

By Representative Ross

1                                   A bill to be entitled  
 2           An act relating to instant bingo games;  
 3           amending s. 849.0931, F.S.; redefining the term  
 4           "bingo game"; authorizing the conduct of  
 5           instant bingo games by certain organizations;  
 6           providing a definition, prize limitations, and  
 7           rules for operation; providing an effective  
 8           date.

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

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 12           Section 1. Section 849.0931, Florida Statutes, is  
 13 amended to read:

14           849.0931 Bingo authorized; conditions for conduct;  
 15 permitted uses of proceeds; limitations.--

16           (1) As used in this section:

17           (a) "Bingo game" means and refers to the activity,  
 18 commonly known as "bingo," or "instant bingo," in which  
 19 participants pay a sum of money for the use of one or more  
 20 bingo cards or instant bingo tickets. When the game  
 21 commences, numbers are drawn by chance, one by one, and  
 22 announced. The players cover or mark those numbers on the  
 23 bingo cards which they have purchased until a player receives  
 24 a given order of numbers in sequence that has been  
 25 preannounced for that particular game. This player calls out  
 26 "bingo" and is declared the winner of a predetermined prize.  
 27 More than one game may be played upon a bingo card, and  
 28 numbers called for one game may be used for a succeeding game  
 29 or games. Instant bingo is played with tickets which provide a  
 30 player an opportunity to win a prize by opening, detaching, or  
 31 otherwise removing a cover from the ticket to reveal a set of

1 numbers, letters, objects, or patterns, or any combination  
2 thereof, some of which have been designated in some way as a  
3 prize winner. A "package" of instant bingo tickets means a  
4 separate set or package of not more than 4,000 instant bingo  
5 tickets in which the predetermined minimum prize payout is at  
6 least 65 percent of total receipts if the package is  
7 completely used.

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  
13 bingo 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) "Objects" means a set of 75 balls or other  
24 precision shapes that are imprinted with letters and numbers  
25 in such a way that numbers 1 through 15 are marked with the  
26 letter "B," numbers 16 through 30 are marked with the letter  
27 "I," numbers 31 through 45 are marked with the letter "N,"  
28 numbers 46 through 60 are marked with the letter "G," and  
29 numbers 61 through 75 are marked with the letter "O."

30 (e) "Rack" means the container in which the objects  
31 are placed after being drawn and announced.

1           (f) "Receptacle" means the container from which the  
2 objects are drawn or ejected.

3           (g) "Session" means a designated set of games played  
4 in a day or part of a day.

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

20           (b) It is the express intent of the Legislature that  
21 no charitable, nonprofit, or veterans' organization serve as a  
22 sponsor of a bingo game conducted by another, but such  
23 organization may only be directly involved in the conduct of  
24 such a game as provided in this act.

25           (3) If an organization is not engaged in efforts of  
26 the type set out above, its right to conduct bingo games  
27 hereunder is conditioned upon the return of all the proceeds  
28 from such games to the players in the form of prizes. If at  
29 the conclusion of play on any day during which a bingo game is  
30 allowed to be played under this section there remain proceeds  
31 which have not been paid out as prizes, the organization

1 conducting the game shall at the next scheduled day of play  
2 conduct bingo games without any charge to the players and  
3 shall continue to do so until the proceeds carried over from  
4 the previous days played have been exhausted. This provision  
5 in no way extends the limitation on the number of prize or  
6 jackpot games allowed in one day as provided for in subsection  
7 (5).

8 (4) The right of a condominium association, a  
9 cooperative association, a homeowners' association as defined  
10 in s. 702.301, a mobile home owners' association, a group of  
11 residents of a mobile home park as defined in chapter 723, or  
12 a group of residents of a mobile home park or recreational  
13 vehicle park as defined in chapter 513 to conduct bingo is  
14 conditioned upon the return of the net proceeds from such  
15 games to players in the form of prizes after having deducted  
16 the actual business expenses for such games for articles  
17 designed for and essential to the operation, conduct, and  
18 playing of bingo. Any net proceeds remaining after paying  
19 prizes may be donated by the association to a charitable,  
20 nonprofit, or veterans' organization which is exempt from  
21 federal income tax under the provisions of s. 501(c) of the  
22 Internal Revenue Code to be used in such recipient  
23 organization's charitable, civic, community, benevolent,  
24 religious, or scholastic works or similar activities or, in  
25 the alternative, such remaining proceeds shall be used as  
26 specified in subsection (3).

