

1 A bill to be entitled
2 An act relating to bingo; amending s. 849.0931, F.S.;
3 revising provisions for the conduct of bingo sessions and
4 games; revising definitions; defining "bingo session,"
5 "calendar week," "day," and "member"; restricting
6 assistance in the conduct of bingo to members; revising
7 provisions for prizes and jackpots; providing for an
8 additional jackpot per session; providing for valuation of
9 noncash prizes; prohibiting free games; providing an
10 exception; limiting bingo sessions; revising provisions
11 for assistance in the conduct of bingo; revising rules for
12 the conduct of bingo games; providing for accommodations
13 for persons with physical disabilities; preempting
14 regulation of bingo to the state; prohibiting certain
15 persons from conducting or assisting in the conduct of
16 bingo; prohibiting certain persons from being a bingo
17 lessor or employee of such lessor; prohibiting a bingo
18 organization from allowing use of its identity for the
19 purpose of conducting bingo; prohibiting certain persons
20 from participating in certain bingo games; providing
21 penalties; amending s. 849.161, F.S.; providing that
22 specified gambling regulations do not apply to specified
23 bingo facilities having amusement games or machines;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Section 849.0931, Florida Statutes, is amended
29 to read:

30 849.0931 Bingo authorized; conditions for conduct;
31 permitted uses of proceeds; limitations.--

32 (1) As used in this section:

33 (a) "Bingo game" means and refers to the activity,
34 commonly known as "bingo," in which participants pay a sum of
35 money for the use of one or more bingo cards. When the game
36 commences, numbers are drawn by chance, one by one, and
37 announced. The players cover or mark those announced numbers on
38 the bingo cards which they have purchased until a player
39 receives a given order of numbers in sequence that has been
40 preannounced for that particular game. This player calls out
41 "bingo" and is declared the winner of a predetermined prize.
42 More than one game may be played upon a bingo card, and numbers
43 called for one game may be used for a succeeding game or games.

44 (b) "Bingo card" means and refers to the flat piece of
45 paper or thin pasteboard, or electronic equivalent, employed by
46 players engaged in the game of bingo. Each set of bingo numbers
47 on a ~~The~~ bingo card shall have not fewer than 24 playing numbers
48 printed on it. These playing numbers shall range from 1 through
49 75, inclusive. More than one set of bingo numbers may be printed
50 on any single piece of paper, thereby creating multiple bingo
51 cards. If a bingo card has more than one set of bingo numbers
52 available for play in a single game then each set of bingo
53 numbers is a single bingo card. A bingo card or electronic
54 equivalent shall be part of a group or series with recorded or

55 programmed control numbers to ensure that duplicate bingo cards
56 are not sold for any given game.

57 (c) "Bingo session" or "session" means a series of bingo
58 games played in a day or part of a day. No charitable,
59 nonprofit, or veterans' organization may conduct more than one
60 bingo session in a day, with each authorized organization
61 restricted to no more than two sessions of bingo per calendar
62 week. However, any session in progress that continues past
63 midnight shall be considered played on the day the session
64 began.

65 (d) "Calendar week" means a week beginning on Sunday at
66 12:01 a.m. and ending at midnight the following Saturday
67 evening.

68 (e) "Day" means a period of time beginning at 12:01 a.m.
69 and ending at 12:00 midnight.

70 (f)(e) "Charitable, nonprofit, or veterans' organization"
71 means an organization which has qualified for exemption from
72 federal income tax as an exempt organization under the
73 provisions of s. 501(c) of the Internal Revenue Code of 1954 or
74 s. 528 of the Internal Revenue Code of 1986, as amended; which
75 is engaged in charitable, civic, community, benevolent,
76 religious, or scholastic works or other similar activities; and
77 which has been in existence and active for a period of 3 years
78 or more.

79 (g) "Member" means an individual who has qualified for and
80 has been granted membership in a nonprofit organization
81 authorized to conduct bingo and has legal residence in this
82 state. A member assisting in the conduct of bingo during any

83 bingo game may not participate as a player during that bingo
 84 game. Only members may assist in the conduct of bingo games. The
 85 member must be 18 years of age or older and meet the qualifying
 86 criteria to be a member of the organization authorized to
 87 conduct bingo according to the organization's constitution and
 88 bylaws. A membership organization authorized to conduct bingo
 89 may not waive any established criteria for membership in the
 90 organization solely for the purpose of qualifying an individual
 91 to assist in conducting bingo.

92 (h)(d) "Objects" means a set of 75 balls or other
 93 precision shapes that are imprinted with letters and numbers in
 94 such a way that numbers 1 through 15 are marked with the letter
 95 "B," numbers 16 through 30 are marked with the letter "I,"
 96 numbers 31 through 45 are marked with the letter "N," numbers 46
 97 through 60 are marked with the letter "G," and numbers 61
 98 through 75 are marked with the letter "O."

