

By Senator Constantine

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A bill to be entitled

An act relating to drawings of chance; amending s. 849.0935, F.S.; exempting drawings in which the prize exceeds \$100,000 from a prohibition against certain organizations requiring an entry fee to enter drawings; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (9) is added to section 849.0935, Florida Statutes, and subsection (4) of that section is reenacted, to read:

849.0935 Charitable, nonprofit organizations; drawings by chance; required disclosures; unlawful acts and practices; penalties.--

(4) It is unlawful for any organization which, pursuant to the authority granted by this section, promotes, operates, or conducts a drawing by chance:

(a) To ~~design~~, engage in, promote, or conduct any drawing in which the winner is predetermined by means of matching, instant win, or preselected sweepstakes or otherwise or in which the selection of the winners is in any way rigged;

(b) To require an entry fee, donation, substantial consideration, payment, proof of purchase, or contribution as a condition of entering the drawing or of being selected to win a prize. However, this provision shall not prohibit an organization from suggesting a minimum donation or from including a statement of such suggested minimum donation on any printed material utilized in connection with the fundraising event or drawing;

1 (c) To condition the drawing on a minimum number of
2 tickets having been disbursed to contributors or on a minimum
3 amount of contributions having been received;

4 (d) To arbitrarily remove, disqualify, disallow, or
5 reject any entry or to discriminate in any manner between
6 entrants who gave contributions to the organization and those
7 who did not give such contributions;

8 (e) To fail to promptly notify, at the address set
9 forth on the entry blank, any person, whose entry is selected
10 to win, of the fact that he or she won;

11 (f) To fail to award all prizes offered;

12 (g) To print, publish, or circulate literature or
13 advertising material used in connection with the drawing which
14 is false, deceptive, or misleading;

15 (h) To cancel a drawing; or

16 (i) To condition the acquisition or giveaway of any
17 prize upon the receipt of voluntary donations or
18 contributions.

19 (9) Paragraph (4)(b) does not apply to a drawing or
20 drawing by chance conducted by an organization if the value of
21 the prize exceeds \$100,000.

22 Section 2. This act shall take effect July 1, 2007.

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25 SENATE SUMMARY

26 Provides that a prohibition against requiring entry fees
27 or specific other requirements to enter a drawing does
28 not apply to drawings in which the prize exceeds
29 \$100,000.
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