

1 A bill to be entitled
 2 An act relating to bingo; providing a short title;
 3 amending s. 849.0931, F.S.; defining the terms "deal,"
 4 "flare," and "instant bingo"; exempting instant bingo from
 5 specified prohibitions; providing requirements for the
 6 operation of instant bingo games; providing requirements
 7 for the use of proceeds and prize payout; providing
 8 requirements for the manufacture and sale of instant bingo
 9 tickets; providing penalties; reenacting ss. 718.114 and
 10 723.079(8), F.S., relating to powers and duties of
 11 condominium and homeowners' associations, to incorporate
 12 the amendment to s. 849.0931, F.S., in references thereto;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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

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

21 849.0931 Bingo authorized; conditions for conduct;
 22 permitted uses of proceeds; limitations.--

23 (1) As used in this section:

24 (a) "Bingo game" means and refers to the activity,
 25 commonly known as "bingo," in which participants pay a sum of
 26 money for the use of one or more bingo cards. When the game
 27 commences, numbers are drawn by chance, one by one, and
 28 announced. The players cover or mark those numbers on the bingo

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

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

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

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

54 | (e) "Flare" means the board or placard that accompanies
55 | each deal of instant bingo tickets and that has printed on or
56 | affixed to it the following information:

- 57 1. The game name.
- 58 2. The manufacturer's name or distinctive logo.
- 59 3. The form number.
- 60 4. The ticket count.
- 61 5. The prize structure, including the number of symbols or
 62 number combinations for winning instant bingo tickets by
 63 denomination, with their respective winning symbols or number
 64 combinations.
- 65 6. The cost per play.
- 66 7. The game serial number.
- 67 (f) "Instant bingo" means a form of bingo that is played
 68 using tickets by which a player wins a prize by opening and
 69 removing a cover from the ticket to reveal a set of numbers,
 70 letters, objects, or patterns, some of which have been
 71 designated in advance as prize winners.
- 72 (g)~~(d)~~ "Objects" means a set of 75 balls or other
 73 precision shapes that are imprinted with letters and numbers in
 74 such a way that numbers 1 through 15 are marked with the letter
 75 "B," numbers 16 through 30 are marked with the letter "I,"
 76 numbers 31 through 45 are marked with the letter "N," numbers 46
 77 through 60 are marked with the letter "G," and numbers 61
 78 through 75 are marked with the letter "O."
- 79 (h)~~(e)~~ "Rack" means the container in which the objects are
 80 placed after being drawn and announced.
- 81 (i)~~(f)~~ "Receptacle" means the container from which the
 82 objects are drawn or ejected.
- 83 (j)~~(g)~~ "Session" means a designated set of games played in
 84 a day or part of a day.

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

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

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

113 without any charge to the players and shall continue to do so
114 until the proceeds carried over from the previous days played
115 have been exhausted. This provision in no way extends the
116 limitation on the number of prize or jackpot games allowed in
117 one day as provided for in subsection (5).

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

136 (5) Except for instant bingo prizes, which are limited to
137 the amounts displayed on the ticket or on the game flare, a ~~No~~
138 jackpot shall not exceed the value of \$250 in actual money or
139 its equivalent, and there shall be no more than three jackpots
140 in any one session of bingo.

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

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

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

165 (9) Every charitable, nonprofit, or veterans' organization
 166 involved in the conduct of a bingo game or instant bingo must be
 167 located in the county, or within a 15-mile radius of, where the
 168 bingo game or instant bingo is located.

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

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

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

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

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

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

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

194 (e) With respect to bingo games conducted by a condominium
195 association, a cooperative association, a homeowners'
196 association as defined in s. 720.301, a mobile home owners'

197 association, a group of residents of a mobile home park as
198 defined in chapter 723, or a group of residents of a mobile home
199 park or recreational vehicle park as defined in chapter 513,
200 property owned by the association, property owned by the
201 residents of the mobile home park or recreational vehicle park,
202 or property which is a common area located within the
203 condominium, mobile home park, or recreational vehicle park.

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

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

218 (b) Prior to commencement of any bingo session, the member
219 in charge shall cause a verification to be made of all objects
220 to be placed in the receptacle and shall inspect the objects in
221 the presence of a disinterested person to ensure that all
222 objects are present and that there are no duplications or
223 omissions of numbers on the objects. Any player shall be

224 entitled to call for a verification of numbers before, during,
225 and after a session.

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

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

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

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

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

248 (h) Upon determining a winner, the caller shall ask, "Are
249 there any other winners?" If no one replies, the caller shall
250 declare the game closed. No other player is entitled to share

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251 the prize unless she or he has declared a bingo prior to this
252 announcement.

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

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

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

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

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

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

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

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

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

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

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

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

298 1. Date of sale.

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

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

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

303 5. Price of each deal sold.

304

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

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

310 ~~(14)(13)~~ Any organization or other person who willfully
 311 and knowingly violates any provision of this section commits is
 312 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 313 provided in s. 775.082 or s. 775.083. For a second or subsequent
 314 offense, the organization or other person commits is guilty of a
 315 felony of the third degree, punishable as provided in s.
 316 775.082, s. 775.083, or s. 775.084.

317 Section 3. For the purpose of incorporating the amendment
 318 made by this act to section 849.0931, Florida Statutes, in a
 319 reference thereto, section 718.114, Florida Statutes, is
 320 reenacted to read:

321 718.114 Association powers.--An association has the power
 322 to enter into agreements, to acquire leaseholds, memberships,
 323 and other possessory or use interests in lands or facilities
 324 such as country clubs, golf courses, marinas, and other
 325 recreational facilities. It has this power whether or not the
 326 lands or facilities are contiguous to the lands of the
 327 condominium, if they are intended to provide enjoyment,
 328 recreation, or other use or benefit to the unit owners. All of
 329 these leaseholds, memberships, and other possessory or use
 330 interests existing or created at the time of recording the
 331 declaration must be stated and fully described in the
 332 declaration. Subsequent to the recording of the declaration, the
 333 association may not acquire or enter into agreements acquiring
 334 these leaseholds, memberships, or other possessory or use

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335 interests except as authorized by the declaration. The
336 declaration may provide that the rental, membership fees,
337 operations, replacements, and other expenses are common expenses
338 and may impose covenants and restrictions concerning their use
339 and may contain other provisions not inconsistent with this
340 chapter. A condominium association may conduct bingo games as
341 provided in s. 849.0931.

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

346 723.079 Powers and duties of homeowners' association.--

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

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