Session Law 84-247

Florida Senate & House of Representatives

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## COMMITTEE RECORDS

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**NOTES**
A bill to be entitled

An act relating to the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; creating § 561.292, F S., providing for issuance of declarations as to whether possession or operation of an amusement device would be grounds for suspension or revocation of license, providing an effective date.

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

Section 1. Section 561.292, Florida Statutes, is created to read:

§ 561.292 Declaratory statements regarding amusement devices.--

(1) Any licensee or any manufacturer, distributor, vendor, or lessor of amusement devices may petition the division pursuant to chapter 120 for a declaration as to whether the possession or operation of a particular device in licensed premises would be grounds for suspension or revocation of a licensee's license under § 561.29.

(2) The declaration shall be binding with respect to the device that was the subject of the petition and all identical devices. The declaration shall be binding only on the division.

(3) The declaration shall be void with respect to any person convicted of a violation of chapter 849 arising out of possession or operation of a device that was the subject of the declaration.

Section 2 This act shall take effect October 1, 1984.
SENATE SUMMARY

Provides for issuance by the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation of a declaratory statement as to whether the possession or operation of a particular amusement device in licensed premises would be grounds for suspension or revocation of the licensee's license.
By Representative R. M. Johnson

A bill to be entitled

An act relating to gambling; amending ss.
849.093 and 849.094, F.S., authorizing certain
nonprofit organizations to conduct and promote
raffles; providing restrictions; requiring
certain notification; providing an effective
date.

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

Section 1. Subsections (2), (7), and (8) of section
849.093, Florida Statutes, are amended, subsection (11) is
renumbered as subsection (12) and a new subsection (11) is
added to said section to read:

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

(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 or raffles, provided the entire proceeds derived
from the conduct of such games or raffles, less actual
business expenses for articles designed for and essential to
the operation, conduct, and playing of bingo, are donated by
such organizations to the endeavors mentioned above. In no
case shall the net proceeds from the conduct of such games or
raffles be used for any other purpose whatsoever. The
proceeds derived from the conduct of bingo games shall not be
considered solicitation of public donations.
(7) Each person involved in the conduct of any bingo or guest game or raffle must be a resident of the community where the organization is located and a bona fide member of the organization sponsoring such game or raffle and may not be compensated in any way for operation of such bingo or guest game or raffle.

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

(11) Where the sale of tickets or chances for a raffle is reasonably expected to exceed $1,000 in gross sales or where the prize or prizes offered exceed $1,000 in value, the eligible organization shall:

(a) Be limited to two such raffles per calendar year.

(b) File a notice of intent to conduct a raffle with the office of Secretary of State at least 14 days prior to commencing sale of tickets or chances if the raffle is statewide or multi-county in sales of ticket or chances.

(c) File a notice of intent to conduct a raffle with the clerk of the circuit court at least 14 days prior to commencing sale of tickets or chances if the raffle is confined to one county.

The notice of intent to conduct a raffle shall include the name of the organization, the name and address of the person in charge of the raffle, and the list of prizes to be won.

Section 2. Paragraph (a) of subsection (1) of section 849.094, Florida Statutes, is amended to read:

(a) "Game promotion" means, but is not limited to, a contest, game of chance, or gift enterprise, conducted within or throughout the state and other states in connection with the sale of consumer products or services, and in which the elements of chance and prize are present. However, "game promotion" shall not be construed to apply to bingo games or guest games or raffles conducted pursuant to s. 849.093.

Section 3. This act shall take effect October 1, 1984.
A bill to be entitled

An act relating to bingo; amending s. 849.093, F.S., defining the term "charitable, nonprofit, or veterans' organizations"; requiring such organizations involved in the conduct of or sponsoring any bingo game to be located in the community where the game is located; providing an effective date.

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

Section 1. Section 849.093, Florida Statutes, as amended by chapter 83-309, Laws of Florida, is amended to read:

849.093 Charitable, nonprofit, or veterans' 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 bingo cards. When the game commences, numbers are drawn by chance, one by one, and announced. The players cover or mark those numbers on the bingo 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. The bingo card shall have not less than 24 playing numbers printed on it. These playing numbers shall range from 1 through 75, inclusive. 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.

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

(g) "Charitable, nonprofit, or veterans' organizations" means any organization which has qualified for exemption from federal income tax as an exempt organization under the provisions of Section 501(c) of the Internal Revenue Code of 1954.

(2) None of the provisions of this chapter shall be construed to prohibit or prevent charitable, nonprofit, or veterans' organizations engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar activities, which organizations have been in existence and active for a period of 3 years or more, from conducting bingo games "er-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 er-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 er-guest game is allowed to be played under this section there remain proceeds which have not been paid out as prizes, the charitable, nonprofit or veterans' organization conducting the game shall at the next scheduled day of play conduct bingo er-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 day night as provided for in subsection (5).

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

(5) No Jackpot shall exceed the value of $250 in actual money or its equivalent, and there shall be no more than three Jackpots in any one session of bingo.

(6) There shall be no more than three Jackpots on any one day of play. All other game prizes shall not exceed $50.

(7) Each person involved in the conduct of any bingo er-guest game must be a resident of the community where the
Every charitable, nonprofit, or veterans' organization involved in the conduct of or sponsoring any bingo game must be located in the community where the bingo game is located.

