

Bill No. SB 500

Barcode 512234

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (King) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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 announced. The players cover or mark those numbers on the bingo cards which they have purchased until a player receives a given order of numbers in sequence that has been

Bill No. SB 500

Barcode 512234

1 preannounced for that particular game. This player calls out
2 "bingo" and is declared the winner of a predetermined prize.
3 More than one game may be played upon a bingo card, and
4 numbers called for one game may be used for a succeeding game
5 or games.

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

12 (c) "Charitable, nonprofit, or veterans' organization"
13 means an organization which has qualified for exemption from
14 federal income tax as an exempt organization under the
15 provisions of s. 501(c) of the Internal Revenue Code of 1954
16 or s. 528 of the Internal Revenue Code of 1986, as amended;
17 which is engaged in charitable, civic, community, benevolent,
18 religious, or scholastic works or other similar activities;
19 and which has been in existence and active for a period of 3
20 years or more.

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

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

- 28 1. The game name.
- 29 2. The manufacturer's name or distinctive logo.
- 30 3. The form number.
- 31 4. The ticket count.

Bill No. SB 500

Barcode 512234

1 5. The prize structure, including the number of
 2 symbols or number combinations for winning instant bingo
 3 tickets by denomination, with their respective winning symbols
 4 or number combinations.

5 6. The cost per play.

6 7. The game serial number.

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

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

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

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

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

25 (2)(a) None of the provisions of this chapter shall be
 26 construed to prohibit or prevent charitable, nonprofit, or
 27 veterans' organizations engaged in charitable, civic,
 28 community, benevolent, religious, or scholastic works or other
 29 similar endeavors, which organizations have been in existence
 30 and active for a period of 3 years or more, from conducting
 31 bingo games or instant bingo, provided the entire proceeds

Bill No. SB 500

Barcode 512234

1 derived from the conduct of such games, less actual business
2 expenses for articles designed for and essential to the
3 operation, conduct, and playing of bingo or instant bingo, are
4 donated by such organizations to the endeavors mentioned
5 above. In no case may the net proceeds from the conduct of
6 such games be used for any other purpose whatsoever. The
7 proceeds derived from the conduct of bingo games or instant
8 bingo shall not be considered solicitation of public
9 donations.

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

15 (3) If an organization is not engaged in efforts of
16 the type set out above, its right to conduct bingo games
17 hereunder is conditioned upon the return of all the proceeds
18 from such games to the players in the form of prizes. If at
19 the conclusion of play on any day during which a bingo game is
20 allowed to be played under this section there remain proceeds
21 which have not been paid out as prizes, the organization
22 conducting the game shall at the next scheduled day of play
23 conduct bingo games without any charge to the players and
24 shall continue to do so until the proceeds carried over from
25 the previous days played have been exhausted. This provision
26 in no way extends the limitation on the number of prize or
27 jackpot games allowed in one day as provided for in subsection
28 (5).

29 (4) The right of a condominium association, a
30 cooperative association, a homeowners' association as defined
31 in s. 720.301, a mobile home owners' association, a group of

Bill No. SB 500

Barcode 512234

1 residents of a mobile home park as defined in chapter 723, or
 2 a group of residents of a mobile home park or recreational
 3 vehicle park as defined in chapter 513 to conduct bingo is
 4 conditioned upon the return of the net proceeds from such
 5 games to players in the form of prizes after having deducted
 6 the actual business expenses for such games for articles
 7 designed for and essential to the operation, conduct, and
 8 playing of bingo. Any net proceeds remaining after paying
 9 prizes may be donated by the association to a charitable,
 10 nonprofit, or veterans' organization which is exempt from
 11 federal income tax under the provisions of s. 501(c) of the
 12 Internal Revenue Code to be used in such recipient
 13 organization's charitable, civic, community, benevolent,
 14 religious, or scholastic works or similar activities or, in
 15 the alternative, such remaining proceeds shall be used as
 16 specified in subsection (3).

