

By Senator Saunders

37-478-07

1 A bill to be entitled

2 An act relating to bingo; providing a short

3 title; amending s. 849.0931, F.S.; defining the

4 terms "deal," "flare," and "instant bingo";

5 providing rules for operating instant bingo

6 games; providing requirements for the

7 manufacture and sale of instant bingo tickets;

8 requiring that the manufacturer or distributor

9 of instant bingo tickets maintain certain

10 records; requiring that the Department of the

11 Lottery select a specified number of qualified

12 instant bingo ticket manufacturers that are

13 authorized to sell instant bingo tickets within

14 the state; providing penalties; reenacting ss.

15 718.114 and 723.079(8), F.S., relating to

16 condominiums and homeowners' associations, to

17 incorporate the amendment to s. 849.0931, F.S.,

18 in references thereto; providing an effective

19 date.

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

23 Section 1. This act may be cited as the "Evelyn

24 Wiesman-Price Act."

25 Section 2. Section 849.0931, Florida Statutes, is

26 amended to read:

27 849.0931 Bingo authorized; conditions for conduct;

28 permitted uses of proceeds; limitations.--

29 (1) As used in this section:

30 (a) "Bingo game" means ~~and refers to~~ the activity,

31 commonly known as "bingo," in which participants pay a sum of

1 money for the use of one or more bingo cards. When the game
2 commences, numbers are drawn by chance, one by one, and
3 announced. The players cover or mark those numbers on the
4 bingo cards ~~that which~~ they have purchased until a player
5 receives a given order of numbers in sequence which have that
6 ~~has~~ been preannounced for that particular game. This player
7 calls out "bingo" and is declared the winner of a
8 predetermined prize. More than one game may be played upon a
9 bingo card, and numbers called for one game may be used for a
10 succeeding game or games.

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

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

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

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

- 4 1. The game name;
5 2. The manufacturer's name or distinctive logo;
6 3. The form number;
7 4. The ticket count;
8 5. The prize structure, including the number of
9 symbols or number combinations for winning instant bingo
10 tickets by denomination, with the respective winning symbols
11 or number combinations;
12 6. The cost per play; and
13 7. The serial number of the game.

14 (f) "Instant bingo" means a form of bingo that is
15 played using tickets by which a player wins a prize by opening
16 and removing a cover from the ticket to reveal a set of
17 numbers, letters, objects, or patterns, some of which have
18 been predesignated in advance as prize winners.

19 ~~(g)(d)~~ "Objects" means a set of 75 balls or other
20 precision shapes that are imprinted with letters and numbers
21 in such a way that numbers 1 through 15 are marked with the
22 letter "B," numbers 16 through 30 are marked with the letter
23 "I," numbers 31 through 45 are marked with the letter "N,"
24 numbers 46 through 60 are marked with the letter "G," and
25 numbers 61 through 75 are marked with the letter "O."

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

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

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

1 (2)(a) ~~None of the provisions of~~ This chapter does not
2 ~~shall be construed to~~ prohibit or prevent charitable,
3 nonprofit, or veterans' organizations engaged in charitable,
4 civic, community, benevolent, religious, or scholastic works
5 or other similar endeavors, which organizations have been in
6 existence and active for a period of 3 years or more, from
7 conducting bingo games or instant bingo if, ~~provided~~ the
8 entire proceeds derived from the conduct of such games, less
9 actual business expenses for articles designed for and
10 essential to the operation, conduct, and playing of bingo or
11 instant bingo, are donated by such organizations to the
12 endeavors mentioned above. ~~In no case may~~ The net proceeds
13 from the conduct of such games may not be used for any other
14 purpose whatsoever. The proceeds derived from the conduct of
15 bingo games or instant bingo are shall not the result of be
16 ~~considered~~ solicitation of public donations.

17 (b) ~~A It is the express intent of the Legislature that~~
18 ~~no~~ charitable, nonprofit, or veterans' organization may not
19 serve as a sponsor of a bingo game or instant bingo conducted
20 by another, but such organization may ~~only~~ be directly
21 involved in the conduct of such a game only as provided in
22 this section act.

