

Unclaimed lottery prize money, limitations on use

Number: INFORMAL

Date: March 11, 1996

The Honorable William F. Andrews
Representative, District 87
777 East Atlantic Avenue, Suite 226
Delray Beach, Florida 33483

Dear Representative Andrews:

You have asked for an opinion regarding the use of unclaimed lottery prize money. Specifically, you wish to know whether such money must be used exclusively for prizes or whether it may be used to enhance sales through additional prizes.

The statutes governing the use of unclaimed lottery prize money are located in Chapter 24, Florida Statutes. Section 24.115(2), Florida Statutes, provides:

"All unclaimed prize money shall be added to the pool from which future prizes are to be awarded or used for special prize promotions."

This section plainly directs how unclaimed lottery prize money may be used. There are no other provisions in Chapter 24, Florida Statutes, that appear to address the use of unclaimed lottery prizes. As an administrative agency, the Department of Lottery may only exercise such authority as is granted by the Legislature.[1] Moreover, where the Legislature has prescribed the manner in which the unclaimed prize money may be used, it effectively operates to preclude its being used in any other way.[2]

In light of the unambiguous language of section 24.115(2), Florida Statutes, limiting the use of unclaimed lottery prize money to the pool for future prizes and for special prize promotions, such money may not be used for any other purpose.

I trust these informal observations will be of some assistance to you. Should you have additional questions, please do not hesitate to contact this office.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgk

[1] See *State Department of Environmental Regulation v. Puckett Oil Company, Inc.*, 577 So. 2d

988 (Fla. 1st DCA 1991) (Powers of administrative agencies are measured and limited by statutes or acts in which such powers are expressly granted or implicitly conferred).

[2] See *Alsop v. Pierce*, 19 So. 2d 799, 805 (Fla. 1944).