

Betting on Contests of Skill

Number: INFORMAL

Date: July 22, 1998

The Honorable John Grant
Senator, District 13
610 West Waters Avenue, Suite A
Tampa, Florida 33604

Dear Senator Grant:

You ask whether the provisions of section 849.14, Florida Statutes, making it unlawful to bet on the results of trials or contests of skill, apply to golf tournaments where the prizes are paid from entry fees. You also inquire about the exemption afforded by section 849.141, Florida Statutes.

In Attorney General Opinion 90-58, this office considered whether a contest of skill, such as a hole-in-one golf contest, where contestants pay an entry fee, which does not directly make up the prize, for the opportunity to win a valuable purse or prize, violates the gambling laws of this state. After reviewing the judicial decisions in this area, this office concluded that such a contest of skill where the entry fee does not directly make up the prize, does not violate the gambling laws of this state. Subsequently, in an informal to the Honorable Peter R. Wallace, Speaker of the House of Representatives, dated November 4, 1996, reached a similar conclusion. I am enclosing copies of the above referenced opinions for your review.

Regarding your second inquiry, I am enclosing a copy of the Senate Staff Analysis and Economic Impact Statement for SB 356, dated April 8, 1985, which created the exemption for bowling tournaments. The staff analysis stated that the exemption was needed in order to permit such tournaments since "[a]n entry fee which does not specifically make up the purses, prizes or premiums contested for is not considered a wager in violation of section 849.14, F.S., however, entry fees by participants which specifically make up the 'pot' in which they compete for is considered a wager in violation of section 849.14, F.S."

I trust that the above informal comments and enclosures may be of assistance to you in resolving this matter.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgk

Enclosures