

By the Committees on General Government Appropriations;
Regulated Industries; and Senator Saunders

601-2494-07

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 exempting instant bingo from specified

6 prohibitions; providing requirements for the

7 operation of instant bingo games; providing

8 requirements for the use of proceeds and prize

9 payout; providing requirements for the

10 manufacture and sale of instant bingo tickets;

11 providing penalties; reenacting ss. 718.114 and

12 723.079(8), F.S., relating to powers and duties

13 of condominium and homeowners' associations, to

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

15 in references thereto; providing an effective

16 date.

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

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

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

24 849.0931 Bingo authorized; conditions for conduct;
25 permitted uses of proceeds; limitations.--

26 (1) As used in this section:

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

1 bingo cards which they have purchased until a player receives
2 a given order of numbers in sequence that has been
3 preannounced for that particular game. This player calls out
4 "bingo" and is declared the winner of a predetermined prize.
5 More than one game may be played upon a bingo card, and
6 numbers called for one game may be used for a succeeding game
7 or games.

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

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

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

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

- 30 1. The game name.
31 2. The manufacturer's name or distinctive logo.

1 3. The form number.

2 4. The ticket count.

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

7 6. The cost per play.

8 7. The game serial number.

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

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

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

23 (i)(f) "Receptacle" means the container from which the
24 objects are drawn or ejected.

25 (j)(g) "Session" means a designated set of games
26 played in a day or part of a day.

27 (2)(a) None of the provisions of this chapter shall be
28 construed to prohibit or prevent charitable, nonprofit, or
29 veterans' organizations engaged in charitable, civic,
30 community, benevolent, religious, or scholastic works or other
31 similar endeavors, which organizations have been in existence

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

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

17 (3) If an organization is not engaged in efforts of
18 the type set out above, its right to conduct bingo games
19 hereunder is conditioned upon the return of all the proceeds
20 from such games to the players in the form of prizes. If at
21 the conclusion of play on any day during which a bingo game is
22 allowed to be played under this section there remain proceeds
23 which have not been paid out as prizes, the organization
24 conducting the game shall at the next scheduled day of play
25 conduct bingo games without any charge to the players and
26 shall continue to do so until the proceeds carried over from
27 the previous days played have been exhausted. This provision
28 in no way extends the limitation on the number of prize or
29 jackpot games allowed in one day as provided for in subsection
30 (5).

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

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

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

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

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

20 | (9) Every charitable, nonprofit, or veterans'
21 | organization involved in the conduct of a bingo game or
22 | instant bingo must be located in the county, or within a
23 | 15-mile radius of, where the bingo game or instant bingo is
24 | located.

25 | (10)(a) No one under 18 years of age shall be allowed
26 | to play any bingo game or instant bingo or be involved in the
27 | conduct of a bingo game or instant bingo in any way.

28 | (b) Any organization conducting bingo open to the
29 | public may refuse entry to any person who is objectionable or
30 | undesirable to the sponsoring organization, but such refusal
31 | of entry shall not be on the basis of race, creed, color,

1 religion, sex, national origin, marital status, or physical
2 handicap.

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

5 (a) Property owned by the charitable, nonprofit, or
6 veterans' organization.

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

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

16 (d) Property owned by a municipality or a county when
17 the governing authority has, by appropriate ordinance or
18 resolution, specifically authorized the use of such property
19 for the conduct of such games.

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

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

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

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

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

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

28 (e) A bona fide bingo shall consist of a predesignated
29 arrangement of numbers on a card or sheet that correspond with
30 the numbers on the objects drawn from the receptacle and
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1 announced. Errors in numbers announced or misplaced in the
2 rack may not be recognized as a bingo.

3 (f) When a caller has started to vocally announce a
4 number, the caller shall complete the call. If any player has
5 obtained a bingo on a previous number, such player will share
6 the prize with the player who gained bingo on the last number
7 called.

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

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

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

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

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

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

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

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

13 (f) Except as provided under paragraph (e), an instant
14 bingo ticket manufactured, sold, or distributed in this state
15 must:

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

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

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

24 4. Have a form of winner protection that allows the
25 organization to verify, after the instant bingo ticket has
26 been played, that the winning instant bingo ticket presented
27 for payment is an authentic winning instant bingo ticket for
28 the deal in play. The manufacturer shall provide a written
29 description of the winner protection with each deal of instant
30 bingo tickets.

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

5 1. Date of sale.

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

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

8 4. Name of distributor or organization to whom each
9 deal is sold.

10 5. Price of each deal sold.

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

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

17 ~~(14)(13)~~ Any organization or other person who
18 willfully and knowingly violates any provision of this section
19 ~~commits is guilty~~ of a misdemeanor of the first degree,
20 punishable as provided in s. 775.082 or s. 775.083. For a
21 second or subsequent offense, the organization or other person
22 ~~commits is guilty~~ of a felony of the third degree, punishable
23 as provided in s. 775.082, s. 775.083, or s. 775.084.

24 Section 3. For the purpose of incorporating the
25 amendment made by this act to section 849.0931, Florida
26 Statutes, in a reference thereto, section 718.114, Florida
27 Statutes, is reenacted to read:

28 718.114 Association powers.--An association has the
29 power to enter into agreements, to acquire leaseholds,
30 memberships, and other possessory or use interests in lands or
31 facilities such as country clubs, golf courses, marinas, and

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

18 | Section 4. For the purpose of incorporating the
19 | amendment made by this act to section 849.0931, Florida
20 | Statutes, in a reference thereto, subsection (8) of section
21 | 723.079, Florida Statutes, is reenacted to read:

22 | 723.079 Powers and duties of homeowners'
23 | association.--

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 500

Eliminates the requirement for the Department of the Lottery to maintain a list of instant bingo ticket manufacturers, qualified under the standards of the North American Gaming Regulators Association, which are authorized to sell instant bingo tickets in Florida.