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

Bingo er-gue games shall be held only on the following premises:

(a) Property owned by the charitable, nonprofit, or veterans' organization;

(b) Property owned by the charitable, nonprofit, or veterans' charity or organization that will benefit by the proceeds;

(c) Property leased full-time for a period of not less than 1 year by a charitable, nonprofit, or veterans' organization the non-profit organization or by the charity or organization that will benefit by the proceeds;

(d) Property owned by and leased from another charitable, nonprofit, or veterans' organization as defined in qualified under this section;

(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.

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.

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.

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.

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

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.

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.

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, 2.48
in the presence of an officer of the licensee. 2.49

(h) Upon determining a winner, the caller shall ask, 2.49
"Are there any other winners?" If no one replies, the caller 2.51
shall declare the game closed. No other player shall be 2.52
entitled to share the prize unless he shall have declared a
bingo prior to this announcement. 2.53

(i) Seats shall not be held or reserved by an 2.53
organization or person involved in the conduct of any bingo 2.54
game for players not present nor shall any cards be set aside, 2.55
held, or reserved, from one session to another, for any
player. 2.56

(12) Any organization or other person who 1:lus
willfully and knowingly violates any provision of this section 2.58
is guilty of a misdemeanor of the first degree, punishable as 2.59
provided in s. 775.082 or s. 775.083. For a second or 2.60
subsequent offense, the organization or other person is guilty 2.61
of a felony of the third degree, punishable as provided in s. 2.62
775.082, s. 775.083, or s. 775.084. 2.63

Section 2. This act shall take effect October 1, 1984. 2.63

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HOUSE SUMMARY
Amends current provisions of law with respect to bingo to:
1. Define the term "charitable, nonprofit, or veterans' organization" to mean any organization which has qualified for exemption from federal income tax as an exempt organization.
2. Require such organizations involved in the conduct of or sponsoring any bingo game to be located in the community where the game is located.
See bill for details.
By Representative Armstrong

A bill to be entitled
An act relating to bingo; amending s. 849.093, F.S.; requiring organizations engaged in the conduct of bingo and persons leasing premises for such purpose to obtain a license; providing fees; requiring quarterly reports; providing penalties; providing an effective date.

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

Section 1. Subsections (2) and (3) of section 849.093, Florida Statutes, are amended, subsection (11) is renumbered as subsection (14), and new subsections (11), (12) and (13) are added to said section to read:

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

(2) None of the provisions of this chapter shall be construed to prohibit or prevent nonprofit or veterans' organizations licensed in accordance with this section and 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 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, are 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.

CODING Words in struck through type are deletions from existing law, words underlined are additions.
(3) If an organization is not engaged in efforts of the type set out above, it must obtain a license in accordance with this section and 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).

(11) No organization shall engage in the conduct of bingo or guest games under the provisions of this section, and no person shall lease any premises for any consideration to any organization for the conduct of bingo or guest games without a valid license issued by the Department of Business Regulation. An application for such license shall be submitted to the department annually, on a form promulgated by it and containing such information as the department deems necessary, accompanied by a fee of $25. A license shall be issued to an applicant who complies with all requirements of this section, and the license shall be valid for a period of 1 year.

(12) Every licensee shall file a quarterly report with the department, according to a schedule promulgated by the department.

(a) If the licensee is an organization engaged in the conduct of games, the report shall include the following information for the preceding quarter:

1. The number of games conducted.
2. The number of participants in each game.
3. The number and amount of prizes awarded in each game.
4. The amount of proceeds derived from each game.
5. If the licensee is conducting games under the provisions of subsection (2), the amount of business expenses and the amount donated to the endeavors specified in said subsection.
6. If the licensee is conducting games under the provisions of subsection (3), the disposition of the proceeds; this information may be combined with the information required by subparagraph 3.
7. The name and address of any person from whom premises are leased for the conduct of games, and the amount of consideration paid for the lease.

(b) If the licensee is a person leasing premises for the conduct of games, the report shall include the following information for the preceding quarter:

1. The location of all such leased premises.
2. The name and address of each organization leasing premises for the conduct of games, the number of games conducted by each, the number of participants, and the number and amount of prizes awarded in each game.
3. The amount of consideration paid for each lease.
4. The amount of any charges imposed by the lessor for its own benefit or on behalf of the organization with respect to the games conducted.
(c) Failure to file a complete quarterly report, or falsification of any information therein, in addition to being a violation of this section, shall be grounds for revocation of license.

(13) A license issued under this section shall be prominently displayed by a lessor on the leased premises, or by an organization during the conduct of each game. Any organization engaged in both the conduct of games and the leasing of premises to other organizations for the conduct of games shall obtain separate licenses and file separate reports under this section.