23 (3) If an organization is not engaged in efforts of
24 the type set out in subsection (2) above, its right to conduct
25 bingo games or instant bingo under this section hereunder is
26 conditioned upon the return of all the proceeds from such
27 games to the players in the form of prizes. If at the
28 conclusion of play on any day during which a bingo game or
29 instant bingo is allowed to be played under this section there
30 remain proceeds that which have not been paid out as prizes,
31 the organization conducting the game shall at the next

1 | scheduled day of play conduct bingo games or instant bingo
2 | without any charge to the players and shall continue to do so
3 | until the proceeds carried over from the previous days played
4 | have been exhausted. This subsection does not extend ~~provision~~
5 | ~~in no way extends~~ the limitation on the number of prize or
6 | jackpot games allowed in one day as provided for in subsection
7 | (5).

8 | (4) The right of a condominium association, a
9 | cooperative association, a homeowners' association as defined
10 | in s. 720.301, a mobile home owners' association, a group of
11 | residents of a mobile home park as defined in chapter 723, or
12 | a group of residents of a mobile home park or recreational
13 | vehicle park as defined in chapter 513 to conduct bingo or
14 | instant bingo is conditioned upon the return of the net
15 | proceeds from such games to players in the form of prizes
16 | after having deducted the actual business expenses for such
17 | games for articles designed for and essential to the
18 | operation, conduct, and playing of bingo or instant bingo. Any
19 | net proceeds remaining after paying prizes may be donated by
20 | the association to a charitable, nonprofit, or veterans'
21 | organization ~~that which~~ is exempt from federal income tax
22 | under the provisions of s. 501(c) of the Internal Revenue Code
23 | to be used in such recipient organization's charitable, civic,
24 | community, benevolent, religious, or scholastic works or
25 | similar activities or, in the alternative, such remaining
26 | proceeds shall be used as specified in subsection (3).

27 | (5) Except for instant bingo prizes, which are limited
28 | to those displayed on the ticket or on the game flare, a ~~No~~
29 | jackpot may not ~~shall~~ exceed the value of \$250 in actual money
30 | or its equivalent, and there may not ~~shall~~ be ~~no~~ more than
31 | three jackpots in any one session of bingo.

1 (6) Except for instant bingo, which is not limited by
2 this subsection, the number of days per week during which
3 organizations authorized under this section ~~hereunder~~ may
4 conduct bingo may not exceed two.

5 (7) Except for instant bingo prizes, which are limited
6 to those displayed on the ticket or on the game flare, there
7 may not ~~shall~~ be ~~no~~ more than three jackpots on any one day of
8 play. All other game prizes may ~~shall~~ not exceed \$50.

9 (8) Each person involved in the conduct of any bingo
10 game or instant bingo must be a resident of the community
11 where the organization is located and a bona fide member of
12 the organization sponsoring such game and may not be
13 compensated in any way for operation of such ~~bingo~~ game. When
14 bingo games or instant bingo is ~~are~~ conducted by a charitable,
15 nonprofit, or veterans' organization, the organization
16 conducting the ~~bingo~~ games must ~~shall be required to~~ designate
17 up to three members of that organization to be in charge of
18 the games, one of whom must ~~shall~~ be present during the entire
19 session at which the ~~bingo~~ games are conducted. The
20 organization conducting the ~~bingo~~ games is responsible for
21 posting a notice, which notice must state ~~states~~ the name of
22 the organization and the designated member or members, in a
23 conspicuous place on the premises at which the session is held
24 or instant bingo is played. ~~In no event may~~ A caller in a
25 bingo game may not be a participant in that bingo game.

26 (9) Every charitable, nonprofit, or veterans'
27 organization involved in the conduct of a bingo game or
28 instant bingo must be located in the county, or within a
29 15-mile radius of, where the bingo game or instant bingo is
30 located.

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

4 (b) Any organization conducting bingo or instant bingo
5 that is open to the public may refuse entry to any person who
6 is objectionable or undesirable to the sponsoring
7 organization, but such refusal of entry ~~may shall~~ not be on
8 the basis of race, creed, color, religion, sex, national
9 origin, marital status, or physical handicap.

