definition of the term "game promotion" to  
 15           prohibit the use of a machine, computer, or other  
 16           electronic or mechanical device; limiting the power of the  
 17           Department of Agriculture and Consumer Services to adopt  
 18           rules concerning the operation of game promotions;  
 19           providing for construction; amending s. 849.15, F.S.;  
 20           prohibiting production, possession, or distribution of,  
 21           permitting possession or use of, or offering to provide  
 22           any gambling apparatus or any part thereof that is  
 23           otherwise prohibited from operation or possession;  
 24           amending s. 849.16, F.S.; providing that described  
 25           machines or devices are subject to specified provisions  
 26           for gambling; amending s. 849.161, F.S.; revising  
 27           provisions for amusement games or machines excluded from  
 28           application of specified provisions relating to gambling;

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29 | revising provisions for exceptions to such exclusions;  
 30 | defining the term "skill"; amending s. 895.02, F.S.;  
 31 | revising the definition of the term "racketeering  
 32 | activity" to include violations of the act; providing for  
 33 | construction; reenacting s. 721.111(2), F.S., relating to  
 34 | prize and gift promotional offers, to incorporate in a  
 35 | cross-reference changes made by the act; reenacting s.  
 36 | 338.234(1), F.S., relating to granting concessions or  
 37 | selling along the turnpike system, to incorporate in a  
 38 | cross-reference changes made by the act; reenacting s.  
 39 | 849.19, F.S., relating to property rights in confiscated  
 40 | machine, to incorporate in a cross-reference changes made  
 41 | by the act; reenacting s. 16.56(1)(a), F.S., relating to  
 42 | the Office of Statewide Prosecution, to incorporate in a  
 43 | cross-reference changes made by the act; reenacting s.  
 44 | 655.50(3)(g), F.S., relating to control of money  
 45 | laundering in financial institutions, to incorporate in a  
 46 | cross-reference changes made by the act; reenacting s.  
 47 | 896.101(2)(g), F.S., relating to money laundering, to  
 48 | incorporate in a cross-reference changes made by the act;  
 49 | reenacting s. 905.34(3), F.S., relating to jurisdiction of  
 50 | a statewide grand jury, to incorporate in a cross-  
 51 | reference changes made by the act; providing an effective  
 52 | date.

54 | WHEREAS, the State of Florida has specifically prohibited  
 55 | gambling in section 849.08, Florida Statutes, and

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56 WHEREAS, the State of Florida has specifically prohibited  
57 slot machines in section 849.15, Florida Statutes, and

58 WHEREAS, the State of Florida has specifically defined slot  
59 machines and gambling devices in section 849.16, Florida  
60 Statutes, and

61 WHEREAS, beginning on or around the year 2004, various  
62 companies developed electronic machines and devices to enable  
63 gambling through pretextual sweepstakes relationships with  
64 Internet services, telephone cards, and other products, and

65 WHEREAS, such electronic sweepstakes systems using video  
66 gambling machines and other similar simulated game play create  
67 the same encouragement of vice and dissipation as other forms of  
68 gambling, in particular slot machines and video poker which  
69 encourage repeated play, even when purportedly used as a  
70 marketing technique, NOW, THEREFORE,

71

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

73

74 Section 1. Section 849.162, Florida Statutes, is created  
75 to read:

76 849.162 Sweepstakes devices.-

77 (1) This section may be cited as the "Electronic Machines  
78 and Devices for Sweepstakes Prohibited Act."

79 (2) The Legislature finds that there is a compelling state  
80 interest in addressing the deleterious effects caused to society  
81 as a result of the proliferation of electronic machines and  
82 devices used for sweepstakes gambling. The Legislature declares

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83 that it is the intent of this section to prohibit the use of  
84 such devices.

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

86 (a) "Electronic machine or device" means a mechanically,  
87 electrically, or electronically operated machine or device that  
88 is intended to be used by a sweepstakes entrant and is capable  
89 of displaying information on a screen or other mechanism. This  
90 section is applicable to an electronic machine or device whether  
91 or not:

92 1. It is server-based.

93 2. It uses a simulated game terminal as a representation  
94 of the prizes associated with the results of the sweepstakes  
95 entries.

96 3. It uses software such that the simulated game  
97 influences or determines the winning or value of the prize.

