

By the Committee on Business Regulation and
 Representatives Wishner, Ross, Meadows, Bullard, Prieguez,
 Barreiro, Henriquez, Smith, Greenstein, Sorensen, Littlefield
 and Diaz de la Portilla

1 A bill to be entitled
 2 An act relating to bingo; amending s. 849.0931,
 3 F.S.; defining the terms "instant bingo" and
 4 "package"; providing rules for the operation of
 5 instant bingo games; providing penalties;
 6 providing for future review and repeal;
 7 providing an effective date.

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 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Section 849.0931, Florida Statutes, is
 12 amended to read:

13 849.0931 Bingo authorized; conditions for conduct;
 14 permitted uses of proceeds; limitations.--

15 (1) As used in this section:

16 (a) "Bingo game" means and refers to the activity,
 17 commonly known as "bingo," in which participants pay a sum of
 18 money for the use of one or more bingo cards. When the game
 19 commences, numbers are drawn by chance, one by one, and
 20 announced. The players cover or mark those numbers on the
 21 bingo cards which they have purchased until a player receives
 22 a given order of numbers in sequence that has been
 23 preannounced for that particular game. This player calls out
 24 "bingo" and is declared the winner of a predetermined prize.
 25 More than one game may be played upon a bingo card, and
 26 numbers called for one game may be used for a succeeding game
 27 or games.

28 (b) "Bingo card" means and refers to the flat piece of
 29 paper or thin pasteboard employed by players engaged in the
 30 game of bingo. The bingo card shall have not fewer than 24
 31 playing numbers printed on it. These playing numbers shall

1 range from 1 through 75, inclusive. More than one set of
2 bingo numbers may be printed on any single piece of paper.

3 (c) "Charitable, nonprofit, or veterans' organization"
4 means an organization which has qualified for exemption from
5 federal income tax as an exempt organization under the
6 provisions of s. 501(c) of the Internal Revenue Code of 1954
7 or s. 528 of the Internal Revenue Code of 1986, as amended;
8 which is engaged in charitable, civic, community, benevolent,
9 religious, or scholastic works or other similar activities;
10 and which has been in existence and active for a period of 3
11 years or more.

12 (d) "Instant bingo" means a game that is played using
13 tickets by which a player wins a prize by opening and removing
14 a cover from the ticket to reveal a set of numbers, letters,
15 objects, or patterns, some of which have been predesignated in
16 advance as prize winners.

17 (e)~~(d)~~ "Objects" means a set of 75 balls or other
18 precision shapes that are imprinted with letters and numbers
19 in such a way that numbers 1 through 15 are marked with the
20 letter "B," numbers 16 through 30 are marked with the letter
21 "I," numbers 31 through 45 are marked with the letter "N,"
22 numbers 46 through 60 are marked with the letter "G," and
23 numbers 61 through 75 are marked with the letter "O."

24 (f) "Package" means a separate set of not more than
25 4,000 instant bingo tickets in which the predetermined minimum
26 prize payout is at least 65 percent of the total receipts from
27 the sale of the entire package.

28 (g)~~(e)~~ "Rack" means the container in which the objects
29 are placed after being drawn and announced.

30 (h)~~(f)~~ "Receptacle" means the container from which the
31 objects are drawn or ejected.

1 ~~(i)(g)~~ (i) "Session" means a designated set of games
2 played in a day or part of a day.

3 (2)(a) None of the provisions of this chapter shall be
4 construed to prohibit or prevent charitable, nonprofit, or
5 veterans' organizations engaged in charitable, civic,
6 community, benevolent, religious, or scholastic works or other
7 similar endeavors, which organizations have been in existence
8 and active for a period of 3 years or more, from conducting
9 bingo games or instant bingo, provided the entire proceeds
10 derived from the conduct of such games, less actual business
11 expenses for articles designed for and essential to the
12 operation, conduct, and playing of bingo or instant bingo, are
13 donated by such organizations to the endeavors mentioned
14 above. In no case may the net proceeds from the conduct of
15 such games be used for any other purpose whatsoever. The
16 proceeds derived from the conduct of bingo games or instant
17 bingo shall not be considered solicitation of public
18 donations.

19 (b) It is the express intent of the Legislature that
20 no charitable, nonprofit, or veterans' organization serve as a
21 sponsor of a bingo game or instant bingo conducted by another,
22 but such organization may only be directly involved in the
23 conduct of such a game as provided in this act.

