

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.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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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 at the same location as bingo, using tickets by which a  
11 player wins a prize by opening and removing a cover from the  
12 ticket to reveal a set of numbers, letters, objects, or  
13 patterns, some of which have been designated in advance as  
14 prize winners.

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

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

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

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

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

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

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

18 (3) If an organization is not engaged in efforts of  
19 the type set out above, its right to conduct bingo games  
20 hereunder is conditioned upon the return of all the proceeds  
21 from such games to the players in the form of prizes. If at  
22 the conclusion of play on any day during which a bingo game is  
23 allowed to be played under this section there remain proceeds  
24 which have not been paid out as prizes, the organization  
25 conducting the game shall at the next scheduled day of play  
26 conduct bingo games without any charge to the players and  
27 shall continue to do so until the proceeds carried over from  
28 the previous days played have been exhausted. This provision  
29 in no way extends the limitation on the number of prize or  
30 jackpot games allowed in one day as provided for in subsection  
31 (5).

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,  
31

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  
31



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.

31

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.

11  
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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