

A bill to be entitled

An act relating to bingo; providing a short title; amending s. 849.0931, F.S.; defining the terms "deal," "flare," and "instant bingo"; exempting instant bingo from specified prohibitions; providing requirements for the operation of instant bingo games; providing requirements for the use of proceeds and prize payout; providing requirements for the manufacture and sale of instant bingo tickets; providing duties of the Department of the Lottery; providing penalties; reenacting ss. 718.114 and 723.079(8), F.S., relating to powers and duties of condominium and homeowners' associations, to incorporate the amendment to s. 849.0931, F.S., in references thereto; providing an effective date.

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

Section 1. This act may be cited as the "Evelyn Wiesman-Price Act."

Section 2. Section 849.0931, Florida Statutes, is amended to read:

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

(1) As used in this section:

(a) "Bingo game" means and refers to the activity, commonly known as "bingo," in which participants pay a sum of money for the use of one or more bingo cards. When the game commences, numbers are drawn by chance, one by one, and

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29 announced. The players cover or mark those numbers on the bingo
30 cards which they have purchased until a player receives a given
31 order of numbers in sequence that has been preannounced for that
32 particular game. This player calls out "bingo" and is declared
33 the winner of a predetermined prize. More than one game may be
34 played upon a bingo card, and numbers called for one game may be
35 used for a succeeding game or games.

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

42 (c) "Charitable, nonprofit, or veterans' organization"
43 means an organization which has qualified for exemption from
44 federal income tax as an exempt organization under the
45 provisions of s. 501(c) of the Internal Revenue Code of 1954 or
46 s. 528 of the Internal Revenue Code of 1986, as amended; which
47 is engaged in charitable, civic, community, benevolent,
48 religious, or scholastic works or other similar activities; and
49 which has been in existence and active for a period of 3 years
50 or more.

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

55 (e) "Flare" means the board or placard that accompanies
56 each deal of instant bingo tickets and that has printed on or

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57 affixed to it the following information:

58 1. The game name.

59 2. The manufacturer's name or distinctive logo.

60 3. The form number.

61 4. The ticket count.

62 5. The prize structure, including the number of symbols or
63 number combinations for winning instant bingo tickets by
64 denomination, with their respective winning symbols or number
65 combinations.

66 6. The cost per play.

67 7. The game serial number.

68 (f) "Instant bingo" means a form of bingo that is played
69 using tickets by which a player wins a prize by opening and
70 removing a cover from the ticket to reveal a set of numbers,
71 letters, objects, or patterns, some of which have been
72 designated in advance as prize winners.

73 (g)~~(d)~~ "Objects" means a set of 75 balls or other
74 precision shapes that are imprinted with letters and numbers in
75 such a way that numbers 1 through 15 are marked with the letter
76 "B," numbers 16 through 30 are marked with the letter "I,"
77 numbers 31 through 45 are marked with the letter "N," numbers 46
78 through 60 are marked with the letter "G," and numbers 61
79 through 75 are marked with the letter "O."

80 (h)~~(e)~~ "Rack" means the container in which the objects are
81 placed after being drawn and announced.

82 (i)~~(f)~~ "Receptacle" means the container from which the
83 objects are drawn or ejected.

84 ~~(j)(g)~~ "Session" means a designated set of games played in
85 a day or part of a day.

86 (2) (a) None of the provisions of this chapter shall be
87 construed to prohibit or prevent charitable, nonprofit, or
88 veterans' organizations engaged in charitable, civic, community,
89 benevolent, religious, or scholastic works or other similar
90 endeavors, which organizations have been in existence and active
91 for a period of 3 years or more, from conducting bingo games or
92 instant bingo, provided the entire proceeds derived from the
93 conduct of such games, less actual business expenses for
94 articles designed for and essential to the operation, conduct,
95 and playing of bingo or instant bingo, are donated by such
96 organizations to the endeavors mentioned above. In no case may
97 the net proceeds from the conduct of such games be used for any
98 other purpose whatsoever. The proceeds derived from the conduct
99 of bingo games or instant bingo shall not be considered
100 solicitation of public donations.

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

106 (3) If an organization is not engaged in efforts of the
107 type set out above, its right to conduct bingo games hereunder
108 is conditioned upon the return of all the proceeds from such
109 games to the players in the form of prizes. If at the conclusion
110 of play on any day during which a bingo game is allowed to be
111 played under this section there remain proceeds which have not

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112 | been paid out as prizes, the organization conducting the game
113 | shall at the next scheduled day of play conduct bingo games
114 | without any charge to the players and shall continue to do so
115 | until the proceeds carried over from the previous days played
116 | have been exhausted. This provision in no way extends the
117 | limitation on the number of prize or jackpot games allowed in
118 | one day as provided for in subsection (5).

