

By Representative Fasano

1                                   A bill to be entitled  
2           An act relating to bingo; amending s. 849.0931,  
3           F.S.; revising provisions which regulate the  
4           conduct of bingo; providing findings and  
5           intent; providing definitions; providing for  
6           administration and enforcement by the Division  
7           of Pari-mutuel Wagering and county sheriffs and  
8           municipal police; providing powers and duties  
9           of the division; requiring an annual report;  
10          providing requirements for the conduct of bingo  
11          by charitable organizations, associational  
12          organizations, and authorized organizations;  
13          requiring such organizations to obtain a  
14          license or certificate; requiring lessors of  
15          premises for the conduct of bingo to be  
16          licensed; providing requirements relating to  
17          such lessors; providing application  
18          requirements for licenses and certificates;  
19          providing for fees; providing for processing of  
20          applications by the division; specifying  
21          license and certificate time periods; providing  
22          conditions under which licenses or certificates  
23          may be suspended or revoked; providing  
24          restrictions on use of the proceeds; providing  
25          requirements for deposit of proceeds; requiring  
26          reports; providing minimum standards for the  
27          conduct of bingo; providing for administrative  
28          fines and criminal penalties; specifying that  
29          the act does not prevent any county from  
30          adopting the same or stricter regulations;  
31          providing an effective date.

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

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3 Section 1. Section 849.0931, Florida Statutes, is  
4 amended to read:

5 (Substantial rewording of section. See  
6 s. 849.0931, F.S., for present text.)

7 849.0931 Conduct of bingo.--

8 (1) SHORT TITLE.--This section may be cited as the  
9 "Bingo Law."

10 (2) FINDINGS AND INTENT.--

11 (a) The Legislature declares that the playing of  
12 bingo, although gambling, for the purpose of raising funds by  
13 certain nonprofit associations, veterans' organizations, or  
14 other charitable organizations, is in the public interest.

15 (b) It is the policy of the Legislature that all  
16 phases of the licensing, operation, and regulation of the game  
17 of bingo be strictly controlled, and that all laws and  
18 regulations with respect thereto, as well as all gambling  
19 laws, should be strictly construed and rigidly enforced.

20 (c) The Legislature recognizes the possibility of  
21 association between commercial gambling and organized crime,  
22 and wishes to discourage commercialization of the game of  
23 bingo, prevent participation by organized crime, and prevent  
24 the diversion of funds from the purposes authorized by this  
25 section.

26 (3) DEFINITIONS.--As used in this section, unless the  
27 context clearly indicates otherwise:

28 (a) "Actual business expenses" means those expenses  
29 that have a direct bearing on and are necessary to the conduct  
30 of a bingo game and related activities, the allocation of  
31 which shall be in accordance with generally accepted

1 accounting practices. For an organization conducting bingo on  
2 premises owned by the organization, the term includes  
3 equipment and supplies; accounting services for records and  
4 reports; state and local license fees; advertising; cost of  
5 security personnel; pro rata costs for insurance and  
6 utilities, such as electricity, water, gas, sewer, and garbage  
7 and trash collection, resulting from conducting a bingo game;  
8 cost of refreshments provided at no cost to players and  
9 volunteers; cost of prizes; and cost of creating and  
10 maintaining a petty cash fund no larger than \$50. For an  
11 organization conducting bingo on premises not owned by the  
12 organization, the term includes equipment and supplies; state  
13 and local license fees; accounting services for records and  
14 reports; advertising; cost of security personnel; pro rata  
15 costs for insurance and utilities, such as water, sewer, gas,  
16 garbage and trash collection, and electricity, resulting from  
17 conducting a bingo game; cost of prizes; cost of refreshments  
18 provided at no cost to players and volunteers; cost of  
19 creating and maintaining a petty cash fund no larger than \$50;  
20 and rental charges, so long as the rental charges do not  
21 exceed the fair market rental charged for similar premises in  
22 the county where incurred.

