

1                                   A bill to be entitled  
2           An act relating to games and gaming; providing  
3           a popular name; 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  
7           requirements for the manufacture and sale of  
8           instant bingo tickets; providing duties of the  
9           Department of the Lottery; reenacting ss.  
10          718.114 and 723.079(8), F.S., relating to  
11          condominiums and homeowners' associations, to  
12          incorporate the amendment to s. 849.0931, F.S.,  
13          in references thereto; amending s. 849.161,  
14          F.S.; revising provisions exempting certain  
15          amusement centers from the application of  
16          gambling regulations; restricting the use of  
17          points or coupons received by players in arcade  
18          amusement centers; providing an exemption from  
19          regulation for certain children's amusement  
20          centers; clarifying a reference; prohibiting  
21          gambling devices at arcade amusement centers;  
22          providing that, with respect to arcade  
23          amusement centers, local governments may  
24          establish or amend the zoning map designation  
25          of a parcel or parcels of land or change the  
26          actual list of permitted, conditional, or  
27          prohibited uses within a zoning category;  
28          authorizing local governments to limit the  
29          hours of operation of arcade amusement centers  
30          and limit the number of machines in such  
31          centers; providing an effective date.

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

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3           Section 1. Sections 1 through 4 of this act may be  
4 known by the popular name the "Evelyn Wiesman-Price Act."

5           Section 2. Effective July 1, 2004, subsections (1),  
6 (2), (5), (7), (8), (9), (10), and (11) of section 849.0931,  
7 Florida Statutes, are amended, present subsection (13) of said  
8 section is renumbered as subsection (14) and amended, and a  
9 new subsection (13) is added to said section, to read:

10           849.0931 Bingo authorized; conditions for conduct;  
11 permitted uses of proceeds; limitations.--

12           (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

27           (7) Except for instant bingo prizes, which are limited  
28 to those displayed on the ticket, there ~~may not shall~~ be ~~no~~  
29 more than three jackpots on any one day of play. All other  
30 game prizes may shall not exceed \$50.  
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1           (8) Each person involved in the conduct of any bingo  
2 game or instant bingo must be a resident of the community  
3 where the organization is located and a bona fide member of  
4 the organization sponsoring such game and may not be  
5 compensated in any way for operation of such ~~bingo~~ game. When  
6 bingo games or instant bingo are conducted by a charitable,  
7 nonprofit, or veterans' organization, the organization  
8 conducting the ~~bingo~~ games must ~~shall be required to~~ designate  
9 up to three members of that organization to be in charge of  
10 the games, one of whom must ~~shall~~ be present during the entire  
11 session at which the ~~bingo~~ games are conducted. The  
12 organization conducting the ~~bingo~~ games is responsible for  
13 posting a notice, which notice states the name of the  
14 organization and the designated member or members, in a  
15 conspicuous place on the premises at which the session is held  
16 or instant bingo is played. ~~In no event may~~ A caller in a  
17 bingo game may not be a participant in that bingo game.

18           (9) Every charitable, nonprofit, or veterans'  
19 organization involved in the conduct of a bingo game or  
20 instant bingo must be located in the county, or within a  
21 15-mile radius of, where the bingo game or instant bingo is  
22 located.

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

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

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

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

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

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

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

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

29           (13)(a) Instant bingo tickets must be sold at the  
30 price printed on the ticket by the manufacturer, not to exceed

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

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

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

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

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

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

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

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

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

30 4. Have a form of winner protection that allows the  
31 organization to verify, after the instant bingo ticket has

1 been played, that the winning instant bingo ticket presented  
2 for payment is an authentic winning instant bingo ticket for  
3 the deal in play. The manufacturer shall provide a written  
4 description of the winner protection with each deal of instant  
5 bingo tickets.

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

10 1. Date of sale.

11 2. Form number and the serial number of each deal  
12 sold.

13 3. Number of instant bingo tickets in each deal sold.

14 4. Name of distributor or organization to whom each  
15 deal is sold.

16 5. Price of each deal sold.