(14) 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, 1984.
A bill to be entitled
An act relating to bingo, amending § 849.093, F.S., defining the term "charitable, nonprofit, or veterans’ organizations", requiring such organizations involved in the conduct of or sponsoring any bingo game to be located in the county or a specified radius of where the game is located, requiring a sponsoring organization to designate a member who will be present at the sponsored bingo game, requiring posting of notice of sponsoring organization and designated member, limiting in certain circumstances the number of such organizations which may conduct bingo on certain leased premises 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, or veterans’ 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 bingo cards. When the game commences, numbers are drawn by chance, one by one, and announced. The players cover or mark those numbers on the bingo 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. The bingo card shall have not less than 24
playing numbers printed on it. These playing numbers shall
range from 1 through 75, inclusive. 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
in such a way 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.
(g) "Charitable, nonprofit, or veterans' organizations means any organization which has qualified for
exemption from federal income tax as an exempt organization
under the provisions of Section 501(c) of the Internal Revenue
Code of 1954, which is engaged in charitable, civic,
community, benevolent, religious, or scholastic works or other
similar activities, and which has been in existence and active
for a period of 3 years or more.

(2) None of the provisions of this chapter shall be
construed to prohibit or prevent charitable, nonprofit, or
veterans' organizations engaged in charitable, civic,
community, benevolent, religious, or scholastic works or other
similar activities, which organizations have been in existence
and active for a period of 3 years or more, from conducting
bingo games or guest games, provided 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, are 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 a charitable, nonprofit, or veterans' organization does not qualify under the definition provided in
paragraph (1)(g) as 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
charitable, nonprofit, or veterans' 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 day might as provided for in
subsection (5).

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

(5) No jackpot shall exceed the value of $250 in
actual money or its equivalent, and there shall be no more
than three jackpots in any one session of bingo

(6) There shall be no more than three jackpots on any
one day of play. All other game prizes shall not exceed $50

(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 may not be compensated
in any way for operation of such bingo or guest game. When a
bingo game is sponsored by a charitable, nonprofit, or
veterans' organization, the sponsoring organization shall be
required to designate one or more members of that organization
who shall be present during an entire session at which the
sponsored bingo games are conducted. The sponsoring
organization shall be responsible for posting a notice, which
states the name of the sponsoring organization and the
designated member in attendance, in a conspicuous place on the
premises at which the session is held.

(8) Every charitable, nonprofit, or veterans'
organization involved in the conduct of or sponsoring any
bingo game must be located in the county, or within a 15-mile
radius of where the bingo game is located.

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

(CODING: Words in struck through type are deletions from existing law, words underlined are additions.)

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

(a) Property owned by the nonprofit organization;

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

(c) Property leased full time for a period of not
less than 1 year by a charitable, nonprofit, or veteran's
organization the nonprofit organization or by the charity or
organization that will benefit by the proceeds, provided that
the property may be leased to only one charitable, nonprofit,
or veterans' organization during such period for the purpose
of conducting bingo games, nothing shall preclude the leasing
of such property for purposes other than conducting bingo
games during the same period.

(d) Property owned by and leased from another
charitable, nonprofit, or veterans' organization as defined in
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 a verification to be made 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 before, 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 may be alike in any given game.

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

(e) A bona fide bingo shall consist of a predesignated arrangement of numbers on a card or sheet that correspond with the numbers on the objects drawn from the receptacle and announced. Errors in numbers announced or misplaced in the rack may 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 has 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 at the time the winner is determined to call for a verification of numbers drawn. 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 is entitled to share the prize unless he has declared a bingo prior to this announcement.

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

(12) 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 ss 775.082, s 775.083, or s 775.084.

Section 2. This act shall take effect October 1, 1984.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR SENATE BILL 317

1. Defines "charitable, nonprofit, or veterans' organizations" as organizations which have been in existence for at least three years, which are exempt from taxation under the Internal Revenue Code, and which are engaged in certain charitable endeavors.

2. Requires organizations that conduct bingo to be located in the same county or within a 15 mile radius of where the game is played.

3. Requires an organization sponsoring bingo to designate a member who will be present during the game, and to post notice of the name of the organization and the designated member at the game location.

4. Provides that property leased for conducting bingo for not less than one year by a nonprofit, charitable, or veterans' organization will not have to be leased full time, provided it is only leased to one such organization during that time period for the purpose of conducting bingo.
A bill to be entitled
An act relating to bingo; amending s. 849.093, F.S., defining the term "charitable, nonprofit, or veterans' organizations"; requiring such organizations involved in the conduct of or sponsoring any bingo game to be located in the county or within a 15-mile radius of where the game is located; requiring a sponsoring organization to designate a member who will be present at the sponsored bingo game; requiring posting of notice of sponsoring organization and designated member; limiting the number of days during which bingo games may be conducted at any one location to 2 days per week; 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, or veterans' 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 bingo cards. When the game commences, numbers are drawn by chance, one by one, and announced. The players cover or mark those numbers on the bingo 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. The bingo card shall have not less than 24 playing numbers printed on it. These playing numbers shall range from 1 through 75, inclusive. 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 snapes that are imprinted with letters and numbers in such a way 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.

(g) "Charitable, nonprofit, or veterans' organizations" means any organization which has qualified for exemption from federal income tax as an exempt organization under the provisions of Section 501(c) of the Internal Revenue Code of 1954, which is engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar activities, and which has been in existence and active for a period of 3 years or more.

CODING: Words stricken are deletions; words underlined are additions.
(4) The number of days per week during which organizations authorized hereunder may conduct Bingo er-guest games shall not exceed two. In addition, the number of days during which Bingo games may be conducted at any one location shall be limited to 2 days per week.