24 (3) If an organization is not engaged in efforts of
25 the type set out above, its right to conduct bingo games
26 hereunder is conditioned upon the return of all the proceeds
27 from such games to the players in the form of prizes. If at
28 the conclusion of play on any day during which a bingo game is
29 allowed to be played under this section there remain proceeds
30 which have not been paid out as prizes, the organization
31 conducting the game shall at the next scheduled day of play

1 conduct bingo games without any charge to the players and
2 shall continue to do so until the proceeds carried over from
3 the previous days played have been exhausted. This provision
4 in no way extends the limitation on the number of prize or
5 jackpot games allowed in one day as provided for in subsection
6 (5).

7 (4) The right of a condominium association, a
8 cooperative association, a homeowners' association as defined
9 in s. 720.301, a mobile home owners' association, a group of
10 residents of a mobile home park as defined in chapter 723, or
11 a group of residents of a mobile home park or recreational
12 vehicle park as defined in chapter 513 to conduct bingo is
13 conditioned upon the return of the net proceeds from such
14 games to players in the form of prizes after having deducted
15 the actual business expenses for such games for articles
16 designed for and essential to the operation, conduct, and
17 playing of bingo. Any net proceeds remaining after paying
18 prizes may be donated by the association to a charitable,
19 nonprofit, or veterans' organization which is exempt from
20 federal income tax under the provisions of s. 501(c) of the
21 Internal Revenue Code to be used in such recipient
22 organization's charitable, civic, community, benevolent,
23 religious, or scholastic works or similar activities or, in
24 the alternative, such remaining proceeds shall be used as
25 specified in subsection (3).

26 (5) Except for instant bingo prizes which are limited
27 to those displayed on the ticket, no jackpot shall exceed the
28 value of \$250 in actual money or its equivalent, and there
29 shall be no more than three jackpots in any one session of
30 bingo.

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1 (6) The number of days per week during which
2 organizations authorized hereunder may conduct bingo may not
3 exceed two.

4 (7) Except for instant bingo prizes which are limited
5 to those displayed on the ticket, there shall be no more than
6 three jackpots on any one day of play. All other game prizes
7 shall not exceed \$50.

8 (8) Each person involved in the conduct of any bingo
9 game or instant bingo must be a resident of the community
10 where the organization is located and a bona fide member of
11 the organization sponsoring such game and may not be
12 compensated in any way for operation of such ~~bingo~~ game. When
13 bingo games or instant bingo are conducted by a charitable,
14 nonprofit, or veterans' organization, the organization
15 conducting the ~~bingo~~ games shall be required to designate up
16 to three members of that organization to be in charge of the
17 games, one of whom shall be present during the entire session
18 at which the ~~bingo~~ games are conducted. The organization
19 conducting the ~~bingo~~ games is responsible for posting a
20 notice, which notice states the name of the organization and
21 the designated member or members, in a conspicuous place on
22 the premises at which the session is held or instant bingo is
23 played. In no event may a caller in a bingo game be a
24 participant in that bingo game.

25 (9) Every charitable, nonprofit, or veterans'
26 organization involved in the conduct of a bingo game or
27 instant bingo must be located in the county, or within a
28 15-mile radius of, where the bingo game or instant bingo is
29 located.

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1 (10)(a) No one under 18 years of age shall be allowed
2 to play any bingo game or instant bingo or be involved in the
3 conduct of a bingo game or instant bingo in any way.

4 (b) Any organization conducting bingo open to the
5 public may refuse entry to any person who is objectionable or
6 undesirable to the sponsoring organization, but such refusal
7 of entry shall not be on the basis of race, creed, color,
8 religion, sex, national origin, marital status, or physical
9 handicap.

10 (11) Bingo games or instant bingo may be held only on
11 the following premises:

12 (a) Property owned by the charitable, nonprofit, or
13 veterans' organization.

14 (b) Property owned by the charitable, nonprofit, or
15 veterans' organization that will benefit by the proceeds.

16 (c) Property leased for a period of not less than 1
17 year by a charitable, nonprofit, or veterans' organization,
18 providing the lease or rental agreement does not provide for
19 the payment of a percentage of the proceeds generated at such
20 premises to the lessor or any other party and providing the
21 rental rate for such premises does not exceed the rental rates
22 charged for similar premises in the same locale.

23 (d) Property owned by a municipality or a county when
24 the governing authority has, by appropriate ordinance or
25 resolution, specifically authorized the use of such property
26 for the conduct of such games.

