

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Wishner offered the following:

Amendment (with title amendment)

Between line(s) 24 and 25 insert:

Section 1. Sections 1-4 of this act may be known by the popular name the "Evelyn Wiesman-Price Act."

Section 2. Effective July 1, 2004, subsections (1), (2), (5), (7), (8), (9), (10), and (11) of section 849.0931, Florida Statutes, are amended, present subsection (13) of said section is renumbered as subsection (14) and amended, and a new subsection (13) is added to said section, 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

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27 money for the use of one or more bingo cards. When the game
28 commences, numbers are drawn by chance, one by one, and
29 announced. The players cover or mark those numbers on the bingo
30 cards which they have purchased until a player receives a given
31 order of numbers in sequence that has been preannounced for that
32 particular game. This player calls out "bingo" and is declared
33 the winner of a predetermined prize. More than one game may be
34 played upon a bingo card, and numbers called for one game may be
35 used for a succeeding game or games.

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

42 (c) "Charitable, nonprofit, or veterans' organization"
43 means an organization which has qualified for exemption from
44 federal income tax as an exempt organization under the
45 provisions of s. 501(c) of the Internal Revenue Code of 1954 or
46 s. 528 of the Internal Revenue Code of 1986, as amended; which
47 is engaged in charitable, civic, community, benevolent,
48 religious, or scholastic works or other similar activities; and
49 which has been in existence and active for a period of 3 years
50 or more.

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

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55 (e) "Instant bingo" means a game that is played using
56 tickets by which a player wins a prize by opening and removing a
57 cover from the ticket to reveal a set of numbers, letters,
58 objects, or patterns, some of which have been predesignated in
59 advance as prize winners.

60 (f)(d) "Objects" means a set of 75 balls or other
61 precision shapes that are imprinted with letters and numbers in
62 such a way that numbers 1 through 15 are marked with the letter
63 "B," numbers 16 through 30 are marked with the letter "I,"
64 numbers 31 through 45 are marked with the letter "N," numbers 46
65 through 60 are marked with the letter "G," and numbers 61
66 through 75 are marked with the letter "O."

67 (g)(e) "Rack" means the container in which the objects are
68 placed after being drawn and announced.

69 (h)(f) "Receptacle" means the container from which the
70 objects are drawn or ejected.

71 (i)(g) "Session" means a designated set of games played in
72 a day or part of a day.

73 (2)(a) None of the provisions of this chapter shall be
74 construed to prohibit or prevent charitable, nonprofit, or
75 veterans' organizations engaged in charitable, civic, community,
76 benevolent, religious, or scholastic works or other similar
77 endeavors, which organizations have been in existence and active
78 for a period of 3 years or more, from conducting bingo games or
79 instant bingo, provided the entire proceeds derived from the
80 conduct of such games, less actual business expenses for
81 articles designed for and essential to the operation, conduct,
82 and playing of bingo or instant bingo, are donated by such

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83 organizations to the endeavors mentioned above. In no case may
84 the net proceeds from the conduct of such games be used for any
85 other purpose whatsoever. The proceeds derived from the conduct
86 of bingo games or instant bingo shall not be considered
87 solicitation of public donations.

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

93 (5) Except for instant bingo prizes, which are limited to
94 those displayed on the ticket, a ~~no~~ jackpot may not ~~shall~~ exceed
95 the value of \$250 in actual money or its equivalent, and there
96 may not ~~shall~~ be ~~no~~ more than three jackpots in any one session
97 of bingo.

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

102 (8) Each person involved in the conduct of any bingo game
103 or instant bingo must be a resident of the community where the
104 organization is located and a bona fide member of the
105 organization sponsoring such game and may not be compensated in
106 any way for operation of such ~~bingo~~ game. When bingo games or
107 instant bingo are conducted by a charitable, nonprofit, or
108 veterans' organization, the organization conducting the ~~bingo~~
109 games must ~~shall be required to~~ designate up to three members of
110 that organization to be in charge of the games, one of whom must

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111 | ~~shall~~ be present during the entire session at which the ~~bingo~~
112 | games are conducted. The organization conducting the ~~bingo~~ games
113 | is responsible for posting a notice, which notice states the
114 | name of the organization and the designated member or members,
115 | in a conspicuous place on the premises at which the session is
116 | held or instant bingo is played. ~~In no event may~~ A caller in a
117 | bingo game may not be a participant in that bingo game.

118 | (9) Every charitable, nonprofit, or veterans' organization
119 | involved in the conduct of a bingo game or instant bingo must be
120 | located in the county, or within a 15-mile radius of, where the
121 | bingo game or instant bingo is located.

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

125 | (b) Any organization conducting bingo open to the public
126 | may refuse entry to any person who is objectionable or
127 | undesirable to the sponsoring organization, but such refusal of
128 | entry shall not be on the basis of race, creed, color, religion,
129 | sex, national origin, marital status, or physical handicap.

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

132 | (a) Property owned by the charitable, nonprofit, or
133 | veterans' organization.

134 | (b) Property owned by the charitable, nonprofit, or
135 | veterans' organization that will benefit by the proceeds.

136 | (c) Property leased for a period of not less than 1 year
137 | by a charitable, nonprofit, or veterans' organization, providing
138 | the lease or rental agreement does not provide for the payment

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139 of a percentage of the proceeds generated at such premises to
140 the lessor or any other party and providing the rental rate for
141 such premises does not exceed the rental rates charged for
142 similar premises in the same locale.