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

12 (a) Property owned by the charitable, nonprofit, or
13 veterans' organization.

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

16 (c) Property leased for a period of not less than 1
17 year by a charitable, nonprofit, or veterans' organization ~~if~~
18 ~~providing~~ the lease or rental agreement does not provide for
19 the payment of a percentage of the proceeds generated at such
20 premises to the lessor or any other party and ~~if providing~~
21 the rental rate for such premises does not exceed the rental rates
22 charged for similar premises in the same locale.

23 (d) Property owned by a municipality or a county when
24 the governing authority has, by appropriate ordinance or
25 resolution, specifically authorized the use of such property
26 for the conduct of such games.

27 (e) With respect to bingo games conducted by a
28 condominium association, a cooperative association, a
29 homeowners' association as defined in s. 720.301, a mobile
30 home owners' association, a group of residents of a mobile
31 home park as defined in chapter 723, or a group of residents

1 of a mobile home park or recreational vehicle park as defined
2 in chapter 513, property owned by the association, property
3 owned by the residents of the mobile home park or recreational
4 vehicle park, or property that ~~which~~ is a common area located
5 within the condominium, mobile home park, or recreational
6 vehicle park.

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

9 (a) The objects, whether drawn or ejected, shall be
10 essentially equal as to size, shape, weight, and balance and
11 as to all other characteristics that may control their
12 selection from the receptacle. The caller shall cancel any
13 game if, during the course of a game, the mechanism used in
14 the drawing or ejection of objects becomes jammed in such a
15 manner as to interfere with the accurate determination of the
16 next number to be announced or if the caller determines that
17 more than one object is labeled with the same number or that
18 there is a number to be drawn without a corresponding object.
19 Any player in a game canceled pursuant to this paragraph shall
20 be permitted to play the next game free of charge.

21 (b) Prior to commencement of any bingo session, the
22 member in charge shall cause a verification to be made of all
23 objects to be placed in the receptacle and shall inspect the
24 objects in the presence of a disinterested person to ensure
25 that all objects are present and that there are no
26 duplications or omissions of numbers on the objects. Any
27 player is ~~shall be~~ entitled to call for a verification of
28 numbers before, during, and after a session.

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

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

3 (e) A bona fide bingo shall consist of a predesignated
4 arrangement of numbers on a card or sheet which ~~that~~
5 correspond with the numbers on the objects drawn from the
6 receptacle and announced. Errors in numbers announced or
7 misplaced in the rack may not be recognized as a bingo.

8 (f) When a caller has started to vocally announce a
9 number, the caller shall complete the call. If any player has
10 obtained a bingo on a previous number, such player shall ~~will~~
11 share the prize with the player who gained bingo on the last
12 number called.

13 (g) Numbers on the winning cards or sheets shall be
14 announced and verified in the presence of another player. Any
15 player is ~~shall be~~ entitled at the time the winner is
16 determined to call for a verification of numbers drawn. The
17 verification shall be in the presence of the member designated
18 to be in charge of the occasion or, if such person is also the
19 caller, in the presence of an officer of the licensee.

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

25 (i) Seats may not be held or reserved by an
26 organization or person involved in the conduct of any bingo
27 game for players not present, and ~~nor may any~~ cards may not be
28 set aside, held, or reserved from one session to another for
29 any player.

30 (13)(a) Instant bingo tickets must be sold at the
31 price printed on the ticket or on the game flare by the

1 manufacturer, which may not exceed \$1. Discounts may not be
2 given for purchases of multiple tickets, and tickets may not
3 be given away free of charge.

4 (b) Each deal of instant bingo tickets must be
5 accompanied by a flare and the flare must be posted before the
6 sale of any tickets in that deal.

7 (c) Each instant bingo ticket in a deal must bear the
8 same serial number and there may not be more than one serial
9 number in each deal. Serial numbers printed on a deal of
10 instant bingo tickets may not be repeated by the manufacturer
11 on the same form for 3 years.

