

By Senator Argenziano

3-1134B-05

See HB

1 A bill to be entitled

2 An act relating to bingo; amending s. 849.0931,

3 F.S.; revising provisions for the conduct of

4 bingo sessions and games; revising definitions;

5 defining "bingo session," "calendar week,"

6 "day," and "member"; restricting assistance in

7 the conduct of bingo to members; revising

8 provisions for prizes and jackpots; providing

9 for an additional jackpot per session;

10 providing for valuation of noncash prizes;

11 prohibiting free games; providing an exception;

12 limiting bingo sessions; revising provisions

13 for assistance in the conduct of bingo;

14 revising rules for the conduct of bingo games;

15 providing for accommodations for persons with

16 physical disabilities; preempting regulation of

17 bingo to the state; prohibiting certain persons

18 from conducting or assisting in the conduct of

19 bingo; prohibiting certain persons from being a

20 bingo lessor or employee of such lessor;

21 prohibiting a bingo organization from allowing

22 use of its identity for the purpose of

23 conducting bingo; prohibiting certain persons

24 from participating in certain bingo games;

25 providing restriction on sale of bingo cards;

26 providing penalties; amending s. 849.161, F.S.;

27 providing that specified gambling regulations

28 do not apply to specified bingo facilities;

29 providing an effective date.

30

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

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

3 849.0931 Bingo authorized; conditions for conduct;
4 permitted uses of proceeds; limitations.--

5 (1) As used in this section:

6 (a) "Bingo game" means and refers to the activity,
7 commonly known as "bingo," in which participants pay a sum of
8 money for the use of one or more bingo cards. When the game
9 commences, numbers are drawn by chance, one by one, and
10 announced. The players cover or mark those announced numbers
11 on the bingo cards which they have purchased until a player
12 receives a given order of numbers in sequence that has been
13 preannounced for that particular game. This player calls out
14 "bingo" and is declared the winner of a predetermined prize.
15 More than one game may be played upon a bingo card, and
16 numbers called for one game may be used for a succeeding game
17 or games.

18 (b) "Bingo card" means and refers to the flat piece of
19 paper or thin pasteboard, or electronic equivalent, employed
20 by players engaged in the game of bingo. Each set of bingo
21 numbers on a ~~The~~ bingo card shall have not fewer than 24
22 playing numbers printed on it. These playing numbers shall
23 range from 1 through 75, inclusive. More than one set of bingo
24 numbers may be printed on any single piece of paper, thereby
25 creating multiple bingo cards. If a bingo card has more than
26 one set of bingo numbers available for play in a single game
27 then each set of bingo numbers is a single bingo card. A bingo
28 card or electronic equivalent shall be part of a group or
29 series with recorded or programmed control numbers to ensure
30 that duplicate bingo cards are not sold for any given game.
31

1 (c) "Bingo session" or "session" means a series of
2 bingo games played in a day or part of a day. No charitable,
3 nonprofit, or veterans' organization may conduct more than one
4 bingo session in a day, with each authorized organization
5 restricted to no more than two sessions of bingo per calendar
6 week. However, any session in progress that continues past
7 midnight shall be considered played on the day the session
8 began.

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

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

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

23 (g) "Member" means an individual who has qualified for
24 and has been granted membership in a nonprofit organization
25 authorized to conduct bingo and has legal residence in this
26 state. A member assisting in the conduct of bingo during any
27 bingo game may not participate as a player during that bingo
28 game. Only members may assist in the conduct of bingo games.
29 The member must be 18 years of age or older and meet the
30 qualifying criteria to be a member of the organization
31 authorized to conduct bingo according to the organization's

1 constitution and bylaws. A membership organization authorized
2 to conduct bingo may not waive any established criteria for
3 membership in the organization solely for the purpose of
4 qualifying an individual to assist in conducting bingo.

