

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Commerce and Consumer Services Committee

BILL: CS/SB 552

SPONSOR: Commerce and Consumer Services Committee and Senator Margolis

SUBJECT: Game Promotion

DATE: February 10, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Siebert	Cooper	CM	Fav/CS
2.	_____	_____	JU	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 552 reduces the publishing requirements for advertising game promotions, in which the total announced value of the prizes offered is greater than \$5,000, if the advertising copy includes a website address, a toll-free phone number, or a mailing address where the full rules and regulations may be viewed, heard or obtained for the duration of the game promotion.

This committee substitute amends section 849.094, Florida Statutes.

II. Present Situation:

Section 849.094(3), F.S., imposes several requirements on an operator of a game promotion where the total value of the prizes is greater than \$5,000. An operator of a game promotion must file with the Department of Agriculture and Consumer Services a copy of the rules and regulations of the game promotion at least 7 days prior to the commencement of the promotion. The operator must also file with the department a list of all prizes and prize categories. Additionally, the operator must post the rules and regulations in each retail outlet or where the game will be played or participated in by the public. Further, the operator must include all of the rules and regulations in all advertising used in connection with the game promotion. A nonrefundable \$100 fee is required for each filing.

III. Effect of Proposed Changes:

Section 1 amends s. 849.094(3), F.S., to include language that limits the requirement for operators of game promotions, where the total value of the prizes is greater than \$5,000. Such promotions may include only the material terms, as opposed to all of the terms of the promotion,

if the operator includes a website address, a toll-free number or a mailing address where the full rules and regulations may be viewed for the entire duration of the game promotion.

Section 2 provides an effective date of July 1, 2005.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This committee substitute may reduce the advertising costs for operators of game promotions by permitting them to publish only the material terms of the rules and regulations for a particular promotion, as opposed to publishing the entire rules and regulations if the operator includes a website address, a toll-free number or a mailing address where the full rules and regulations may be accessed for the full duration of the promotion.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
