

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 335 CS Game Promotions
SPONSOR(S): Grimsley and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 552

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|----------------------------------|-----------------|---------|----------------|
| 1) Agriculture Committee | 11 Y, 0 N, w/CS | Reese | Reese |
| 2) Business Regulation Committee | | | |
| 3) Civil Justice Committee | | | |
| 4) Fiscal Council | | | |
| 5) State Resources Council | | | |

SUMMARY ANALYSIS

HB 335 reduces the publishing requirements for advertising for game promotions where the total prize value is greater than \$5,000. Advertising must include the material terms of the rules and regulations of the game, rather than the full rules and regulations as is currently required.

The bill appears to have no fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present situation: Current law imposes a number of requirements on an operator of a game promotion where the total prize value is greater than \$5,000. A game promotion operator must file with the Department of Agriculture and Consumer Services (department) a copy of the rules and regulations of the promotion at least 7 days prior to the beginning of the promotion. In addition, the operator must file with the department a list of all prizes and prize categories. Rules and regulations for the promotion must also be posted in each retail outlet or location where the game will be played or participated in by the public. All rules and regulations must be included in any advertising used in connection with the game promotion. A nonrefundable \$100 fee is required for each filing.

Proposed changes: The bill amends s. 849.094, F.S., to require that only the "material terms" of a game promotion's rules and regulations must be included in all advertising copy used in conjunction with a game promotion where the total prize value is greater than \$5,000.

C. SECTION DIRECTORY:

Section 1. Amends s. 849.094, F.S., to revise requirements for game promotions in connection with the sale of consumer products or services.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Provisions of the bill appear to have no impact on state government revenues.

2. Expenditures:

Provisions of the bill appear to have no impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Provisions of the bill appear to have no impact on local government revenues.

2. Expenditures:

Provisions of the bill appear to have no impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Game promotion operators expect to realize a reduction in advertising costs due to the requirement that only the material terms of the rules and regulations for a particular promotion be published, rather than the entire text.

D. FISCAL COMMENTS:

Please see C. Direct Economic Impact on Private Sector

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

B. RULE-MAKING AUTHORITY:

The bill contains no grant of rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Advocates for the bill state that Florida is the only state requiring full rules and regulations of a game promotion to be printed on all forms of advertising for that promotion. Companies which advertise nationally must purchase separate advertising copy to be used in Florida.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On February 23, the Agriculture Committee adopted one amendment which specified that included in the material terms of the rules and regulations must be a website address, a toll-free telephone number or a mailing address where the full rules and regulations of the promotion may be obtained.