

By Senator Latvala

19-71B-01

1                                   A bill to be entitled  
2           An act relating to bingo; amending s. 849.0931,  
3           F.S.; providing definitions; authorizing  
4           additional groups and organizations to conduct  
5           bingo games; requiring certain representatives  
6           of sponsoring organizations to be present  
7           during the operation of games; prohibiting  
8           certain tipping and requiring certain itemized  
9           cost disclosures; requiring the sharing of  
10          prizes in certain situations; providing for the  
11          adoption of stricter county ordinances;  
12          providing penalties; providing an effective  
13          date.

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

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17           Section 1. Section 849.0931, Florida Statutes, is  
18 amended to read:

19           849.0931 Bingo authorized; conditions for conduct;  
20 permitted uses of proceeds; limitations.--

21           (1) As used in this section, the term:

22           (a) "Authorized organization" means an organization  
23 authorized by law to operate bingo games.

24           **(b)**~~(a)~~ "Bingo game" means and refers to the activity,  
25 commonly known as "bingo," in which participants pay a sum of  
26 money for the use of one or more bingo cards and which is a  
27 form of legal gambling that must be conducted in compliance  
28 with this section. When the game commences, numbers are drawn  
29 by chance, one by one, and announced. The players cover or  
30 mark those numbers on ~~the~~ bingo cards that ~~which~~ they have  
31 purchased until a player receives a given order of numbers in

1 a pattern ~~sequence~~ that has been predesignated ~~preannounced~~  
2 for that particular game. This player calls out "bingo" and  
3 is declared the winner of a predetermined prize. More than  
4 one game may be played upon a bingo card, and numbers called  
5 for one game may be used for a succeeding ~~game or~~ games that  
6 have additional patterns.

7 (c)~~(b)~~ "Bingo card" means ~~and refers to~~ the flat piece  
8 of paper or thin pasteboard employed by players engaged in the  
9 game of bingo. The bingo card shall ~~have~~ not have fewer than  
10 24 playing numbers printed on it. These playing numbers must  
11 ~~shall~~ range from 1 through 75, inclusive. More than one set  
12 of bingo numbers may be printed on any single piece of paper.

13 (d)~~(c)~~ "Charitable, nonprofit, or veterans'  
14 organization" means an organization that ~~which~~ has qualified  
15 for exemption from federal income tax as an exempt  
16 organization under the provisions of s. 501(c) of the Internal  
17 Revenue Code of 1954 or s. 528 of the Internal Revenue Code of  
18 1986, as amended; which is engaged in charitable, civic,  
19 community, benevolent, religious, or scholastic works or other  
20 similar activities; and which has been in existence and active  
21 for a period of 3 years or more.

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

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

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

3            (h)~~(g)~~ "Session" means a designated set of games by a  
4 single sponsor played in a day or part of a day.

5            (i) "Unauthorized organization" means any organization  
6 other than one defined in paragraph (a).

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

25            (b) It is the express intent of the Legislature that a  
26 ~~no~~ charitable, nonprofit, or veterans' organization shall not  
27 serve as a sponsor of a bingo game charitable, nonprofit, or  
28 veterans' organization serve as a sponsor of a bingo game  
29 conducted by another, but such organization shall ~~may~~ only be  
30 directly involved in the conduct of ~~such~~ a game as provided in  
31 this section ~~act~~.

1           ~~(3) If an organization is not engaged in efforts of~~  
2 ~~the type set out above, its right to conduct bingo games~~  
3 ~~hereunder is conditioned upon the return of all the proceeds~~  
4 ~~from such games to the players in the form of prizes. If at~~  
5 ~~the conclusion of play on any day during which a bingo game is~~  
6 ~~allowed to be played under this section there remain proceeds~~  
7 ~~which have not been paid out as prizes, the organization~~  
8 ~~conducting the game shall at the next scheduled day of play~~  
9 ~~conduct bingo games without any charge to the players and~~  
10 ~~shall continue to do so until the proceeds carried over from~~  
11 ~~the previous days played have been exhausted. This provision~~  
12 ~~in no way extends the limitation on the number of prize or~~  
13 ~~jackpot games allowed in one day as provided for in subsection~~  
14 ~~(5).~~

