

By Senators King and Silver

8-1180-00

See HB 851

1 A bill to be entitled
2 An act relating to bingo; amending s. 849.0931,
3 F.S.; providing requirements with respect to
4 the conduct of bingo by members of charitable,
5 nonprofit, or veterans' organizations; revising
6 definitions; prohibiting tipping of persons
7 directly or indirectly involved in the conduct
8 of bingo; revising requirements relating to
9 prizes, jackpots, and days and times when bingo
10 may be conducted; revising requirements
11 relating to players' responsibilities;
12 prohibiting video or computerized bingo cards;
13 specifying prosecution and increasing penalties
14 of persons conducting unauthorized bingo;
15 allowing counties and municipalities to impose
16 stricter regulations and adopt certain zoning
17 ordinances; providing an effective date.

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

20
21 Section 1. Section 849.0931, Florida Statutes, is
22 amended to read:

23 849.0931 Bingo authorized; conditions for conduct;
24 permitted uses of proceeds; limitations.--

25 (1) As used in this section:

26 (a) "Bingo game" means and refers to the activity,
27 commonly known as "bingo," in which participants pay a sum of
28 money for the use of one or more bingo cards. When the game
29 commences, numbers are drawn by chance, one by one, and
30 announced. The players cover or mark those announced numbers
31 on the bingo cards or papers which ~~they~~ have been purchased

1 until a player covers or marks an announced sequence of
2 numbers ~~receives a given order of numbers in sequence that has~~
3 ~~been preannounced~~ for that particular game. ~~The~~ This player
4 calls out "bingo" ~~and is declared the winner of a~~
5 predetermined prize. The player or players are declared
6 winners upon verification of the proper sequence of numbers
7 and then awarded the predetermined prize. More than one game
8 may be played upon a bingo card, and numbers called for a
9 previous ~~one~~ game may be used for a subsequent ~~succeeding~~ game
10 or games by a predetermined sequence of numbers.

11 (b) "Bingo card" means a ~~and refers to the~~ flat piece
12 of paper or ~~thin~~ pasteboard displaying preprinted numbers and
13 a unique control number that refers to a particular sequence
14 of numbers. It shall be unlawful to knowingly place into play
15 any bingo card with the same number sequence employed by
16 ~~players engaged in the game of bingo~~. The bingo card shall
17 not have ~~not~~ fewer than 24 playing numbers printed on it. The
18 numbers played on each card shall be ~~These playing numbers~~
19 ~~shall range~~ from 1 through 75, inclusive. More than one ~~set~~
20 ~~of bingo card numbers~~ may be printed on a ~~any~~ single piece of
21 paper.

22 (c) "Charitable, nonprofit, or veterans' organization"
23 means an organization which has qualified for exemption from
24 federal income tax as an exempt organization under the
25 provisions of s. 501(c) of the Internal Revenue Code of 1954
26 or s. 528 of the Internal Revenue Code of 1986, as amended;
27 which is engaged in charitable, civic, community, benevolent,
28 religious, or scholastic works or other similar activities.
29 All such organizations and activities shall have, ~~and which~~
30 ~~has~~ been in existence and active for a period of 3 years or
31 more in Florida.

1 (d) "Member" means an individual who has qualified for
2 and has been granted membership in a nonprofit organization
3 authorized to conduct bingo and has legal voting rights within
4 said organization. The nonprofit organization must have been
5 in existence for 3 or more years in this state. It shall be
6 unlawful to make persons eligible for membership for the
7 purpose of assisting an organization with the conduct of bingo
8 games.

9 (e)(d) "Objects" means a set of 75 precision round
10 balls that carry the printed letters and numbers as follows:
11 B-1 through B-15, I-16 through I-30, N-31 through N-45, G-46
12 through G-60, and O-61 through O-75. At no time shall there be
13 more or less than 75 objects involved in the playing of any
14 bingo game or combination of games.~~75 balls or other~~
15 ~~precision shapes that are imprinted with letters and numbers~~
16 ~~in such a way that numbers 1 through 15 are marked with the~~
17 ~~letter "B," numbers 16 through 30 are marked with the letter~~
18 ~~"I," numbers 31 through 45 are marked with the letter "N,"~~
19 ~~numbers 46 through 60 are marked with the letter "G," and~~
20 ~~numbers 61 through 75 are marked with the letter "O."~~

21 (f)(e) "Rack" means the device used to store the drawn
22 and announced numbers until such time that a winner has been
23 properly verified and the game has been declared closed. At
24 that time, the objects must be returned to the receptacle
25 container in which the objects are placed after being drawn
26 and announced.