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

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

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

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

3 ~~(14)(13)~~ Any organization or other person who  
4 willfully and knowingly violates any provision of this section  
5 commits is guilty of a misdemeanor of the first degree,  
6 punishable as provided in s. 775.082 or s. 775.083. For a  
7 second or subsequent offense, the organization or other person  
8 commits is guilty of a felony of the third degree, punishable  
9 as provided in s. 775.082, s. 775.083, or s. 775.084.

10 Section 3. Effective July 1, 2004, for the purpose of  
11 incorporating the amendment to section 849.0931, Florida  
12 Statutes, in references thereto, section 718.114, Florida  
13 Statutes, is reenacted to read:

14 718.114 Association powers.--An association has the  
15 power to enter into agreements, to acquire leaseholds,  
16 memberships, and other possessory or use interests in lands or  
17 facilities such as country clubs, golf courses, marinas, and  
18 other recreational facilities. It has this power whether or  
19 not the lands or facilities are contiguous to the lands of the  
20 condominium, if they are intended to provide enjoyment,  
21 recreation, or other use or benefit to the unit owners. All of  
22 these leaseholds, memberships, and other possessory or use  
23 interests existing or created at the time of recording the  
24 declaration must be stated and fully described in the  
25 declaration. Subsequent to the recording of the declaration,  
26 the association may not acquire or enter into agreements  
27 acquiring these leaseholds, memberships, or other possessory  
28 or use interests except as authorized by the declaration. The  
29 declaration may provide that the rental, membership fees,  
30 operations, replacements, and other expenses are common  
31 expenses and may impose covenants and restrictions concerning

1 their use and may contain other provisions not inconsistent  
2 with this chapter. A condominium association may conduct  
3 bingo games as provided in s. 849.0931.

4 Section 4. Effective July 1, 2004, for the purpose of  
5 incorporating the amendment to section 849.0931, Florida  
6 Statutes, in references thereto, subsection (8) of section  
7 723.079, Florida Statutes, is reenacted to read:

8 723.079 Powers and duties of homeowners'  
9 association.--

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

13 Section 5. Section 849.161, Florida Statutes, is  
14 amended to read:

15 849.161 Amusement games or machines; when chapter  
16 inapplicable.--

17 (1)(a)1. Nothing contained in this chapter shall be  
18 taken or construed as applicable to an arcade amusement center  
19 having amusement games or machines not proscribed by ss.  
20 849.15 and 849.16, which operate by means of the insertion of  
21 a coin or electronic token and which, solely by application of  
22 skill, may entitle the person playing or operating the game or  
23 machine to receive points or coupons which may be exchanged  
24 for merchandise only, excluding cash, ~~and~~ alcoholic beverages,  
25 tobacco products, or coupons redeemable for cash, alcoholic  
26 beverages, or tobacco products, provided the cost value of the  
27 merchandise or prize awarded in exchange for such points or  
28 coupons does not exceed 75 cents on any game played. All  
29 points or coupons received by a player may be exchanged for  
30 the specific product only at the same business location where  
31 the game or machine operated by the player is located. Points

1 or coupons received by a player may not be exchanged for any  
2 gift certificate, mail order certificate, or similar  
3 conveyance that is redeemable at another business location or  
4 deliverable from a location other than where the arcade is  
5 located.

6         2. Nothing contained in this chapter shall be taken or  
7 construed as applicable to any retail dealer who operates as a  
8 truck stop, as defined in chapter 336 and which operates a  
9 minimum of 6 functional diesel fuel pumps, having amusement  
10 games or machines which operate by means of the insertion of a  
11 coin, electronic token, or other currency and which by  
12 application of skill may entitle the person playing or  
13 operating the game or machine to receive points or coupons  
14 which may be exchanged for merchandise limited to noncash  
15 prizes, toys, novelties, and Florida Lottery products,  
16 excluding alcoholic beverages, provided the cost value of the  
17 merchandise or prize awarded in exchange for such points or  
18 coupons does not exceed 75 cents on any game played. This  
19 subparagraph applies only to games and machines which are  
20 operated for the entertainment of the general public and  
21 tourists as bona fide amusement games or machines. This  
22 subsection shall not apply, however, to any game or device  
23 defined as a gambling device in chapter 24 of Title 15 U.S.C.  
24 under s. 1171 ~~24 U.S.C. s. 1171~~, which requires identification  
25 of each device by permanently affixing seriatim numbering and  
26 name, trade name, and date of manufacture under s. 1173, and  
27 registration with the United States Attorney General, unless  
28 excluded from applicability of the chapter under s. 1178.  
29 This subsection shall not be construed to authorize video  
30 poker games or any other game or machine that may be construed  
31 as a gambling device under Florida law.

