

Bill No. CS for SB's 1940 & 2636

Amendment No. ____ Barcode 732542

CHAMBER ACTION

Senate

House

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Senator Geller moved the following amendment:

Senate Amendment (with title amendment)

On page 1, line 22,

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 money for the use of one or more bingo cards. When the game commences, numbers are drawn by chance, one by one, and announced. The players cover or mark those numbers on the

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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) "Instant bingo" means a game that is played using
28 tickets by which a player wins a prize by opening and removing
29 a cover from the ticket to reveal a set of numbers, letters,
30 objects, or patterns, some of which have been predesignated in
31 advance as prize winners.

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1 ~~(f)(d)~~ "Objects" means a set of 75 balls or other
2 precision shapes that are imprinted with letters and numbers
3 in such a way that numbers 1 through 15 are marked with the
4 letter "B," numbers 16 through 30 are marked with the letter
5 "I," numbers 31 through 45 are marked with the letter "N,"
6 numbers 46 through 60 are marked with the letter "G," and
7 numbers 61 through 75 are marked with the letter "O."

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

10 ~~(h)(f)~~ "Receptacle" means the container from which the
11 objects are drawn or ejected.

12 ~~(i)(g)~~ "Session" means a designated set of games
13 played in a day or part of a day.

14 (2)(a) None of the provisions of this chapter shall be
15 construed to prohibit or prevent charitable, nonprofit, or
16 veterans' organizations engaged in charitable, civic,
17 community, benevolent, religious, or scholastic works or other
18 similar endeavors, which organizations have been in existence
19 and active for a period of 3 years or more, from conducting
20 bingo games or instant bingo, provided the entire proceeds
21 derived from the conduct of such games, less actual business
22 expenses for articles designed for and essential to the
23 operation, conduct, and playing of bingo or instant bingo, are
24 donated by such organizations to the endeavors mentioned
25 above. In no case may the net proceeds from the conduct of
26 such games be used for any other purpose whatsoever. The
27 proceeds derived from the conduct of bingo games or instant
28 bingo shall not be considered solicitation of public
29 donations.

30 (b) It is the express intent of the Legislature that
31 no charitable, nonprofit, or veterans' organization serve as a

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1 sponsor of a bingo game or instant bingo conducted by another,
2 but such organization may only be directly involved in the
3 conduct of such a game as provided in this act.

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

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

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

30 (9) Every charitable, nonprofit, or veterans'
31 organization involved in the conduct of a bingo game or

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1 instant bingo must be located in the county, or within a
2 15-mile radius of, where the bingo game or instant bingo is
3 located.

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

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

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

15 (a) Property owned by the charitable, nonprofit, or
16 veterans' organization.

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

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

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

30 (e) With respect to bingo games conducted by a
31 condominium association, a cooperative association, a

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1 homeowners' association as defined in s. 720.301, a mobile
2 home owners' association, a group of residents of a mobile
3 home park as defined in chapter 723, or a group of residents
4 of a mobile home park or recreational vehicle park as defined
5 in chapter 513, property owned by the association, property
6 owned by the residents of the mobile home park or recreational
7 vehicle park, or property which is a common area located
8 within the condominium, mobile home park, or recreational
9 vehicle park.

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

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

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

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

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

30 (f) Except as provided under paragraph (e), an instant
31 bingo ticket manufactured, sold, or distributed in this state

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1 must:

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

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

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

10 4. Have a form of winner protection that allows the
11 organization to verify, after the instant bingo ticket has
12 been played, that the winning instant bingo ticket presented
13 for payment is an authentic winning instant bingo ticket for
14 the deal in play. The manufacturer shall provide a written
15 description of the winner protection with each deal of instant
16 bingo tickets.

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

21 1. Date of sale.

22 2. Form number and the serial number of each deal
23 sold.

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

25 4. Name of distributor or organization to whom each
26 deal is sold.

27 5. Price of each deal sold.

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

31 (h) The invoice, or a true and accurate copy thereof,

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1 must be on the premises where any deal of instant bingo
 2 tickets is stored or in play.

3 (i) The Department of the Lottery shall keep a list of
 4 at least six qualified instant bingo ticket manufacturers that
 5 are authorized to sell instant bingo tickets within the state.
 6 The Department of the Lottery shall process all applications
 7 to be placed on the list of instant bingo ticket manufacturers
 8 pursuant to s. 120.60. A distributor or charitable, nonprofit,
 9 or veterans' organization may not purchase, distribute, or
 10 sell instant bingo tickets manufactured by any manufacturer
 11 other than those qualified instant bingo ticket manufacturers
 12 listed by the Department of the Lottery.

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

20 Section 3. Effective July 1, 2004, for the purpose of
 21 incorporating the amendment to section 849.0931, Florida
 22 Statutes, in references thereto, section 718.114, Florida
 23 Statutes, is reenacted to read:

24 718.114 Association powers.--An association has the
 25 power to enter into agreements, to acquire leaseholds,
 26 memberships, and other possessory or use interests in lands or
 27 facilities such as country clubs, golf courses, marinas, and
 28 other recreational facilities. It has this power whether or
 29 not the lands or facilities are contiguous to the lands of the
 30 condominium, if they are intended to provide enjoyment,
 31 recreation, or other use or benefit to the unit owners. All of

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1 these leaseholds, memberships, and other possessory or use
 2 interests existing or created at the time of recording the
 3 declaration must be stated and fully described in the
 4 declaration. Subsequent to the recording of the declaration,
 5 the association may not acquire or enter into agreements
 6 acquiring these leaseholds, memberships, or other possessory
 7 or use interests except as authorized by the declaration. The
 8 declaration may provide that the rental, membership fees,
 9 operations, replacements, and other expenses are common
 10 expenses and may impose covenants and restrictions concerning
 11 their use and may contain other provisions not inconsistent
 12 with this chapter. A condominium association may conduct
 13 bingo games as provided in s. 849.0931.

14 Section 4. Effective July 1, 2004, for the purpose of
 15 incorporating the amendment to section 849.0931, Florida
 16 Statutes, in references thereto, subsection (8) of section
 17 723.079, Florida Statutes, is reenacted to read:

18 723.079 Powers and duties of homeowners'
 19 association.--

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

23
 24 (Redesignate subsequent sections.)

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 26

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 1, line 2, delete that line

30

31 and insert:

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1 An act relating to games and gaming; providing
2 a popular name; amending s. 849.0931, F.S.;
3 defining the terms "instant bingo" and "deal";
4 providing rules for the operation of instant
5 bingo games; providing penalties; providing
6 requirements for the manufacture and sale of
7 instant bingo tickets; providing duties of the
8 Department of the Lottery; reenacting ss.
9 718.114 and 723.079(8), F.S., relating to
10 condominiums and homeowners' associations, to
11 incorporate the amendment to s. 849.0931, F.S.,
12 in references thereto;

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