

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS
FINAL BILL ANALYSIS**

BILL #: CS/HB 629 Lottery Games
SPONSOR(S): Gaming Control Subcommittee, Robinson
TIED BILLS: **IDEN./SIM. BILLS:** SB 1264

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Gaming Control Subcommittee	10 Y, 1 N	Pirrello	Barry
2) Government Operations & Technology Appropriations Subcommittee	11 Y, 0 N	Helping	Topp
3) Commerce Committee	19 Y, 1 N	Pirrello	Hamon
FINAL HOUSE FLOOR ACTION: 98 Y's 8 N's		GOVERNOR'S ACTION: Pending	

SUMMARY ANALYSIS

CS/HB 629 passed the House on April 17, 2019. The bill was amended in the Senate on May 1, 2019, and returned to the House. The House concurred in the Senate amendments and subsequently passed the bill as amended on May 3, 2019.

Gambling is generally prohibited and illegal in Florida. However, in 1986, Florida voters adopted a constitutional amendment authorizing the creation of the Florida Lottery. Since that time, the Florida Lottery has grown into one of the largest state-run lotteries in the country, with annual sales exceeding \$6 billion. Lottery tickets can be purchased at over 13,000 retail locations throughout Florida.

Current law does not require the Lottery to inform customers who purchase lottery tickets of the risks associated with gambling, including the potential for compulsive or addictive behavior. However, the Florida Lottery encourages customers to "Play Responsibly" and widely advertises a toll-free phone number for a referral service to assist people with gambling problems.

The bill amends current law by directing the Florida Lottery to contractually require vendors to place one of the following warnings prominently on the front of all lottery tickets: "WARNING: LOTTERY GAMES MAY BE ADDICTIVE." or "PLAY RESPONSIBLY." The bill requires the Florida Lottery to include one of the specified warnings in all advertisements or promotions of lottery games, including those on television, the Internet, print, and the radio. Each warning message must appear on an equal number of advertisements, promotions, and tickets.

The bill will have a fiscal impact on Lottery transfers to the Educational Enhancement Trust Fund. See *Fiscal Comments*.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2019.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

General Overview of Lottery in Florida

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ Certain exceptions have been authorized, with restrictions on permitted locations, operators, and prizes, including penny-ante games,⁵ bingo,⁶ cardrooms,⁷ charitable drawings,⁸ game promotions (sweepstakes),⁹ and bowling tournaments.¹⁰ In addition, Chapters 550 and 551, F.S., respectively, authorize pari-mutuel wagering on certain live events at licensed facilities and slot machine gaming at specified locations.

Section 7 of Article X of the Florida Constitution provides, "Lotteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state."¹¹

In 1986, Florida voters approved an amendment to the Florida Constitution to allow the state to operate a lottery. Section 15 of Article X of the Florida Constitution, provides as follows:

Lotteries may be operated by the state.... On the effective date of this amendment, the lotteries shall be known as the Florida Education Lotteries. Net proceeds derived from the lotteries shall be deposited to a state trust fund, to be designated The State Education Lotteries Trust Fund, to be appropriated by the Legislature. The schedule may be amended by general law.

Chapter 24, F.S., was enacted by ch. 87-65, L.O.F., to establish the state lottery pursuant to the constitutional authorization set forth above. Section 24.102, F.S., creates the Department of the Lottery (Lottery) and states the Legislature's intent that it be self-supporting, revenue-producing, and function as an entrepreneurial business enterprise. Florida began offering lottery games in 1988, with a \$1 weekly drawing.¹² Since then, the Lottery has grown to include approximately 60 different scratch-off games available at over 13,000 retailer locations, with Lottery ticket prices ranging from \$1 to \$30.¹³ This growth resulted in more than \$6.7 billion in total sales for the 2017-2018 fiscal year.

¹ S. 849.08, F.S.

² S. 849.01, F.S.

³ S. 849.09, F.S.

⁴ S. 849.16, F.S.

⁵ S. 849.085, F.S.

⁶ S. 849.0931, F.S.

⁷ S. 849.086, F.S.

⁸ S. 849.0935, F.S.

⁹ S. 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁰ S. 546.10, F.S.

¹¹ The pari-mutuel pools that were authorized by law on the effective date of the Florida Constitution (Nov. 5, 1968) include horseracing, greyhound racing and jai alai games.

¹² Fla. Lottery, *History*, <http://www.flalottery.com/history> (last visited Feb. 5, 2019).

¹³ *Id.*; Fla. Lottery, *Scratch Offs*, <http://www.flalottery.com/scratch-offs?amount=30> (last visited Feb. 6, 2019).

Lottery Warning and Problem Gambling

Currently, there is no statutory provision requiring the Lottery to inform customers who purchase lottery tickets of the risks associated with gambling, including the potential for compulsive or addictive gambling. However, the Lottery's website includes a "Play Responsibly" page, which states:

Florida Lottery games are designed to be a fun, low-cost form of entertainment with the added benefit of helping to support education. While most of our players enjoy the fun and entertainment of playing our games, for some, gambling of any kind can be a problem.