27 (g)(f) "Receptacle" means the container from which all
28 numbered objects B-1 through O-75 must be contained prior to
29 beginning a new game or sequence of numbers. At no time shall
30 there be more or less than 75 objects in the receptacle before
31 commencing a new game ~~the objects are drawn or ejected.~~

1 ~~(h)(g)~~ "Session" means a predetermined number of games
2 played consecutively in a single calendar day by no more than
3 one organization designated set of games played in a day or
4 part of a day.

5 (i) "Day" means a period of time beginning at 9 a.m.
6 and lasting until 12 midnight.

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

26 (b) It is the express intent of the Legislature that
27 no charitable, nonprofit, or veterans' organization serve as a
28 sponsor of a bingo game conducted by another charity as
29 defined in this section, but such organization may only be
30 directly involved in the conduct of such a game as provided in
31 this act. Only members of a nonprofit organization as defined

1 in this section may participate in the conduct of any bingo
2 game or games, regardless of the location of such games or
3 sessions and regardless of who may own such facility, even if
4 the facility is owned by another organization authorized to
5 conduct bingo under this section. Only members of the
6 authorized charity will be allowed to collect moneys and only
7 moneys of the authorized nonprofit organization shall be
8 allowed to bankroll the bingo session. This prohibition does
9 not include food and drink concession sales, provided that the
10 concession is operated by someone other than the organization
11 conducting the bingo session.

12 (3) Each person involved in the conduct of bingo must
13 be a resident of this state, must reside within 30 miles of
14 the location where the authorized organization is conducting
15 bingo games, and must be a member of that organization.
16 Tipping of any person involved in the conduct of bingo games
17 is prohibited, as are any monetary considerations given to
18 persons involved in the conduct of bingo games, unless such
19 person or persons have entered into a contract for services in
20 support of bingo and such contract is approved by the
21 sponsoring nonprofit organization conducting bingo. Each
22 organization shall designate one member to be charged with the
23 operational responsibility of the bingo session. The name of
24 that member shall be conspicuously posted so as to be clearly
25 visible to all persons playing bingo during said session. It
26 shall be unlawful for any person involved in the conduct of
27 bingo games or sessions to participate in the playing of bingo
28 during the entire session as defined in this section.

29 (4)~~(3)~~ If an organization is not engaged in
30 charitable, civic, community, benevolent, religious, or
31 scholastic works, the authority to conduct bingo games is

1 conditioned upon the organization operating bingo games in
2 compliance with this section, and all proceeds from such bingo
3 games must be returned to players. Any carryover moneys shall
4 be distributed back to the players at the organization's next
5 bingo session. If no further sessions are scheduled and the
6 organization ceases to exist, all remaining proceeds will be
7 donated to a charity as defined in this section. This
8 provision in no way extends the limitation on the number of
9 games that can be played in a session or day as long as the
10 jackpot limit is not exceeded ~~efforts of the type set out~~
11 ~~above, its right to conduct bingo games hereunder is~~
12 ~~conditioned upon the return of all the proceeds from such~~
13 ~~games to the players in the form of prizes. If at the~~
14 ~~conclusion of play on any day during which a bingo game is~~
15 ~~allowed to be played under this section there remain proceeds~~
16 ~~which have not been paid out as prizes, the organization~~
17 ~~conducting the game shall at the next scheduled day of play~~
18 ~~conduct bingo games without any charge to the players and~~
19 ~~shall continue to do so until the proceeds carried over from~~
20 ~~the previous days played have been exhausted. This provision~~
21 ~~in no way extends the limitation on the number of prize or~~
22 ~~jackpot games allowed in one day as provided for in subsection~~
23 ~~(5).~~

24 (5)(4) The authority for right of a condominium
25 association, ~~a cooperative association,~~ a homeowners'
26 association as defined in s. 617.301, a mobile home owners'
27 association, a group of residents of a mobile home park as
28 defined in chapter 723, or a group of residents of a mobile
29 home park or recreational vehicle park as defined in chapter
30 513 to conduct bingo is conditioned upon the return of the net
31 proceeds from such games to players in the form of prizes

1 after having deducted the actual business expenses for such
2 games for articles designed for and essential to the
3 operation, conduct, and playing of bingo. Any net proceeds
4 remaining after paying prizes shall ~~may~~ be donated to a bona
5 fide charity as defined in this section ~~by the association to~~
6 ~~a charitable, nonprofit, or veterans' organization which is~~
7 ~~exempt from federal income tax under the provisions of s.~~
8 ~~501(c) of the Internal Revenue Code to be used in such~~
9 ~~recipient organization's charitable, civic, community,~~
10 ~~benevolent, religious, or scholastic works or similar~~
11 ~~activities or, in the alternative, such remaining proceeds~~
12 shall be used as specified in subsection (4)(3).

