

22.14 BOOKMAKING

§ 849.25(1), Fla. Stat.

To prove the crime of Bookmaking, the State must prove the following three elements beyond a reasonable doubt:

- 1. (Defendant) was engaged in the business or profession of gambling.**
- 2. While so engaged, (defendant) took or received a bet or wager.**
- 3. The bet or wager was upon the result of**
[a trial or contest of skill, speed, power, or endurance of [man] [beast] [fowl]
[motor vehicles] [mechanical apparatus]].
[a chance, casualty, or unknown or contingent event].

§ 849.25(1)(b), Fla. Stat.

To determine whether (defendant) was engaged in the offense of bookmaking the following factors shall be considered:

- 1. Taking advantage of betting odds created to produce a profit for the bookmaker or charging a percentage on accepted wagers.**
- 2. Placing all or part of accepted wagers with other bookmakers to reduce the chance of financial loss.**
- 3. Taking or receiving more than five wagers in any single day.**
- 4. Taking or receiving wagers totaling more than \$500 in any single day, or more than \$1,500 in any single week.**
- 5. Engaging in a common scheme with two or more persons to take or receive wagers.**
- 6. Taking or receiving wagers on both sides of a contest at the identical point spread.**
- 7. Any other factor relevant to establishing that the operating procedures of such person are commercial in nature.**

It is the committee's opinion that § 849.25(1)(c), Fla. Stat., is for the judge and not the jury. Therefore (1)(c) should not be read to the jury.

Lesser Included Offenses

BOOKMAKING — 849.25(1) and (2)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted in 1981 and amended in 1989.