(5) No Jackpot shall exceed the value of $250 in actual money or its equivalent, and there shall be no more than three Jackpots in any one session of Bingo.

(6) There shall be no more than three Jackpots on any one day of play. All other game prizes shall not exceed $50.

(7) Each person involved in the conduct of any Bingo er-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 may not be compensated in any way for operation of such Bingo er-guest game. When a Bingo game is sponsored by a charitable, nonprofit, or veterans' organization, the sponsoring organization shall be required to designate a member of that organization who shall be present during the entire session at which the sponsored Bingo games are conducted. The sponsoring organization shall be responsible for posting a notice, which states the name of the sponsoring organization and the designated member, in a conspicuous place on the premises at which the session is held.

(8) Every charitable, nonprofit, or veterans' organization involved in the conduct of or sponsoring any Bingo game must be located in the county or within a 15-mile radius of where the Bingo game is located.

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

(CODING: Words struck are deletions; words underlined are additions.)
player shall be entitled to call for a verification of numbers before, 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 may be alike in any given game.

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

(e) A bona fide bingo shall consist of a predesignated arrangement of numbers on a card or sheet that correspond with the numbers on the objects drawn from the receptacle and announced. Errors in numbers announced or misplaced in the rack may 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 has 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 at the time the winner is determined to call for a verification of numbers drawn. 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 is entitled to share the prize unless he has declared a bingo prior to this announcement.

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

CODING: Words stricken are deletions; words underlined are additions

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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, 1984.

CODING: Words stricken are deletions; words underlined are additions
I. SUMMARY

A. Present Situation

The conduct of bingo games by veterans', charitable and nonprofit organizations in existence for at least 3 years is exempt from the general prohibition on gambling by s. 849.093. That section allows veterans' 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.

B. Effect on Present Situation

The bill requires all bingo cards to have not less than 24 playing numbers, which must range from 1 through 75.

"Charitable, nonprofit, or veterans' organizations" are defined to mean organizations which have been in existence for at least 3 years, which are exempt from taxation under the Internal Revenue Code, and which are engaged in certain charitable endeavors.

References to guest games, an undefined phrase used inconsistently throughout s. 849.093, are deleted.

The bill requires organizations that conduct bingo games to be located in the same county or within a 15-mile radius of where the game is played.

The bill requires an organization which sponsors a bingo game to designate organization members who will be present throughout the game, and to post notice of the sponsoring organization's name and the designated members' names at the game location. Persons regularly involved in the
conduct of bingo games are prohibited from playing bingo at that location.

The bill limits the premises at which bingo may be conducted.

Legislative intent states that no charitable, nonprofit, or veterans organization shall serve as a sponsor of a bingo game conducted by another, but shall only be directly involved in the conduct of the game.

The current exception to the gambling prohibition provided for amusement games is moved from chapter 849 (gambling law) to a newly created chapter 512.

II. PRIVATE SECTOR/STATE/LOCAL FISCAL IMPACT

A. Private Sector Impact

The bill should have a negative fiscal impact upon private persons who presently use the exemption for charitable organizations as a means for operating for-profit bingo halls. It should help ensure that monies generated from bingo operations are either returned to the players in the form of prizes or paid to the charitable organization sponsoring the bingo games.

B. State Fiscal Impact

None

C. Local Fiscal Impact

None

III. COMMENTS

None

IV. AMENDMENTS - None

Prepared by: Bill Ryan

Staff Director: Bill Ryan
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 nonprofit or veterans' organizations engaged in charitable, community, religious, or scholastic activities. To qualify for this exception, these organizations must have been in existence for at least three years and all proceeds from the games, less actual business expenses, must be donated to these stated charitable activities. Other nonprofit groups, not engaged in charitable activities, can conduct bingo games if all the proceeds are returned to the players as prizes.

Currently, there is no definition in this section of "charitable, nonprofit, or veterans' organizations." There is, however, a provision that requires each person involved in the conduct of any bingo or guest game to be a resident of the community where the organization is located.

Bingo can only be held on premises that: are owned by nonprofit organizations, leased full time for not less than one year by nonprofit organizations, owned by and leased from other nonprofit organizations, or owned by a county or municipality that has authorized the property for such use.

B. Effect of Proposed Changes:

The bill would now provide a definition of "charitable, nonprofit, or veterans' organizations", which would include organizations which qualify for exemption from federal income tax under the Internal Revenue Code. The terms "charitable and veterans" would be added throughout the bill wherever there was reference to "nonprofit organizations." These organizations involved in conducting bingo would have to be located in the community where the game was held and have been in existence and active for at least three years.

Bingo would still be required to be held on the same types of premises, except that property leased for not less than one year by the nonprofit, charitable, or veterans' organizations would not have to be leased full time, nor would the property leased from another such organization have to be owned by that organization.