99 (i)(e) "Rack" means the container in which the objects are
 100 placed after being drawn and announced.

101 (j)(f) "Receptacle" means the container from which the
 102 objects are drawn or ejected.

103 ~~(g) "Session" means a designated set of games played in a~~
 104 ~~day or part of a day.~~

105 (2)(a) None of the provisions of this chapter shall be
 106 construed to prohibit or prevent charitable, nonprofit, or
 107 veterans' organizations engaged in charitable, civic, community,
 108 benevolent, religious, or scholastic works or other similar
 109 endeavors, which organizations have been in existence and active
 110 for a period of 3 years or more, from conducting bingo games,

111 provided the entire proceeds derived from the conduct of such
112 games, less actual business expenses for articles designed for
113 and essential to the operation, conduct, and playing of bingo,
114 are donated by such organizations to the endeavors mentioned
115 above. In no case may the net proceeds from the conduct of such
116 games be used for any other purpose whatsoever. The proceeds
117 derived from the conduct of bingo games shall not be considered
118 solicitation of public donations.

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

124 (3) If an organization is not engaged in efforts of the
125 type set out above, its right to conduct bingo games hereunder
126 is conditioned upon the return of all the proceeds from such
127 games to the players in the form of prizes. If at the conclusion
128 of play on any day during which a bingo game is allowed to be
129 played under this section there remain proceeds which have not
130 been paid out as prizes, the organization conducting the game
131 shall at the next scheduled day of play conduct bingo games
132 without any charge to the players and shall continue to do so
133 until the proceeds carried over from the previous days played
134 have been exhausted. This provision in no way extends the
135 limitation on the number of prize or jackpot games allowed in a
136 session or one day as provided for in subsection (5).

137 (4) The right of a condominium association, a cooperative
138 association, a homeowners' association as defined in s. 720.301,

139 a mobile home owners' association, a group of residents of a
 140 mobile home park as defined in chapter 723, or a group of
 141 residents of a mobile home park or recreational vehicle park as
 142 defined in chapter 513 to conduct bingo is conditioned upon the
 143 return of the net proceeds from such games to players in the
 144 form of prizes after having deducted the actual business
 145 expenses for such games for articles designed for and essential
 146 to the operation, conduct, and playing of bingo. Any net
 147 proceeds remaining after paying prizes may be donated by the
 148 association to a charitable, nonprofit, or veterans'
 149 organization which is exempt from federal income tax under the
 150 provisions of s. 501(c) of the Internal Revenue Code to be used
 151 in such recipient organization's charitable, civic, community,
 152 benevolent, religious, or scholastic works or similar activities
 153 or, in the alternative, such remaining proceeds shall be used as
 154 specified in subsection (3).

155 (5) No jackpot shall exceed the value of \$500 ~~\$250~~ in
 156 actual money or its equivalent, and there shall be no more than
 157 three jackpots in any one session of bingo. All other games
 158 shall pay no more than \$100 each.

159 (6) The number of days per week during which organizations
 160 authorized hereunder may conduct bingo may not exceed two.

161 (7) In addition to the provisions in subsection (5), there
 162 may be one jackpot game per session known as a progressive
 163 jackpot game with a prize payout of 65 percent of proceeds. If
 164 the progressive jackpot is not won in a session, a consolation
 165 prize of no more than \$100 may be awarded. The progressive
 166 number shall increase one number per organization authorized to

167 conduct such game until a cover-all winner is declared. When
168 such a winner is declared, the progressive jackpot game rolls
169 back to a beginning cover-all number and played as above until a
170 winner is declared. An organization may not allow its
171 progressive jackpot game to be played during another
172 organization's session. Each authorized organization must
173 operate its own progressive jackpot, independent from another
174 authorized organization's session. Organizations shall maintain
175 a record of such progressive jackpots for audit purposes. There
176 shall be no more than three jackpots on any one day of play. All
177 other game prizes shall not exceed \$50.

178 (a) When other than cash is used for prizes, the value of
179 the merchandise or other noncash considerations awarded as
180 prizes shall be the purchase price of the merchandise or other
181 noncash considerations as of the date awarded, regardless of
182 whether the merchandise was purchased or donated. Any
183 merchandise offered as a bingo prize must have been paid for in
184 full before being offered as a prize. Prize limitations set
185 forth in this section shall apply to all bingo games.

186 (b) Except as provided in paragraph (13)(a), free games
187 are not allowed.