23 (b) "Associational organization" means a condominium  
24 association, a mobile homeowners' association or a group of  
25 residents of a mobile home park as defined by chapter 723, or  
26 a group of residents of a mobile home park or recreational  
27 vehicle park as defined by chapter 513.

28 (c) "Authorized organization" means an organization,  
29 other than a charitable organization, that is exempt from  
30 federal income tax under s. 501(c) of the Internal Revenue  
31 Code of 1986, as amended.

1           (d) "Bingo" or "bingo game" means a game in which each  
2 participant pays a sum of money for the use of one or more  
3 bingo cards. When the game commences, numbers are drawn by  
4 chance, shown, and announced. The players cover or mark each  
5 number on the bingo cards which each player has purchased  
6 until a player receives a given order of numbers in sequence  
7 that has been announced for that game. The player calls  
8 "bingo" and is declared the winner of a predetermined prize.  
9 More than one game may be played upon a bingo card, and the  
10 numbers called for one game may be used for a succeeding game  
11 or games.

12           (e) "Bingo card" means the flat, usually rectangular,  
13 piece of paper or thin pasteboard marked off into a set of 25  
14 squares arranged in five vertical rows of five squares each,  
15 having no fewer than 24 numbers, letters, or combinations of  
16 numbers and letters, and includes a piece of paper or  
17 cardboard marked in braille. More than one set of bingo  
18 numbers maybe printed on a single sheet of paper.

19           (f) "Bingo equipment" includes bingo cards, chips, or  
20 markers, for use in covering the spaces on a bingo card; the  
21 balls, cubes, or tiles having the letters, numbers, or  
22 combinations thereof by which the squares on bingo cards are  
23 denominated and used by the organization in conducting a bingo  
24 game; a birdcage or similar device, whether hand operated or  
25 mechanically powered, for randomizing and ejecting such balls,  
26 cubes, or tiles; a master bingo layout for the display of  
27 balls, cubes, or tiles ejected and called by the  
28 organization's representative; or any other device, implement,  
29 apparatus, or paraphernalia ordinarily or commonly used or  
30 designed to be used in the conduct of bingo; but does not  
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1 include tables, chairs, and similar items not specifically  
2 designed for use in the conduct of bingo.

3 (g) "Charitable organization" means a nonprofit or  
4 veterans' organization that has qualified for exemption from  
5 federal income tax as an exempt organization under s. 501(c)  
6 of the Internal Revenue Code of 1954 or s. 528 of the Internal  
7 Revenue Code of 1986, as amended, and that is established for  
8 any benevolent, educational, philanthropic, humane,  
9 scientific, artistic, patriotic, social welfare or advocacy,  
10 public health, environmental conservation, civic, or other  
11 eleemosynary purpose, and that has been in existence and  
12 active for a period of 3 years or more. It includes a  
13 chapter, branch, area office, or similar entity performing  
14 functions of the organization within the state for a  
15 charitable organization which has its principal place of  
16 business outside the state.

17 (h) "Charitable purpose" means any benevolent,  
18 educational, philanthropic, humane, scientific, artistic,  
19 patriotic, social welfare or advocacy, public health,  
20 environmental conservation, civic, or other eleemosynary  
21 purpose.

22 (i) "Conviction" or "convicted" includes an  
23 adjudication of guilt or plea of guilty or nolo contendere or  
24 the forfeiture of a bond, when a person has been charged with  
25 a violation involving a theft or illegal gambling or with a  
26 felony.

27 (j) "Division" means the Division of Pari-mutuel  
28 Wagering of the Department of Business and Professional  
29 Regulation.

30 (k) "Entire or net proceeds" means all moneys  
31 collected in exchange for the purpose of use of bingo cards,

1 admissions, and related sales, less only actual business  
2 expenses.

3 (l) "Lease" includes a lease, sublease, assignment,  
4 rental, or agreement to use any premises for the conduct of  
5 bingo, other than premises owned by an organization and used  
6 by it to conduct bingo for its own benefit.

7 (m) "Lessor" means a person or organization that  
8 leases, subleases, assigns, or rents any premises to be used  
9 for the conduct of bingo or agrees to the use of the premises  
10 for the conduct of bingo.

