Florida Senate - 2005

 $\mathbf{B}\mathbf{y}$ the Committee on Regulated Industries; and Senator Argenziano

580-2265-05 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 б 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 s. 849.09, F.S., relating to prohibitions 11 12 against lotteries and exceptions from such 13 prohibitions; providing an effective date. 14 Be It Enacted by the Legislature of the State of Florida: 15 16 17 Section 1. Paragraph (b) of subsection (1) and subsection (2) of section 849.0935, Florida Statutes, are 18 amended, and paragraph (c) is added to subsection (1) of that 19 section, to read: 20 849.0935 Charitable, nonprofit organizations; drawings 21 22 by chance; required disclosures; unlawful acts and practices; 23 penalties.--(1) As used in this section, the term: 2.4 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), 2.8 (8), (10), or (19), and that which has a current determination letter from the Internal Revenue Service, and its bona fide 29 members or officers, if the organization has complied with all 30 applicable provisions of chapter 496;-31

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CODING: Words stricken are deletions; words underlined are additions.

1	2. A homeowners' association or association as defined
2	<u>in chapter 718, chapter 719, chapter 720, or chapter 723, if</u>
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	<u>objective.</u>
13	(2) <u>Section</u> The provisions of s. 849.09 <u>may</u> shall not
14	be construed to prohibit an organization, as defined in this
15	<pre>section, qualified under 26 U.S.C. s. 501(c)(3), (4), (7),</pre>
16	(8), (10) , or (19) from conducting drawings by chance pursuant
17	to the authority granted by this section , provided the
18	organization has complied with all applicable provisions of
19	chapter 496 .
20	Section 2. This act shall take effect July 1, 2005.
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Florida Senate - 2005 580-2265-05

CS for SB 2538

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2 3	<u>Senate Bill 2538</u>
	4 The committee substitute (CS) amends the definition of the term "organization" in s. 849.0935(1)(b)1., F.S., to provide that an organization that is exempt from federal income taxation pursuant to 26 U.S.C. s. 501(c)(3),(4),(7),(8),(10), or (19), (charitable organizations) must comply with all applicable provisions of ch. 496, F.S. The CS deletes this
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8	local chambers of commerce in s. 849.0935(2)(b), F.S. It amends the exemption in s. 849.0935(2), F.S., to apply to organizations as defined in this section. It also amends s. 849.0935(2), F.S. to delete provisions in current law that are relevant to charitable organizations in order to conform the
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