119 | (4) The right of a condominium association, a cooperative
120 | association, a homeowners' association as defined in s. 720.301,
121 | a mobile home owners' association, a group of residents of a
122 | mobile home park as defined in chapter 723, or a group of
123 | residents of a mobile home park or recreational vehicle park as
124 | defined in chapter 513 to conduct bingo is conditioned upon the
125 | return of the net proceeds from such games to players in the
126 | form of prizes after having deducted the actual business
127 | expenses for such games for articles designed for and essential
128 | to the operation, conduct, and playing of bingo. Any net
129 | proceeds remaining after paying prizes may be donated by the
130 | association to a charitable, nonprofit, or veterans'
131 | organization which is exempt from federal income tax under the
132 | provisions of s. 501(c) of the Internal Revenue Code to be used
133 | in such recipient organization's charitable, civic, community,
134 | benevolent, religious, or scholastic works or similar activities
135 | or, in the alternative, such remaining proceeds shall be used as
136 | specified in subsection (3).

137 | (5) Except for instant bingo prizes, which are limited to
138 | the amounts displayed on the ticket or on the game flare, a ~~No~~
139 | jackpot shall not exceed the value of \$250 in actual money or

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140 its equivalent, and there shall be no more than three jackpots
141 in any one session of bingo.

142 (6) Except for instant bingo, which is not limited by this
143 subsection, the number of days per week during which
144 organizations authorized under this section ~~hereunder~~ may
145 conduct bingo shall ~~may~~ not exceed two.

146 (7) Except for instant bingo prizes, which are limited to
147 the amounts displayed on the ticket or on the game flare, there
148 shall be no more than three jackpots on any one day of play. All
149 other game prizes shall not exceed \$50.

150 (8) Each person involved in the conduct of any bingo game
151 or instant bingo must be a resident of the community where the
152 organization is located and a bona fide member of the
153 organization sponsoring such game and may not be compensated in
154 any way for operation of such ~~bingo~~ game. When bingo games or
155 instant bingo is ~~are~~ conducted by a charitable, nonprofit, or
156 veterans' organization, the organization conducting the ~~bingo~~
157 games must ~~shall be required to~~ designate up to three members of
158 that organization to be in charge of the games, one of whom
159 shall be present during the entire session at which the ~~bingo~~
160 games are conducted. The organization conducting the ~~bingo~~ games
161 is responsible for posting a notice, which notice states the
162 name of the organization and the designated member or members,
163 in a conspicuous place on the premises at which the session is
164 held or instant bingo is played. ~~In no event may~~ A caller in a
165 bingo game may not be a participant in that bingo game.

166 (9) Every charitable, nonprofit, or veterans' organization
167 involved in the conduct of a bingo game or instant bingo must be

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168 located in the county, or within a 15-mile radius of, where the
169 bingo game or instant bingo is located.

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

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

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

180 (a) Property owned by the charitable, nonprofit, or
181 veterans' organization.

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

184 (c) Property leased for a period of not less than 1 year
185 by a charitable, nonprofit, or veterans' organization, providing
186 the lease or rental agreement does not provide for the payment
187 of a percentage of the proceeds generated at such premises to
188 the lessor or any other party and providing the rental rate for
189 such premises does not exceed the rental rates charged for
190 similar premises in the same locale.

191 (d) Property owned by a municipality or a county when the
192 governing authority has, by appropriate ordinance or resolution,
193 specifically authorized the use of such property for the conduct
194 of such games.

195 (e) With respect to bingo games conducted by a condominium
196 association, a cooperative association, a homeowners'
197 association as defined in s. 720.301, a mobile home owners'
198 association, a group of residents of a mobile home park as
199 defined in chapter 723, or a group of residents of a mobile home
200 park or recreational vehicle park as defined in chapter 513,
201 property owned by the association, property owned by the
202 residents of the mobile home park or recreational vehicle park,
203 or property which is a common area located within the
204 condominium, mobile home park, or recreational vehicle park.

205 (12) Each bingo game shall be conducted in accordance with
206 the following rules:

207 (a) The objects, whether drawn or ejected, shall be
208 essentially equal as to size, shape, weight, and balance and as
209 to all other characteristics that may control their selection
210 from the receptacle. The caller shall cancel any game if, during
211 the course of a game, the mechanism used in the drawing or
212 ejection of objects becomes jammed in such a manner as to
213 interfere with the accurate determination of the next number to
214 be announced or if the caller determines that more than one
215 object is labeled with the same number or that there is a number
216 to be drawn without a corresponding object. Any player in a game
217 canceled pursuant to this paragraph shall be permitted to play
218 the next game free of charge.

219 (b) Prior to commencement of any bingo session, the member
220 in charge shall cause a verification to be made of all objects
221 to be placed in the receptacle and shall inspect the objects in
222 the presence of a disinterested person to ensure that all

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223 objects are present and that there are no duplications or
224 omissions of numbers on the objects. Any player shall be
225 entitled to call for a verification of numbers before, during,
226 and after a session.

227 (c) The card or sheet on which the game is played shall be
228 part of a deck, group, or series, no two of which may be alike
229 in any given game.

230 (d) All numbers shall be visibly displayed after being
231 drawn and before being placed in the rack.

232 (e) A bona fide bingo shall consist of a predesignated
233 arrangement of numbers on a card or sheet that correspond with
234 the numbers on the objects drawn from the receptacle and
235 announced. Errors in numbers announced or misplaced in the rack
236 may not be recognized as a bingo.

237 (f) When a caller has started to vocally announce a
238 number, the caller shall complete the call. If any player has
239 obtained a bingo on a previous number, such player will share
240 the prize with the player who gained bingo on the last number
241 called.

242 (g) Numbers on the winning cards or sheets shall be
243 announced and verified in the presence of another player. Any
244 player shall be entitled at the time the winner is determined to
245 call for a verification of numbers drawn. The verification shall
246 be in the presence of the member designated to be in charge of
247 the occasion or, if such person is also the caller, in the
248 presence of an officer of the licensee.

249 (h) Upon determining a winner, the caller shall ask, "Are
250 there any other winners?" If no one replies, the caller shall

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251 declare the game closed. No other player is entitled to share
252 the prize unless she or he has declared a bingo prior to this
253 announcement.

254 (i) Seats may not be held or reserved by an organization
255 or person involved in the conduct of any bingo game for players
256 not present, nor may any cards be set aside, held, or reserved
257 from one session to another for any player.

258 (13) (a) Instant bingo tickets must be sold at the price
259 printed on the ticket or on the game flare by the manufacturer,
260 not to exceed \$1. Discounts may not be given for the purchase of
261 multiple tickets, nor may tickets be given away free of charge.

262 (b) Each deal of instant bingo tickets must be accompanied
263 by a flare, and the flare must be posted before the sale of any
264 tickets in that deal.

265 (c) Each instant bingo ticket in a deal must bear the same
266 serial number, and there may not be more than one serial number
267 in each deal. Serial numbers printed on a deal of instant bingo
268 tickets may not be repeated by the manufacturer on the same
269 form for a period of 3 years.

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

273 (e) Instant bingo tickets manufactured, sold, or
274 distributed in this state must comply with the applicable
275 standards on pull-tabs of the North American Gaming Regulators
276 Association, as amended.

277 (f) Except as provided under paragraph (e), an instant
278 bingo ticket manufactured, sold, or distributed in this state

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279 must:

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

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

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

288 4. Have a form of winner protection that allows the
289 organization to verify, after the instant bingo ticket has been
290 played, that the winning instant bingo ticket presented for
291 payment is an authentic winning instant bingo ticket for the
292 deal in play. The manufacturer shall provide a written
293 description of the winner protection with each deal of instant
294 bingo tickets.

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

299 1. Date of sale.

300 2. Form number and serial number of each deal sold.

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

302 4. Name of distributor or organization to whom each deal
303 is sold.

304 5. Price of each deal sold.

305

306 All information contained on an invoice must be maintained by

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307 the distributor or manufacturer for 3 years.

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

311 (i) The Department of the Lottery shall keep a list of at
312 least five qualified instant bingo ticket manufacturers that are
313 authorized to sell instant bingo tickets within the state. The
314 Department of the Lottery shall process all applications to be
315 placed on the list of instant bingo ticket manufacturers
316 pursuant to s. 120.60. A distributor or charitable, nonprofit,
317 or veterans' organization may not purchase, distribute, or sell
318 instant bingo tickets manufactured by any manufacturer other
319 than those qualified instant bingo ticket manufacturers listed by
320 the Department of the Lottery.

321 (14)~~(13)~~ Any organization or other person who willfully
322 and knowingly violates any provision of this section commits is
323 ~~guilty of~~ a misdemeanor of the first degree, punishable as
324 provided in s. 775.082 or s. 775.083. For a second or subsequent
325 offense, the organization or other person commits is guilty of a
326 felony of the third degree, punishable as provided in s.
327 775.082, s. 775.083, or s. 775.084.

328 Section 3. For the purpose of incorporating the amendment
329 made by this act to section 849.0931, Florida Statutes, in a
330 reference thereto, section 718.114, Florida Statutes, is
331 reenacted to read:

332 718.114 Association powers.--An association has the power
333 to enter into agreements, to acquire leaseholds, memberships,
334 and other possessory or use interests in lands or facilities

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335 such as country clubs, golf courses, marinas, and other
336 recreational facilities. It has this power whether or not the
337 lands or facilities are contiguous to the lands of the
338 condominium, if they are intended to provide enjoyment,
339 recreation, or other use or benefit to the unit owners. All of
340 these leaseholds, memberships, and other possessory or use
341 interests existing or created at the time of recording the
342 declaration must be stated and fully described in the
343 declaration. Subsequent to the recording of the declaration, the
344 association may not acquire or enter into agreements acquiring
345 these leaseholds, memberships, or other possessory or use
346 interests except as authorized by the declaration. The
347 declaration may provide that the rental, membership fees,
348 operations, replacements, and other expenses are common expenses
349 and may impose covenants and restrictions concerning their use
350 and may contain other provisions not inconsistent with this
351 chapter. A condominium association may conduct bingo games as
352 provided in s. 849.0931.

353 Section 4. For the purpose of incorporating the amendment
354 made by this act to section 849.0931, Florida Statutes, in a
355 reference thereto, subsection (8) of section 723.079, Florida
356 Statutes, is reenacted to read:

357 723.079 Powers and duties of homeowners' association.--

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

361 Section 5. This act shall take effect July 1, 2007.