

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1099 Bingo at Facilities for Elderly or Disabled Adults
SPONSOR(S): Berfield
TIED BILLS: **IDEN./SIM. BILLS:** SB 690

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Business Regulation</u>	<u>35 Y, 0 N</u>	<u>Gallen</u>	<u>Liepshutz</u>
2) <u>Finance and Tax</u>	<u>19 Y, 1 N</u>	<u>Shamy</u>	<u>Diez-Arguelles</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill authorizes bingo games to be conducted at nursing homes, assisted living facilities, adult day care centers, continuing care retirement communities, multi-service senior centers, and government-financed, government-insured, or government-subsidized housing for the elderly. It is prohibited for either the facility or any third party to derive financial benefits from games. Proceeds must be returned to the players as prizes after expenses for refreshments and bingo supplies are deducted.

The bill provides that games conducted in nursing homes, assisted living facilities, and home health agencies for persons with Alzheimer’s disease or a related dementia may not be played with the personal funds of the residents or clients and must be supervised by staff.

Bingo conducted pursuant to this section is exempt from any county or municipal regulations or fees.

The bill is not expected to have a significant impact on state or local revenues.

The act takes effect July 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1099a.ft.doc
DATE: March 11, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Bingo was authorized in 1967 by the Florida Legislature to provide charitable, nonprofit, and veterans' organizations a way to raise money for their charitable projects and activities. No statutory provision exists for statewide enforcement or interpretation of the bingo law. Enforcement of the law is the responsibility of local law enforcement agencies. Several counties have passed their own bingo ordinances to address problems associated with the game.

Section 849.0931, Florida Statutes, authorizes bingo games to be conducted for money by certain organizations under narrowly prescribed parameters.

Pursuant to sections 849.0931(1)(c) and (4), F.S., organizations which are authorized to conduct bingo games include:

1. Charitable, nonprofit, and veterans' organizations, which are defined as tax-exempt under 501 (c) of the Internal Revenue Code of 1954, or section 528 of the Internal Revenue Code of 1986, and have been in existence and active for at least three years; and,
2. Condominium associations, cooperative associations, homeowners' associations as defined in s. 617.301, F.S., mobile home owners' associations, and a group of residents of a mobile home park or recreational vehicle park, as defined in chapters 723 and 513, F.S.

These organizations must be directly involved in the operations of the bingo game and may not act merely as sponsors. Members of the organization must conduct the game and cannot be compensated in any way for this role. In addition, the organization which conducts the game must be "located in the county, or within a 15 mile radius of, where the bingo game is located," as provided in section 894.0931(9), Florida Statutes. The property where the games are held must be owned or leased by the authorized organization or owned by the charitable organization that will benefit from the proceeds of the game.

Section 849.0931, F.S., defines how the bingo proceeds, which remain after prizes have been awarded, can be used. Charitable, nonprofit and veterans' organizations must donate the proceeds to the organizations listed endeavors. Net proceeds generated from bingo games conducted by condominium associations, cooperative associations, homeowners' associations, mobile home owners' associations, and a group of residents of a mobile home park or recreational vehicle park, however, must be donated to a charitable, tax-exempt, organization or returned to the players in the form of prizes. In addition, these associations have the option of carrying over the proceeds for use as prize money in subsequent games, with the proviso that players cannot be charged to participate in the subsequent games until these excess proceeds are exhausted.

The statute also establishes restrictions on bingo jackpots. No jackpot may exceed the value of \$250 in actual money or its equivalent. There cannot be more than three jackpots on any one day of play and all other game prizes may not exceed \$50. An organization cannot conduct bingo more than two days per week.

Participants in bingo games must be at least 18 years old. The organization which is conducting the game "may refuse entry to any person...but such refusal of entry shall not be on the basis of race, creed, color, religion, sex, national origin, marital status, or physical handicap."

Some counties and municipalities further regulate the playing of bingo and charge fees.

Chapter 400, F.S., provides for the regulation of nursing homes and related health care facilities. Part II, III, and V of Chapter 400, F.S., applies to nursing homes, assisted living facilities, and adult day care, respectively. Chapter 651, F.S., provides for the regulation of continuing care retirement communities. Section 430.206 provides provisions relating to multiservice senior centers

Effect of Proposed Changes

The bill authorizes bingo games to be conducted at nursing homes, assisted living facilities, adult day care centers, continuing care retirement communities, multi-service senior centers, and government-financed, government-insured or government-subsidized housing for the elderly. Bingo games may be conducted if the games are held in the facility, played exclusively by residents or clients and their guests, and conducted by residents, staff, or volunteers of the facility. It is prohibited for either the facility or any third party to derive financial benefits from games.

The bill provides that games conducted in nursing homes, assisted living facilities, and home health agencies for persons with Alzheimer's disease or a related dementia may not be played with the personal funds of the residents or clients and must be supervised by staff.

Prizes may only be claimed by residents or clients of these facilities or by guests who are residents or clients of other similarly licensed or authorized facilities. Any net proceeds remaining after expenses for refreshments and bingo supplies are deducted must be returned to players in the form of prizes.

Bingo conducted pursuant to this section is exempt from any county or municipal regulations or fees.

The bill is not expected to have a significant impact on state or local revenues.

C. SECTION DIRECTORY:

Section 1: Authorizes bingo games for residents or clients of certain facilities for the elderly or disabled and for their guests; provides conditions for the play of bingo; provides for use of proceeds; provides that bingo under this act is exempt from local regulation and fees.

Section 2: Provides an effective date of July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not require the counties or cities to spend funds or take an action requiring the expenditure of funds.

2. Other:

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES