



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 revising definitions; providing that violations are
14 deceptive and unfair trade practices; amending s.
15 849.16, F.S.; defining the term "slot machine or
16 device" for purposes of specified gambling provisions;
17 providing a rebuttable presumption that a device,
18 system, or network is a prohibited slot machine;
19 amending s. 849.161, F.S., relating to amusement games
20 or machines; revising and providing definitions;
21 revising provisions that exempt certain amusement
22 games and centers from the application of specified
23 provisions relating to gambling; amending s. 895.02,
24 F.S.; revising the definition of the term
25 "racketeering activity" to include violations of
26 specified provisions; amending s. 721.111, F.S.,
27 relating to promotional offers; conforming cross-
28 references; reenacting ss. 16.56(1)(a), 338.234(1),



29 | 655.50(3)(g), 849.19, 896.101(2)(g), and 905.34(3),
30 | F.S., relating to the Office of Statewide Prosecution,
31 | the Florida Turnpike, money laundering, seizure of
32 | property, the Florida Money Laundering Act, and a
33 | statewide grand jury, respectively, to incorporate
34 | changes made by the act in references thereto;
35 | providing an effective date.
36 |

37 | Be It Enacted by the Legislature of the State of Florida:
38 |

39 | Section 1. Findings and declarations of necessity.—

40 | (1) The Legislature declares that s. 849.01, Florida
41 | Statutes, specifically prohibits the keeping or maintaining of a
42 | place for the purpose of gambling or gaming.

43 | (2) The Legislature finds that s. 849.0935, Florida
44 | Statutes, was enacted to allow specified charitable or nonprofit
45 | organizations the opportunity to raise funds to carry out their
46 | charitable or nonprofit purpose by conducting a raffle for
47 | prizes by eliminating the element of monetary consideration and
48 | allowing the receipt of voluntary donations or contributions and
49 | was not intended to provide a vehicle for the establishment of
50 | places of gambling or gaming.

51 | (3) The Legislature finds that s. 849.094, Florida
52 | Statutes, was enacted to regulate certain game promotions or
53 | sweepstakes conducted by for-profit commercial entities on a
54 | limited and occasional basis as an advertising and marketing
55 | tool and incidental to substantial bona fide sales of consumer
56 | products or services, if the element of consideration is removed



57 as no purchase necessary and they comply with the requirements
 58 and rules specified by law, and was not intended to provide a
 59 vehicle for the establishment of places of ongoing gambling or
 60 gaming.

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

67 (5) Therefore, the Legislature finds that there is a
 68 compelling state interest in clarifying the operation and use of
 69 ss. 849.0935, 849.094, and 849.161, Florida Statutes, to ensure
 70 that a charitable drawing by chance, game promotion in
 71 connection with the sale of a consumer product or service, and
 72 arcade amusement games are not subject to abuse or interpreted
 73 in any manner as creating an exception to Florida's general
 74 prohibitions against gambling.

75 Section 2. Paragraph (a) of subsection (1) and subsections
 76 (2), (4), and (7) of section 849.0935, Florida Statutes, are
 77 amended to read:

78 849.0935 Charitable, nonprofit organizations; drawings by
 79 chance; required disclosures; unlawful acts and practices;
 80 penalties.—

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

82 (a) "Drawing by chance," ~~or~~ "drawing," or "raffle" means
 83 an enterprise in which, from the entries submitted by the public
 84 to the organization conducting the drawing, one or more entries



85 are selected by chance to win a prize. The term "drawing" does
 86 not include those enterprises, commonly known as "game
 87 promotions," as defined by s. 849.094, "matching," "instant
 88 winner," or "preselected sweepstakes," which involve the
 89 distribution of winning numbers, previously designated as such,
 90 to the public.

91 (2) Section ~~The provisions of s. 849.09~~ does ~~shall~~ not be
 92 ~~construed to~~ prohibit an organization ~~qualified under 26 U.S.C.~~
 93 ~~s. 501(c)(3), (4), (7), (8), (10), or (19)~~ from conducting
 94 drawings by chance pursuant to the authority granted by this
 95 section, if provided the organization has complied with all
 96 applicable provisions of chapter 496 and this section.

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

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

104 (b) To require an entry fee, donation, substantial
 105 consideration, payment, proof of purchase, or contribution as a
 106 condition of entering the drawing or of being selected to win a
 107 prize. However, this paragraph does ~~provision shall~~ not prohibit
 108 an organization from suggesting a minimum donation or from
 109 including a statement of such suggested minimum donation on any
 110 printed material used ~~utilized~~ in connection with the
 111 fundraising event or drawing;



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112 (c) To condition the drawing on a minimum number of
113 tickets having been disbursed to contributors or on a minimum
114 amount of contributions having been received;

115 (d) To arbitrarily remove, disqualify, disallow, or reject
116 any entry or to discriminate in any manner between entrants who
117 gave contributions to the organization and those who did not
118 give such contributions;

119 (e) To fail to promptly notify, at the address set forth
120 on the entry blank, any person~~7~~ whose entry is selected to win~~7~~
121 of the fact that he or she won;

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

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

126 (h) To cancel a drawing; or

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

129 (7) Any organization that ~~which~~ engages in any act or
130 practice in violation of this section commits ~~is guilty of~~ a
131 misdemeanor of the second degree, punishable as provided in s.
132 775.082 or s. 775.083. ~~However,~~ Any organization or other person
133 who sells or offers for sale in this state a ticket or entry
134 blank for a raffle or other drawing by chance, without complying
135 with the requirements of paragraph (3)(d), commits ~~is guilty of~~
136 a misdemeanor of the second degree, punishable by fine only as
137 provided in s. 775.083.



138 Section 3. Subsections (1) and (8) of section 849.094,
 139 Florida Statutes, are amended, and subsection (11) is added to
 140 that section, to read:

141 849.094 Game promotion in connection with sale of consumer
 142 products or services.—

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

144 (a) "Game promotion" means, but is not limited to, a
 145 contest, game of chance, sweepstakes, or gift enterprise,
 146 conducted by an operator within or throughout the state and
 147 other states in connection with and incidental to the sale of
 148 consumer products or services, and in which the elements of
 149 chance and prize are present. However, "game promotion" may
 150 ~~shall~~ not be construed to apply to bingo games conducted
 151 pursuant to s. 849.0931.

152 (b) "Operator" means a retailer who operates a game
 153 promotion or any person, firm, corporation, organization, or
 154 association or agent or employee thereof who promotes, operates,
 155 or conducts a nationally advertised game promotion, ~~except any~~
 156 ~~charitable nonprofit organization.~~

157 (8) (a) The Department of Agriculture and Consumer Services
 158 shall have the power to promulgate such rules and regulations
 159 respecting the operation of game promotions as it deems ~~may deem~~
 160 advisable.

161 (b) Compliance with the rules of the Department of
 162 Agriculture and Consumer Services does not authorize and is not
 163 a defense to a charge of possession of a slot machine or device
 164 or any other device or a violation of any other law.



165 (c)~~(b)~~ Whenever the Department of Agriculture and Consumer
166 Services or the Department of Legal Affairs has reason to
167 believe that a game promotion is being operated in violation of
168 this section, it may bring an action in the circuit court of any
169 judicial circuit in which the game promotion is being operated
170 in the name and on behalf of the people of the state against any
171 operator thereof to enjoin the continued operation of such game
172 promotion anywhere within the state.

173 (11) A violation of this section, or soliciting another to
174 commit an act that violates this section, constitutes a
175 deceptive and unfair trade practice actionable under the Florida
176 Deceptive and Unfair Trade Practices Act.

177 Section 4. Section 849.16, Florida Statutes, is amended to
178 read:

179 849.16 Machines or devices which come within provisions of
180 law defined.—

181 (1) As used in this chapter, the term "slot machine or
182 device" means any machine or device or system or network of
183 devices is a slot machine or device within the provisions of
184 this chapter if it is one that is adapted for use in such a way
185 that, upon activation, which may be achieved by, but is not
186 limited to, as a result of the insertion of any piece of money,
187 coin, account number, code, or other object or information, such
188 machine or device or system is directly or indirectly caused to
189 operate or may be operated and if the user, whether by
190 application of skill or by reason of any element of chance or of
191 any other outcome of such operation unpredictable by the user
192 him or her, may:



193 (a) Receive or become entitled to receive any piece of
 194 money, credit, allowance, or thing of value, or any check, slug,
 195 token, or memorandum, whether of value or otherwise, which may
 196 be exchanged for any money, credit, allowance, or thing of value
 197 or which may be given in trade; or

