1983

Session Law 83-309

Florida Senate & House of Representatives

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NOTES
A bill to be entitled
An act relating to bingo; amending s. 849.093, Florida Statutes; providing definitions; providing rules for the conduct of bingo games; providing an effective date.

Be it enacted by the Legislature of the State of Florida:

Section 1. Section 849.093, Florida Statutes, is amended to read:

849.093 Charitable, nonprofit organizations; certain endeavors permitted.--

(1) As used in this section:

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

(b) "Bingo card" means and refers to the flat piece of paper or thin pasteboard employed by players engaged in the game of bingo. More than one set of bingo numbers may be printed on any single piece of paper.

(c) "Objects" means a set of 75 balls or other precision shapes that are imprinted with letters and numbers such that numbers 1 through 15 are marked with the letter "B."
numbers 16 through 30 are marked with the letter "I,", numbers 31 through 45 are marked with the letter "N," numbers 46 through 60 are marked with the letter "G," and numbers 61 through 75 are marked with the letter "O."

d) "Rack" means the container in which the objects are placed after being drawn and announced.

e) "Receptacle" means the container from which the objects are drawn or ejected.

(2) None of the provisions of this chapter shall be construed to prohibit or prevent nonprofit or veterans' organizations engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar activities, which organizations have been in existence for a period of 3 years or more, from conducting bingo games or guest games, provided that the entire proceeds derived from the conduct of such games, less actual business expenses for articles designed for and essential to the operation, conduct, and playing of bingo, shall be donated by such organizations to the endeavors mentioned above. In no case shall the net proceeds from the conduct of such games be used for any other purpose whatsoever. The proceeds derived from the conduct of bingo games shall not be considered solicitation of public donations.

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

(4) The number of days during which such organizations are authorized hereunder may conduct bingo or guest games per week shall not exceed two.

(5) No jackpot shall exceed the value of $100 in actual money or its equivalent, and there shall be no more than one jackpot in any one night.

(6) There shall be only one prize or jackpot on any one day of play of $100. All other game prizes shall not exceed $25.

(7) Each person involved in the conduct of any bingo or guest game must be a resident of the community where the organization is located and a bona fide member of the organization sponsoring such game and shall not be compensated in any way for operation of said bingo or guest game.

(8) No one under 18 years of age shall be allowed to play.

(9) Bingo or guest games shall be held only on the following premises:

(a) Property owned by the nonprofit organization;

(b) Property owned by the charity or organization that will benefit by the proceeds;

(c) Property leased full time for a period of not less than 1 year by the nonprofit organization or by the charity or organization that will benefit by the proceeds;
(d) Property owned by and leased from another nonprofit organization qualified under this section; or

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

(f) Each bingo game shall be conducted in accordance with the following rules:

(a) The objects, whether drawn or ejected, shall be essentially equal as to size, shape, weight, and balance and as to all other characteristics that may control their selection from the receptacle.

(b) Prior to commencement of any bingo session, the member in charge shall cause to be made a verification of all objects to be placed in the receptacle and shall inspect the objects in the presence of a disinterested person to ensure that all objects are present and that there are no duplications or omissions of numbers on the objects. Any player shall be entitled to call for a verification of numbers prior to, during, and after a session.

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

(d) All numbers shall be visibly displayed after being drawn and prior to being placed in the rack.

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

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

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

(h) Upon determining a winner, the caller shall ask, "Are there any other winners?" If no one replies, the caller shall declare the game closed. No other player shall be entitled to share the prize unless he shall have declared a bingo prior to this announcement.

(i) Seats shall not be held or reserved for players not present nor shall any cards be set aside, held, or reserved, from one session to another, for any player.

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

Section 2. This act shall take effect October 1, 1983.

SENATE SUMMARY

Provides rules for the conduct of bingo games.
A bill to be entitled
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Florida Statutes; providing definitions,
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(b) "Bingo card" means and refers to the flat piece of
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(d) "Rack" means the container in which the objects are placed after being drawn and announced.

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(2) None of the provisions of this chapter shall be construed to prohibit or prevent nonprofit or veterans' organizations engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar activities, which organizations have been in existence for a period of 3 years or more, from conducting bingo games or guest games, provided that the entire proceeds derived from the conduct of such games, less actual business expenses for articles designed for and essential to the operation, conduct, and playing of bingo, shall be donated by such organizations to the endeavors mentioned above. In no case shall the net proceeds from the conduct of such games be used for any other purpose whatsoever. The proceeds derived from the conduct of bingo games shall not be considered solicitation of public donations.

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

(4) The number of days during which such organizations as are authorized hereunder may conduct bingo or guest games per week shall not exceed two.