The bill would require all bingo cards to not have less than 24 playing numbers printed on them, ranging from 1 through 75, inclusive. Finally, SB 317 would delete the reference to "guest games", an undefined term used throughout section 849.093, F.S.
II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The fiscal impact is indeterminate because it is unknown to what extent, if any, that the inclusion of the specific definition of "charitable" organizations would expand or narrow the number of organizations currently authorized to conduct bingo.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST: 1. Dugger

STAFF DIRECTOR: Liepshutz

REFERENCE: 1. JCR

ACTION: 2. FAV/CS

SUBJECT: Bingo

BILL NO. AND SPONSOR: CS/SB 317 by Senator Vogt

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 nonprofit or veterans' organizations engaged in charitable, community, religious, or scholastic activities. To qualify for this exception, these organizations must have been in existence for at least three years and all proceeds from the games, less actual business expenses, must be donated to these stated charitable activities. Other nonprofit groups, not engaged in charitable activities, can conduct bingo games if all the proceeds are returned to the players as prizes.

Currently, there is no definition in this section of "charitable, nonprofit, or veterans' organizations." There is, however, a provision that requires each person involved in the conduct of any bingo or guest game to be a resident of the community where the organization is located.

Bingo can only be held on premises that: are owned by nonprofit organizations, leased full time for not less than one year by nonprofit organizations, owned by and leased from other nonprofit organizations, or owned by a county or municipality that has authorized the property for such use.

B. Effect of Proposed Changes:

The bill would now provide a definition of "charitable, nonprofit, or veterans' organizations", which would include organizations which qualify for exemption from federal income tax under the Internal Revenue Code, which have been in existence for at least 3 years, and which are engaged in certain charitable endeavors. The terms "charitable and veterans" would be added throughout the bill wherever there was reference to "nonprofit organizations." These organizations involved in conducting bingo would have to be located in the county or within a 15 mile radius of where the game was held and have been in existence and active for at least three years.

The bill would require an organization sponsoring a bingo game to designate a member who would be present during the game and to post notice of the name of the organization and the designated member at the game location.

Bingo would still be required to be held on the same types of premises, except that property leased for not less than one year by the nonprofit, charitable, or veterans' organizations would not have to be leased full time, provided the property was only leased to one such organization during that time.
period for the purpose of conducting bingo. Nothing would preclude the leasing of such property for other purposes besides bingo during that time period.

The bill would require all bingo cards to not have less than 24 playing numbers printed on them, ranging from 1 through 75, inclusive. Finally, SB 317 would delete the reference to "guest games", an undefined term used throughout section 849.093, F.S.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The fiscal impact is indeterminable because it is unknown to what extent, if any, that the inclusion of the specific definition of "charitable" organizations would expand or narrow the number of organizations currently authorized to conduct bingo.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
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 nonprofit or veterans' organizations engaged in charitable, community, religious, or scholastic activities. To qualify for this exception, these organizations must have been in existence for at least three years and all proceeds from the games, less actual business expenses, must be donated to these stated charitable activities. Other nonprofit groups, not engaged in charitable activities, can conduct bingo games if all the proceeds are returned to the players as prizes.

Currently, there is no definition in this section of "charitable, nonprofit, or veterans' organizations." There is, however, a provision that requires each person involved in the conduct of any bingo or guest game to be a resident of the community where the organization is located.

Bingo can only be held on premises that are owned by nonprofit organizations, leased full time for not less than one year by nonprofit organizations, owned by and leased from other nonprofit organizations, or owned by a county or municipality that has authorized the property for such use.

B. Effect of Proposed Changes:

The bill would now provide a definition of "charitable, nonprofit, or veterans' organizations" which would include organizations which qualify for exemption from federal income tax under the Internal Revenue Code, which have been in existence for at least 3 years, and which are engaged in certain charitable endeavors. The terms "charitable and veterans" would be added throughout the bill wherever there was
reference to "nonprofit organizations." These organizations involved in conducting bingo would have to be located in the county or within a 15 mile radius of where the game was held and have been in existence and active for at least three years.

The bill would require an organization sponsoring a bingo game to designate a member who would be present during the game and to post notice of the name of the organization and the designated member at the game location.

Bingo would still be required to be held on the same types of premises, except that property leased for not less than one year by the nonprofit, charitable, or veterans' organizations would not have to be leased full time, provided the property was only leased to one such organization during that time period for the purpose of conducting bingo. Nothing would preclude the leasing of such property for other purposes besides bingo during that time period.

The bill would require all bingo cards to not have less than 24 playing numbers printed on them, ranging from 1 through 75, inclusive. Finally, SB 317 would delete the reference to "guest games", an undefined term used throughout section 849.093, F.S.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The fiscal impact is indeterminable because it is unknown to what extent, if any, that the inclusion of the specific definition of "charitable" organizations would expand or narrow the number of organizations currently authorized to conduct bingo.

B. Government:

None.

III. COMMENTS:


IV. AMENDMENTS:

None,
A bill to be entitled

An act relating to bingo; amending s. 849.093, F.S., defining the term "charitable, nonprofit, or veterans' organizations"; requiring such organizations involved in the conduct of or sponsoring any bingo game to be located in the community where the game is located; 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, or veterans' 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 bingo cards. When the game commences, numbers are drawn by chance, one by one, and announced. The players cover or mark those numbers on the bingo 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. The bingo card shall have not less than 24

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playing numbers printed on it. These playing numbers shall
range from 1 through 75, inclusive. 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
in such a way 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.

(g) "Charitable, nonprofit, or veterans' organizations" means any organization which has qualified for exemption from federal income tax as an exempt organization under the provisions of Section 501(c) of the Internal Revenue Code of 1954.