98 4. It selects prizes from a predetermined finite pool of  
99 entries.

100 5. It uses a mechanism that reveals the content of a  
101 predetermined sweepstakes entry.

102 6. It predetermines the prize results and stores those  
103 results to be revealed at a later time.

104 7. It uses software to create a game result.

105 8. It requires deposit of any money, coin, or token or the  
106 use of any credit card, debit card, prepaid card, or other  
107 method of payment to activate the electronic machine or device.

108 9. It requires direct payment into the electronic machine  
109 or device or remote activation of the electronic machine or  
110 device.

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- 111        10.a. It requires purchase of a related product.  
112        b. The related product, if any, has legitimate value.  
113        11. It reveals the prize incrementally even though it may  
114 not influence if a prize is awarded or the value of any prize  
115 awarded.  
116        12. It determines and associates the prize with an entry  
117 or entries at the time the sweepstakes is entered.  
118        13. It is a slot machine or other form of electrical or  
119 mechanical machine or computer game.  
120        (b) "Enter" or "entry" means the act or process by which a  
121 person becomes eligible to receive any prize offered in a  
122 sweepstakes.  
123        (c) "Entertaining display" means visual information  
124 capable of being seen by a sweepstakes entrant which takes the  
125 form of actual game play or simulated game play, such as, by way  
126 of illustration and not exclusion:  
127        1. A video poker game or any other kind of video card  
128 game.  
129        2. A video bingo game.  
130        3. A video craps game.  
131        4. A video keno game.  
132        5. A video lotto game.  
133        6. Eight liner.  
134        7. Pot-of-gold.  
135        8. A video game based on or involving the random or chance  
136 matching of different pictures, words, numbers, or symbols not  
137 dependent on the skill or dexterity of the player.  
138        9. Any other video game not dependent on skill or

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139 dexterity that is played while revealing a prize as the result  
140 of an entry into a sweepstakes.

141 (d) "Prize" means any gift, award, gratuity, good,  
142 service, credit, or anything else of value, which may be  
143 transferred to a person, whether possession of the prize is  
144 actually transferred or placed on an account or other record as  
145 evidence of the intent to transfer the prize.

146 (e) "Skill" means that the outcome is not based on chance  
147 or is not unpredictable to the player or is an outcome in which  
148 the player or patron is able to select a specific outcome in  
149 advance of actual play and then, by use of eye-hand  
150 coordination, physical dexterity, speed, or accuracy, employ or  
151 manipulate the game's controls in such a way as to catch,  
152 capture, or achieve the preselected outcome in at least 51  
153 percent of 20 contiguous iterations of game play.

154 (f) "Sweepstakes" means any game, advertising scheme or  
155 plan, or other promotion that, with or without payment of any  
156 consideration, a person may enter to win or become eligible to  
157 receive any prize, the determination of which is not determined  
158 by skill.

159 (4) Notwithstanding any other provision of this chapter, a  
160 person may not operate, maintain, or place into operation an  
161 electronic machine or device to do either of the following:

162 (a) Conduct a sweepstakes through the use of an  
163 entertaining display, including the entry process or the  
164 revealing of a prize.

165 (b) Promote a sweepstakes that is conducted through the  
166 use of an entertaining display, including the entry process or

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167 the revealing of a prize.

168 (5) A person who violates this section commits a felony of  
169 the third degree, punishable as provided in s. 775.082, s.  
170 775.083, or s. 775.084.

171 (6) It is the intent of this section to prohibit any  
172 mechanism that seeks to avoid application of this section  
173 through the use of any subterfuge or pretense whatsoever.

174 (7) Nothing in this section may be construed to prohibit  
175 any activity that is lawfully conducted on Indian lands pursuant  
176 to and in accordance with an approved Tribal-State Gaming  
177 Compact.

178 Section 2. Subsection (2) of section 849.0935, Florida  
179 Statutes, is amended to read:

180 849.0935 Charitable, nonprofit organizations; drawings by  
181 chance; required disclosures; unlawful acts and practices;  
182 penalties.--

183 (2) The provisions of s. 849.09 may ~~shall~~ not be construed  
184 to prohibit an organization qualified under 26 U.S.C. s.  
185 501(c) (3), (4), (7), (8), (10), or (19) from conducting drawings  
186 by chance pursuant to the authority granted by this section, if  
187 ~~provided~~ the organization has complied with all applicable  
188 provisions of chapter 496 and the drawing by chance is not  
189 conducted through the use of any machine, computer, or other  
190 electronic or mechanical device.

