

1 A bill to be entitled
 2 An act relating to drawings by chance; amending s.
 3 849.0935, F.S.; redefining the term "organization" to
 4 include homeowners' associations, certain other
 5 associations, and local chambers of commerce among those
 6 allowed to conduct drawings by chance; defining the term
 7 "charitable purpose" as applied to permissible uses of the
 8 proceeds from such drawings; providing restrictions upon
 9 the construction of s. 849.09, F.S., relating to
 10 prohibitions against lotteries and exceptions from such
 11 prohibitions; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. Paragraph (b) of subsection (1) and subsection
 16 (2) of section 849.0935, Florida Statutes, are amended, and
 17 paragraph (c) is added to subsection (1) of said section, to
 18 read:

19 849.0935 Charitable, nonprofit organizations; drawings by
 20 chance; required disclosures; unlawful acts and practices;
 21 penalties.--

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

23 (b) "Organization" means_

24 1. An organization that ~~which~~ is exempt from federal
 25 income taxation pursuant to 26 U.S.C. s. 501(c)(3), (4), (7),
 26 (8), (10), or (19), and that ~~which~~ has a current determination
 27 letter from the Internal Revenue Service, and its bona fide
 28 members or officers;_

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

33 3. A local chamber of commerce, if the proceeds from the
 34 drawing are used for a charitable purpose or a community
 35 benefit.

36 (c) "Charitable purpose" means any benevolent,
 37 philanthropic, patriotic, educational, humane, scientific,
 38 artistic, public health, social welfare or advocacy,
 39 environmental conservation, civic, or other eleemosynary
 40 objective.

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

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

51 Section 2. This act shall take effect July 1, 2005.