

# 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.)

BILL: CS/SB 2474

SPONSOR: Regulated Industries Committee and Senator Haridopolos

SUBJECT: Penny-Ante Games

DATE: March 25, 2004      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Herrin</u>	<u>Yeatman</u>	<u>CP</u>	<u>Favorable</u>
3.	_____	_____	<u>CJ</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill provides an exception to the prohibition on solicitation of participants by means of advertising for penny-ante games by allowing the posting of a notice at the dwelling or distributing notice to residents or member of the entity owning the dwelling.

This bill substantially amends section 849.085 of the Florida Statutes.

**II. Present Situation:**

“Penny-ante game”<sup>1</sup> means a game or series of games of poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or mah-jongg in which the winnings of any player in a single round, hand, or game do not exceed \$10 in value. The game must be conducted in a dwelling and a person may not receive any consideration or commission for allowing a penny-ante game to occur in his or her dwelling.

Participating in the play of penny-ante games is not a crime.<sup>2</sup> However, the following restrictions apply:<sup>3</sup>

- The game must be conducted in a dwelling.
- A person may not receive any consideration or commission for allowing a penny-ante game to occur in his or her dwelling.
- A person may not directly or indirectly charge admission or any other fee for participation in the game.

<sup>1</sup> s. 849.085(2)(a), F.S.

<sup>2</sup> s. 849.085(1), F.S.

<sup>3</sup> s. 849.085(3), F.S.

- A person may not solicit participants by means of advertising in any form, advertise the time or place of any penny-ante game, or advertise the fact that the solicitor will be a participant in any penny-ante game.
- A penny-ante game may not be conducted in which any participant is under 18 years of age.

A dwelling means residential premises owned or rented by a participant in a penny-ante game and occupied by such participant or the common elements or common areas of a condominium, cooperative, residential subdivision, or mobile home park of which a participant in a penny-ante game is a unit owner, or the facilities of an organization which is tax exempt under s. 501(c)(7) of the Internal Revenue Code.<sup>4</sup> The term dwelling also includes a college dormitory room or the common recreational area of a college dormitory or a publicly owned community center owned by a municipality or county.

### III. Effect of Proposed Changes:

**Section 1** amends s. 849.085(3)(d), F.S., to provide an exception to the prohibition on advertising the time and place of a penny-ante game by allowing the posting of a notice at the dwelling or distributing notice to residents or member of the entity owning the dwelling. The proponents of this bill maintain that this will allow the residents of these dwellings to advertise upcoming penny-ante games in flyers or newsletters.

**Section 2** provides this act shall take effect upon becoming a law.

### 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.

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<sup>4</sup> These organizations are clubs organized for pleasure, recreation, and other nonprofitable purposes, substantially all of the activities of which are for such purposes and no part of the net earnings of which inures to the benefit of any private shareholder.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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

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