(2) None of the provisions of this chapter shall be construed to prohibit or prevent charitable, nonprofit, or veterans' organizations engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar activities, which organizations have been in existence and active for a period of 3 years or more, from conducting bingo games or guest games, provided 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, are 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 charitable, nonprofit or veterans' 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 day night as provided for in subsection (5).

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

(5) No jackpot shall exceed the value of $250 in actual money or its equivalent, and there shall be no more than three jackpots in any one session of bingo.

(6) There shall be no more than three jackpots on any one day of play. All other game prizes shall not exceed $50.

(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 may not be compensated in any way for operation of such bingo or guest game.

(8) Every charitable, nonprofit, or veterans' organization involved in the conduct of or sponsoring any bingo game must be located in the community where the bingo game is located.

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

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

(a) Property owned by the charitable, nonprofit, or veterans' organization;

(b) Property owned by the charitable, nonprofit, or veterans' charity or organization that will benefit by the proceeds;

(c) Property leased full time for a period of not less than 1 year by a charitable, nonprofit, or veterans' organization that will benefit by the proceeds;

(d) Property owned by and leased from another charitable, nonprofit, or veterans' organization as defined in 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.

(11) 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 a verification to be made 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 before, 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 may be alike in any given game.

(d) All numbers shall be visibly displayed after being drawn and before 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 the rack may 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 has 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 at the time the winner is determined to call for a verification of numbers drawn. 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 is entitled to share the prize unless he has declared a bingo prior to this announcement.

(i) Seats may 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.

(12) 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, 1984.
LEGISLATIVE SUMMARY

Amends current provisions of law with respect to bingo to:

1. Define the term "charitable, nonprofit, or veterans' organization" to mean any organization which has qualified for exemption from federal income tax as an exempt organization.

2. Require such organizations involved in the conduct of or sponsoring any bingo game to be located in the community where the game is located.

See bill for details.
SENATE BILL No. 401

Be it enacted by the Legislature of the State of Kansas.

Section 1 K.S.A. 1983 Supp. 79-4701 is hereby amended to read as follows: 79-4701. As used in this act, each of the following words and phrases shall have the following meaning unless the context otherwise requires:

(a) "Bingo" means a game in which each participant must pay a charge and a prize or prizes are awarded to the winner or winners in which each participant receives one or more cards or in which a card or cards are included in a paper game program booklet each of which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by number, letter or combination of numbers and letters, and only the center square designated with the word "free" with no two cards being identical, with the players covering squares as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares, with the winner of each game being the player or players first properly covering a predetermined and announced pattern of squares upon the card or a card which is included in a paper game program booklet being used by such player or players.

(b) "Nonprofit religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined by the secretary of revenue to be organized and operated as a bona fide religious organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the federal internal revenue code of 1954, as amended, or determined to be organized and operated as a bona fide nonprofit religious organization by the secretary of revenue.

(c) "Nonprofit charitable organization" means any organization which is organized and operated for:

1. The relief of poverty, distress, or other condition of public concern within this state, or
2. for financially supporting the activities of a charitable organization as defined in paragraph (1), or
3. for conferring direct benefits on the community at large, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization and has been determined by the secretary of revenue to be organized and operated as a bona fide charitable organization and which has been exempted from the payment of federal income taxes as provided by sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of 1954, as amended, or determined to be organized and operated as a bona fide nonprofit charitable organization by the secretary of revenue.

(d) "Nonprofit fraternal organization" means any organization within this state which exists for the common benefit, brotherhood, or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the secretary of revenue to be organized and operated as a bona fide fraternal organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(5) of the federal internal revenue code of 1954, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the secretary of revenue.
income taxes as provided by section 601(c)(8) or section 601(c)(10) of the federal internal revenue code of 1954, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the secretary of revenue.

(e) "Nonprofit educational organization" means any public or private elementary or secondary school or institution of higher education which has been determined by the secretary of revenue to be organized and operated as a bona fide educational organization and which has been exempted from the payment of federal income taxes as provided by section 601(c)(3) of the federal internal revenue code of 1954, as amended, or determined to be organized and operated as a bona fide nonprofit educational organization by the secretary of revenue.

(f) "Nonprofit veterans' organization" means any organization within this state or any branch, lodge, or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society of such a nonprofit veterans' organization the membership of which consists exclusively of individuals who were or are members of the armed services or forces of the United States, or are cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the secretary of revenue to be organized and operated as a bona fide veterans' organization and which has been exempted from the payment of federal income taxes as provided by section 601(c)(4) or 601(c)(19) of the federal internal revenue code of 1954, as amended, or determined to be organized and operated as a bona fide nonprofit veterans' organization by the secretary of revenue.

(g) "Lessor" means the owner, co-owner, lessor or sublessor of premises upon which a licensee is permitted to manage, operate or conduct games of bingo, whether or not a written lease has been entered into and submitted to the secretary of revenue as required in subsection (c) of K.S.A. 79-4703 and amendments thereto, and includes all political subdivisions and other public agencies.

(h) "Premises" means any room, hall, building, enclosure or outdoor area used for the management, operation or conduct of a game of bingo.