(5) No jackpot shall exceed the value of $100 in actual money or its equivalent, and there shall be no more than one jackpot in any one night.

(6) There shall be only one prize or jackpot on any one day of play of $100. All other game prizes shall not exceed $25.

(7) Each person involved in the conduct of any bingo or guest game must be a resident of the community where the organization is located and a bona fide member of the organization sponsoring such game and shall not be compensated in any way for operation of said bingo or guest game.

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(9) Bingo or guest games shall be held only on the following premises:

(a) Property owned by the nonprofit organization,

(b) Property owned by the charity or organization that will benefit by the proceeds;

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(d) Property owned by and leased from another nonprofit organization qualified under this section; or

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

(10) Each bingo game shall be conducted in accordance with the following rules:

(a) The objects, whether drawn or ejected, shall be essentially equal as to size, shape, weight, and balance and as to all other characteristics that may control their selection from the receptacle.

(b) Prior to commencement of any bingo session, the member in charge shall cause to be made a verification of all objects to be placed in the receptacle and shall inspect the objects in the presence of a disinterested person to ensure that all objects are present and that there are no duplications or omissions of numbers on the objects. Any player shall be entitled to call for a verification of numbers prior to, during, and after a session.

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

(d) All numbers shall be visibly displayed after being drawn and prior to being placed in the rack.

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

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

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

(h) Upon determining a winner, the caller shall ask, "are there any other winners?" If no one replies, the caller shall declare the game closed. No other player shall be entitled to share the prize unless he shall have declared a bingo prior to this announcement.

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Section 2. This act shall take effect October 1, 1983.
SENATE SUMMARY

Provides rules for the conduct of bingo games.
COMMITTEE ON REGULATED INDUSTRIES & LICENSING

HB 611

SPONSOR(S): Rep. Deratany

RELATING TO: Bingo

OTHER COMMITTEES OF REFERENCE: None

COMPANY/SIMILAR: SB 279

May 2, 1983

I. SUMMARY

A. Present Situation

The conduct of bingo games by veterans, charitable and nonprofit organizations in existence for at least 3 years is exempted from the general prohibition on gambling by s. 849.093. That section allows veteran's and nonprofit organizations engaged in various charitable endeavors to conduct bingo games, deducting only actual business expenses, with the proceeds to be used only for those stated charitable activities. Other nonprofit groups, not engaged in charitable activities, are allowed to conduct bingo games upon the condition that all proceeds are returned to the players as prizes.

Prize money is restricted---$25 per regular game, $100 per jackpot game, only one jackpot game per night. Organizations are limited to two bingo sessions per week, and players must be 18 years old.

Only bona fide resident members of the organization may conduct the bingo games and no compensation may be paid.

B. Effect on Present Situation

The bill provides rules for the conduct of bingo games. These rules provide that the objects (drawn from a receptacle and on which bingo numbers are imprinted) be "essentially equal in size, shape, weight, and balance." Verification of the objects to be placed in the receptacle may be requested at any time. The rules also regulate playing cards, number display, how to declare a bingo winner and prohibit the reservation of seats and playing cards.

II. PRIVATE SECTOR/STATE/LOCAL FISCAL IMPACT

A. Private Sector Impact

There may be some additional costs to groups conducting bingo who do not currently operate using the equipment required by the bill. This cost should be minimal.

B. State Fiscal Impact - None

C. Local Fiscal Impact - None

III. COMMENTS - None

IV. AMENDMENTS - None

Prepared by: Chris Haughee

Staff Director: Bill Ryan
A bill to be entitled
An act relating to bingo; amending s. 849.093, Florida Statutes; providing definitions; providing rules for the conduct of bingo games; providing penalties; providing an effective date.

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

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(1) As used in this section:

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(c) "Objects" means a set of 75 balls or other precision shapes that are imprinted with letters and numbers.
such that numbers 1 through 15 are marked with the letter "B,"
numbers 16 through 30 are marked with the letter "I," numbers
31 through 45 are marked with the letter "N," numbers 46
through 60 are marked with the letter "G," and numbers 61
through 75 are marked with the letter "O."

(d) "Rack" means the container in which the objects
are placed after being drawn and announced.

(e) "Receptacle" means the container from which the
objects are drawn or ejected.

(f) "Session" means a designated set of games played
in a day or part of a day.

(2) None of the provisions of this chapter shall be
construed to prohibit or prevent nonprofit or veterans'
organizations engaged in charitable, civic, community,
benevolent, religious, or scholastic works or other similar
activities, which organizations have been in existence for a
period of 3 years or more, from conducting bingo games or
guest games, provided that the entire proceeds derived from
the conduct of such games, less actual business expenses for
articles designed for and essential to the operation, conduct,
and playing of bingo, shall be donated by such organizations
to the endeavors mentioned above. In no case shall the net
proceeds from the conduct of such games be used for any other
purpose whatsoever. The proceeds derived from the conduct of
bingo games shall not be considered solicitation of public
donations.