27 (e) With respect to bingo games conducted by a
28 condominium association, a cooperative association, a
29 homeowners' association as defined in s. 720.301, a mobile
30 home owners' association, a group of residents of a mobile
31 home park as defined in chapter 723, or a group of residents

1 of a mobile home park or recreational vehicle park as defined
2 in chapter 513, property owned by the association, property
3 owned by the residents of the mobile home park or recreational
4 vehicle park, or property which is a common area located
5 within the condominium, mobile home park, or recreational
6 vehicle park.

7 (12) Each bingo game shall be conducted in accordance
8 with the following rules:

9 (a) The objects, whether drawn or ejected, shall be
10 essentially equal as to size, shape, weight, and balance and
11 as to all other characteristics that may control their
12 selection from the receptacle. The caller shall cancel any
13 game if, during the course of a game, the mechanism used in
14 the drawing or ejection of objects becomes jammed in such a
15 manner as to interfere with the accurate determination of the
16 next number to be announced or if the caller determines that
17 more than one object is labeled with the same number or that
18 there is a number to be drawn without a corresponding object.
19 Any player in a game canceled pursuant to this paragraph shall
20 be permitted to play the next game free of charge.

21 (b) Prior to commencement of any bingo session, the
22 member in charge shall cause a verification to be made of all
23 objects to be placed in the receptacle and shall inspect the
24 objects in the presence of a disinterested person to ensure
25 that all objects are present and that there are no
26 duplications or omissions of numbers on the objects. Any
27 player shall be entitled to call for a verification of numbers
28 before, during, and after a session.

29 (c) The card or sheet on which the game is played
30 shall be part of a deck, group, or series, no two of which may
31 be alike in any given game.

1 (d) All numbers shall be visibly displayed after being
2 drawn and before being placed in the rack.

3 (e) A bona fide bingo shall consist of a predesignated
4 arrangement of numbers on a card or sheet that correspond with
5 the numbers on the objects drawn from the receptacle and
6 announced. Errors in numbers announced or misplaced in the
7 rack may not be recognized as a bingo.

8 (f) When a caller has started to vocally announce a
9 number, the caller shall complete the call. If any player has
10 obtained a bingo on a previous number, such player will share
11 the prize with the player who gained bingo on the last number
12 called.

13 (g) Numbers on the winning cards or sheets shall be
14 announced and verified in the presence of another player. Any
15 player shall be entitled at the time the winner is determined
16 to call for a verification of numbers drawn. The verification
17 shall be in the presence of the member designated to be in
18 charge of the occasion or, if such person is also the caller,
19 in the presence of an officer of the licensee.

20 (h) Upon determining a winner, the caller shall ask,
21 "Are there any other winners?" If no one replies, the caller
22 shall declare the game closed. No other player is entitled to
23 share the prize unless she or he has declared a bingo prior to
24 this announcement.

25 (i) Seats may not be held or reserved by an
26 organization or person involved in the conduct of any bingo
27 game for players not present, nor may any cards be set aside,
28 held, or reserved from one session to another for any player.

29 (13)(a) Instant bingo tickets must be sold at the
30 price printed on the ticket, not to exceed \$1. Discounts may

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1 not be given for purchases of multiple tickets, nor may
2 tickets be given away free of charge.

3 (b) The sets of numbers, letters, objects, or patterns
4 that have been predesignated as winning combinations for a
5 package of bingo tickets must be posted before the sale of any
6 tickets from that package.

7 (14) Instant bingo tickets may only be sold from
8 property on which traditional bingo games are being conducted
9 and only during an active session of bingo.

10 (15)~~(13)~~ Any organization or other person who
11 willfully and knowingly violates any provision of this section
12 is guilty of a misdemeanor of the first degree, punishable as
13 provided in s. 775.082 or s. 775.083. For a second or
14 subsequent offense, the organization or other person is guilty
15 of a felony of the third degree, punishable as provided in s.
16 775.082, s. 775.083, or s. 775.084.

17 Section 2. The provisions of s. 849.0931, Florida
18 Statutes, as amended by this act, relating to instant bingo,
19 shall expire and be repealed on July 1, 2004. Instant bingo
20 operations shall be reviewed by the Legislature prior to that
21 repeal date. The legislative review shall address the impact
22 of the operation of instant bingo pursuant to this act on the
23 operations and ticket sales of the Department of the Lottery.

24 Section 3. This act shall take effect July 1, 2002.
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