27 (5) No jackpot shall exceed the value of \$250 in  
28 actual money or its equivalent, and there shall be no more  
29 than three jackpots in any one session of bingo. Prizes  
30 awarded for instant bingo shall not be subject to the  
31 foregoing limitations. Prizes awarded for instant bingo shall

1 be limited to the prizes displayed on the instant bingo  
2 ticket.

3 (6) The number of days per week during which  
4 organizations authorized hereunder may conduct bingo may not  
5 exceed two. The number of days per week during which  
6 organizations authorized hereunder may conduct instant bingo  
7 is not limited.

8 (7) There shall be no more than three bingo jackpots  
9 on any one day of play. All other game prizes shall not  
10 exceed \$50. Prizes awarded for instant bingo shall not be  
11 subject to the foregoing limitations. Prizes awarded for  
12 instant bingo shall be limited to the prizes displayed on the  
13 instant bingo ticket.

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

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

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

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

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

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

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

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

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

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

29 (e) With respect to bingo games conducted by a  
30 condominium association, a cooperative association, a  
31 homeowners' association as defined in s. 720.301, a mobile

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

9 (12) Each ~~bingo~~ game of bingo shall be conducted in  
10 accordance with the following rules:

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

23 (b) Prior to commencement of any bingo session, the  
24 member in charge shall cause a verification to be made of all  
25 objects to be placed in the receptacle and shall inspect the  
26 objects in the presence of a disinterested person to ensure  
27 that all objects are present and that there are no  
28 duplications or omissions of numbers on the objects. Any  
29 player shall be entitled to call for a verification of numbers  
30 before, during, and after a session.

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1           (c) The card or sheet on which the game is played  
2 shall be part of a deck, group, or series, no two of which may  
3 be alike in any given game.

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

6           (e) A bona fide bingo shall consist of a predesignated  
7 arrangement of numbers on a card or sheet that correspond with  
8 the numbers on the objects drawn from the receptacle and  
9 announced. Errors in numbers announced or misplaced in the  
10 rack may not be recognized as a bingo.

11           (f) When a caller has started to vocally announce a  
12 number, the caller shall complete the call. If any player has  
13 obtained a bingo on a previous number, such player will share  
14 the prize with the player who gained bingo on the last number  
15 called.

16           (g) Numbers on the winning cards or sheets shall be  
17 announced and verified in the presence of another player. Any  
18 player shall be entitled at the time the winner is determined  
19 to call for a verification of numbers drawn. The verification  
20 shall be in the presence of the member designated to be in  
21 charge of the occasion or, if such person is also the caller,  
22 in the presence of an officer of the licensee.

23           (h) Upon determining a winner, the caller shall ask,  
24 "Are there any other winners?" If no one replies, the caller  
25 shall declare the game closed. No other player is entitled to  
26 share the prize unless she or he has declared a bingo prior to  
27 this announcement.

28           (i) Seats may not be held or reserved by an  
29 organization or person involved in the conduct of any bingo  
30 game for players not present, nor may any cards be set aside,  
31 held, or reserved from one session to another for any player.

1       (13) Each game of instant bingo shall be conducted in  
2 accordance with the following rules:

3       (a) Instant bingo tickets shall be sold at the price  
4 printed on the instant bingo ticket, which price shall not  
5 exceed \$1 per ticket. No discount may be given for the  
6 purchase of more than one ticket. No instant bingo ticket may  
7 be given free of charge.

8       (b) The set or sets of numbers, letters, objects,  
9 patterns, or combinations thereof, which have been designated  
10 in advance as prize winners for a package of instant bingo  
11 tickets shall be posted prior to the sale of any instant bingo  
12 tickets from that package.

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

20       Section 2. This act shall take effect July 1, 2001.

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23                   HOUSE SUMMARY

24                   Authorizes those organizations that are authorized to  
25                   conduct bingo games to also conduct instant bingo games,  
26                   subject to different rules, including a different limit  
                    on jackpots. See bill for details.

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