1           3. This chapter does not apply to any children's  
2 amusement center having amusement games that operate by means  
3 of the insertion of a coin or other currency or other token  
4 and that may entitle the person operating the game or machine  
5 to receive points or coupons that may be exchanged for noncash  
6 prizes, toys, or novelties for children under the age of 14  
7 years. As used in this subparagraph, the term "children's  
8 amusement center" means a place of business, the general  
9 concept or theme of which is the amusement or entertainment of  
10 children under the age of 14 years and that operates  
11 coin-operated amusement games and machines in which the  
12 majority of such games or machines are for the use or  
13 operation by children under the age of 14 years. The term does  
14 not include any business that allows the use of video poker  
15 games or any other game or device classified as a gambling  
16 device in chapter 24 of 15 U.S.C. s. 1171 unless excluded from  
17 these requirements under subsection (2) or subsection (3) of  
18 s. 1178. Points or coupons received by a player may be  
19 exchanged only at the same business or a franchise thereof.  
20 Points or coupons received by a player may not be exchanged  
21 for any credit card, gift certificate, or similar conveyance,  
22 or for cash, alcoholic beverages, tobacco products, or coupons  
23 redeemable for cash, alcoholic beverages, or tobacco products.

24           (b) Nothing in this subsection shall be taken or  
25 construed as applicable to a coin-operated or  
26 electronic-token-operated game or device designed and  
27 manufactured only for bona fide amusement purposes and not  
28 proscribed by ss. 849.15 and 849.16, which game or device may,  
29 solely by application of skill, entitle the player to replay  
30 the game or device at no additional cost, if the game or  
31 device: can accumulate and react to no more than 15 free

1 replays; can be discharged of accumulated free replays only by  
2 reactivating the game or device for one additional play for  
3 such accumulated free replay; can make no permanent record,  
4 directly or indirectly, of free replays; and is not classified  
5 by the United States as a gambling device in chapter 24 of  
6 Title 15 U.S.C. under s. 1171 ~~24 U.S.C. s. 1171~~, which  
7 requires identification of each device by permanently affixing  
8 seriatim numbering and name, trade name, and date of  
9 manufacture under s. 1173, and registration with the United  
10 States Attorney General, unless excluded from applicability of  
11 the chapter under s. 1178. This subsection shall not be  
12 construed to authorize video poker games, or any other game or  
13 machine that may be construed as a gambling device under  
14 Florida law.

15 (c) Nothing in this subsection with respect to arcade  
16 amusement centers shall be taken or construed to abrogate or  
17 limit the power of a local government to establish or amend  
18 the zoning map designation of a parcel or parcels of land or  
19 change the actual list of permitted, conditional, or  
20 prohibited uses within a zoning category, and any local  
21 government may exercise such power as provided by law.

22 (2) In addition and supplemental to any other  
23 authority under law, the legislative and governing body of a  
24 county or municipality shall have the power and authority to  
25 limit the number of hours of operation of arcade amusement  
26 centers and may also limit the number of machines allowed in  
27 such centers.

28 (3)(2) The term "arcade amusement center" as used in  
29 this section means a place of business having at least 50  
30 coin-operated amusement games or machines on premises which  
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1 are operated for the entertainment of the general public and  
2 tourists as a bona fide amusement facility.

3 (4) A game or machine that may be construed as a  
4 gambling device under state law, including video poker games  
5 or a game or device that resembles a gambling device as  
6 defined in chapter 24 of Title 15 U.S.C. under s. 1171, is  
7 prohibited at arcade amusement centers.

8 Section 6. This act shall take effect upon becoming a  
9 law.

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