

By Senator Perry

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1 A bill to be entitled
2 An act relating to charitable gaming; amending s.
3 546.10, F.S.; authorizing Type C amusement games or
4 machines to be operated at the premises of a veterans'
5 service organization under certain conditions;
6 creating s. 849.0932, F.S.; providing definitions;
7 authorizing certain organizations to conduct poker
8 tournaments under certain circumstances; providing
9 requirements and restrictions for such tournaments;
10 prohibiting persons under 18 years of age from
11 participating or being involved in such tournaments;
12 requiring specified information to be posted at the
13 premises at which such tournament is conducted;
14 requiring such organization to submit each tournament
15 result to its board of directors; providing an
16 effective date.

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

19
20 Section 1. Paragraph (b) of subsection (6) of section
21 546.10, Florida Statutes, is amended to read:

22 546.10 Amusement games or machines.—

23 (6)

24 (b) A Type C amusement game or machine may only be operated
25 at:

26 1. A facility as defined in s. 721.05(17) that is under the
27 control of a timeshare plan;

28 2. An arcade amusement center;

29 3. A bowling center, as defined in s. 849.141;

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- 30 4. The premises of a retailer, as defined in s. 212.02;
- 31 5. A public lodging establishment or public food service
- 32 establishment licensed pursuant to chapter 509;
- 33 6. A truck stop; or
- 34 7. The premises of a veterans' service organization granted
- 35 a federal charter under Title 36, U.S.C., or a division,
- 36 department, post, or chapter of such organization, for which an
- 37 alcoholic beverage license has been issued if no profit is
- 38 received by such organization, or a division, department, post,
- 39 or chapter thereof, and all proceeds from the amusement game or
- 40 machine are used strictly for the welfare of local veterans and
- 41 their families.

42 Section 2. Section 849.0932, Florida Statutes, is created
 43 to read:

44 849.0932 Poker tournaments by certain organizations
 45 authorized; conditions for conduct; permitted uses of proceeds;
 46 limitations; required posted notice.-

47 (1) As used in this section, the term:

48 (a) "Cards" means a deck of rectangular pieces of cardboard
 49 or other material, each of which has an identical pattern on one
 50 side and different numbers or letters, including A, 2, 3, 4, 5,
 51 6, 7, 8, 9, 10, J, Q, or K, on the other side, which are used to
 52 play various games. A standard deck of cards contains 52 cards
 53 divided into four suits, including spades, hearts, clubs, and
 54 diamonds, and may include two cards with the word "joker" on
 55 them.

56 (b) "Charitable, nonprofit, or veterans' organization"
 57 means a federal tax-exempt organization under s. 501(c)(3) of
 58 the Internal Revenue Code which has been actively engaged in

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59 charitable, civic, community, benevolent, religious, or
60 scholastic works or other similar activities for at least 3
61 years.

62 (c) "Chips" means small disk-shaped counters used to
63 represent money when betting during gambling. Each chip has a
64 number on it to represent a different monetary amount but has no
65 monetary value.

66 (d) "Hand" means the cards dealt during one round of play
67 of a game of poker.

68 (e) "Poker" means one or more of the common gambling card
69 games.

70 (f) "Poker tournament" means the playing of poker in a
71 tournament format, in which:

72 1. A participant pays an entry fee to compete for a cash
73 prize and receives chips and a seat at a table.

74 2. Cards are dealt to each participant to commence the
75 game, and he or she has the opportunity to bet on each hand
76 using chips and without exchanging any money during the game.

77 3. The dealer awards the pot to the winner or winners of
78 the hand at the conclusion of each hand.

79 4. A participant wins and loses chips as the tournament
80 progresses and is eliminated from the tournament when he or she
81 loses all of his or her chips.

82 5. Play continues until a winner or winners are determined
83 as defined by the specific tournament rules.

84 (g) "Pot" means the total amount of chips that are bet for
85 one hand.

86 (h) "Seat" means a participant's position at a table.

87 (2) (a) This chapter does not prohibit or prevent a

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88 charitable, nonprofit, or veterans' organization from conducting
89 a poker tournament if all of the proceeds derived from such
90 tournament, less actual business expenses essential for the
91 operation, conduct, and playing of such tournament, are donated
92 by such organization to the works or activities described in
93 paragraph (1) (b) and not used for any other purpose. The
94 proceeds derived from such tournament may not be considered
95 solicitation of public donations.

96 (b) A charitable, nonprofit, or veterans' organization may
97 not sponsor a poker tournament conducted by an organization that
98 is not federal tax-exempt.

99 (3) (a) The total entry fee per participant for a poker
100 tournament may not exceed \$200.

101 (b) The cash prize distributed to participants is awarded
102 as determined by the specific tournament rules and must amount
103 to at least 40 percent but not more than 80 percent of the sum
104 of all entry fees.

105 (c) The charitable, nonprofit, or veterans' organization
106 must retain at least 20 percent of the sum of all entry fees
107 before the cash prize is distributed.

108 (4) (a) A person involved in conducting a poker tournament
109 pursuant to this section must be a resident of the community in
110 which the charitable, nonprofit, or veterans' organization is
111 located, must be a bona fide member of such organization, and
112 may not be compensated in any way for being involved in
113 conducting such tournament.

114 (b) A charitable, nonprofit, or veterans' organization must
115 designate at least one but not more than three of its members to
116 manage the poker tournament, at least one of whom shall be

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117 present during the entire tournament.

118 (5) (a) A charitable, nonprofit, or veterans' organization
119 conducting a poker tournament must be located in, or within a
120 15-mile radius of, the county in which the poker tournament is
121 conducted.

122 (b) The equipment used in the poker tournament must be
123 owned by the charitable, nonprofit, or veterans' organization
124 conducting the tournament.

125 (6) (a) No person under 18 years of age may participate in,
126 or be involved in any way in, a poker tournament.

127 (b) A charitable, nonprofit, or veterans' organization
128 conducting a poker tournament that is open to the public may
129 refuse entry to a person if it determines that such person is
130 objectionable or undesirable, but such refusal may not be on the
131 basis of race, color, religion, sex, pregnancy, national origin,
132 age, handicap, or marital status.

133 (7) A charitable, nonprofit, or veterans' organization
134 conducting a poker tournament must post the following notices in
135 a conspicuous location on the premises at which the tournament
136 is conducted:

137 (a) The name of the organization and the designated member
138 or members managing the tournament.

139 (b) The rules and regulations of the poker tournament.

140 (c) The minimum and maximum entry fees and an itemization
141 of the distribution of such fees, including the amount retained
142 by the charity and the amounts used for tournament expenses such
143 as cash prizes and food.

144 (d) The results of the most recent tournament including the
145 sum of entry fees and the distribution of cash prizes.

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146 (8) A charitable, nonprofit, or veterans' organization
147 conducting a poker tournament must submit the result of each
148 tournament to its board of directors to be kept on file as a
149 permanent record.

150 Section 3. This act shall take effect July 1, 2017.