191 Section 3. Paragraph (a) of subsection (1) and paragraph  
192 (a) of subsection (8) of section 849.094, Florida Statutes, are  
193 amended, and subsection (11) is added to that section, to read:

194 849.094 Game promotion in connection with sale of consumer

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195 products or services.-

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

197 (a) "Game promotion" means, but is not limited to, a  
 198 contest, game of chance, or gift enterprise, conducted within or  
 199 throughout the state and other states in connection with the  
 200 sale of consumer products or services, and in which the elements  
 201 of chance and prize are present. However, "game promotion" may  
 202 ~~shall~~ not be construed to apply to bingo games conducted  
 203 pursuant to s. 849.0931 and may not be conducted through the use  
 204 of any machine, computer, or other electronic or mechanical  
 205 device.

206 (8)(a) The Department of Agriculture and Consumer Services  
 207 shall have the power to promulgate such rules and regulations  
 208 respecting the operation of game promotions as it may deem  
 209 advisable; however, it may not authorize the operation or  
 210 possession of slot machines or other gambling devices that are  
 211 otherwise prohibited from operation or possession in the state  
 212 and may not authorize game promotions to be conducted through  
 213 the use of any machine, computer, or other electronic or  
 214 mechanical device.

215 (11) The provisions of s. 849.09 may not be construed to  
 216 prohibit an operator under this section from conducting a game  
 217 promotion under this section provided that it is not conducted  
 218 through the use of any machine, computer, or other electronic or  
 219 mechanical device.

220 Section 4. Subsection (1) of section 849.15, Florida  
 221 Statutes, is amended to read: .

222 849.15 Manufacture, sale, possession, etc., of coin-

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223 operated devices prohibited.-

224 (1) It is unlawful:

225 (a) To manufacture, own, store, keep, possess, sell, rent,  
226 lease, let on shares, lend or give away, transport, or expose  
227 for sale or lease, or to offer to sell, rent, lease, let on  
228 shares, lend or give away, or permit the operation of, or for  
229 any person to permit to be placed, maintained, or used or kept  
230 in any room, space, or building owned, leased, or occupied by  
231 the person or under the person's management or control, any slot  
232 machine or device or any part thereof, or other gambling  
233 apparatus or any part thereof that is otherwise prohibited from  
234 operation or possession in the state; or

235 (b) To make or to permit to be made with any person any  
236 agreement with reference to any slot machine or device, pursuant  
237 to which the user thereof, as a result of any element of chance  
238 or other outcome unpredictable to him or her, may become  
239 entitled to receive any money, credit, allowance, or thing of  
240 value or additional chance or right to use such machine or  
241 device, or to receive any check, slug, token, or memorandum  
242 entitling the holder to receive any money, credit, allowance, or  
243 thing of value.

244 Section 5. Subsection (1) of section 849.16, Florida  
245 Statutes, is amended to read:

246 849.16 Machines or devices which come within provisions of  
247 law defined.-

248 (1) Any machine or device or system or network of  
249 computers or other devices is a slot machine or device within  
250 the provisions of this chapter if it is one that is adapted for

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251 use in such a way that, as a result of the insertion of any  
252 piece of money, coin, code, account number, credit, or other  
253 object or method of activation, such machine, ~~or~~ device, or  
254 system or network of computers or other devices is caused to  
255 operate or may be operated, whether directly or as the result of  
256 indirect remote activation, and if the user, by reason of any  
257 element of chance or of any other outcome of such operation  
258 unpredictable by him or her, may:

259 (a) Receive or become entitled to receive any piece of  
260 money, credit, allowance, or thing of value, or any check, slug,  
261 token, or memorandum, whether of value or otherwise, which may  
262 be exchanged for any money, credit, allowance, or thing of value  
263 or which may be given in trade; or

264 (b) Secure additional chances or rights to use such  
265 machine, apparatus, or device, even though it may, in addition  
266 to any element of chance or unpredictable outcome of such  
267 operation, also sell, deliver, or present some merchandise,  
268 indication of weight, entertainment, or other thing of value.