13 ~~(5) 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 one session of bingo.~~

16 ~~(6) The number of days per week during which~~
17 ~~organizations authorized hereunder may conduct bingo may not~~
18 ~~exceed two.~~

19 (6)(7) There shall be no more than three jackpots
20 awarded in on any one day or session of bingo by any one
21 nonprofit organization. No more than one session will be
22 allowed at any one location in a single calendar day. No
23 jackpot shall exceed the value of \$250 in actual money,
24 prizes, or their equivalent. All other game prizes shall not
25 exceed \$50 in money, prizes, or their equivalent. Jackpot and
26 prize limits apply to all bingo games played in a session,
27 whether players are charged to play the specific game or play
28 the game for free.

29 (7) Bingo may be conducted only between the hours of 9
30 a.m. and 12 midnight. Each bingo session may be sponsored and
31 conducted by only one organization authorized to conduct

1 bingo. Authorized organizations may only conduct bingo games a
2 maximum of 2 days per week, with no more than one session of
3 bingo in a single calendar day. Prizes may not exceed the
4 limits established in subsection (6).

5 (8) Bingo may not be conducted at any authorized
6 location more than 4 days per week and no more than four
7 sessions per week. Jackpots may not exceed 12 per location per
8 week, nor may they exceed a total of \$3,000 per location per
9 week of play. All other game prizes shall not exceed \$50.

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

26 (9) Every charitable, nonprofit, or veterans'
27 organization involved in the conduct of a bingo game must be
28 located within in the county, or within 30 miles of the
29 location at which such bingo game is being conducted ~~a 15-mile~~
30 ~~radius of, where the bingo game is located.~~

31

1 (10)(a) No one under 18 years of age shall be allowed
2 to play ~~any bingo game~~ or to be inside the authorized location
3 at which such bingo game is conducted ~~involved in the conduct~~
4 ~~of a bingo game in any way.~~

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

11 (11) Bingo games may be held only on the following
12 premises:

13 (a) Property owned by the charitable, nonprofit, or
14 veterans' organization.

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

17 (c) Property leased for a period of not less than 1
18 year by a charitable, nonprofit, or veterans' organization,
19 providing the lease or rental agreement does not provide for
20 the payment of a percentage of the proceeds generated at such
21 premises to the lessor or any other party and providing the
22 rental rate for such premises does not exceed the rental rates
23 charged for similar premises in the same locale. Such rates
24 shall be verified by no less than three comparisons by rental
25 or real estate agents duly licensed to do business in this
26 state, and such comparisons shall be a part of the lease or
27 rental agreement between the lessor and the lessee. For the
28 purposes of this section, a fair rental or lease rate would be
29 \$1 per bingo patron per day of play. Such rate includes use of
30 equipment and utilities. Rates charged above the \$1 figure
31 shall be considered excessive in Florida's market.

1 (d) Property owned by a municipality or a county when
2 the governing authority has, by appropriate ordinance or
3 resolution, specifically authorized the use of such property
4 for the conduct of such games.

5 (e) With respect to bingo games conducted by a
6 condominium association, ~~a cooperative association, a~~
7 ~~homeowners' association as defined in s. 617.301,~~ a mobile
8 home owners' association, a group of residents of a mobile
9 home park as defined in chapter 723, or a group of residents
10 of a mobile home park or recreational vehicle park as defined
11 in chapter 513, property owned by the association, property
12 owned by the residents of the mobile home park or recreational
13 vehicle park, or property which is a common area located
14 within the condominium, mobile home park, or recreational
15 vehicle park.

16 (12) Each bingo game shall be conducted in accordance
17 with the following rules:

18 (a) The objects, whether drawn or ejected, shall be
19 essentially equal as to size, shape, weight, and balance and
20 as to all other characteristics that may control their
21 selection from the receptacle. The caller shall cancel any
22 game if, during the course of a game, the mechanism used in
23 the drawing or ejection of objects becomes jammed in such a
24 manner as to interfere with the accurate determination of the
25 next number to be announced or if the caller determines that
26 more than one object is labeled with the same number or that
27 there is a number to be drawn without a corresponding object.
28 Any player in a game canceled pursuant to this paragraph shall
29 be permitted to play the next game free of charge.