If someone you know has a gambling problem, help is available by calling a toll-free referral service at:

888-ADMIT IT (888-236-4848)¹⁴

The Play Responsibly page also lists phone numbers and a link where one may call, text, or chat with someone at the National Problem Gambling Helpline as well as a link to Gamblers Anonymous.¹⁵ Phone numbers for the Florida Council on Compulsive Gambling, National Problem Gambling Helpline, and Gamblers Anonymous can also be found in "Play Responsibly" pamphlets, located next to tickets in most retailers.¹⁶

In addition, the following statement is found on the back of certain lottery products: "Play Responsibly – If you or someone you know has a gambling problem, call 1-888-ADMIT-IT."¹⁷

Addiction is characterized by the "inability to consistently abstain, impairment in behavioral control, craving, diminished recognition of significant problems with one's behaviors and interpersonal relationships, and a dysfunctional emotional response."¹⁸ Opponents of gambling contend that participants in gambling are particularly susceptible to addiction.¹⁹ Gambling studies indicate that games of chance present the illusion of quick and effortless financial gain yet can often lead to financial loss due to the statistical improbability of winning a prize.²⁰ Researchers describe a cycle in which the gambler believes she can win back her losses, with the cycle continuing until she is forced to seek rehabilitation to break her habit.²¹

Effect of Proposed Changes

The bill requires that beginning January 1, 2020, all advertisements or promotions of lottery games include one of the following statements: "WARNING: LOTTERY GAMES MAY BE ADDICTIVE." or "PLAY RESPONSIBLY." If the advertisement is shown on television, the internet or another electronic medium it must appear in black font on a white background and occupy at least 10 percent of the surface area of the advertisement or promotion. If the advertisement is in print, including a newspaper, magazine or billboard, the statement must appear in prominent text and occupy at least 10 percent of the surface area of the advertisement or promotion. If the advertisement is on the radio, the statement

¹⁴ Fla. Lottery, *Where to Play*, <http://www.flalottery.com/whereToPlay> (last visited Feb. 8, 2019).

¹⁵ Fla. Lottery, *Play Responsibly*, <http://www.flalottery.com/playResponsibly> (last visited Feb. 5, 2019).

¹⁶ Document on file with the Gaming Control Subcommittee.

¹⁷ Document on file with the Gaming Control Subcommittee.

¹⁸ Am. Soc'y of Addiction Med., *Quality and Practice*, <http://www.asam.org/quality-practice/definition-of-addiction> (last visited Feb. 5, 2019).

¹⁹ See Psychguides.com, *Compulsive Gambling Symptoms, Causes and Effects*, <http://www.psychguides.com/guides/compulsive-gambling-symptoms-causes-and-effects/> (last visited Feb. 5, 2019).

²⁰ *Id.*

²¹ See Natasha Dow Schüll, *Addiction by Design: Machine Gambling in Las Vegas*, 225 (2012).

must be audibly announced at the conclusion of the advertisement or promotion. Each warning message must appear on an equal number of advertisements and promotions.

The bill requires that beginning January 1, 2020, all contracts for the printing of lottery tickets specify that tickets printed on or after January 1, 2021, must include one of the following warnings: "WARNING: LOTTERY GAMES MAY BE ADDICTIVE." or "PLAY RESPONSIBLY." The statement must appear in prominent text on the front of each ticket and occupy at least 10 percent of the total face of the lottery ticket. Each warning message must appear on an equal number of tickets.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

On March 8, 2019, the Revenue Estimating Conference (REC) reviewed the bill and estimated that it will result in a reduction in Lottery sales and transfers to the Educational Enhancement Trust Fund (EETF). However, the House outlook (budget plan) contemplates any reduction to the EETF will be replaced with general revenue. The estimated transfer reductions over the next three fiscal years are \$31.6 million for Fiscal Year 2019-20, \$64.4 million for Fiscal Year 2020-21, and \$65.2 million for Fiscal Year 2021-22.²² The following chart shows the impact to the EETF.

²² Office of Economic & Demographic Research, *Revenue Estimating Conference, Impact Conference – 3/08/19*, http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2019/_pdf/Impact0308.pdf (last visited Mar. 25, 2019).

	EETF REC Transfers February, 2020 (in billions)	Adjusted Transfer to EETF (in billions)	Impact to EETF (in millions)
2019-20 ²³	1,807.1	1,775.1	(31.6)
2020-21	1,839.2	1,774.8	(64.4)
2021-22	1,864.2	1,799.0	(65.2)

The estimate provided by the REC was based on an earlier version of this bill, which contained a longer warning label. One of the required warning messages is currently used in many promotions. Therefore, the fiscal impact of the final version of the bill may be less than previously estimated.

²³ The bill's effect date is January, 2020. The impact for Fiscal Year 2019-20 is the total fiscal year impact divided by two.