

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 664

SPONSOR: Committee on Regulated Industries and Senator Sebesta

SUBJECT: Bingo/Elderly or Disabled Adults

DATE: March 28, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable/CS</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable</u>
3.	_____	_____	<u>FT</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill creates a section of law for bingo games that may be conducted for residents or clients, and their guests, of nursing homes, assisted living facilities, adult day care centers, continuing care retirement communities, multiservice senior centers, and government-financed, government-insured, or government-subsidized housing for the elderly, notwithstanding the provisions of s. 849.0931, F.S.

This bill creates an unnumbered section of law.

II. Present Situation:

Chapter 849, F.S., provides criminal penalties for unauthorized gambling. Bingo games are currently authorized for two groups under s. 849.0931, F.S.: (1) charitable, non-profit, or veterans organizations which qualify for certain tax exemptions and have been in existence for three years or more; and (2) condominium associations, cooperative associations, homeowners' associations, mobile home owners' associations; a group of residents of a mobile home park or a group of residents of a recreational vehicle park. The first group is required to donate all proceeds, less actual business expenses to the organizational endeavors. The second group may only give net proceeds to the players in the form of prizes and must donate any net proceeds after business expenses to any organization that meets the criteria of group one.

Chapter 400, F.S., provides for the regulation of nursing homes and related health care facilities. Part II of ch. 400, F.S., relates to nursing homes; part III of ch. 400, F.S., relates to assisted living facilities; and part V of ch. 400, F.S., relates to adult day care centers. Chapter 651, F.S., provides for the regulation of continuing care contracts and continuing care retirement communities.

Section 430.203(10), F.S., which provides definitions for the community care for the elderly program of the Department of Elderly Affairs, defines multiservice senior center as a facility that serves as the focal point for housing and delivering services to persons 60 years of age or older. Section 430.206, F.S., states that, if practicable, multiservice senior centers must be easily accessible to elderly persons and services must be available to functionally impaired elderly persons.

III. Effect of Proposed Changes:

The bill creates a section of law that permits bingo games to be conducted for residents or clients, and their guests, of nursing homes, assisted living facilities, adult day care centers, continuing care retirement communities, multiservice senior centers, and government-financed, government-insured, or government-subsidized housing for the elderly, notwithstanding the provisions of s. 849.0931, F.S. The bill specifies that bingo games may be conducted in these facilities if: the games are played exclusively by residents or clients and their guests and are conducted by residents, staff, or volunteers of the facility; and neither the facility nor any third party derives financial benefit from the games.

Games conducted for persons with Alzheimer's Disease using the personal funds of residents or clients must be supervised by paid staff or volunteers. Prizes can only be claimed by residents, or clients, or their guests who are themselves residents or clients of similarly licensed or authorized facilities. The net proceeds, after prizes are awarded, may be donated by the residents' council to projects or activities of their choice. Counties and municipalities that regulate bingo must exempt games that are played pursuant to this section from regulation and fees.

The effective date of the bill is July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

The bill prohibits counties and municipalities that regulate the playing of bingo from charging fees for bingo games played under the provisions of this bill.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