269 Section 6. Section 849.161, Florida Statutes, is amended  
270 to read:

271 849.161 Amusement games or machines; when chapter  
272 inapplicable.-

273 (1)(a)1. Nothing ~~contained~~ in this chapter may ~~shall~~ be  
274 taken or construed as applicable to an arcade amusement center  
275 having amusement games or machines which operate by means of the  
276 insertion of a coin and which by application of skill may  
277 entitle the person playing or operating the game or machine to  
278 receive points or coupons which may be exchanged for merchandise

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279 only, excluding cash and alcoholic beverages, provided the cost  
280 value of the merchandise or prize awarded in exchange for such  
281 points or coupons does not exceed 75 cents on any game played.

282 2. Nothing ~~contained~~ in this chapter may ~~shall~~ be taken or  
283 construed as applicable to any retail dealer who operates as a  
284 truck stop, as defined in chapter 336 and which operates a  
285 minimum of six ~~6~~ functional diesel fuel pumps, having amusement  
286 games or machines which operate by means of the insertion of a  
287 coin or other currency and which by application of skill may  
288 entitle the person playing or operating the game or machine to  
289 receive points or coupons which may be exchanged for merchandise  
290 limited to noncash prizes, toys, novelties, and Florida Lottery  
291 products, excluding alcoholic beverages, provided the cost value  
292 of the merchandise or prize awarded in exchange for such points  
293 or coupons does not exceed 75 cents on any game played. This  
294 subparagraph applies only to games and machines which are  
295 operated for the entertainment of the general public and  
296 tourists as bona fide amusement games or machines. This  
297 subsection does ~~shall~~ not apply, however, to any game or device  
298 defined as a gambling device under state law and whose owner or  
299 operator is required to register annually with the United States  
300 Department of Justice under 15 U.S.C. ss. 1171-1178 ~~in 24 U.S.C.~~  
301 ~~s. 1171, which requires identification of each device by~~  
302 ~~permanently affixing seriatim numbering and name, trade name,~~  
303 ~~and date of manufacture under s. 1173, and registration with the~~  
304 ~~United States Attorney General, unless excluded from~~  
305 ~~applicability of the chapter under s. 1178.~~ This subsection may  
306 ~~shall~~ not be construed to authorize video poker games or any

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307 other game or machine that may be construed as a gambling device  
308 under Florida law.

309 (b) Nothing in this subsection may shall be taken or  
310 construed as applicable to a coin-operated game or device  
311 designed and manufactured only for bona fide amusement purposes  
312 which game or device may by application of skill entitle the  
313 player to replay the game or device at no additional cost, if  
314 the game or device: can accumulate and react to no more than 15  
315 free replays; can be discharged of accumulated free replays only  
316 by reactivating the game or device for one additional play for  
317 such accumulated free replay; can make no permanent record,  
318 directly or indirectly, of free replays; and is not classified  
319 by the United States or under state law as a gambling device and  
320 whose owner or operator is required to register annually with  
321 the United States Department of Justice under 15 U.S.C. ss.  
322 1171-1178 in 24 U.S.C. s. 1171, which requires identification of  
323 each device by permanently affixing seriatim numbering and name,  
324 trade name, and date of manufacture under s. 1173, and  
325 registration with the United States Attorney General, unless  
326 excluded from applicability of the chapter under s. 1178. This  
327 subsection may shall not be construed to authorize video poker  
328 games, or any other game or machine that may be construed as a  
329 gambling device under Florida law.

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

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335       (3) (a) As used in this section, the term "skill" means a  
 336 machine or device for which the outcome is not determined by  
 337 chance, but which is predictable to the player or operator, or  
 338 for which the player or operator is able to consistently achieve  
 339 a winning outcome through the use of eye-hand coordination,  
 340 physical dexterity, speed, or accuracy, or employing or  
 341 manipulating the game's controls in such a way as to catch,  
 342 capture, achieve, or win an objective.

343       (b) There is a rebuttable presumption that a game machine  
 344 or device is not operated by skill if a player or operator  
 345 cannot win a prize or achieve a selected outcome or a  
 346 substantial level of success in 51 percent of 20 contiguous  
 347 attempts or iterations of game play or operation of the machine  
 348 or device.