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

18 (o) "Organization" means a charitable organization,  
19 authorized organization, or associational organization.

20 (p) "Owner" means the organization which holds legal  
21 title to the premises on which a bingo game or a series of  
22 bingo games is played.

23 (q) "Player" means a person who has paid some amount  
24 of money for one or more bingo cards and who has some  
25 expectation of receiving a prize if one or more of his or her  
26 bingo cards contains a sufficient number of numbers, letters,  
27 or combination of letters and numbers which are the same as  
28 those announced by the caller during a bingo game.

29 (r) "Premises" means an indoor or outdoor area used  
30 for the conduct of bingo.

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1       (s) "Principal officers" means the president, vice  
2 president, or treasurer, or partner or limited partner, or  
3 organization officers performing similar duties.

4       (t) "Prize" means cash or anything of value awarded to  
5 a player of a bingo game or players in a series of bingo  
6 games. A prize that is "predetermined" means a sum of money  
7 that was determined before the bingo session, which sum is to  
8 be made available to a bingo winner during the session.

9       (u) "Rack" means the container in which the objects  
10 are placed after being drawn and announced.

11       (v) "Receptacle" means the container from which the  
12 objects are drawn or ejected.

13       (w) "Session" means a single continuous sitting or  
14 period of sitting of players assembled in any day or part of a  
15 day.

16       (x) "Volunteer" means any individual who qualifies for  
17 and has been granted membership in an organization and has  
18 been a member for 3 months or more.

19       (4) ADMINISTRATION AND ENFORCEMENT.--Responsibility  
20 for administration and enforcement of this section is vested  
21 in the division. Responsibility for enforcement also is  
22 vested in the sheriff of each individual county and the police  
23 of each municipality.

24       (5) POWERS AND DUTIES.--

25       (a) The division shall have power to regulate the  
26 bingo industry under this section and the rules adopted  
27 pursuant thereto.

28       (b) The division shall require an oath on all  
29 applications and financial reporting documents, which oath  
30 must state that the information contained in the document is  
31 true and complete.

1       (c) The division may conduct investigations in  
2 administering and enforcing this section.

3       (d) The division shall make an annual report to the  
4 Governor showing its own actions, the practical effect of the  
5 application of this section, and any suggestions it may  
6 propose for the more effective accomplishment of the purpose  
7 of this section.

8       (6) CONDUCT OF BINGO; LICENSE OR CERTIFICATE REQUIRED;  
9 OTHER REQUIREMENTS.--

10       (a) Bingo may only be conducted as provided in this  
11 section.

12       (b) It is unlawful for any organization to conduct a  
13 bingo game unless the organization holds a current license or  
14 certificate, which license or certificate shall not be under  
15 suspension or permanently or conditionally revoked. If the  
16 organization has an annual average of 50 or more players per  
17 session, it must obtain a license as provided in this section.  
18 If the organization has an annual average of fewer than 50  
19 players per session it must obtain a certificate as provided  
20 in this section.

21       (c) No organization shall serve as a sponsor of a  
22 bingo game conducted by another or allow the use of its name  
23 by any other person for the conduct of bingo.

24       (d) The members, volunteers, and any other persons  
25 involved in or assisting with the conduct of any bingo game  
26 shall have been active members of the organization for a  
27 period of at least 3 months prior to appointment or  
28 designation to conduct bingo, and proof of the length of  
29 membership shall be furnished by the organization upon demand  
30 by the division. Possession by the member or volunteer or  
31 other person of a valid identification or membership card



1 issued by the organization containing the date of active  
2 membership and full name of the person to whom it is issued is  
3 required. Each volunteer must reside in the county where the  
4 bingo game is conducted, or within a 15-mile radius of where  
5 the bingo game is located.

6 (e) No salary, compensation, tip, or reward in any  
7 form whatsoever shall be offered, paid, or given before,  
8 during, or after, directly or indirectly, to any person  
9 conducting or assisting in the conduct of bingo.