Sec. 2. K.S.A. 1983 Supp 79-4703 is hereby amended to read as follows 79-4703 (a) Any bona fide nonprofit religious, charitable, fraternal, educational or veterans' organization desiring to manage, operate or conduct games of bingo within the state of Kansas may make application for a license therefor in the manner provided under this section. Application for licenses required under the provisions of this act shall be made to the secretary of revenue upon forms prepared by the secretary of revenue or the secretary's designee and shall contain:

(1) The name and address of the organization,
(2) the particular place or location for which a license is desired,
(3) a sworn statement verifying that such organization is a bona fide nonprofit religious, charitable, fraternal, educational or veterans' organization authorized to operate within the state of Kansas signed by the presiding officer and secretary of the organization, and
(4) such other information as may be required by the secretary of revenue.

(b) No bingo license shall be issued to any bona fide nonprofit religious, charitable, fraternal, educational or veterans' organization if any of its officers, directors or officials or persons employed on the premises

(1) Has been convicted of, or pleaded guilty to, or pleaded nolo contendere to a violation of gambling laws of any state or the gambling laws of the United States, or shall have forfeited bond
to appear in court to answer charges for any such violation,
within the five years immediately prior to the date of such
organization’s application for a license or has been convicted or
pleaded guilty or pleaded nolo contendere to the violation of
any law of this or any other state which is classed as a felony
under the laws of such state,
(2) at the time of application for renewal of a bingo license
issued hereunder would not be eligible for such license upon a
first application.
(c) An application for a license required under the provisions
of this act shall be accompanied by a fee of $25 and if such
organization is to conduct bingo on any leased premises, the
terms of the lease shall be reduced to writing and a copy of the
lease shall be submitted to the secretary of revenue. The secre­
tary of revenue shall have the power and authority to approve or
disapprove any lease submitted. No lease, which has been ap­
proved by the secretary of revenue, shall be amended, modified
or renewed in any manner until such amendments, modifications
or renewals of such lease have been approved by and are on file
with the secretary of revenue. No lease shall have a rental cost
more than the fair and reasonable rental value as determined by
the secretary of revenue. In no event shall the rental cost for any
session of bingo exceed 50% of the net proceeds for such session
after payment of prizes and taxes or the fair and reasonable rental
value determined by the secretary of revenue for any session of
bingo, whichever is the lesser, but such 50% restriction shall be
waived by the secretary if the restriction would result in a rental
amount substantially lower than the fair and reasonable rental
value as determined by the secretary. Any rent beyond that
which is fair and reasonable for rental of a premises for the
purpose of managing, operating or conducting games of bingo as
determined by the secretary of revenue shall not be approved.
No lease submitted to the secretary of revenue shall be approved
unless.
(1) The rental cost of the premises itself is fair and reason­
able and, in no event, shall the rent charged for any session of
bingo exceed 50% of the net proceeds for the session after
payment of prizes and taxes or the fair and reasonable rental
value determined by the secretary of revenue, whichever is less.
The rental costs so charged shall be substantiated to the secre­
tary of revenue under rules and regulations adopted by the
secretary.
(2) Any costs additional to the costs under paragraph (1) of
this subsection (c) which are to be borne by the lessee shall
reflect the actual costs incurred by the lessor and shall first be
substantiated to the secretary of revenue.
(3) No costs shall be borne by the lessee unless such costs are
enumerated in the lease submitted to the secretary of revenue.
Each license issued shall expire at midnight on June 30 follow­
ing its date of issuance. A licensee may hold only one license and
that license is valid for only one location. However, any licensee
may operate or conduct games of bingo, not to exceed five days
in any one year, at locations other than that specified in the
license and if any licensee does operate or conduct games of
bingo under this provision at a location other than that specified
in the license, such licensee shall submit a written notification to
the secretary of revenue, at least three days prior to operating or
conducting bingo at the change of location. No organization shall
be issued a license to operate or conduct games of bingo at any
location outside the county within which such organization is
located as reported in its application for licensure pursuant to
subsection (a), nor shall any licensee operate or conduct games of
bingo at any location outside the county within which such
licensee is located. Licenses issued under the provisions of this
act shall not be transferred or assignable. If any organization
licensed to play bingo changes any of its officers, directors or
officials during the term of its bingo license, such organization
shall report the names and addresses of such individuals to the
secretary of revenue immediately with the sworn statement of
each such individual as required on forms furnished by the secretary of revenue. No organization which denies its membership to persons for the reason of their race, color or physical handicap, shall be granted or allowed to retain a license issued under the authority of this act. Except for nonprofit adult care homes licensed under the laws of the state of Kansas, no license shall be issued to any organization under the provisions of this act which has not been in existence continuously within the state of Kansas for a period of 18 months immediately preceding the date of making application for a license. The licensee shall display the license in a prominent place in the vicinity of the area where it is to conduct bingo.

(d) From and after January 1, 1983, No lessor of premises used for the management, operation or conduct of any games of bingo shall permit the management, operation or conduct of bingo games on such premises unless and until such lessor has made application for and has been issued a registration certificate by the secretary of revenue. Application for registration shall be accompanied by a fee in the amount of $25 $100 and shall be made upon forms prescribed by the secretary and shall contain:

1. The name or names of the lessor of premises which will be used for the management, operation or conduct of any games of bingo including, in the case of a corporation, partnership, association, trust or other entity, the names of all individuals having more than a 10% ownership interest, either directly or indirectly in such entity,
2. The address of such premises,
3. The name or names of any and all organizations which will manage, operate or conduct any games of bingo on such premises during the period for which the registration certificate is valid,
4. Such other information as may be required by the secretary.