349       Section 7. Paragraph (a) of subsection (1) of section  
 350 895.02, Florida Statutes, is amended to read:

351       895.02 Definitions.—As used in ss. 895.01-895.08, the  
 352 term:

353       (1) "Racketeering activity" means to commit, to attempt to  
 354 commit, to conspire to commit, or to solicit, coerce, or  
 355 intimidate another person to commit:

356       (a) Any crime that is chargeable by petition, indictment,  
 357 or information under the following provisions of the Florida  
 358 Statutes:

359       1. Section 210.18, relating to evasion of payment of  
 360 cigarette taxes.

361       2. Section 316.1935, relating to fleeing or attempting to  
 362 elude a law enforcement officer and aggravated fleeing or

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- 363 eluding.
- 364 3. Section 403.727(3)(b), relating to environmental
- 365 control.
- 366 4. Section 409.920 or s. 409.9201, relating to Medicaid
- 367 fraud.
- 368 5. Section 414.39, relating to public assistance fraud.
- 369 6. Section 440.105 or s. 440.106, relating to workers'
- 370 compensation.
- 371 7. Section 443.071(4), relating to creation of a
- 372 fictitious employer scheme to commit unemployment compensation
- 373 fraud.
- 374 8. Section 465.0161, relating to distribution of medicinal
- 375 drugs without a permit as an Internet pharmacy.
- 376 9. Section 499.0051, relating to crimes involving
- 377 contraband and adulterated drugs.
- 378 10. Part IV of chapter 501, relating to telemarketing.
- 379 11. Chapter 517, relating to sale of securities and
- 380 investor protection.
- 381 12. Section 550.235 or s. 550.3551, relating to dogracing
- 382 and horseracing.
- 383 13. Chapter 550, relating to jai alai frontons.
- 384 14. Section 551.109, relating to slot machine gaming.
- 385 15. Chapter 552, relating to the manufacture,
- 386 distribution, and use of explosives.
- 387 16. Chapter 560, relating to money transmitters, if the
- 388 violation is punishable as a felony.
- 389 17. Chapter 562, relating to beverage law enforcement.
- 390 18. Section 624.401, relating to transacting insurance

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391 without a certificate of authority, s. 624.437(4)(c)1., relating  
392 to operating an unauthorized multiple-employer welfare  
393 arrangement, or s. 626.902(1)(b), relating to representing or  
394 aiding an unauthorized insurer.

395 19. Section 655.50, relating to reports of currency  
396 transactions, when such violation is punishable as a felony.

397 20. Chapter 687, relating to interest and usurious  
398 practices.

399 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
400 real estate timeshare plans.

401 22. Section 775.13(5)(b), relating to registration of  
402 persons found to have committed any offense for the purpose of  
403 benefiting, promoting, or furthering the interests of a criminal  
404 gang.

405 23. Section 777.03, relating to commission of crimes by  
406 accessories after the fact.

407 24. Chapter 782, relating to homicide.

408 25. Chapter 784, relating to assault and battery.

409 26. Chapter 787, relating to kidnapping or human  
410 trafficking.

411 27. Chapter 790, relating to weapons and firearms.

412 28. Chapter 794, relating to sexual battery, but only if  
413 such crime was committed with the intent to benefit, promote, or  
414 further the interests of a criminal gang, or for the purpose of  
415 increasing a criminal gang member's own standing or position  
416 within a criminal gang.

417 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.  
418 796.05, or s. 796.07, relating to prostitution and sex

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- 419 trafficking.
- 420       30. Chapter 806, relating to arson and criminal mischief.
- 421       31. Chapter 810, relating to burglary and trespass.
- 422       32. Chapter 812, relating to theft, robbery, and related
- 423 crimes.
- 424       33. Chapter 815, relating to computer-related crimes.
- 425       34. Chapter 817, relating to fraudulent practices, false
- 426 pretenses, fraud generally, and credit card crimes.
- 427       35. Chapter 825, relating to abuse, neglect, or
- 428 exploitation of an elderly person or disabled adult.
- 429       36. Section 827.071, relating to commercial sexual
- 430 exploitation of children.
- 431       37. Chapter 831, relating to forgery and counterfeiting.
- 432       38. Chapter 832, relating to issuance of worthless checks
- 433 and drafts.
- 434       39. Section 836.05, relating to extortion.
- 435       40. Chapter 837, relating to perjury.
- 436       41. Chapter 838, relating to bribery and misuse of public
- 437 office.
- 438       42. Chapter 843, relating to obstruction of justice.
- 439       43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 440 s. 847.07, relating to obscene literature and profanity.
- 441       44. Section 849.09, s. 849.14, s. 849.15, s. 849.162, s.
- 442 849.23, or s. 849.25, relating to gambling.
- 443       45. Chapter 874, relating to criminal gangs.
- 444       46. Chapter 893, relating to drug abuse prevention and
- 445 control.
- 446       47. Chapter 896, relating to offenses related to financial

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447 transactions.