15           ~~(3)(4)~~ The right of a condominium association, a  
16 cooperative association, a homeowners' association as defined  
17 in s. 720.301 ~~s. 702.301~~, a mobile home owners' association, a  
18 group of residents of a mobile home park as defined in chapter  
19 723, ~~or~~ a group of residents of a mobile home park or  
20 recreational vehicle park as defined in chapter 513, an  
21 intermediate care facility for the developmentally disabled as  
22 defined in s. 400.960(12), an adult day care center as defined  
23 in s. 400.551(1), an assisted living facility as defined in s.  
24 400.402(6), a nursing facility as defined in s. 400.021(8), a  
25 multi-service senior center as described in s. 430.206, or a  
26 continuing care facility as defined in s. 651.011(2) and (5)  
27 to conduct bingo pursuant to this chapter is conditioned upon  
28 the return of the net proceeds from such games to players in  
29 the form of prizes after having deducted the actual business  
30 expenses for such games for articles designed for and  
31 essential to the operation, conduct, and playing of bingo. Any

1 net proceeds remaining after paying prizes shall ~~may~~ be  
2 donated by the authorized organization ~~association~~ charitable,  
3 nonprofit, or veterans' organization which is exempt from  
4 federal income tax under the provisions of s. 501(c) of the  
5 Internal Revenue Code to be used in such recipient  
6 organization's charitable, civic, community, benevolent,  
7 religious, or scholastic works or similar activities ~~or, in~~  
8 ~~the alternative, such remaining proceeds shall be used as~~  
9 ~~specified in subsection (3).~~

10 ~~(4)(5)~~ A ~~No~~ jackpot shall not exceed the value of \$250  
11 in actual money or its equivalent, and there shall not be ~~no~~  
12 more than three jackpots in any one session of bingo.

13 ~~(5)(6)~~ The number of days per week during which  
14 authorized organizations ~~authorized hereunder~~ may conduct  
15 bingo shall ~~may~~ not exceed two.

16 ~~(6)(7)~~ There shall be no more than three jackpots on  
17 any one day of play. ~~All~~ Other game prizes shall not exceed  
18 \$50.

19 ~~(7)(8)~~ Each person involved in the conduct of a ~~any~~  
20 bingo game must be a resident of the community where the  
21 authorized organization sponsoring the game is located and a  
22 bona fide member of the organization who is properly enrolled  
23 and has either paid dues or otherwise complied with the  
24 membership requirements of the organization's charter or  
25 by-laws. A person sponsoring such game and may not be tipped  
26 or compensated in any way for operating or assisting with the  
27 operation of the ~~such~~ bingo game. When bingo games are  
28 conducted by a charitable, nonprofit, or veterans'  
29 organization, the authorized organization conducting the bingo  
30 games must ~~shall be required to~~ designate up to three members  
31 of that organization to be in charge of the games, one of whom

1 ~~must shall~~ be present during the entire session at which the  
2 bingo games are conducted. All other authorized organizations  
3 must designate at least one member of the organization to be  
4 in charge and present during the entire session at which bingo  
5 games are conducted.The authorized organization conducting  
6 the bingo games is responsible for posting a notice, which  
7 notice states the name of the organization and identifies the  
8 designated ~~member or~~ members in charge of that bingo session,  
9 in a conspicuous place on the premises at which the session is  
10 held. The authorized organization shall have complete control  
11 of the game and its financial operations.~~In no event may~~ A  
12 caller in a bingo game may not be a participant in that bingo  
13 game while calling, and, if a caller stops calling and  
14 participates in a game, he may not return to calling many  
15 subsequently games during that session.

16 ~~(8)(9)~~ Every authorized ~~charitable, nonprofit, or~~  
17 ~~veterans~~ organization involved in the conduct of a bingo game  
18 must be located in the county, or within a 15-mile radius of,  
19 where the bingo game is located.

20 ~~(9)(10)~~(a) A person ~~No one~~ under 18 years of age shall  
21 ~~not be allowed to~~ play any bingo game or be involved in the  
22 conduct of a bingo game ~~in any way.~~

23 (b) Any organization conducting bingo games open to  
24 the public may refuse entry to any person who is objectionable  
25 or undesirable to the sponsoring organization, but such  
26 ~~refusal of entry~~ shall not be on the basis of race, creed,  
27 color, religion, sex, national origin, marital status, or  
28 physical handicap.