188 (8) Each bingo session shall be conducted by a single
189 organization. An organization shall conduct no more than two
190 bingo sessions per week. An organization shall not conduct bingo
191 more than 2 days per week. There shall be no more than two bingo
192 sessions per day conducted on any authorized premises.

193 (9)(8) Each person involved in the conduct of any bingo
194 game must be a resident of the community where the organization

195 is located and a bona fide member of the organization sponsoring
 196 such game ~~and may not be compensated in any way for operation of~~
 197 ~~such bingo game~~. When bingo games are conducted by a charitable,
 198 nonprofit, or veterans' organization, the organization
 199 conducting the bingo games shall be required to designate up to
 200 three members of that organization to be in charge of the games,
 201 one of whom shall be present during the entire session at which
 202 the bingo games are conducted. The organization conducting the
 203 bingo games is responsible for posting a notice, which notice
 204 states the name of the organization and the designated member or
 205 members, in a conspicuous place on the premises at which the
 206 session is held. In no event may a caller in a bingo game be a
 207 participant in that bingo game.

208 (10)~~(9)~~ Every charitable, nonprofit, or veterans'
 209 organization involved in the conduct of a bingo game must be
 210 located in the county, or within a 15-mile radius of, where the
 211 bingo game is located.

212 (11)~~(10)~~(a) No one under 18 years of age shall be allowed
 213 to play any bingo game or be involved in the conduct of a bingo
 214 game in any way.

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

220 (12)~~(11)~~ Bingo games may be held only on the following
 221 premises:

222 (a) Property owned by the charitable, nonprofit, or
 223 veterans' organization.

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

226 (c) Property leased for a period of not less than 1 year
 227 by a charitable, nonprofit, or veterans' organization, providing
 228 the lease or rental agreement does not provide for the payment
 229 of a percentage of the proceeds generated at such premises to
 230 the lessor or any other party and providing the rental rate for
 231 such premises does not exceed the rental rates charged for
 232 similar premises in the same locale.

233 (d) Property owned by a municipality or a county when the
 234 governing authority has, by appropriate ordinance or resolution,
 235 specifically authorized the use of such property for the conduct
 236 of such games.

237 (e) With respect to bingo games conducted by a condominium
 238 association, a cooperative association, a homeowners'
 239 association as defined in s. 720.301, a mobile home owners'
 240 association, a group of residents of a mobile home park as
 241 defined in chapter 723, or a group of residents of a mobile home
 242 park or recreational vehicle park as defined in chapter 513,
 243 property owned by the association, property owned by the
 244 residents of the mobile home park or recreational vehicle park,
 245 or property which is a common area located within the
 246 condominium, mobile home park, or recreational vehicle park.

247 (13)~~(12)~~ Each bingo game shall be conducted in accordance
 248 with the following rules:

249 (a) The objects, whether drawn or ejected, shall be
250 essentially equal as to size, shape, weight, and balance and as
251 to all other characteristics that may control their selection
252 from the receptacle. The caller shall cancel any game if, during
253 the course of a game, the mechanism used in the drawing or
254 ejection of objects becomes jammed in such a manner as to
255 interfere with the accurate determination of the next number to
256 be announced or if the caller determines that more than one
257 object is labeled with the same number or that there is a number
258 to be drawn without a corresponding object. Any player in a game
259 canceled pursuant to this paragraph shall be permitted to play
260 the next game free of charge.

261 (b) Prior to commencement of any bingo session, the member
262 in charge shall cause a verification to be made of all objects
263 to be placed in the receptacle and shall inspect the objects in
264 the presence of two or more randomly selected players ~~a~~
265 ~~disinterested person~~ to ensure that all objects are present and
266 that there are no duplications or omissions of numbers on the
267 objects. Any player shall be entitled to call for a verification
268 of numbers before, during, and after a session.

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

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

274 (e) A bona fide bingo shall consist of a predesignated
275 arrangement of numbers on a card or sheet that correspond with
276 the numbers on the objects drawn from the receptacle and

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277 announced. Errors in numbers announced or misplaced in the rack
278 may not be recognized as a bingo.

279 (f) When a caller has started to vocally announce a
280 number, the caller shall complete the call. If any player has
281 obtained a bingo on a previous number, such player will share
282 the prize with the player who gained bingo on the last number
283 called.

284 (g) Numbers on the winning cards or sheets shall be
285 announced and verified in the presence of another player. Any
286 player shall be entitled at the time the winner is determined to
287 call for a verification of numbers drawn. The verification shall
288 be in the presence of the member designated to be in charge of
289 the occasion or, if such person is also the caller, in the
290 presence of another individual ~~an officer of the licensee~~.

291 (h) Upon determining a winner, the caller shall ask, "Are
292 there any other winners?" If no players reply ~~one replies~~, the
293 caller shall declare the game closed. No other player is
294 entitled to share the prize unless she or he has declared a
295 bingo prior to this announcement.