448 48. Sections 914.22 and 914.23, relating to tampering with  
449 or harassing a witness, victim, or informant, and retaliation  
450 against a witness, victim, or informant.

451 49. Sections 918.12 and 918.13, relating to tampering with  
452 jurors and evidence.

453 Section 8. Nothing in this act may be construed to  
454 authorize the possession or operation of any machine or device  
455 that is prohibited under any other provision of law.

456 Section 9. For the purpose of incorporating the amendment  
457 made by this act to section 849.094, Florida Statutes, in a  
458 reference thereto, subsection (2) of section 721.111, Florida  
459 Statutes, is reenacted to read:

460 721.111 Prize and gift promotional offers.-

461 (2) A game promotion, such as a contest of chance, gift  
462 enterprise, or sweepstakes, in which the elements of chance and  
463 prize are present may not be used in connection with the  
464 offering or sale of timeshare interests, except for drawings, as  
465 that term is defined in s. 849.0935(1)(a), in which no more than  
466 26 prizes are promoted and in which all promoted prizes are  
467 actually awarded. All such drawings must meet all requirements  
468 of this chapter and of ss. 849.092 and 849.094(1), (2), and (7).

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

473 338.234 Granting concessions or selling along the turnpike  
474 system; immunity from taxation.-

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475           (1) The department may enter into contracts or licenses  
476 with any person for the sale of services or products or business  
477 opportunities on the turnpike system, or the turnpike enterprise  
478 may sell services, products, or business opportunities on the  
479 turnpike system, which benefit the traveling public or provide  
480 additional revenue to the turnpike system. Services, business  
481 opportunities, and products authorized to be sold include, but  
482 are not limited to, motor fuel, vehicle towing, and vehicle  
483 maintenance services; food with attendant nonalcoholic  
484 beverages; lodging, meeting rooms, and other business services  
485 opportunities; advertising and other promotional opportunities,  
486 which advertising and promotions must be consistent with the  
487 dignity and integrity of the state; state lottery tickets sold  
488 by authorized retailers; games and amusements that operate by  
489 the application of skill, not including games of chance as  
490 defined in s. 849.16 or other illegal gambling games; Florida  
491 citrus, goods promoting the state, or handmade goods produced  
492 within the state; and travel information, tickets, reservations,  
493 or other related services. However, the department, pursuant to  
494 the grants of authority to the turnpike enterprise under this  
495 section, shall not exercise the power of eminent domain solely  
496 for the purpose of acquiring real property in order to provide  
497 business services or opportunities, such as lodging and meeting-  
498 room space on the turnpike system.

499           Section 11. For the purpose of incorporating the amendment  
500 made by this act to section 849.16, Florida Statutes, in a  
501 reference thereto, section 849.19, Florida Statutes, is  
502 reenacted to read:

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503            849.19 Property rights in confiscated machine.—The right  
504 of property in and to any machine, apparatus or device as  
505 defined in s. 849.16 and to all money and other things of value  
506 therein, is declared not to exist in any person, and the same  
507 shall be forfeited and such money or other things of value shall  
508 be forfeited to the county in which the seizure was made and  
509 shall be delivered forthwith to the clerk of the circuit court  
510 and shall by her or him be placed in the fine and forfeiture  
511 fund of said county.

