

ENROLLED
HB 0187

2004 Legislature

A bill to be entitled

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

723.079 Powers and duties of homeowners' association.--

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

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