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

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

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

30 (8) Each person involved in the conduct of any bingo
 31 game or instant bingo must be a resident of the community

Bill No. SB 500

Barcode 512234

1 where the organization is located and a bona fide member of
2 the organization sponsoring such game and may not be
3 compensated in any way for operation of such ~~bingo~~ game. When
4 bingo games or instant bingo is ~~are~~ conducted by a charitable,
5 nonprofit, or veterans' organization, the organization
6 conducting the ~~bingo~~ games must ~~shall be required to~~ designate
7 up to three members of that organization to be in charge of
8 the games, one of whom shall be present during the entire
9 session at which the ~~bingo~~ games are conducted. The
10 organization conducting the ~~bingo~~ games is responsible for
11 posting a notice, which notice states the name of the
12 organization and the designated member or members, in a
13 conspicuous place on the premises at which the session is held
14 or instant bingo is played. ~~In no event may~~ A caller in a
15 bingo game may not be a participant in that bingo game.

16 (9) Every charitable, nonprofit, or veterans'
17 organization involved in the conduct of a bingo game or
18 instant bingo must be located in the county, or within a
19 15-mile radius of, where the bingo game or instant bingo is
20 located.

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

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

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

Bill No. SB 500

Barcode 512234

1 (a) Property owned by the charitable, nonprofit, or
2 veterans' organization.

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

5 (c) Property leased for a period of not less than 1
6 year by a charitable, nonprofit, or veterans' organization,
7 providing the lease or rental agreement does not provide for
8 the payment of a percentage of the proceeds generated at such
9 premises to the lessor or any other party and providing the
10 rental rate for such premises does not exceed the rental rates
11 charged for similar premises in the same locale.

12 (d) Property owned by a municipality or a county when
13 the governing authority has, by appropriate ordinance or
14 resolution, specifically authorized the use of such property
15 for the conduct of such games.

16 (e) With respect to bingo games conducted by a
17 condominium association, a cooperative association, a
18 homeowners' association as defined in s. 720.301, a mobile
19 home owners' association, a group of residents of a mobile
20 home park as defined in chapter 723, or a group of residents
21 of a mobile home park or recreational vehicle park as defined
22 in chapter 513, property owned by the association, property
23 owned by the residents of the mobile home park or recreational
24 vehicle park, or property which is a common area located
25 within the condominium, mobile home park, or recreational
26 vehicle park.

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

29 (a) The objects, whether drawn or ejected, shall be
30 essentially equal as to size, shape, weight, and balance and
31 as to all other characteristics that may control their

Bill No. SB 500

Barcode 512234

1 selection from the receptacle. The caller shall cancel any
2 game if, during the course of a game, the mechanism used in
3 the drawing or ejection of objects becomes jammed in such a
4 manner as to interfere with the accurate determination of the
5 next number to be announced or if the caller determines that
6 more than one object is labeled with the same number or that
7 there is a number to be drawn without a corresponding object.
8 Any player in a game canceled pursuant to this paragraph shall
9 be permitted to play the next game free of charge.

10 (b) Prior to commencement of any bingo session, the
11 member in charge shall cause a verification to be made of all
12 objects to be placed in the receptacle and shall inspect the
13 objects in the presence of a disinterested person to ensure
14 that all objects are present and that there are no
15 duplications or omissions of numbers on the objects. Any
16 player shall be entitled to call for a verification of numbers
17 before, during, and after a session.

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

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

23 (e) A bona fide bingo shall consist of a predesignated
24 arrangement of numbers on a card or sheet that correspond with
25 the numbers on the objects drawn from the receptacle and
26 announced. Errors in numbers announced or misplaced in the
27 rack may not be recognized as a bingo.

28 (f) When a caller has started to vocally announce a
29 number, the caller shall complete the call. If any player has
30 obtained a bingo on a previous number, such player will share
31 the prize with the player who gained bingo on the last number

Bill No. SB 500

Barcode 512234

1 called.

2 (g) Numbers on the winning cards or sheets shall be
3 announced and verified in the presence of another player. Any
4 player shall be entitled at the time the winner is determined
5 to call for a verification of numbers drawn. The verification
6 shall be in the presence of the member designated to be in
7 charge of the occasion or, if such person is also the caller,
8 in the presence of an officer of the licensee.

9 (h) Upon determining a winner, the caller shall ask, "
10 Are there any other winners?" If no one replies, the caller
11 shall declare the game closed. No other player is entitled to
12 share the prize unless she or he has declared a bingo prior to
13 this announcement.