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

206 (2) ~~Nothing contained in~~ This chapter may not ~~shall~~ be
 207 construed, interpreted, or applied to the possession of a
 208 reverse vending machine. As used in this section, the term a
 209 "reverse vending machine" means ~~is~~ a machine into which empty
 210 beverage containers are deposited for recycling and which
 211 provides a payment of money, merchandise, vouchers, or other
 212 incentives. At a frequency less than upon the deposit of each
 213 beverage container, a reverse vending machine may pay out a
 214 random incentive bonus greater than that guaranteed payment in
 215 the form of money, merchandise, vouchers, or other incentives.
 216 The deposit of any empty beverage container into a reverse
 217 vending machine does not constitute consideration, and ~~nor shall~~
 218 a reverse vending machine may not be deemed ~~to be~~ a slot machine
 219 as defined in ~~within~~ this section.

220 (3) There is a rebuttable presumption that a device,



221 system, or network is a prohibited slot machine or device if it
 222 is used to display images of games of chance and is part of a
 223 scheme involving any payment or donation of money or its
 224 equivalent and awarding anything of value.

225 Section 3. Section 849.161, Florida Statutes, is amended
 226 to read:

227 849.161 Amusement games or machines; when chapter
 228 inapplicable.—

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

230 (a) "Amusement games or machines" means games which
 231 operate by means of the insertion of a coin, and which by
 232 application of skill may entitle the person playing or operating
 233 the game or machine to receive points or coupons, the cost value
 234 of which does not exceed 75 cents on any game played, which may
 235 be exchanged for merchandise. The term does not include casino-
 236 style games in which the outcome is determined by factors
 237 unpredictable by the player or games in which the player may not
 238 control the outcome of the game through skill.

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

243 (c) "Game played" means the event occurring from the
 244 initial activation of the machine until the results of play are
 245 determined without payment of additional consideration. Free
 246 replays do not constitute additional consideration.

247 (d) "Merchandise" means noncash prizes, including toys and
 248 novelties. The term does not include cash or any equivalent



249 thereof, including gift cards or certificates, or alcoholic
250 beverages.

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

253 1. Declared its primary fuel business to be the sale of
254 diesel fuel;

255 2. Operates a minimum of six functional diesel fuel pumps;
256 and

257 3. Has coin-operated amusement games or machines on
258 premises which are operated for the entertainment of the general
259 public and tourists as bona fide amusement games or machines.

260 (2)-(1)-(a)1. Nothing contained in this chapter shall be
261 taken or construed to prohibit as applicable to an arcade
262 amusement center or truck stop from operating having amusement
263 games or machines in conformance with this section which operate
264 by means of the insertion of a coin and which by application of
265 skill may entitle the person playing or operating the game or
266 machine to receive points or coupons which may be exchanged for
267 merchandise only, excluding cash and alcoholic beverages,
268 provided the cost value of the merchandise or prize awarded in
269 exchange for such points or coupons does not exceed 75 cents on
270 any game played.

271 2. Nothing contained in this chapter shall be taken or
272 construed as applicable to any retail dealer who operates as a
273 truck stop, as defined in chapter 336 and which operates a
274 minimum of 6 functional diesel fuel pumps, having amusement
275 games or machines which operate by means of the insertion of a
276 coin or other currency 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~~
 279 ~~limited to noncash prizes, toys, novelties, and Florida Lottery~~
 280 ~~products, excluding alcoholic beverages, provided the cost value~~
 281 ~~of the merchandise or prize awarded in exchange for such points~~
 282 ~~or coupons does not exceed 75 cents on any game played.~~

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

286 (4) This section ~~subsection~~ shall not be construed to
 287 authorize apply, however, to any game or device defined as a
 288 gambling device in 15 ~~24~~ U.S.C. s. 1171, which requires
 289 identification of each device by permanently affixing serial
 290 numbering and name, trade name, and date of manufacture under s.
 291 1173, and registration with the United States Attorney General,
 292 unless excluded from applicability of the chapter under s. 1178,
 293 ~~or. This subsection shall not be construed to authorize~~ video
 294 poker games or any other game or machine that may be construed
 295 as a gambling device under Florida law.

