



Revised Florida Sweepstakes Law Effective April 10, 2013

The State of Florida has amended its law governing games of chance ([F.S. 849](#)), revising certain provisions including those governing game promotions and sweepstakes run by retailers and consumer brands, among others. The amendments to section 849.094, which governs game promotions in connection with the sale of consumer products or services, clarify that the state statute only permits games of chance run by commercial entities on a “limited and occasional basis,” for marketing and advertising purposes “in connection with and incidental to” the sale of a product or service. The revisions specifically added sweepstakes to the definition of “game promotion,” and appended the “and incidental to” language. The definition of “operator” was also expanded to add “a retailer who operates any game promotion,” and a “corporation, organization, or association or agent” who promotes, operates, or conducts a “nationally advertised” game promotion, clarifying that the law governs both promotions conducted solely within Florida, as well as those conducted nationally, including within the state. The revised statute also expressly makes violations of the law a deceptive and unfair trade practice under the Florida Deceptive and Unfair Trade Practices Act.

The amendments, which also clarify the law’s application to non-profit and other organizations, appear to be Florida’s attempt to clarify that F.S. 849.094 is only applicable to promotions or sweepstakes conducted by for-profit commercial entities as an advertising tool, and is “not intended to provide a vehicle for the establishment of places of ongoing gambling or gaming.”

The amendments were reportedly the result of state and federal investigations into a group called Allied Veterans of the World, which was accused of operating gambling centers under the guise of Internet cafes across Florida. While some of the amendments, which became effective April 10, 2013, do concern game promotions and sweepstakes, they do not appear to be an attempt to restrict or otherwise prevent companies from offering these kinds of promotions.

We are continuing to analyze the impact of these amendments and will reach out in the upcoming days with updates.

For more information about this and other digital media issues, please contact [Kenneth R. Florin](#) or [Jessica B. Lee](#).

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