(3) If an organization is not engaged in efforts of
the type set out above, its right to conduct bingo or guest
games hereunder shall be conditioned upon the return of all
the proceeds from such games to the players in the form of
prizes. If at the conclusion of play on any day during which

CODING. Words in struck through type are deletions from existing law, words underlined are additions.
a bingo or guest game is allowed to be played under this
section there remain proceeds which have not been paid out as
prizes, the nonprofit organization conducting the game shall
at the next scheduled day of play conduct bingo or guest games
without any charge to the players and shall continue to do so
until the proceeds carried over from the previous days played
have been exhausted. This provision in no way extends the
limitation on the number of prize or jackpot games allowed in
one night as provided for in subsection (5).

(4) The number of days during which such organizations
as are authorized hereunder may conduct bingo or guest games
per week shall not exceed two.

(5) No jackpot shall exceed the value of $100 in
actual money or its equivalent, and there shall be no more
than one jackpot in any one night.

(6) There shall be only one prize or jackpot on any
one day of play of $100. All other game prizes shall not
exceed $25.

(7) Each person involved in the conduct of any bingo
or guest game must be a resident of the community where the
organization is located and a bona fide member of the
organization sponsoring such game and shall not be compensated
in any way for operation of said bingo or guest game.

(8) No one under 18 years of age shall be allowed to
play.

(9) Bingo or guest games shall be held only on the
following premises:
(a) Property owned by the nonprofit organization;
(b) Property owned by the charity or organization that
will benefit by the proceeds;
(c) Property leased full time for a period of not less than 1 year by the nonprofit organization or by the charity or organization that will benefit by the proceeds;

(d) Property owned by and leased from another nonprofit organization qualified under this section; or

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

(10) Each bingo game shall be conducted in accordance with the following rules:

(a) The objects, whether drawn or ejected, shall be essentially equal as to size, shape, weight, and balance and as to all other characteristics that may control their selection from the receptacle.

(b) Prior to commencement of any bingo session, the member in charge shall cause to be made a verification of all objects to be placed in the receptacle and shall inspect the objects in the presence of a disinterested person to ensure that all objects are present and that there are no duplications or omissions of numbers on the objects. Any player shall be entitled to call for a verification of numbers prior to, during, and after a session.

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

(d) All numbers shall be visibly displayed after being drawn and prior to being placed in the rack.

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

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

(h) Upon determining a winner, the caller shall ask, "are there any other winners?" If no one replies, the caller shall declare the game closed. No other player shall be entitled to share the prize unless he shall have declared a bingo prior to this announcement.

(i) Seats shall not be held or reserved by an organization or person involved in the conduct of any bingo game for players not present nor shall any cards be set aside, held, or reserved, from one session to another, for any player.

(11) Any organization or other person who willfully and knowingly violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For a second or subsequent offense, the organization or other person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
Section 2. This act shall take effect October 1, 1983.
I. SUMMARY:

A. Present Situation:

Section 849.093, Florida Statutes, is an exception to the general prohibition of gambling in Chapter 849 in that it authorizes bingo games by non-profit or veterans organizations engaged in community, religious, or scholastic activities. To qualify for this exception, these organizations must have been in existence for at least three years. Also, all proceeds from the games, less actual business expenses, must be donated to the community, religious, or scholastic activity.

If an organization that is not involved in community, religious, or scholastic activity conducts a bingo game, all proceeds from the game must be returned to the players as prizes.

Other regulations specified in the statute are as follows:

(1) An organization may not conduct more than two games per week;

(2) There shall not be more than one jackpot in one day's play and it shall not exceed $100;

(3) All game prizes other than the jackpot shall not exceed $25;

(4) Each person involved in the conduct of the game must be a bona fide member of the organization conducting the game and may not be compensated for the operation of the game;

(5) No one under 18 years of age is allowed to play.

Any willful violation of a provision of section 849.093 is punishable as a first degree misdemeanor.
B. Effect of Proposed Changes:

This bill expands the definitions in section 849.093 and establishes rules for the conduct of the game itself.

The proposed rules include provisions that the objects (the ball or shape imprinted with letters and numbers) are essentially equal as to all characteristics that may control their selection from the receptacle. Before each game, all objects shall be inspected to insure that no objects are duplicated or omitted. Also, the numbers on a winning card must be announced and verified.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

CS/SB 279 is identical to HB 611.

Final Update: HB 611 was substituted for CS/SB 279 and it passed both houses of the Legislature. See Chapter No. 83-309, Laws of Florida.

IV. AMENDMENTS:

None.