296 (5)(b) This section does not apply ~~Nothing in this~~
 297 ~~subsection shall be taken or construed as applicable to a coin-~~
 298 ~~operated game or device designed and manufactured only for bona~~
 299 ~~fide amusement purposes which game or device may by application~~
 300 ~~of skill entitle the player to replay the game or device at no~~
 301 ~~additional cost, if the game or device: can accumulate and react~~
 302 ~~to no more than 15 free replays; can be discharged of~~
 303 ~~accumulated free replays only by reactivating the game or device~~
 304 ~~for one additional play for such accumulated free replay; can~~



305 make no permanent record, directly or indirectly, of free
 306 replays; and is not classified by the United States as a
 307 gambling device in 15 24 U.S.C. s. 1171, which requires
 308 identification of each device by permanently affixing serial
 309 numbering and name, trade name, and date of manufacture under s.
 310 1173, and registration with the United States Attorney General,
 311 unless excluded from applicability of the chapter under s. 1178.
 312 This subsection shall not be construed to authorize video poker
 313 games, or any other game or machine that may be construed as a
 314 gambling device under Florida law.

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

320 Section 4. Paragraph (a) of subsection (1) of section
 321 895.02, Florida Statutes, is amended to read:

322 895.02 Definitions.—As used in ss. 895.01-895.08, the
 323 term:

324 (1) "Racketeering activity" means to commit, to attempt to
 325 commit, to conspire to commit, or to solicit, coerce, or
 326 intimidate another person to commit:

327 (a) Any crime that is chargeable by petition, indictment,
 328 or information under the following provisions of the Florida
 329 Statutes:

330 1. Section 210.18, relating to evasion of payment of
 331 cigarette taxes.

332 2. Section 316.1935, relating to fleeing or attempting to



- 333 elude a law enforcement officer and aggravated fleeing or
334 eluding.
- 335 3. Section 403.727(3)(b), relating to environmental
336 control.
- 337 4. Section 409.920 or s. 409.9201, relating to Medicaid
338 fraud.
- 339 5. Section 414.39, relating to public assistance fraud.
- 340 6. Section 440.105 or s. 440.106, relating to workers'
341 compensation.
- 342 7. Section 443.071(4), relating to creation of a
343 fictitious employer scheme to commit reemployment assistance
344 fraud.
- 345 8. Section 465.0161, relating to distribution of medicinal
346 drugs without a permit as an Internet pharmacy.
- 347 9. Section 499.0051, relating to crimes involving
348 contraband and adulterated drugs.
- 349 10. Part IV of chapter 501, relating to telemarketing.
- 350 11. Chapter 517, relating to sale of securities and
351 investor protection.
- 352 12. Section 550.235 or s. 550.3551, relating to dogracing
353 and horseracing.
- 354 13. Chapter 550, relating to jai alai frontons.
- 355 14. Section 551.109, relating to slot machine gaming.
- 356 15. Chapter 552, relating to the manufacture,
357 distribution, and use of explosives.
- 358 16. Chapter 560, relating to money transmitters, if the
359 violation is punishable as a felony.
- 360 17. Chapter 562, relating to beverage law enforcement.



361 18. Section 624.401, relating to transacting insurance
362 without a certificate of authority, s. 624.437(4)(c)1., relating
363 to operating an unauthorized multiple-employer welfare
364 arrangement, or s. 626.902(1)(b), relating to representing or
365 aiding an unauthorized insurer.

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

368 20. Chapter 687, relating to interest and usurious
369 practices.

370 21. Section 721.08, s. 721.09, or s. 721.13, relating to
371 real estate timeshare plans.

372 22. Section 775.13(5)(b), relating to registration of
373 persons found to have committed any offense for the purpose of
374 benefiting, promoting, or furthering the interests of a criminal
375 gang.

376 23. Section 777.03, relating to commission of crimes by
377 accessories after the fact.

378 24. Chapter 782, relating to homicide.

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

380 26. Chapter 787, relating to kidnapping or human
381 trafficking.

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

383 28. Chapter 794, relating to sexual battery, but only if
384 such crime was committed with the intent to benefit, promote, or
385 further the interests of a criminal gang, or for the purpose of
386 increasing a criminal gang member's own standing or position
387 within a criminal gang.