10 (f) No bingo caller shall play bingo during any bingo  
11 session where the caller functions in that capacity, and no  
12 volunteer who is designated to function as the bingo caller  
13 shall play bingo in that session.

14 (g) A volunteer may assist in the conduct of bingo for  
15 no more than two organizations.

16 (7) LESSORS; LICENSE REQUIRED; OTHER REQUIREMENTS.--

17 (a) It is unlawful for a person to lease, sublease,  
18 assign, or rent any premises for the conduct of bingo or agree  
19 to the use of any premises for the conduct of bingo, unless  
20 that person has a current license under this section, which  
21 license is not under suspension or permanently or  
22 conditionally revoked.

23 (b) No lessor and no officer, director, stockholder,  
24 employee, or any other person having an interest in the lessor  
25 shall conduct, assist, or participate in the conduct of bingo  
26 or render any service or offer, distribute, or give anything  
27 of value to anyone conducting, assisting, or participating in  
28 the conduct of bingo.

29 (c) A lessor shall have the same deposit and  
30 recordkeeping requirements with respect to all rental charges  
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1 collected from organizations that conduct bingo on his or her  
2 premises as are imposed on organizations by this section.

3 (8) LICENSE OR CERTIFICATE APPLICATION; FEE;

4 CONTENTS.--A lessor or organization desiring to obtain a  
5 license or certificate to conduct bingo or to lease property  
6 where bingo may be played shall file an application and  
7 execute an oath. Each application shall be accompanied by a  
8 nonrefundable fee of \$150. The application shall contain at  
9 least the following information:

10 (a) If the applicant is an individual, the  
11 individual's full name, date of birth, any aliases, current  
12 residence address, and social security number.

13 (b) If the applicant is an unincorporated  
14 organization, its full name, any fictitious name filing, and  
15 the names, dates of birth, social security numbers, and  
16 residence addresses of its principal officers.

17 (c) If the applicant is a corporation, the exact  
18 corporate name and state or states of incorporation, and the  
19 name, date of birth, social security number, and residence  
20 address of each officer and member of the board of directors.

21 (d) If any individual listed in paragraph (a),  
22 paragraph (b), or paragraph (c) is a naturalized citizen, the  
23 date and place of naturalization.

24 (e) Whether the applicant has any other license or  
25 certificate issued by any other county, state, or other  
26 jurisdiction, including whether or not such license or  
27 certificate has been revoked or suspended, and the date any  
28 revocation or suspension took place.

29 (f) The name of each bank in which the net proceeds  
30 from the conduct of bingo, or fees or rent from the lease of  
31 any premises for the conduct of bingo, are to be deposited.

1       (g) The days of the week on which bingo games are to  
2 be conducted or premises rented or used to conduct bingo.

3       (h) The street address and ownership of the premises  
4 for which the license is sought, if applicable.

5       (i) A form authorizing the division to inspect all  
6 books or records of the applicant within 24 hours of any bingo  
7 game.

8       (j) Copies of all leases, subleases, or use agreements  
9 to be used by any lessor.

10       (k) A notarized statement certifying that all  
11 information contained in the application and any submittals or  
12 attachments thereto are true and that the applicant  
13 understands that any misstatement of material fact in the  
14 application will result in denial of the application.

15       (9) PROCESSING APPLICATIONS.--Upon receipt of a  
16 properly completed and filed application for a license or  
17 certificate as required by this section and upon payment of  
18 the application fee, the division shall perform an  
19 investigation to determine the eligibility of the applicant to  
20 be issued a license or certificate. Within 7 days following  
21 completion of the investigation, the division shall determine  
22 if the applicant is qualified. If the division determines the  
23 applicant is qualified, it shall issue the license or  
24 certificate. If the division determines that corrective or  
25 remedial action by the applicant is necessary to qualify for a  
26 license or certificate, the division shall notify the  
27 applicant and afford the applicant 14 days in which to  
28 accomplish such corrective or remedial steps. If the  
29 application is denied, the division shall notify the  
30 applicant, and the applicant shall have the right to appeal  
31 such denial pursuant to chapter 120.

