

**22.16 [SETTING UP] [PROMOTING] [PLAYING AT] A GAME OF CHANCE FOR  
MONEY, THING OF VALUE, OR UNDER THE PRETEXT OF A SALE, GIFT, OR  
DELIVERY**

§ 849.11, Fla. Stat.

To prove the crime of [Setting Up] [Promoting] [Playing at] a Game of Chance For Money, Thing of Value, or Under the Pretext of a Sale, Gift or Delivery, the State must prove following three elements beyond a reasonable doubt:

1. (Defendant) [set up] [promoted] [played at] a game of chance.
2. (Defendant) **did so** [by lot] [with [dice] [cards] [numbers] [hazards] [any gambling device]].

*Give 3a and/or 3b as applicable.*

3. (Defendant) **did so:**
  - a. for the disposal of money or other thing of value; or
  - b. [under the pretext of a sale, gift, or delivery] [or] [for any right, share, or interest thereof].

**Lesser Included Offenses**

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OF VALUE, OR UNDER THE PRETEXT OF A SALE, GIFT, OR DELIVERY — 849.11**

| CATEGORY ONE | CATEGORY TWO | FLA. STAT. | INS. NO. |
|--------------|--------------|------------|----------|
| None         |              |            |          |
|              | Attempt      | 777.04     | 5.1      |

**Comment**

This instruction was adopted in 2015.