512            Section 12. For the purpose of incorporating the amendment  
513 made by this act to section 895.02, Florida Statutes, in a  
514 reference thereto, paragraph (a) of subsection (1) of section  
515 16.56, Florida Statutes, is reenacted to read:

516            16.56 Office of Statewide Prosecution.—

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

521            (a) Investigate and prosecute the offenses of:

522            1. Bribery, burglary, criminal usury, extortion, gambling,  
523 kidnapping, larceny, murder, prostitution, perjury, robbery,  
524 carjacking, and home-invasion robbery;

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

526            3. Any violation of the provisions of the Florida RICO  
527 (Racketeer Influenced and Corrupt Organization) Act, including  
528 any offense listed in the definition of racketeering activity in  
529 s. 895.02(1)(a), providing such listed offense is investigated  
530 in connection with a violation of s. 895.03 and is charged in a

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531 separate count of an information or indictment containing a  
532 count charging a violation of s. 895.03, the prosecution of  
533 which listed offense may continue independently if the  
534 prosecution of the violation of s. 895.03 is terminated for any  
535 reason;

536 4. Any violation of the provisions of the Florida Anti-  
537 Fencing Act;

538 5. Any violation of the provisions of the Florida  
539 Antitrust Act of 1980, as amended;

540 6. Any crime involving, or resulting in, fraud or deceit  
541 upon any person;

542 7. Any violation of s. 847.0135, relating to computer  
543 pornography and child exploitation prevention, or any offense  
544 related to a violation of s. 847.0135 or any violation of  
545 chapter 827 where the crime is facilitated by or connected to  
546 the use of the Internet or any device capable of electronic data  
547 storage or transmission;

548 8. Any violation of the provisions of chapter 815;

549 9. Any criminal violation of part I of chapter 499;

550 10. Any violation of the provisions of the Florida Motor  
551 Fuel Tax Relief Act of 2004;

552 11. Any criminal violation of s. 409.920 or s. 409.9201;

553 12. Any crime involving voter registration, voting, or  
554 candidate or issue petition activities;

555 13. Any criminal violation of the Florida Money Laundering  
556 Act; or

557 14. Any criminal violation of the Florida Securities and  
558 Investor Protection Act;

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560 or any attempt, solicitation, or conspiracy to commit any of the  
561 crimes specifically enumerated above. The office shall have such  
562 power only when any such offense is occurring, or has occurred,  
563 in two or more judicial circuits as part of a related  
564 transaction, or when any such offense is connected with an  
565 organized criminal conspiracy affecting two or more judicial  
566 circuits. Informations or indictments charging such offenses  
567 shall contain general allegations stating the judicial circuits  
568 and counties in which crimes are alleged to have occurred or the  
569 judicial circuits and counties in which crimes affecting such  
570 circuits or counties are alleged to have been connected with an  
571 organized criminal conspiracy.

572 Section 13. For the purpose of incorporating the amendment  
573 made by this act to section 895.02, Florida Statutes, in a  
574 reference thereto, paragraph (g) of subsection (3) of section  
575 655.50, Florida Statutes, is reenacted to read:

576 655.50 Florida Control of Money Laundering in Financial  
577 Institutions Act; reports of transactions involving currency or  
578 monetary instruments; when required; purpose; definitions;  
579 penalties.-

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

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

583 Section 14. For the purpose of incorporating the amendment  
584 made by this act to section 895.02, Florida Statutes, in a  
585 reference thereto, paragraph (g) of subsection (2) of section  
586 896.101, Florida Statutes, is reenacted to read:

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587 896.101 Florida Money Laundering Act; definitions;  
588 penalties; injunctions; seizure warrants; immunity.-

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

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

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

596 905.34 Powers and duties; law applicable.-The jurisdiction  
597 of a statewide grand jury impaneled under this chapter shall  
598 extend throughout the state. The subject matter jurisdiction of  
599 the statewide grand jury shall be limited to the offenses of:

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

610  
611 or any attempt, solicitation, or conspiracy to commit any  
612 violation of the crimes specifically enumerated above, when any  
613 such offense is occurring, or has occurred, in two or more  
614 judicial circuits as part of a related transaction or when any

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615 | such offense is connected with an organized criminal conspiracy  
616 | affecting two or more judicial circuits. The statewide grand  
617 | jury may return indictments and presentments irrespective of the  
618 | county or judicial circuit where the offense is committed or  
619 | triable. If an indictment is returned, it shall be certified and  
620 | transferred for trial to the county where the offense was  
621 | committed. The powers and duties of, and law applicable to,  
622 | county grand juries shall apply to a statewide grand jury except  
623 | when such powers, duties, and law are inconsistent with the  
624 | provisions of ss. 905.31-905.40.

625 |       Section 16. This act shall take effect upon becoming a  
626 | law.