29 ~~(10)(11)~~ Bingo games may be held only on the following  
30 premises:  
31

1 (a) Property owned by the charitable, nonprofit, or  
2 veterans' organization.

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

5 (c) Property leased for a period of not less than 1  
6 year by a charitable, nonprofit, or veterans' organization, if  
7 ~~providing~~ the lease or rental agreement does not provide for  
8 the payment of a percentage of the proceeds generated at such  
9 premises to the lessor or any other party and if providing the  
10 rental rate charged to each of the sponsors for such premises,  
11 including any per-diem charges for utilities, equipment, or  
12 other furnishings, which must be separately itemized, does not  
13 exceed the ~~rental~~ rates charged to similar entities for the  
14 property for other uses or for similar premises in the same  
15 locale.

16 (d) Property owned by a municipality or a county when  
17 the governing authority has, by appropriate ordinance or  
18 resolution, specifically authorized the use of such property  
19 for the conduct of such games.

20 (e) With respect to bingo games conducted by a  
21 condominium association, a cooperative association, a  
22 homeowners' association as defined in s. 720.301, a mobile  
23 home owners' association, a group of residents of a mobile  
24 home park as defined in chapter 723, or a group of residents  
25 of a mobile home park or recreational vehicle park as defined  
26 in chapter 513, an intermediate care facility for the  
27 developmentally disabled as defined in s. 400.960(12), an  
28 adult day care center as defined in s. 400.551(1), an assisted  
29 living facility as defined in s. 400.402(6), a nursing  
30 facility as defined in s. 400.021(8), a multi-service senior  
31 center as described in s. 430.206, a continuing care facility

1 as defined in s. 651.011(2) and (5),property owned by the  
2 association, facility, or center,property owned by the  
3 residents of the mobile home park or recreational vehicle  
4 park, or property that ~~which~~ is a common area located within  
5 the condominium, mobile home park, ~~or~~ recreational vehicle  
6 park, facility, or center.

7 (11)~~(12)~~ Each bingo game shall be conducted in  
8 accordance with the following rules:

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

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

29 (c) The card or sheet on which the game is played must  
30 ~~shall~~ be part of a deck, group, or series, no two of which may  
31 be alike in any given game.



1           (d) All numbers must ~~shall~~ be visibly displayed after  
2 being drawn and before being placed in the rack.

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

9           (f) When a caller has started to vocally announce a  
10 letter or number, the caller shall complete the call. Each  
11 player who has a bona fide bingo before that game closes is  
12 entitled to an equal share of the prize for that game. ~~If any~~  
13 ~~player has obtained a bingo on a previous number, such player~~  
14 ~~will share the prize with the player who gained bingo on the~~  
15 ~~last number 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 may ~~shall be entitled~~ at the time the winner is  
19 determined, to call for a verification of numbers drawn. The  
20 verification shall be in the presence of the member designated  
21 to be in charge of the occasion or, if such person is also the  
22 caller, in the presence of three players who have no financial  
23 interest in the result of the verification ~~an officer of the~~  
24 ~~licensee.~~

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

30           (i) Seats may not be held or reserved by an  
31 organization or person involved in the conduct of any bingo

1 game for players not present, nor may any cards be set aside,  
2 held, or reserved from one session to another for any player.

3 (12) A county may adopt ordinances for the regulation  
4 of bingo which are more restrictive than those prescribed in  
5 this section.

6 (13) Any organization, whether authorized or  
7 unauthorized, or other person who willfully and knowingly  
8 violates any provision of this section is guilty of a  
9 misdemeanor of the first degree, punishable as provided in s.  
10 775.082 or s. 775.083. For a second or subsequent offense,  
11 the organization or other person is guilty of a felony of the  
12 third degree, punishable as provided in s. 775.082, s.  
13 775.083, or s. 775.084.

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

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17 SENATE SUMMARY

18 Revises provisions relating to the regulation of bingo  
19 games. Allows additional organizations and groups to  
20 conduct bingo games. Requires certain representatives of  
21 such organizations to be present during game operations.  
22 Prohibits such persons from receiving certain  
23 compensation and requires certain itemized cost  
24 disclosures. Provides for prize sharing and for the  
25 adoption of more restrictive county ordinances.

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