

HB 0187

2004

1                                   A bill to be entitled  
 2           An act relating to bingo; providing a popular name;  
 3           amending s. 849.0931, F.S.; defining the terms "instant  
 4           bingo" and "deal"; providing rules for the operation of  
 5           instant bingo games; providing penalties; providing  
 6           requirements for the manufacture and sale of instant bingo  
 7           tickets; providing duties of the Department of the  
 8           Lottery; reenacting ss. 718.114 and 723.079(8), F.S.,  
 9           relating to condominiums and homeowners' associations, to  
 10          incorporate the amendment to s. 849.0931, F.S., in  
 11          references thereto; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. This act shall be known by the popular name the  
 16 "Evelyn Wiesman-Price Act."

17           Section 2. Subsections (1), (2), (5), (7), (8), (9), (10),  
 18 and (11) of section 849.0931, Florida Statutes, are amended,  
 19 present subsection (13) of said section is renumbered as  
 20 subsection (14) and amended, and a new subsection (13) is added  
 21 to said section, to read:

22           849.0931 Bingo authorized; conditions for conduct;  
 23 permitted uses of proceeds; limitations.--

24           (1) As used in this section:

25           (a) "Bingo game" means and refers to the activity,  
 26 commonly known as "bingo," in which participants pay a sum of  
 27 money for the use of one or more bingo cards. When the game  
 28 commences, numbers are drawn by chance, one by one, and  
 29 announced. The players cover or mark those numbers on the bingo

HB 0187

2004

30 cards which they have purchased until a player receives a given  
 31 order of numbers in sequence that has been preannounced for that  
 32 particular game. This player calls out "bingo" and is declared  
 33 the winner of a predetermined prize. More than one game may be  
 34 played upon a bingo card, and numbers called for one game may be  
 35 used for a succeeding game or games.

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

42 (c) "Charitable, nonprofit, or veterans' organization"  
 43 means an organization which has qualified for exemption from  
 44 federal income tax as an exempt organization under the  
 45 provisions of s. 501(c) of the Internal Revenue Code of 1954 or  
 46 s. 528 of the Internal Revenue Code of 1986, as amended; which  
 47 is engaged in charitable, civic, community, benevolent,  
 48 religious, or scholastic works or other similar activities; and  
 49 which has been in existence and active for a period of 3 years  
 50 or more.

51 (d) "Deal" means a separate set or package of not more  
 52 than 4,000 instant bingo tickets in which the predetermined  
 53 minimum prize payout is at least 65 percent of the total  
 54 receipts from the sale of the entire deal.

55 (e) "Instant bingo" means a game that is played using  
 56 tickets by which a player wins a prize by opening and removing a  
 57 cover from the ticket to reveal a set of numbers, letters,

HB 0187

2004

58 objects, or patterns, some of which have been predesignated in  
59 advance as prize winners.

60 (f)~~(d)~~ "Objects" means a set of 75 balls or other  
61 precision shapes that are imprinted with letters and numbers in  
62 such a way that numbers 1 through 15 are marked with the letter  
63 "B," numbers 16 through 30 are marked with the letter "I,"  
64 numbers 31 through 45 are marked with the letter "N," numbers 46  
65 through 60 are marked with the letter "G," and numbers 61  
66 through 75 are marked with the letter "O."

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

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

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

73 (2)(a) None of the provisions of this chapter shall be  
74 construed to prohibit or prevent charitable, nonprofit, or  
75 veterans' organizations engaged in charitable, civic, community,  
76 benevolent, religious, or scholastic works or other similar  
77 endeavors, which organizations have been in existence and active  
78 for a period of 3 years or more, from conducting bingo games or  
79 instant bingo, provided the entire proceeds derived from the  
80 conduct of such games, less actual business expenses for  
81 articles designed for and essential to the operation, conduct,  
82 and playing of bingo or instant bingo, are donated by such  
83 organizations to the endeavors mentioned above. In no case may  
84 the net proceeds from the conduct of such games be used for any  
85 other purpose whatsoever. The proceeds derived from the conduct

HB 0187

2004

86 of bingo games or instant bingo shall not be considered  
 87 solicitation of public donations.

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

93 (5) Except for instant bingo prizes, which are limited to  
 94 those displayed on the ticket, a ~~no~~ jackpot may not shall exceed  
 95 the value of \$250 in actual money or its equivalent, and there  
 96 may not shall be ~~no~~ more than three jackpots in any one session  
 97 of bingo.

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

102 (8) Each person involved in the conduct of any bingo game  
 103 or instant bingo must be a resident of the community where the  
 104 organization is located and a bona fide member of the  
 105 organization sponsoring such game and may not be compensated in  
 106 any way for operation of such ~~bingo~~ game. When bingo games or  
 107 instant bingo are conducted by a charitable, nonprofit, or  
 108 veterans' organization, the organization conducting the ~~bingo~~  
 109 games must shall be required to designate up to three members of  
 110 that organization to be in charge of the games, one of whom must  
 111 shall be present during the entire session at which the ~~bingo~~  
 112 games are conducted. The organization conducting the ~~bingo~~ games  
 113 is responsible for posting a notice, which notice states the  
 114 name of the organization and the designated member or members,

HB 0187

2004

115 in a conspicuous place on the premises at which the session is  
 116 held or instant bingo is played. ~~In no event may~~ A caller in a  
 117 bingo game may not be a participant in that bingo game.

118 (9) Every charitable, nonprofit, or veterans' organization  
 119 involved in the conduct of a bingo game or instant bingo must be  
 120 located in the county, or within a 15-mile radius of, where the  
 121 bingo game or instant bingo is located.