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

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

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

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

31 (d) The serial number for each deal must be clearly

Bill No. SB 500

Barcode 512234

1 and legibly placed on the outside of each deal's package, box,
2 or other container.

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

7 (f) Except as provided under paragraph (e), an instant
8 bingo ticket manufactured, sold, or distributed in this state
9 must:

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

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

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

18 4. Have a form of winner protection that allows the
19 organization to verify, after the instant bingo ticket has
20 been played, that the winning instant bingo ticket presented
21 for payment is an authentic winning instant bingo ticket for
22 the deal in play. The manufacturer shall provide a written
23 description of the winner protection with each deal of instant
24 bingo tickets.

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

29 1. Date of sale.

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

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

Bill No. SB 500

Barcode 512234

1 4. Name of distributor or organization to whom each
2 deal is sold.

3 5. Price of each deal sold.

4
5 All information contained on an invoice must be maintained by
6 the distributor or manufacturer for 3 years.

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

10 (i) The Department of the Lottery shall keep a list of
11 at least five qualified instant bingo ticket manufacturers
12 that are authorized to sell instant bingo tickets within the
13 state. The Department of the Lottery shall process all
14 applications to be placed on the list of instant bingo ticket
15 manufacturers pursuant to s. 120.60. A distributor or
16 charitable, nonprofit, or veterans' organization may not
17 purchase, distribute, or sell instant bingo tickets
18 manufactured by any manufacturer other than those qualified
19 instant bingo ticket manufacturers listed by the Department of
20 the Lottery.

21 ~~(14)(13)~~ Any organization or other person who
22 willfully and knowingly violates any provision of this section
23 ~~commits is guilty of~~ a misdemeanor of the first degree,
24 punishable as provided in s. 775.082 or s. 775.083. For a
25 second or subsequent offense, the organization or other person
26 ~~commits is guilty of~~ a felony of the third degree, punishable
27 as provided in s. 775.082, s. 775.083, or s. 775.084.

28 Section 3. For the purpose of incorporating the
29 amendment made by this act to section 849.0931, Florida
30 Statutes, in a reference thereto, section 718.114, Florida
31 Statutes, is reenacted to read:

Bill No. SB 500

Barcode 512234

1 718.114 Association powers.--An association has the
2 power to enter into agreements, to acquire leaseholds,
3 memberships, and other possessory or use interests in lands or
4 facilities such as country clubs, golf courses, marinas, and
5 other recreational facilities. It has this power whether or
6 not the lands or facilities are contiguous to the lands of the
7 condominium, if they are intended to provide enjoyment,
8 recreation, or other use or benefit to the unit owners. All of
9 these leaseholds, memberships, and other possessory or use
10 interests existing or created at the time of recording the
11 declaration must be stated and fully described in the
12 declaration. Subsequent to the recording of the declaration,
13 the association may not acquire or enter into agreements
14 acquiring these leaseholds, memberships, or other possessory
15 or use interests except as authorized by the declaration. The
16 declaration may provide that the rental, membership fees,
17 operations, replacements, and other expenses are common
18 expenses and may impose covenants and restrictions concerning
19 their use and may contain other provisions not inconsistent
20 with this chapter. A condominium association may conduct bingo
21 games as provided in s. 849.0931.

22 Section 4. For the purpose of incorporating the
23 amendment made by this act to section 849.0931, Florida
24 Statutes, in a reference thereto, subsection (8) of section
25 723.079, Florida Statutes, is reenacted to read:

26 723.079 Powers and duties of homeowners'
27 association.--

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

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

Bill No. SB 500

Barcode 512234

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to bingo; providing a short
8 title; amending s. 849.0931, F.S.; defining the
9 terms "deal," "flare," and "instant bingo";
10 exempting instant bingo from specified
11 prohibitions; providing requirements for the
12 operation of instant bingo games; providing
13 requirements for the use of proceeds and prize
14 payout; providing requirements for the
15 manufacture and sale of instant bingo tickets;
16 providing duties of the Department of the
17 Lottery; providing penalties; reenacting ss.
18 718.114 and 723.079(8), F.S., relating to
19 powers and duties of condominium and
20 homeowners' associations, to incorporate the
21 amendment to s. 849.0931, F.S., in references
22 thereto; providing an effective date.

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