30 (b) Prior to commencement of any bingo session, the
31 member in charge shall cause a verification to be made of all

1 objects to be placed in the receptacle and shall inspect the
2 objects in the presence of two or more players, randomly
3 selected, a disinterested person to ensure that all objects
4 are present and that there are no duplications or omissions of
5 numbers on the objects. Any player shall be entitled to call
6 for a verification of numbers before, during, and after a
7 bingo or upon the changing of a caller session.

8 (c) The card or sheet on which the game of bingo is
9 played shall be part of a deck, group, or series, no two of
10 which may be alike in any given game. Video or computerized
11 tracking versions of bingo cards are prohibited.

12 (d) All numbers shall be visibly displayed after being
13 drawn and before being placed in the rack.

14 (e) A bona fide bingo shall consist of a predesignated
15 arrangement of numbers on a card or sheet that correspond with
16 the numbers on the objects drawn from the receptacle and
17 announced. Errors in numbers announced or misplaced in the
18 rack may not be recognized as a bingo.

19 (f) When a caller has started to vocally announce a
20 number, the caller shall complete the call. If any player has
21 obtained a bingo on a previous number, such player will share
22 the prize with the player or players who gained bingo on the
23 last number called. It is the player's responsibility to call
24 bingo loudly enough for the caller to identify such player and
25 stop the game.

26 (g) Numbers on the winning cards or sheets shall be
27 announced and verified in the presence of another player. Any
28 player shall be entitled at the time the winner is determined
29 to call for a verification of numbers drawn. The verification
30 shall be in the presence of the member designated to be in
31 charge of the occasion or, if such person is also the caller,

1 in the presence of another ~~an~~ officer listed on the bingo
2 license of the licensee.

3 (h) Upon determining a winner, the caller shall ask,
4 "Are there any other winners?" If no players reply ~~one~~
5 ~~replies~~, the caller shall declare the game closed. No other
6 player is entitled to share the prize unless that player ~~she~~
7 ~~or he~~ has declared a bingo prior to the closing of the game
8 ~~this announcement.~~

9 (i) Seats may not be held or reserved for players by
10 anyone, unless the appropriate charge has been paid for the
11 occupancy of such seat. No person who is a member of the
12 sponsoring organization may reserve or make payment for the
13 purpose of reserving seats for players. A particular section
14 of seats may be held to accommodate individuals possessing
15 physical disabilities until 15 minutes before the start of the
16 session, at which time said section may be occupied by any
17 paying player. Players are permitted, however, to prepay and
18 reserve a particular seat for the next day of play, with the
19 understanding that a no-refund policy may be invoked by the
20 sponsoring organization ~~by an organization or person involved~~
21 ~~in the conduct of any bingo game for players not present, nor~~
22 ~~may any cards be set aside, held, or reserved from one session~~
23 ~~to another for any player.~~

24 (13) Any organization or other person who willfully
25 and knowingly violates any provision of this section is guilty
26 of a felony ~~misdemeanor~~ of the third ~~first~~ degree, punishable
27 as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. For
28 a second or subsequent offense, the organization or other
29 person is guilty of a felony of the first ~~third~~ degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084. This section shall not be construed to prohibit the

1 prosecution of persons who are conducting bingo games other
2 than as authorized by this section under any other applicable
3 statute.

4 (14) The bingo regulations provided in this section
5 constitute the minimum regulations for bingo conducted in this
6 state. This section does not prohibit the imposition of
7 stricter bingo regulations by a county or municipality through
8 local ordinances designed to protect the public's health,
9 safety, and welfare and which affect bingo activities in its
10 jurisdiction.

11 Section 2. This act shall take effect upon becoming a
12 law.

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14 *****

15 LEGISLATIVE SUMMARY

16 Revises provisions that regulate how bingo is conducted.
17 Prohibits tipping of persons conducting bingo games.
18 Clarifies language as to who may conduct bingo and
19 timeframes in which bingo may be conducted. Limits number
20 of days per week that bingo may be played at any
21 authorized location. Establishes a limit on jackpots to
22 be awarded at a session. Limits the amount of money that
23 may be awarded at any location in a given period of time.
24 Prohibits video or computerized bingo cards or games.
25 Increases penalties for willful violations of the law.
26 Allows for counties and municipalities to enact more
27 stringent regulations and adopt zoning ordinances. (See
28 bill for details.)
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31