- 1           (10) LICENSE AND CERTIFICATE TIME PERIODS.--  
2           (a) All licenses issued under this section shall  
3 expire on September 30 of each year. Renewal of a license  
4 shall involve the same process that was undertaken to obtain a  
5 license.  
6           (b) All certificates issued under this section shall  
7 be valid for a period of 2 years and shall expire on September  
8 30 of the second year. Renewal of a certificate shall involve  
9 the same process that was undertaken to obtain the  
10 certificate.  
11           (11) SUSPENSION OR REVOCATION.--  
12           (a) The division is authorized to suspend or revoke a  
13 license or certificate issued under this section when it is  
14 determined, after hearing, that:  
15           1. An organization or lessor has been convicted of  
16 violating this section.  
17           2. An organization or its principal officers,  
18 servants, employees, members, or volunteers, while conducting  
19 or assisting in the conduct of a bingo game, gave, offered, or  
20 distributed any service or thing of value to encourage or  
21 entice participation in the play of any bingo game.  
22           3. An organization or lessor offered, paid, or gave  
23 any salary, compensation, tip, or reward in any form  
24 whatsoever, directly or indirectly, to any person or volunteer  
25 conducting or assisting in the conduct of bingo.  
26           4. An organization or lessor failed to keep the  
27 records or make the deposits required by this section, or  
28 refused to make its records available for inspection.  
29           5. A lessor made his or her premises available for the  
30 conduct of bingo in a manner that was not strictly in accord  
31 with this section and any rules adopted thereunder.

1           6. An organization or lessor or any agent or employee  
2 thereof has violated any provision of this section or any rule  
3 adopted thereunder.

4           (b) The division shall establish a hearing procedure  
5 by rule to govern the suspension or revocation of any license  
6 or certificate granted under this section.

7           (c) Any order of suspension or revocation shall be  
8 subject to appeal as provided in chapter 120.

9           (12) PROCEEDS; USE; DEPOSIT; RECORDS AND REPORTS.--

10           (a) Proceeds derived from the conduct of bingo by an  
11 organization, less actual business expenses, including those  
12 sums paid out as prizes, may only be used for those charitable  
13 purposes which the organization was created to accomplish.

14           (b) The entire proceeds derived from the conduct of  
15 bingo by an organization shall be deposited either at the  
16 conclusion of each day of play or within 24 hours of play in a  
17 checking account in a bank located within the county where the  
18 organization is located. Such account shall be maintained  
19 separate and apart from all other accounts of the  
20 organization, and shall not be used for the deposit of funds  
21 received from any other activity. Two of the principal  
22 officers of the organization shall be required to sign all  
23 checks, drafts, and other instruments withdrawing or  
24 transferring funds from the account.

25           (c) Annually, or more frequently if the division  
26 requires, each organization shall file with the division a  
27 financial statement, on a form prescribed by the division,  
28 which shall at least contain the sources and the amount of  
29 gross revenue derived by the organization from the conduct of  
30 bingo during the period for which the statement is being  
31 filed. The statement shall be certified as correct by a

1 principal officer or one who controls the organization. The  
2 statement need not be audited.

3 (13) CONDUCT OF BINGO; STANDARDS.--The division shall  
4 adopt rules providing for the conduct of bingo, including the  
5 time, manner, and equipment that may be used, except that such  
6 rules shall include the following standards:

7 (a) Bingo shall not be conducted between the hours of  
8 12 midnight and 9 a.m.

9 (b) No organization may conduct bingo more than 2 days  
10 during any calendar week. In any one location, only one  
11 session may be conducted by any organization in any 24-hour  
12 period.

13 (c) No jackpot shall exceed the value of \$250 in  
14 actual money or its equivalent, and there shall be no more  
15 than three jackpots in any session. All other game prizes  
16 shall not exceed \$50.

17 (d) All winners shall be determined and all prizes  
18 shall be awarded within the session during which the game is  
19 played.

20 (e) Use of a computerized bingo card or use of a  
21 computer to conduct a bingo game in any way is prohibited.