388 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or



- 389 s. 796.07, relating to prostitution and sex trafficking.
- 390 30. Chapter 806, relating to arson and criminal mischief.
- 391 31. Chapter 810, relating to burglary and trespass.
- 392 32. Chapter 812, relating to theft, robbery, and related
- 393 crimes.
- 394 33. Chapter 815, relating to computer-related crimes.
- 395 34. Chapter 817, relating to fraudulent practices, false
- 396 pretenses, fraud generally, and credit card crimes.
- 397 35. Chapter 825, relating to abuse, neglect, or
- 398 exploitation of an elderly person or disabled adult.
- 399 36. Section 827.071, relating to commercial sexual
- 400 exploitation of children.
- 401 37. Chapter 831, relating to forgery and counterfeiting.
- 402 38. Chapter 832, relating to issuance of worthless checks
- 403 and drafts.
- 404 39. Section 836.05, relating to extortion.
- 405 40. Chapter 837, relating to perjury.
- 406 41. Chapter 838, relating to bribery and misuse of public
- 407 office.
- 408 42. Chapter 843, relating to obstruction of justice.
- 409 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 410 s. 847.07, relating to obscene literature and profanity.
- 411 44. Chapter 849 ~~Section 849.09, s. 849.14, s. 849.15, s.~~
- 412 ~~849.23, or s. 849.25,~~ relating to gambling, lottery, gambling or
- 413 gaming devices, slot machines, or any of the provisions within
- 414 that chapter.
- 415 45. Chapter 874, relating to criminal gangs.
- 416 46. Chapter 893, relating to drug abuse prevention and



417 control.

418 47. Chapter 896, relating to offenses related to financial
419 transactions.

420 48. Sections 914.22 and 914.23, relating to tampering with
421 or harassing a witness, victim, or informant, and retaliation
422 against a witness, victim, or informant.

423 49. Sections 918.12 and 918.13, relating to tampering with
424 jurors and evidence.

425 Section 5. For the purpose of incorporating the amendment
426 made by this act to section 895.02, Florida Statutes, in a
427 reference thereto, paragraph (a) of subsection (1) of section
428 16.56, Florida Statutes, is reenacted to read:

429 16.56 Office of Statewide Prosecution.—

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

434 (a) Investigate and prosecute the offenses of:

435 1. Bribery, burglary, criminal usury, extortion, gambling,
436 kidnapping, larceny, murder, prostitution, perjury, robbery,
437 carjacking, and home-invasion robbery;

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

439 3. Any violation of the provisions of the Florida RICO
440 (Racketeer Influenced and Corrupt Organization) Act, including
441 any offense listed in the definition of racketeering activity in
442 s. 895.02(1)(a), providing such listed offense is investigated
443 in connection with a violation of s. 895.03 and is charged in a
444 separate count of an information or indictment containing a



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445 count charging a violation of s. 895.03, the prosecution of
446 which listed offense may continue independently if the
447 prosecution of the violation of s. 895.03 is terminated for any
448 reason;

449 4. Any violation of the provisions of the Florida Anti-
450 Fencing Act;

451 5. Any violation of the provisions of the Florida
452 Antitrust Act of 1980, as amended;

453 6. Any crime involving, or resulting in, fraud or deceit
454 upon any person;

455 7. Any violation of s. 847.0135, relating to computer
456 pornography and child exploitation prevention, or any offense
457 related to a violation of s. 847.0135 or any violation of
458 chapter 827 where the crime is facilitated by or connected to
459 the use of the Internet or any device capable of electronic data
460 storage or transmission;

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

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

463 10. Any violation of the provisions of the Florida Motor
464 Fuel Tax Relief Act of 2004;

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

466 12. Any crime involving voter registration, voting, or
467 candidate or issue petition activities;

468 13. Any criminal violation of the Florida Money Laundering
469 Act;

470 14. Any criminal violation of the Florida Securities and
471 Investor Protection Act; or

472 15. Any violation of the provisions of chapter 787, as



473 well as any and all offenses related to a violation of the
 474 provisions of chapter 787;

475
 476 or any attempt, solicitation, or conspiracy to commit any of the
 477 crimes specifically enumerated above. The office shall have such
 478 power only when any such offense is occurring, or has occurred,
 479 in two or more judicial circuits as part of a related
 480 transaction, or when any such offense is connected with an
 481 organized criminal conspiracy affecting two or more judicial
 482 circuits. Informations or indictments charging such offenses
 483 shall contain general allegations stating the judicial circuits
 484 and counties in which crimes are alleged to have occurred or the
 485 judicial circuits and counties in which crimes affecting such
 486 circuits or counties are alleged to have been connected with an
 487 organized criminal conspiracy.

