

By the Committee on Criminal Justice; and Senator Silver

307-1785-02

1 A bill to be entitled
2 An act relating to bingo; amending s. 849.0931,
3 F.S.; defining the terms "instant bingo" and
4 "package"; providing rules for the operation of
5 instant bingo games; providing penalties;
6 providing an effective date.

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

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10 Section 1. Subsections (1), (2), (5), (6), (7), (8),
11 (9), (10), and (11) of section 849.0931, Florida Statutes, are
12 amended, present subsection (13) of that section is renumbered
13 as subsection (14), and a new subsection (13) is added to that
14 section, to read:

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

17 (1) As used in this section:

18 (a) "Bingo game" means and refers to the activity,
19 commonly known as "bingo," in which participants pay a sum of
20 money for the use of one or more bingo cards. 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.

30 (b) "Bingo card" means and refers to the flat piece of
31 paper or thin pasteboard employed by players engaged in the

1 game of bingo. The bingo card shall have not fewer than 24
2 playing numbers printed on it. These playing numbers shall
3 range from 1 through 75, inclusive. More than one set of
4 bingo numbers may be printed on any single piece of paper.

5 (c) "Charitable, nonprofit, or veterans' organization"
6 means an organization which has qualified for exemption from
7 federal income tax as an exempt organization under the
8 provisions of s. 501(c) of the Internal Revenue Code of 1954
9 or s. 528 of the Internal Revenue Code of 1986, as amended;
10 which is engaged in charitable, civic, community, benevolent,
11 religious, or scholastic works or other similar activities;
12 and which has been in existence and active for a period of 3
13 years or more.

14 (d) "Instant bingo" means a game that is played using
15 tickets by which a player wins a prize by opening and removing
16 a cover from the ticket to reveal a set of numbers, letters,
17 objects, or patterns, some of which have been predesignated in
18 advance as prize winners.

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

26 (f) "Package" means a separate set of not more than
27 4,000 instant bingo tickets in which the predetermined minimum
28 prize payout is at least 65 percent of the total receipts from
29 the sale of the entire package.

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

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

3 (i)~~(g)~~ "Session" means a designated set of games
4 played 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 or instant bingo, provided the entire proceeds
12 derived from the conduct of such games, less actual business
13 expenses for articles designed for and essential to the
14 operation, conduct, and playing of bingo or instant bingo, are
15 donated by such organizations to the endeavors mentioned
16 above. In no case may the net proceeds from the conduct of
17 such games be used for any other purpose whatsoever. The
18 proceeds derived from the conduct of bingo games or instant
19 bingo shall not be considered solicitation of public
20 donations.

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

26 (5) Except for instant bingo prizes, which are limited
27 to those displayed on the ticket, no jackpot may ~~shall~~ exceed
28 the value of \$250 in actual money or its equivalent, and there
29 shall be no more than three jackpots in any one session of
30 bingo.

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1 (6) Except for instant bingo, which is not limited by
2 this subsection,the number of days per week during which
3 organizations authorized hereunder may conduct bingo may not
4 exceed two.

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

9 (8) Each person involved in the conduct of any bingo
10 game or instant bingo must be a resident of the community
11 where the organization is located and a bona fide member of
12 the organization sponsoring such game and may not be
13 compensated in any way for operation of such ~~bingo~~ game. When
14 bingo games or instant bingo are conducted by a charitable,
15 nonprofit, or veterans' organization, the organization
16 conducting the ~~bingo~~ games shall be required to designate up
17 to three members of that organization to be in charge of the
18 games, one of whom shall be present during the entire session
19 at which the ~~bingo~~ games are conducted. The organization
20 conducting the ~~bingo~~ games is responsible for posting a
21 notice, which notice states the name of the organization and
22 the designated member or members, in a conspicuous place on
23 the premises at which the session is held or instant bingo is
24 played. 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 or
28 instant bingo must be located in the county, or within a
29 15-mile radius of, where the bingo game or instant bingo is
30 located.

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

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

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

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

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

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

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

27 (e) With respect to bingo games conducted by a
28 condominium association, a cooperative association, a
29 homeowners' association as defined in s. 720.301, a mobile
30 home owners' association, a group of residents of a mobile
31 home park as defined in chapter 723, or a group of residents

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

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

11 (b) The sets of numbers, letters, objects, or patterns
12 that have been predesignated as winning combinations for a
13 package of bingo tickets must be posted before the sale of any
14 tickets from that package.

15 (14)(13) Any organization or other person who
16 willfully and knowingly violates any provision of this section
17 is guilty of a misdemeanor of the first degree, punishable as
18 provided in s. 775.082 or s. 775.083. For a second or
19 subsequent offense, the organization or other person is guilty
20 of a felony of the third degree, punishable as provided in s.
21 775.082, s. 775.083, or s. 775.084.

22 Section 2. This act shall take effect July 1, 2002.

23
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 Senate Bill 182

27 Provides conforming language to other subsections of s.
28 849.0931, F.S., to clarify that a charitable, nonprofit, or
29 veterans' organization that meets the current statutory
30 requirements to be authorized to conduct bingo games can also
31 sell instant bingo tickets.