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

15 (e) Instant bingo tickets that are manufactured, sold,
16 or distributed in this state must comply with the applicable
17 standards for pull-tabs of the North American Gaming
18 Regulators Association, as amended.

19 (f) Except as provided under paragraph (e), an instant
20 bingo ticket that is manufactured, sold, or distributed in
21 this state must:

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

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

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

30 4. Have a form of winner protection allowing the
31 organization to verify, after the instant bingo ticket has

1 been played, that the winning instant bingo ticket presented
2 for payment is an authentic winning instant bingo ticket for
3 the deal in play. The manufacturer must provide a written
4 description of the winner protection with each deal of instant
5 bingo tickets.

6 (g) Each manufacturer and distributor that sells or
7 distributes instant bingo tickets in this state to charitable,
8 nonprofit, or veterans' organizations must prepare an invoice
9 that contains the following information:

10 1. The date of sale.

11 2. The form number and serial number of each deal
12 sold.

13 3. The number of instant bingo tickets in each deal
14 sold.

15 4. The name of the distributor or organization to
16 which each deal is sold.

17 5. The price of each deal sold.

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

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

24 (i) The Department of the Lottery shall keep a list of
25 at least five qualified instant bingo ticket manufacturers
26 that are authorized to sell instant bingo tickets within this
27 state. The Department of the Lottery shall process all
28 applications and place the qualified instant bingo ticket
29 manufacturers on a list pursuant to s. 120.60. A distributor
30 or a charitable, nonprofit, or veterans' organization may not
31 purchase, distribute, or sell instant bingo tickets that are

1 manufactured by a manufacturer that is not on the list of
2 qualified instant bingo ticket manufacturers issued by the
3 Department of the Lottery.

4 ~~(14)(13)~~ Any organization or other person who
5 willfully and knowingly violates any provision of this section
6 commits is guilty of a misdemeanor of the first degree,
7 punishable as provided in s. 775.082 or s. 775.083. For a
8 second or subsequent offense, the organization or other person
9 commits is guilty of a felony of the third degree, punishable
10 as provided in s. 775.082, s. 775.083, or s. 775.084.

11 Section 3. For the purpose of incorporating the
12 amendments made by this act to section 849.0931, Florida
13 Statutes, in a reference thereto, section 718.114, Florida
14 Statutes, is reenacted to read:

15 718.114 Association powers.--An association has the
16 power to enter into agreements, to acquire leaseholds,
17 memberships, and other possessory or use interests in lands or
18 facilities such as country clubs, golf courses, marinas, and
19 other recreational facilities. It has this power whether or
20 not the lands or facilities are contiguous to the lands of the
21 condominium, if they are intended to provide enjoyment,
22 recreation, or other use or benefit to the unit owners. All of
23 these leaseholds, memberships, and other possessory or use
24 interests existing or created at the time of recording the
25 declaration must be stated and fully described in the
26 declaration. Subsequent to the recording of the declaration,
27 the association may not acquire or enter into agreements
28 acquiring these leaseholds, memberships, or other possessory
29 or use interests except as authorized by the declaration. The
30 declaration may provide that the rental, membership fees,
31 operations, replacements, and other expenses are common

1 expenses and may impose covenants and restrictions concerning
2 their use and may contain other provisions not inconsistent
3 with this chapter. A condominium association may conduct
4 bingo games as provided in s. 849.0931.

5 Section 4. For the purpose of incorporating the
6 amendments made by this act to section 849.0931, Florida
7 Statutes, in a reference thereto, subsection (8) of section
8 723.079, Florida Statutes, is reenacted to read:

9 723.079 Powers and duties of homeowners'
10 association.--

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

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

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17 SENATE SUMMARY

18 Creates the "Evelyn Wiesman-Price Act." Defines the terms
19 "deal," "flare," and "instant bingo." Provides rules for
20 instant bingo games. Provides requirements for the
21 manufacture and sale of instant bingo tickets. Requires
22 that the Department of the Lottery select five qualified
23 instant bingo ticket manufacturers that are authorized to
24 sell instant bingo tickets within the state. Provides
25 penalties.
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