488 Section 6. For the purpose of incorporating the amendment
 489 made by this act to section 849.16, Florida Statutes, in a
 490 reference thereto, subsection (1) of section 338.234, Florida
 491 Statutes, is reenacted to read:

492 338.234 Granting concessions or selling along the turnpike
 493 system; immunity from taxation.—

494 (1) The department may enter into contracts or licenses
 495 with any person for the sale of services or products or business
 496 opportunities on the turnpike system, or the turnpike enterprise
 497 may sell services, products, or business opportunities on the
 498 turnpike system, which benefit the traveling public or provide
 499 additional revenue to the turnpike system. Services, business
 500 opportunities, and products authorized to be sold include, but



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501 are not limited to, motor fuel, vehicle towing, and vehicle
502 maintenance services; food with attendant nonalcoholic
503 beverages; lodging, meeting rooms, and other business services
504 opportunities; advertising and other promotional opportunities,
505 which advertising and promotions must be consistent with the
506 dignity and integrity of the state; state lottery tickets sold
507 by authorized retailers; games and amusements that operate by
508 the application of skill, not including games of chance as
509 defined in s. 849.16 or other illegal gambling games; Florida
510 citrus, goods promoting the state, or handmade goods produced
511 within the state; and travel information, tickets, reservations,
512 or other related services. However, the department, pursuant to
513 the grants of authority to the turnpike enterprise under this
514 section, shall not exercise the power of eminent domain solely
515 for the purpose of acquiring real property in order to provide
516 business services or opportunities, such as lodging and meeting-
517 room space on the turnpike system.

518 Section 7. For the purpose of incorporating the amendment
519 made by this act to section 895.02, Florida Statutes, in a
520 reference thereto, paragraph (g) of subsection (3) of section
521 655.50, Florida Statutes, is reenacted to read:

522 655.50 Florida Control of Money Laundering in Financial
523 Institutions Act; reports of transactions involving currency or
524 monetary instruments; when required; purpose; definitions;
525 penalties.—

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

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



529 Section 8. For the purpose of incorporating the amendment
530 made by this act to section 849.16, Florida Statutes, in a
531 reference thereto, section 849.19, Florida Statutes, is
532 reenacted to read:

533 849.19 Property rights in confiscated machine.—The right
534 of property in and to any machine, apparatus or device as
535 defined in s. 849.16 and to all money and other things of value
536 therein, is declared not to exist in any person, and the same
537 shall be forfeited and such money or other things of value shall
538 be forfeited to the county in which the seizure was made and
539 shall be delivered forthwith to the clerk of the circuit court
540 and shall by her or him be placed in the fine and forfeiture
541 fund of said county.

542 Section 9. For the purpose of incorporating the amendment
543 made by this act to section 895.02, Florida Statutes, in a
544 reference thereto, paragraph (g) of subsection (2) of section
545 896.101, Florida Statutes, is reenacted to read:

546 896.101 Florida Money Laundering Act; definitions;
547 penalties; injunctions; seizure warrants; immunity.—

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

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

551 Section 10. For the purpose of incorporating the amendment
552 made by this act to section 895.02, Florida Statutes, in a
553 reference thereto, subsection (3) of section 905.34, Florida
554 Statutes, is reenacted to read:

555 905.34 Powers and duties; law applicable.—The jurisdiction
556 of a statewide grand jury impaneled under this chapter shall



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557 extend throughout the state. The subject matter jurisdiction of
558 the statewide grand jury shall be limited to the offenses of:

559 (3) Any violation of the provisions of the Florida RICO
560 (Racketeer Influenced and Corrupt Organization) Act, including
561 any offense listed in the definition of racketeering activity in
562 s. 895.02(1)(a), providing such listed offense is investigated
563 in connection with a violation of s. 895.03 and is charged in a
564 separate count of an information or indictment containing a
565 count charging a violation of s. 895.03, the prosecution of
566 which listed offense may continue independently if the
567 prosecution of the violation of s. 895.03 is terminated for any
568 reason;

569
570 or any attempt, solicitation, or conspiracy to commit any
571 violation of the crimes specifically enumerated above, when any
572 such offense is occurring, or has occurred, in two or more
573 judicial circuits as part of a related transaction or when any
574 such offense is connected with an organized criminal conspiracy
575 affecting two or more judicial circuits. The statewide grand
576 jury may return indictments and presentments irrespective of the
577 county or judicial circuit where the offense is committed or
578 triable. If an indictment is returned, it shall be certified and
579 transferred for trial to the county where the offense was
580 committed. The powers and duties of, and law applicable to,
581 county grand juries shall apply to a statewide grand jury except
582 when such powers, duties, and law are inconsistent with the
583 provisions of ss. 905.31-905.40.

584 Section 11. This act shall take effect upon becoming a



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585 | law.