296 (i) Seats may not be held or reserved for a player by
297 anyone unless such player has paid the appropriate charge for
298 the occupancy of such seat. No person who is a member of the
299 sponsoring organization may reserve or make payment for the
300 purpose of reserving a seat for any player. Accommodations for
301 persons with physical disabilities shall be made in accordance
302 with the Americans with Disabilities Act ~~by an organization or~~
303 ~~person involved in the conduct of any bingo game for players not~~

304 ~~present, nor may any cards be set aside, held, or reserved from~~
 305 ~~one session to another for any player.~~

306 (14) The regulation and enforcement of bingo conducted in
 307 this state is preempted to the state except for zoning and
 308 matters pertaining to the safety, health, and welfare of bingo
 309 patrons. Any existing local bingo regulation or ordinance that
 310 contains provisions restricting or limiting the number of days
 311 of operation of bingo facilities and that was adopted prior to
 312 March 1, 2005, may be amended to conform to the provisions of
 313 this act. All regulations and ordinances provided for in this
 314 subsection shall remain in full force and effect until repealed
 315 by the enacting county or municipality.

316 (15)(a) No person may conduct or assist in the conduct of
 317 bingo if the person has been convicted within the last 10 years
 318 of a felony including fraud, embezzlement, gambling, theft, or
 319 racketeering.

320 (b) No person may be a bingo lessor or employed by a bingo
 321 lessor if the person has been convicted within the last 10 years
 322 of a felony including fraud, embezzlement, gambling, theft, or
 323 racketeering.

324 (c) No bingo organization shall lend, sell, or allow its
 325 identity to be used by anyone for the purpose of conducting
 326 bingo.

327 (d) Any person conducting or assisting in the conduct of
 328 any bingo game or any portion of a bingo game shall not be
 329 allowed to participate as a player during that bingo game. This
 330 provision shall not prohibit such a person from assisting a

331 player by monitoring the player's bingo cards to allow the
 332 player to use other facilities on the bingo premises.

333 (e) No person under 18 years of age may conduct or assist
 334 in the conduct of bingo or play bingo on any bingo premises.

335 (16)(13) Any organization or other person who willfully
 336 and knowingly violates any provision of this section is guilty
 337 of a misdemeanor of the first degree, punishable as provided in
 338 s. 775.082 or s. 775.083. For a second or subsequent offense,
 339 the organization or other person is guilty of a felony of the
 340 third degree, punishable as provided in s. 775.082, s. 775.083,
 341 or s. 775.084.

342 Section 2. Paragraph (a) of subsection (1) of section
 343 849.161, Florida Statutes, is amended to read:

344 849.161 Amusement games or machines; when chapter
 345 inapplicable.--

346 (1)(a)1. Nothing contained in this chapter shall be taken
 347 or construed as applicable to an arcade amusement center having
 348 amusement games or machines which operate by means of the
 349 insertion of a coin and which by application of skill may
 350 entitle the person playing or operating the game or machine to
 351 receive points or coupons which may be exchanged for merchandise
 352 only, excluding cash and alcoholic beverages, provided the cost
 353 value of the merchandise or prize awarded in exchange for such
 354 points or coupons does not exceed 75 cents on any game played.

355 2. Nothing contained in this chapter shall be taken or
 356 construed as applicable to any bingo facility authorized by s.
 357 849.0931(12)(a)-(d) or any retail dealer who operates as a truck
 358 stop, as defined in chapter 336 and which operates a minimum of

359 6 functional diesel fuel pumps, having amusement games or
360 machines which operate by means of the insertion of a coin or
361 other currency and which by application of skill may entitle the
362 person playing or operating the game or machine to receive
363 points or coupons which may be exchanged for merchandise limited
364 to noncash prizes, toys, novelties, and Florida Lottery
365 products, excluding alcoholic beverages, provided the cost value
366 of the merchandise or prize awarded in exchange for such points
367 or coupons does not exceed 75 cents on any game played. This
368 subparagraph applies only to games and machines which are
369 operated for the entertainment of the general public and
370 tourists as bona fide amusement games or machines. This
371 subsection shall not apply, however, to any game or device
372 defined as a gambling device in 24 U.S.C. s. 1171, which
373 requires identification of each device by permanently affixing
374 seriatim numbering and name, trade name, and date of manufacture
375 under s. 1173, and registration with the United States Attorney
376 General, unless excluded from applicability of the chapter under
377 s. 1178. This subsection shall not be construed to authorize
378 video poker games or any other game or machine that may be
379 construed as a gambling device under Florida law.

380 Section 3. This act shall take effect July 1, 2005.