143 (d) Property owned by a municipality or a county when the
144 governing authority has, by appropriate ordinance or resolution,
145 specifically authorized the use of such property for the conduct
146 of such games.

147 (e) With respect to bingo games conducted by a condominium
148 association, a cooperative association, a homeowners'
149 association as defined in s. 720.301, a mobile home owners'
150 association, a group of residents of a mobile home park as
151 defined in chapter 723, or a group of residents of a mobile home
152 park or recreational vehicle park as defined in chapter 513,
153 property owned by the association, property owned by the
154 residents of the mobile home park or recreational vehicle park,
155 or property which is a common area located within the
156 condominium, mobile home park, or recreational vehicle park.

157 (13)(a) Instant bingo tickets must be sold at the price
158 printed on the ticket by the manufacturer, not to exceed \$1.
159 Discounts may not be given for purchases of multiple tickets,
160 nor may tickets be given away free of charge.

161 (b) The sets of numbers, letters, objects, or patterns
162 that have been predesignated by the manufacturer as winning
163 combinations for a deal of instant bingo tickets must be posted
164 before the sale of any tickets from that deal.

165 (c) Each instant bingo ticket in a deal must bear the same
166 serial number and there may not be more than one serial number

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167 in each deal. Serial numbers printed on a deal of instant bingo
168 tickets may not be repeated by the manufacturer on the same form
169 for a period of 3 years.

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

173 (e) Instant bingo tickets manufactured, sold, or
174 distributed in this state must comply with the applicable
175 mandatory standards on pull-tabs of the North American Gaming
176 Regulators Association, as amended.

177 (f) Except as provided under paragraph (e), an instant
178 bingo ticket manufactured, sold, or distributed in this state
179 must:

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

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

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

188 4. Have a form of winner protection that allows the
189 organization to verify, after the instant bingo ticket has been
190 played, that the winning instant bingo ticket presented for
191 payment is an authentic winning instant bingo ticket for the
192 deal in play. The manufacturer shall provide a written
193 description of the winner protection with each deal of instant
194 bingo tickets.

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

199 1. Date of sale.

200 2. Form number and the serial number of each deal sold.

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

202 4. Name of distributor or organization to whom each deal
203 is sold.

204 5. Price of each deal sold.

205
206 All information contained on an invoice must be maintained by
207 the distributor or manufacturer for 3 years.

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

211 (i) The Department of the Lottery shall keep a list of at
212 least six qualified instant bingo ticket manufacturers that are
213 authorized to sell instant bingo tickets within the state. The
214 Department of the Lottery shall process all applications to be
215 placed on the list of instant bingo ticket manufacturers
216 pursuant to s. 120.60. A distributor or charitable, nonprofit,
217 or veterans' organization may not purchase, distribute, or sell
218 instant bingo tickets manufactured by any manufacturer other
219 than those qualified instant bingo ticket manufacturers listed
220 by the Department of the Lottery.

221 (14)(13) Any organization or other person who willfully
222 and knowingly violates any provision of this section commits is

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223 ~~guilty of~~ a misdemeanor of the first degree, punishable as
224 provided in s. 775.082 or s. 775.083. For a second or subsequent
225 offense, the organization or other person commits ~~is guilty of~~ a
226 felony of the third degree, punishable as provided in s.
227 775.082, s. 775.083, or s. 775.084.

228 Section 3. Effective July 1, 2004, for the purpose of
229 incorporating the amendment to section 849.0931, Florida
230 Statutes, in a reference thereto, section 718.114, Florida
231 Statutes, is reenacted to read:

232 718.114 Association powers.--An association has the power
233 to enter into agreements, to acquire leaseholds, memberships,
234 and other possessory or use interests in lands or facilities
235 such as country clubs, golf courses, marinas, and other
236 recreational facilities. It has this power whether or not the
237 lands or facilities are contiguous to the lands of the
238 condominium, if they are intended to provide enjoyment,
239 recreation, or other use or benefit to the unit owners. All of
240 these leaseholds, memberships, and other possessory or use
241 interests existing or created at the time of recording the
242 declaration must be stated and fully described in the
243 declaration. Subsequent to the recording of the declaration, the
244 association may not acquire or enter into agreements acquiring
245 these leaseholds, memberships, or other possessory or use
246 interests except as authorized by the declaration. The
247 declaration may provide that the rental, membership fees,
248 operations, replacements, and other expenses are common expenses
249 and may impose covenants and restrictions concerning their use
250 and may contain other provisions not inconsistent with this

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251 chapter. A condominium association may conduct bingo games as
252 provided in s. 849.0931.

253 Section 4. Effective July 1, 2004, for the purpose of
254 incorporating the amendment to section 849.0931, Florida
255 Statutes, in a reference thereto, subsection (8) of section
256 723.079, Florida Statutes, is reenacted to read:

257 723.079 Powers and duties of homeowners' association.--

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

261
262 ===== T I T L E A M E N D M E N T =====

263 Remove line(s) 2 and insert:
264 An act relating to games and gaming; providing a popular
265 name; amending s. 849.0931, F.S.; defining the terms
266 "deal" and "instant bingo"; providing rules for the
267 operation of instant bingo games; providing penalties;
268 providing requirements for the manufacture and sale of
269 instant bingo tickets; providing duties of the Department
270 of the Lottery; reenacting ss. 718.114 and 723.079(8),
271 F.S., relating to condominium and homeowners'
272 associations, to incorporate the amendment to s. 849.0931,
273 F.S., in references thereto; amending s.