5 ~~(h)(d)~~ "Objects" means a set of 75 balls or other
6 precision shapes that are imprinted with letters and numbers
7 in such a way that numbers 1 through 15 are marked with the
8 letter "B," numbers 16 through 30 are marked with the letter
9 "I," numbers 31 through 45 are marked with the letter "N,"
10 numbers 46 through 60 are marked with the letter "G," and
11 numbers 61 through 75 are marked with the letter "O."

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

14 ~~(j)(f)~~ "Receptacle" means the container from which the
15 objects are drawn or ejected.

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

18 (2)(a) None of the provisions of this chapter shall be
19 construed to prohibit or prevent charitable, nonprofit, or
20 veterans' organizations engaged in charitable, civic,
21 community, benevolent, religious, or scholastic works or other
22 similar endeavors, which organizations have been in existence
23 and active for a period of 3 years or more, from conducting
24 bingo games, provided the entire proceeds derived from the
25 conduct of such games, less actual business expenses for
26 articles designed for and essential to the operation, conduct,
27 and playing of bingo, are donated by such organizations to the
28 endeavors mentioned above. In no case may the net proceeds
29 from the conduct of such games be used for any other purpose
30 whatsoever. The proceeds derived from the conduct of bingo
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1 | games shall not be considered solicitation of public
2 | donations.

3 | (b) It is the express intent of the Legislature that
4 | no charitable, nonprofit, or veterans' organization serve as a
5 | sponsor of a bingo game conducted by another, but such
6 | organization may only be directly involved in the conduct of
7 | such a game as provided in this act.

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

22 | (4) The right of a condominium association, a
23 | cooperative association, a homeowners' association as defined
24 | in s. 720.301, a mobile home owners' association, a group of
25 | residents of a mobile home park as defined in chapter 723, or
26 | a group of residents of a mobile home park or recreational
27 | vehicle park as defined in chapter 513 to conduct bingo is
28 | conditioned upon the return of the net proceeds from such
29 | games to players in the form of prizes after having deducted
30 | the actual business expenses for such games for articles
31 | designed for and essential to the operation, conduct, and

1 | playing of bingo. Any net proceeds remaining after paying
2 | prizes may be donated by the association to a 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 | (5) No jackpot shall exceed the value of ~~\$500~~^{\$250} in
11 | actual money or its equivalent, and there shall be no more
12 | than three jackpots in any one session of bingo. All other
13 | games shall pay no more than \$100 each.

14 | (6) The number of days per week during which
15 | organizations authorized hereunder may conduct bingo may not
16 | exceed two.

17 | (7) In addition to the provisions in subsection (5),
18 | there may be one jackpot game per session known as a
19 | progressive jackpot game with a prize payout of 65 percent of
20 | proceeds. If the progressive jackpot is not won in a session,
21 | a consolation prize of no more than \$100 may be awarded. The
22 | progressive number shall increase one number per organization
23 | authorized to conduct such game until a cover-all winner is
24 | declared. When such a winner is declared, the progressive
25 | jackpot game rolls back to a beginning cover-all number and is
26 | played as above until a winner is declared. An organization
27 | may not allow its progressive jackpot game to be played during
28 | another organization's session. Each authorized organization
29 | must operate its own progressive jackpot, independent from
30 | another authorized organization's session. Organizations shall
31 | maintain a record of such progressive jackpots for audit

1 ~~purposes. There shall be no more than three jackpots on any~~
2 ~~one day of play. All other game prizes shall not exceed \$50.~~

3 (a) When other than cash is used for prizes, the value
4 of the merchandise or other noncash considerations awarded as
5 prizes shall be the purchase price of the merchandise or other
6 noncash considerations as of the date awarded, regardless of
7 whether the merchandise was purchased or donated. Any
8 merchandise offered as a bingo prize must have been paid for
9 in full before being offered as a prize. Prize limitations set
10 forth in this section shall apply to all bingo games.

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

13 (8) Each bingo session shall be conducted by a single
14 organization. An organization shall conduct no more than two
15 bingo sessions per week. An organization shall not conduct
16 bingo more than 2 days per week. There shall be no more than
17 two bingo sessions per day conducted on any authorized
18 premises.

