

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; amending s. 849.094, F.S.; requiring

1 operators of game promotions to post the terms
 2 of game rules in advertising; providing for
 3 severability; providing an effective date.
 4

5 Be It Enacted by the Legislature of the State of Florida:
 6

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

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

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

16 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (b) Any organization conducting bingo open to the
31 public may refuse entry to any person who is objectionable or

1 | undesirable to the sponsoring organization, but such refusal
2 | of entry shall not be on the basis of race, creed, color,
3 | religion, sex, national origin, marital status, or physical
4 | handicap.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 1. Date of sale.

16 2. Form number and the serial number of each deal
17 sold.

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

19 4. Name of distributor or organization to whom each
20 deal is sold.

21 5. Price of each deal sold.

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

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

28 (i) The Department of the Lottery shall keep a list of
29 at least six qualified instant bingo ticket manufacturers that
30 are authorized to sell instant bingo tickets within the state.
31 The Department of the Lottery shall process all applications

1 to be placed on the list of instant bingo ticket manufacturers
2 pursuant to s. 120.60. A distributor or charitable, nonprofit,
3 or veterans' organization may not purchase, distribute, or
4 sell instant bingo tickets manufactured by any manufacturer
5 other than those qualified instant bingo ticket manufacturers
6 listed by the Department of the Lottery.

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

14 Section 3. Effective July 1, 2004, for the purpose of
15 incorporating the amendment to section 849.0931, Florida
16 Statutes, in references thereto, section 718.114, Florida
17 Statutes, is reenacted to read:

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

1 or use interests except as authorized by the declaration. The
2 declaration may provide that the rental, membership fees,
3 operations, replacements, and other expenses are common
4 expenses and may impose covenants and restrictions concerning
5 their use and may contain other provisions not inconsistent
6 with this chapter. A condominium association may conduct
7 bingo games as provided in s. 849.0931.

8 Section 4. Effective July 1, 2004, for the purpose of
9 incorporating the amendment to section 849.0931, Florida
10 Statutes, in references thereto, subsection (8) of section
11 723.079, Florida Statutes, is reenacted to read:

12 723.079 Powers and duties of homeowners'
13 association.--

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

17 Section 5. Section 849.161, Florida Statutes, is
18 amended to read:

19 849.161 Amusement games or machines; when chapter
20 inapplicable.--

21 (1)(a)1. Nothing contained in this chapter shall be
22 taken or construed as applicable to an arcade amusement center
23 having amusement games or machines not proscribed by ss.
24 849.15 and 849.16, which operate by means of the insertion of
25 a coin or electronic token and which, solely by application of
26 skill, may entitle the person playing or operating the game or
27 machine to receive points or coupons which may be exchanged
28 for merchandise only, excluding cash, ~~and~~ alcoholic beverages,
29 tobacco products, or coupons redeemable for cash, alcoholic
30 beverages, or tobacco products, provided the cost value of the
31 merchandise or prize awarded in exchange for such points or

1 coupons does not exceed 75 cents on any game played. All
2 points or coupons received by a player may be exchanged for
3 the specific product only at the same business location where
4 the game or machine operated by the player is located. Points
5 or coupons received by a player may not be exchanged for any
6 gift certificate, mail order certificate, or similar
7 conveyance that is redeemable at another business location or
8 deliverable from a location other than where the arcade is
9 located.

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

1 excluded from applicability of the chapter under s. 1178.

2 This subsection shall not be construed to authorize video
3 poker games or any other game or machine that may be construed
4 as a gambling device under Florida law.

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

28 (b) Nothing in this subsection shall be taken or
29 construed as applicable to a coin-operated or
30 electronic-token-operated game or device designed and
31 manufactured only for bona fide amusement purposes and not

1 proscribed by ss. 849.15 and 849.16, which game or device may,
2 solely by application of skill, entitle the player to replay
3 the game or device at no additional cost, if the game or
4 device: can accumulate and react to no more than 15 free
5 replays; can be discharged of accumulated free replays only by
6 reactivating the game or device for one additional play for
7 such accumulated free replay; can make no permanent record,
8 directly or indirectly, of free replays; and is not classified
9 by the United States as a gambling device in chapter 24 of
10 Title 15 U.S.C. under s. 1171 ~~24 U.S.C. s. 1171~~, which
11 requires identification of each device by permanently affixing
12 seriatim numbering and name, trade name, and date of
13 manufacture under s. 1173, and registration with the United
14 States Attorney General, unless excluded from applicability of
15 the chapter under s. 1178. This subsection shall not be
16 construed to authorize video poker games, or any other game or
17 machine that may be construed as a gambling device under
18 Florida law.

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

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

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

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

11 Section 6. Subsection (3) of section 849.094, Florida
12 Statutes, is amended to read:

13 849.094 Game promotion in connection with sale of
14 consumer products or services.--

15 (3) The operator of a game promotion in which the
16 total announced value of the prizes offered is greater than
17 \$5,000 shall file with the Department of Agriculture and
18 Consumer Services a copy of the rules and regulations of the
19 game promotion and a list of all prizes and prize categories
20 offered at least 7 days before the commencement of the game
21 promotion. Such rules and regulations may not thereafter be
22 changed, modified, or altered. The operator of a game
23 promotion shall conspicuously post the rules and regulations
24 of such game promotion in each and every retail outlet or
25 place where such game promotion may be played or participated
26 in by the public and shall also publish the material terms of
27 the rules and regulations in all advertising copy used in
28 connection therewith. Radio and television announcements may
29 indicate that the rules and regulations are available at
30 retail outlets or from the operator of the promotion. A
31 nonrefundable filing fee of \$100 shall accompany each filing

1 and shall be used to pay the costs incurred in administering
2 and enforcing the provisions of this section.

3 Section 7. If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 invalidity does not affect other provisions or applications of
6 the act which can be given effect without the invalid
7 provision or application, and to this end the provisions of
8 this act are severable.

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

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