

By Senator Argenziano

3-802-05

1 A bill to be entitled

2 An act relating to drawings by chance; amending

3 s. 849.0935, F.S.; redefining the term

4 "organization" to include homeowners'

5 associations, certain other associations, and

6 chambers of commerce among those allowed to

7 conduct drawings by chance; defining the term

8 "charitable purpose" as applied to permissible

9 uses of the proceeds from such drawings;

10 providing restrictions upon the construction of

11 s. 849.09, F.S., relating to prohibitions

12 against lotteries and exceptions from such

13 prohibitions; providing an effective date.

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

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17 Section 1. Paragraph (b) of subsection (1) and

18 subsection (2) of section 849.0935, Florida Statutes, are

19 amended, and paragraph (c) is added to subsection (1) of that

20 section, to read:

21 849.0935 Charitable, nonprofit organizations; drawings

22 by chance; required disclosures; unlawful acts and practices;

23 penalties.--

24 (1) As used in this section, the term:

25 (b) "Organization" means:

26 1. An organization ~~that which~~ is exempt from federal

27 income taxation pursuant to 26 U.S.C. s. 501(c)(3), (4), (7),

28 (8), (10), or (19), and ~~that which~~ has a current determination

29 letter from the Internal Revenue Service, and its bona fide

30 members or officers;~~-~~

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1 2. A homeowners' association or association as defined
2 in chapter 718, chapter 719, chapter 720, or chapter 723, if
3 the proceeds from the drawing are used for a charitable
4 purpose or a community benefit; or

5 3. A local chamber of commerce, if the proceeds from
6 the drawing are used for a charitable purpose or a community
7 benefit.

8 (c) "Charitable purpose" means any benevolent,
9 philanthropic, patriotic, educational, humane, scientific,
10 artistic, public health, social welfare or advocacy,
11 environmental conservation, civic, or other eleemosynary
12 objective.

13 (2)(a) Section ~~The provisions of s.~~ 849.09 ~~may shall~~
14 not be construed to prohibit an organization qualified under
15 26 U.S.C. s. 501(c)(3), (4), (7), (8), (10), or (19) from
16 conducting drawings by chance pursuant to the authority
17 granted by this section, provided the organization has
18 complied with all applicable provisions of chapter 496.

19 (b) Section 849.09 may not be construed to prohibit a
20 homeowners' association or a local chamber of commerce from
21 conducting drawings by chance pursuant to the authority
22 granted under this section.

23 Section 2. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Redefines the term "organizations" as used in s. 849.0935, F.S., to include homeowners' associations, certain other associations, and chambers of commerce among those allowed to conduct drawings by chance. Defines the term "charitable purpose" as applied to permissible uses of the proceeds from such drawings. Provides that s. 849.09, F.S., relating to prohibitions against lotteries and exceptions from such prohibitions, may not be construed to prohibit a homeowners' association or chamber of commerce from conducting drawings by chance.