

By the Council for Smarter Government and 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; creating the "Evelyn
3 Wiesman-Price Act"; amending s. 849.0931, F.S.;
4 defining the terms "instant bingo" and "deal";
5 providing rules for the operation of instant
6 bingo games; providing penalties; providing for
7 future review and repeal; providing an
8 effective date.

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

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12 Section 1. This act may be cited as the "Evelyn
13 Wiesman-Price Act."

14 Section 2. Section 849.0931, Florida Statutes, is
15 amended to read:

16 849.0931 Bingo authorized; conditions for conduct;
17 permitted uses of proceeds; limitations.--

18 (1) As used in this section:

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

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1 (b) "Bingo card" means and refers to the flat piece of
2 paper or thin pasteboard employed by players engaged in the
3 game of bingo. The bingo card shall have not fewer than 24
4 playing numbers printed on it. These playing numbers shall
5 range from 1 through 75, inclusive. More than one set of
6 bingo numbers may be printed on any single piece of paper.

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

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

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

28 (f) "Deal" means a separate set or package of not more
29 than 4,000 instant bingo tickets in which the predetermined
30 minimum prize payout is at least 65 percent of the total
31 receipts from the sale of the entire deal.

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

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

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

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

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

28 (3) If an organization is not engaged in efforts of
29 the type set out above, its right to conduct bingo games
30 hereunder is conditioned upon the return of all the proceeds
31 from such games to the players in the form of prizes. If at

1 the conclusion of play on any day during which a bingo game is
2 allowed to be played under this section there remain proceeds
3 which have not been paid out as prizes, the organization
4 conducting the game shall at the next scheduled day of play
5 conduct bingo games without any charge to the players and
6 shall continue to do so until the proceeds carried over from
7 the previous days played have been exhausted. This provision
8 in no way extends the limitation on the number of prize or
9 jackpot games allowed in one day as provided for in subsection
10 (5).

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

30 (5) Except for instant bingo prizes which are limited
31 to those displayed on the ticket, no jackpot shall exceed the

1 value of \$250 in actual money or its equivalent, and there
2 shall be no more than three jackpots in any one session of
3 bingo.

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

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

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

28 (9) Every charitable, nonprofit, or veterans'
29 organization involved in the conduct of a bingo game or
30 instant bingo must be located in the county, or within a
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1 15-mile radius of, where the bingo game or instant bingo is
2 located.

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

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

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

14 (a) Property owned by the charitable, nonprofit, or
15 veterans' organization.

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

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

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

29 (e) With respect to bingo games conducted by a
30 condominium association, a cooperative association, a
31 homeowners' association as defined in s. 720.301, a mobile

1 home owners' association, a group of residents of a mobile
2 home park as defined in chapter 723, or a group of residents
3 of a mobile home park or recreational vehicle park as defined
4 in chapter 513, property owned by the association, property
5 owned by the residents of the mobile home park or recreational
6 vehicle park, or property which is a common area located
7 within the condominium, mobile home park, or recreational
8 vehicle park.

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

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

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

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

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

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

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

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

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

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

1 (13)(a) Instant bingo tickets must be sold at the
2 price printed on the ticket by the manufacturer, not to exceed
3 \$1. Discounts may not be given for purchases of multiple
4 tickets, nor may tickets be given away free of charge.

5 (b) The sets of numbers, letters, objects, or patterns
6 that have been predesignated by the manufacturer as winning
7 combinations for a deal of instant bingo tickets must be
8 posted before the sale of any tickets from that deal.

9 (c) Each instant bingo ticket in a deal must bear the
10 same serial number and there may not be more than one serial
11 number in each deal. No serial number printed on a deal of
12 instant bingo tickets may be repeated by the manufacturer on
13 the same form for a period of 3 years.

14 (d) The serial number for each deal must be clearly
15 and legibly placed on the outside of each deal's package, box,
16 or other container.

17 (e) Instant bingo tickets manufactured, sold, or
18 distributed in this state must comply with the standards on
19 pull-tabs of the North American Gaming Regulators Association,
20 as amended from time to time.

21 (f) Except as provided under paragraph (e), an instant
22 bingo ticket manufactured, sold, or distributed in this state
23 must:

24 1. Be manufactured so that it is not possible to
25 identify whether it is a winning or losing instant bingo
26 ticket until it has been opened by the player as intended.

27 2. Be manufactured using at least a two-ply paper
28 stock construction so that the instant bingo ticket is opaque.

29 3. Have the form number, the deal's serial number, and
30 the name or logo of the manufacturer conspicuously printed on
31 the face or cover of the instant bingo ticket.

1 4. Have a form of winner protection that allows that
2 organization to verify, after the instant bingo ticket has
3 been played, that the winning instant bingo ticket presented
4 for payment is an authentic winning instant bingo ticket for
5 the deal in play. The manufacturer shall provide a written
6 description of the winner protection with each deal of instant
7 bingo tickets.

8 (g) Each manufacturer and distributor that sells or
9 distributes instant bingo tickets in this state to charitable,
10 nonprofit, or veterans' organizations shall prepare an invoice
11 that contains the following information:

12 1. The date of sale.

13 2. The form number and the serial number of each deal
14 sold.

15 3. The number of instant bingo tickets in each deal
16 sold.

17 4. The name of the distributor or organization to whom
18 each deal is sold.

19 5. The price of each deal sold.

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21 All information contained on an invoice must be maintained by
22 the distributor or manufacturer for a period of 3 years.

23 (h) The invoice, or a true and accurate copy thereof,
24 must be on the premises where any deal of instant bingo
25 tickets is stored or in play.

26 (i) The Department of the Lottery shall keep a list of
27 no fewer than six qualified instant bingo ticket manufacturers
28 that are authorized to sell instant bingo tickets within the
29 state. No distributor or charitable, nonprofit, or veterans'
30 organization shall purchase, distribute, or sell instant bingo
31 tickets manufactured by any manufacturer other than those

1 qualified instant bingo ticket manufacturers listed by the
2 Department of the Lottery.

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

6 (15)~~(13)~~ Any organization or other person who
7 willfully and knowingly violates any provision of this section
8 is guilty of a misdemeanor of the first degree, punishable as
9 provided in s. 775.082 or s. 775.083. For a second or
10 subsequent offense, the organization or other person is guilty
11 of a felony of the third degree, punishable as provided in s.
12 775.082, s. 775.083, or s. 775.084.

13 Section 3. The provisions of s. 849.0931, Florida
14 Statutes, as amended by this act, relating to instant bingo,
15 shall expire and be repealed on July 1, 2004. Instant bingo
16 operations shall be reviewed by the Legislature prior to that
17 repeal date. The legislative review shall address the impact
18 of the operation of instant bingo pursuant to this act on the
19 operations and ticket sales of the Department of the Lottery.

20 Section 4. This act shall take effect July 1, 2002.
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