19 ~~(9)(8)~~ Each person involved in the conduct of any
20 bingo game must be a resident of the community where the
21 organization is located and a bona fide member of the
22 organization sponsoring such game ~~and may not be compensated~~
23 ~~in any way for operation of such bingo game.~~ When bingo games
24 are conducted by a charitable, nonprofit, or veterans'
25 organization, the organization conducting the bingo games
26 shall be required to designate up to three members of that
27 organization to be in charge of the games, one of whom shall
28 be present during the entire session at which the bingo games
29 are conducted. The organization conducting the bingo games is
30 responsible for posting a notice, which notice states the name
31 of the organization and the designated member or members, in a

1 conspicuous place on the premises at which the session is
2 held. In no event may a caller in a bingo game be a
3 participant in that bingo game.

4 ~~(10)~~~~(9)~~ Every charitable, nonprofit, or veterans'
5 organization involved in the conduct of a bingo game must be
6 located in the county, or within a 15-mile radius of, where
7 the bingo game is located.

8 ~~(11)~~~~(10)~~(a) No one under 18 years of age shall be
9 allowed to play any bingo game or be involved in the conduct
10 of a bingo game in any way.

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

17 ~~(12)~~~~(11)~~ Bingo games may be held only on the following
18 premises:

19 (a) Property owned by the charitable, nonprofit, or
20 veterans' organization.

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

23 (c) Property leased for a period of not less than 1
24 year by a charitable, nonprofit, or veterans' organization,
25 providing the lease or rental agreement does not provide for
26 the payment of a percentage of the proceeds generated at such
27 premises to the lessor or any other party and providing the
28 rental rate for such premises does not exceed the rental rates
29 charged for similar premises in the same locale.

30 (d) Property owned by a municipality or a county when
31 the governing authority has, by appropriate ordinance or

1 resolution, specifically authorized the use of such property
2 for the conduct of such games.

3 (e) With respect to bingo games conducted by a
4 condominium association, a cooperative association, a
5 homeowners' association as defined in s. 720.301, a mobile
6 home owners' association, a group of residents of a mobile
7 home park as defined in chapter 723, or a group of residents
8 of a mobile home park or recreational vehicle park as defined
9 in chapter 513, property owned by the association, property
10 owned by the residents of the mobile home park or recreational
11 vehicle park, or property which is a common area located
12 within the condominium, mobile home park, or recreational
13 vehicle park.

14 ~~(13)(12)~~ Each bingo game shall be conducted in
15 accordance with the following rules:

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

28 (b) Prior to commencement of any bingo session, the
29 member in charge shall cause a verification to be made of all
30 objects to be placed in the receptacle and shall inspect the
31 objects in the presence of two or more randomly selected

1 | players ~~a disinterested person~~ to ensure that all objects are
2 | present and that there are no duplications or omissions of
3 | numbers on the objects. Any player shall be entitled to call
4 | for a verification of numbers before, during, and after a
5 | session.

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

9 | (d) All numbers shall be visibly displayed after being
10 | drawn and before being placed in the rack.

11 | (e) A bona fide bingo shall consist of a predesignated
12 | arrangement of numbers on a card or sheet that correspond with
13 | the numbers on the objects drawn from the receptacle and
14 | announced. Errors in numbers announced or misplaced in the
15 | rack may not be recognized as a bingo.

16 | (f) When a caller has started to vocally announce a
17 | number, the caller shall complete the call. If any player has
18 | obtained a bingo on a previous number, such player will share
19 | the prize with the player who gained bingo on the last number
20 | called.

21 | (g) Numbers on the winning cards or sheets shall be
22 | announced and verified in the presence of another player. Any
23 | player shall be entitled at the time the winner is determined
24 | to call for a verification of numbers drawn. The verification
25 | shall be in the presence of the member designated to be in
26 | charge of the occasion or, if such person is also the caller,
27 | in the presence of another individual ~~an officer of the~~
28 | ~~licensee~~.

