Gambling -- Raffles

Number: INFORMAL

Date: December 12, 2013

Colonel Eric Mejia
Staff Judge Advocate
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501 West Van Matre Avenue, Suite 1
Eglin Air Force Base, Florida 32542

Dear Colonel Mejia:

Thank you for considering this office as a source for assistance in determining whether a holiday raffle by a private organization violates Florida's gambling statutes. Attorney General Bondi has asked that I respond to your inquiry.

This office has addressed the conducting of raffles in several scenarios. In Attorney General Opinion 93-59, this office was asked whether a nonprofit 501(c)(3) corporation was authorized to conduct raffles to benefit local school districts. This office concluded that a nonprofit qualified under 26 United States Code 501(c)(3) is authorized to conduct a raffle provided the operator has complied with all applicable provisions in Chapter 496, Florida Statutes, governing the solicitation of funds by a charitable organization.

I note that you have sent your request to the Department of Agriculture and Consumer Services which is the agency which administers the provisions in Chapter 496, Florida Statutes.

You may also wish to review the discussion in Attorney General Opinion 2004-62, in which this office discussed the conducting of a raffle by a chamber of commerce. That opinion states:

"Section 849.09, Florida Statutes, makes it unlawful for any person in this state to promote or conduct a lottery for money or anything of value. Section 849.0935(2), Florida Statutes, however, states:

'The provisions of s. 849.09 shall not be construed to prohibit an organization qualified under 26 U.S.C. s. 501(c)(3), (4), (7), (8), (10), or (19) from conducting drawings by chance pursuant to the authority granted by this section, provided the organization has complied with all applicable provisions of chapter 496.'

Section 849.0935, Florida Statutes, thus constitutes a limited exception from the general prohibition against gambling in this state by authorizing some, but not all, 501(c) organizations to conduct drawings by chance subject to the conditions and limitations prescribed therein. A chamber of commerce qualified under 26 U.S.C. 501(c)(6), however, is not among those organizations listed in section 849.0935, Florida Statutes, as authorized to conduct drawings by chance." (citations omitted)

Attorney General Opinion 2004-62, as well as others relating to gambling, may be accessed in a searchable database located on this agency's website at: www.myfloridalegal.com.

I trust this information will be of assistance to you in assessing whether the activities of the private organizations on your base may constitute illegal gambling under Florida law.

Sincerely,

Lagran Saunders
Assistant Attorney General

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