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

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

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

132 (a) Property owned by the charitable, nonprofit, or  
 133 veterans' organization.

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

136 (c) Property leased for a period of not less than 1 year  
 137 by a charitable, nonprofit, or veterans' organization, providing  
 138 the lease or rental agreement does not provide for the payment  
 139 of a percentage of the proceeds generated at such premises to  
 140 the lessor or any other party and providing the rental rate for  
 141 such premises does not exceed the rental rates charged for  
 142 similar premises in the same locale.

HB 0187

2004

143 (d) Property owned by a municipality or a county when the  
144 governing authority has, by appropriate ordinance or resolution,  
145 specifically authorized the use of such property for the conduct  
146 of such games.

147 (e) With respect to bingo games conducted by a condominium  
148 association, a cooperative association, a homeowners'  
149 association as defined in s. 720.301, a mobile home owners'  
150 association, a group of residents of a mobile home park as  
151 defined in chapter 723, or a group of residents of a mobile home  
152 park or recreational vehicle park as defined in chapter 513,  
153 property owned by the association, property owned by the  
154 residents of the mobile home park or recreational vehicle park,  
155 or property which is a common area located within the  
156 condominium, mobile home park, or recreational vehicle park.

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

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

165 (c) Each instant bingo ticket in a deal must bear the same  
166 serial number and there may not be more than one serial number  
167 in each deal. Serial numbers printed on a deal of instant bingo  
168 tickets may not be repeated by the manufacturer on the same form  
169 for a period of 3 years.

HB 0187

2004

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

173 (e) Instant bingo tickets manufactured, sold, or  
174 distributed in this state must comply with the applicable  
175 mandatory standards on pull-tabs of the North American Gaming  
176 Regulators Association, as amended.

177 (f) Except as provided under paragraph (e), an instant  
178 bingo ticket manufactured, sold, or distributed in this state  
179 must:

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

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

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

188 4. Have a form of winner protection that allows the  
189 organization to verify, after the instant bingo ticket has been  
190 played, that the winning instant bingo ticket presented for  
191 payment is an authentic winning instant bingo ticket for the  
192 deal in play. The manufacturer shall provide a written  
193 description of the winner protection with each deal of instant  
194 bingo tickets.

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

HB 0187

2004

- 199        1. Date of sale.
- 200        2. Form number and the serial number of each deal sold.
- 201        3. Number of instant bingo tickets in each deal sold.
- 202        4. Name of distributor or organization to whom each deal
- 203 is sold.
- 204        5. Price of each deal sold.

206 All information contained on an invoice must be maintained by  
 207 the distributor or manufacturer for 3 years.

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

211        (i) The Department of the Lottery shall keep a list of at  
 212 least six qualified instant bingo ticket manufacturers that are  
 213 authorized to sell instant bingo tickets within the state. The  
 214 Department of the Lottery shall process all applications to be  
 215 placed on the list of instant bingo ticket manufacturers  
 216 pursuant to s. 120.60. A distributor or charitable, nonprofit,  
 217 or veterans' organization may not purchase, distribute, or sell  
 218 instant bingo tickets manufactured by any manufacturer other  
 219 than those qualified instant bingo ticket manufacturers listed  
 220 by the Department of the Lottery.

221        (14)(13) Any organization or other person who willfully  
 222 and knowingly violates any provision of this section commits is  
 223 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
 224 provided in s. 775.082 or s. 775.083. For a second or  
 225 subsequent offense, the organization or other person commits is  
 226 ~~guilty of~~ a felony of the third degree, punishable as provided  
 227 in s. 775.082, s. 775.083, or s. 775.084.



HB 0187

2004

228 Section 3. For the purpose of incorporating the amendment  
 229 to section 849.0931, Florida Statutes, in references thereto,  
 230 section 718.114, Florida Statutes, is reenacted to read:

231 718.114 Association powers.--An association has the power  
 232 to enter into agreements, to acquire leaseholds, memberships,  
 233 and other possessory or use interests in lands or facilities  
 234 such as country clubs, golf courses, marinas, and other  
 235 recreational facilities. It has this power whether or not the  
 236 lands or facilities are contiguous to the lands of the  
 237 condominium, if they are intended to provide enjoyment,  
 238 recreation, or other use or benefit to the unit owners. All of  
 239 these leaseholds, memberships, and other possessory or use  
 240 interests existing or created at the time of recording the  
 241 declaration must be stated and fully described in the  
 242 declaration. Subsequent to the recording of the declaration, the  
 243 association may not acquire or enter into agreements acquiring  
 244 these leaseholds, memberships, or other possessory or use  
 245 interests except as authorized by the declaration. The  
 246 declaration may provide that the rental, membership fees,  
 247 operations, replacements, and other expenses are common expenses  
 248 and may impose covenants and restrictions concerning their use  
 249 and may contain other provisions not inconsistent with this  
 250 chapter. A condominium association may conduct bingo games as  
 251 provided in s. 849.0931.

252 Section 4. For the purpose of incorporating the amendment  
 253 to section 849.0931, Florida Statutes, in references thereto,  
 254 subsection (8) of section 723.079, Florida Statutes, is  
 255 reenacted to read:

256 723.079 Powers and duties of homeowners' association.--

HB 0187

2004

257           (8) Any mobile home owners' association or group of  
258 residents of a mobile home park as defined in this chapter may  
259 conduct bingo games as provided in s. 849.0931.

260           Section 5. This act shall take effect July 1, 2004.