29 | (h) Upon determining a winner, the caller shall ask, "
30 | Are there any other winners?" If no players reply ~~one replies~~,
31 | the caller shall declare the game closed. No other player is

1 entitled to share the prize unless she or he has declared a
2 bingo prior to this announcement.

3 (i) Seats may not be held or reserved for a player by
4 anyone unless such player has paid the appropriate charge for
5 the occupancy of such seat. No person who is a member of the
6 sponsoring organization may reserve or make payment for the
7 purpose of reserving a seat for any player. Accommodations for
8 persons with physical disabilities shall be made in accordance
9 with the Americans with Disabilities Act ~~by an organization or~~
10 ~~person involved in the conduct of any bingo game for players~~
11 ~~not present, nor may any cards be set aside, held, or reserved~~
12 ~~from one session to another for any player.~~

13 (14) The regulation and enforcement of bingo conducted
14 in this state is preempted to the state except for zoning and
15 matters pertaining to the safety, health, and welfare of bingo
16 patrons. Any existing local bingo regulation or ordinance that
17 contains provisions restricting or limiting the number of days
18 of operation of bingo facilities and that was adopted prior to
19 March 1, 2005, may be amended to conform to the provisions of
20 this act. All regulations and ordinances provided for in this
21 subsection shall remain in full force and effect until
22 repealed by the enacting county or municipality.

23 (15)(a) No person may conduct or assist in the conduct
24 of bingo if the person has been convicted within the last 10
25 years of a felony including fraud, embezzlement, gambling,
26 theft, or racketeering.

27 (b) No person may be a bingo lessor or employed by a
28 bingo lessor if the person has been convicted within the last
29 10 years of a felony including fraud, embezzlement, gambling,
30 theft, or racketeering.

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

4 (d) Any person conducting or assisting in the conduct
5 of any bingo game or any portion of a bingo game shall not be
6 allowed to participate as a player during that bingo game.
7 This provision shall not prohibit such a person from assisting
8 a player by monitoring the player's bingo cards to allow the
9 player to use other facilities on the bingo premises.

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

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

20 Section 2. Paragraph (a) of subsection (1) of section
21 849.161, Florida Statutes, is amended to read:

22 849.161 Amusement games or machines; when chapter
23 inapplicable.--

24 (1)(a)1. Nothing contained in this chapter shall be
25 taken or construed as applicable to an arcade amusement center
26 having amusement games or machines which operate by means of
27 the insertion of a coin and which by application of skill may
28 entitle the person playing or operating the game or machine to
29 receive points or coupons which may be exchanged for
30 merchandise only, excluding cash and alcoholic beverages,
31 provided the cost value of the merchandise or prize awarded in

1 exchange for such points or coupons does not exceed 75 cents
2 on any game played.

3 2. Nothing contained in this chapter shall be taken or
4 construed as applicable to any bingo facility authorized by s.
5 849.0931(12)(a)-(d) or any retail dealer who operates as a
6 truck stop, as defined in chapter 336 and which operates a
7 minimum of 6 functional diesel fuel pumps, having amusement
8 games or machines which operate by means of the insertion of a
9 coin or other currency and which by application of skill may
10 entitle the person playing or operating the game or machine to
11 receive points or coupons which may be exchanged for
12 merchandise limited to noncash prizes, toys, novelties, and
13 Florida Lottery products, excluding alcoholic beverages,
14 provided the cost value of the merchandise or prize awarded in
15 exchange for such points or coupons does not exceed 75 cents
16 on any game played. This subparagraph applies only to games
17 and machines which are operated for the entertainment of the
18 general public and tourists as bona fide amusement games or
19 machines. This subsection shall not apply, however, to any
20 game or device defined as a gambling device in 24 U.S.C. s.
21 1171, which requires identification of each device by
22 permanently affixing seriatim numbering and name, trade name,
23 and date of manufacture under s. 1173, and registration with
24 the United States Attorney General, unless excluded from
25 applicability of the chapter under s. 1178. This subsection
26 shall not be construed to authorize video poker games or any
27 other game or machine that may be construed as a gambling
28 device under Florida law.

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