22 (f) No supplier of merchandise and no person who has  
23 been convicted of a felony or a violation of this section  
24 shall have a pecuniary interest in the operation or proceeds  
25 of a bingo game.

26 (g) No one under 18 years of age shall be allowed in  
27 any place where bingo is being played.

28 (h) In determining a winner, the caller shall ask  
29 whether there are other winners. If there is no reply, the  
30 caller shall declare the game closed. No other player shall  
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1 share in any prize unless such player has declared a bingo  
2 prior to the game being closed.

3 (i) Seats at a bingo session may not be held or  
4 reserved by any organization or person involved in the conduct  
5 of any bingo game for players not present, nor may cards be  
6 set aside, held, or reserved from one session to another for  
7 any player.

8 (j) Prior to the commencement of any session the  
9 member in charge shall cause a verification to be made of all  
10 objects to be placed in receptacles and shall inspect the  
11 objects in the presence of a disinterested person to ensure  
12 that all objects are present and that there are no duplicates  
13 or omissions on the objects. Any player shall be entitled to  
14 call for a verification of numbers before, during, and after a  
15 session.

16 (k) The card or sheet on which a game is played shall  
17 be part of a deck, group, or series, no two of which may be  
18 alike in a given game.

19 (l) All numbers shall be visibly displayed after being  
20 drawn and before being placed in the rack.

21 (m) A bona fide bingo shall consist of a predesignated  
22 arrangement of numbers on a card or sheet that correspond with  
23 the numbers on the objects drawn from the receptacle and  
24 announced. Errors in the numbers announced or misplaced in  
25 the rack may not be recognized as a bingo.

26 (n) When the caller has started to announce a number,  
27 he or she shall complete the call. If any player has obtained  
28 a bingo on a previous number, such player will share the prize  
29 with the player who gained a bingo on the last number called.

30 (o) The numbers on the winning card or sheet shall be  
31 announced and verified in the presence of another player. Any

1 player shall be entitled, at the time a winner is determined,  
2 to call for a verification of numbers drawn. The verification  
3 shall be in the presence of the member designated to be in  
4 charge of the occasion or if such person is also the caller,  
5 then in the presence of an officer of the organization.

6 (14) FINES AND PENALTIES.--

7 (a) The division may impose an administrative fine for  
8 a violation of this section of not more than \$1,000 for each  
9 separate offense, and may suspend or revoke any license or  
10 certificate for violation of this section.

11 (b) Any person who knowingly and willfully violates  
12 any provision of this section commits a misdemeanor of the  
13 first degree, punishable as provided in s. 775.082 or s.  
14 775.083. For a second or subsequent offense, such person  
15 commits a felony of the third degree, punishable as provided  
16 in s. 775.082, s. 775.083, or s. 775.084.

17 (15) NO PREEMPTION.--This section does not preempt or  
18 prevent any county from adopting an ordinance with the same or  
19 stricter regulations. Any county that has such an ordinance  
20 in effect on the effective date of this section shall be  
21 entitled to continue under that ordinance, there being no  
22 intent to preempt or repeal such ordinances by adoption of  
23 this section.

24 Section 2. This act shall take effect October 1, 1997.  
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HOUSE SUMMARY

Revises provisions which regulate the conduct of bingo. Provides for administration and enforcement by the Division of Pari-mutuel Wagering and county sheriffs and municipal police. Provides powers and duties of the division. Provides requirements for the conduct of bingo by charitable organizations, associational organizations, and authorized organizations. Requires such organizations to obtain a license or certificate. Requires lessors of premises for the conduct of bingo to be licensed and provides requirements relating to such lessors. Provides application requirements for licenses and certificates and provides for fees. Provides for processing of applications by the division. Specifies license and certificate time periods. Provides conditions under which licenses or certificates may be suspended or revoked. Provides restrictions on use of the proceeds. Provides requirements for deposit of proceeds. Requires reports. Provides minimum standards for the conduct of bingo. Provides for administrative fines and criminal penalties. Specifies that the act does not prevent any county from adopting the same or stricter regulations.