(e) Each registration certificate, or renewal thereof, issued under the provisions of subsection (d) shall expire at midnight on June 30 following its date of issuance. The certificate of registration shall be valid for only one premises and shall be prominently displayed in the registered premises.

(f) The secretary of revenue shall not issue a registration certificate for any premises if any individual who is connected in any way, directly or indirectly, with the owner or lessor of the premises has, within five years prior to registration, been convicted of or pleaded guilty or nolo contendere to any felony or illegal gambling activity or purchased a tax stamp for wagering or gambling activity.

Sec. 3. K.S.A 1983 Supp 79-4706 is hereby amended to read as follows. 79-4706. Games of bingo managed, operated or conducted by organizations licensed under the provisions of this act shall be managed, operated or conducted subject to rules and regulations adopted by the secretary of revenue and the following restrictions:

(a) The entire gross receipts received by any such organization from the operation or conduct of games of bingo, except that portion utilized for the payment of the cost of prizes and license fees and taxes imposed under the provisions of this act, shall be used exclusively for the lawful purposes of the organization permitted to conduct that game.

(b) No person except a bona fide member or spouse of a bona fide member of the sponsoring organization or parent organization or an auxiliary unit or society of such sponsoring organization may participate in the management, conduct or operation of the game of bingo.

(c) No lessor, any employee of any such lessor or any employee, officer or shareholder of a for profit corporation which is the lessor, shall play any game of bingo on premises leased by any such lessor or shall be responsible for or assist in the management, operation or conduct of any game of bingo on such premises.

(d) No person may participate in the management, conduct or
operation of bingo games if such person, within five years prior
to such participation, has been convicted of, has pleaded guilty
to or pleaded nolo contendere to any illegal gambling activity;
or purchased a tax stamp for wagering or gambling activity or
has been convicted of any felony; or pleaded guilty or nolo
contendere to any felony or illegal gambling activity or pur-
chased a tax stamp for wagering or gambling activity.

(e) No person may receive any remuneration or profit for
participating in the management, conduct or operation of the
games, any game of bingo.

(f) The aggregate value of all prizes including the retail value
of all merchandise awarded or offered by any such organization
on any single day to winners of games of bingo shall not
exceed $1,200, and any prize awarded in cash of $100 or more
shall be paid by a check drawn on the bingo trust bank account
of the licensee.

(g) The total number of games managed, operated or con-
ducted by any licensee in any one day shall not exceed 25 and
not more than five of such games shall be jackpot or special
games and not more than one licensee may conduct bingo games
at a given licensed location or registered premises in any one
calendar day.

(h) The prize awarded in any one regular game shall not
exceed $50 in cash or its equivalent and such prize in any one
jackpot or special game shall not exceed $500 in cash or its
equivalent. The retail value of any merchandise received by a
winner of a bingo game shall be considered as the cash value for
the purposes of determining the value of the prizes.

(i) The charge made for a single card to play in games other
than jackpot or special games shall not exceed $1.50 and
such card shall be valid for all regular games conducted or
operated by the licensee on such a particular day, the charge
made for a single card to play in any single jackpot or special
game shall not exceed $1.50; the use of paper game
program booklets with multiple bingo cards printed on the pages
thereof shall be allowed and permitted so long as the charge
made for a regular game program booklet does not exceed $1.50,
except that the charge for such game program booklet may
be increased by an amount not exceeding of $0.50 for each
single jackpot or special game in the game program booklet.

(j) Games of bingo shall not be managed, operated or con-
ducted by any such licensee upon on more than two calendar
days in any one week.

(k) All licenses issued under the provisions of this act shall
be issued in the name of the organization licensed.

(l) Each licensee shall keep a record of all bingo games
managed, operated or conducted by it for a period of three years
following the date the game is managed, operated or conducted.

(m) No person under the age of 18 years shall participate in
the management, operation or conduct of any game of bingo
managed, operated or conducted by any organization licensed
under the provisions of this act.

(n) A lessor of premises used for the management, operation
or conduct of bingo or a licensee may not advertise bingo games
except to the extent and in the manner prescribed by the rules
and regulations adopted by the secretary of revenue, and any
advertisement of any bingo game by or on behalf of such lessor or
licensee shall specify the organization which is managing,
operating or conducting the bingo games.

(o) No lessor of premises used for the management, operation
or conduct of any games of bingo or any licensee shall offer an
opportunity to participate in a game of chance, drawing, contest,
door prize, game, test of skill, lottery or any similar activity as an
inducement to participate in games of bingo nor as a bingo prize
or preliminary to the awarding of a bingo prize.

(p) No licensee shall manage, operate or conduct bingo on
any leased premises or with leased equipment unless all of the
terms and conditions of rental or use, including the rental of
chairs, bingo equipment, tables, babysitters, security guards,
No premises shall be used for the management, operation or conduct of bingo games on more than three calendar days in any one week.

No premises shall be subdivided to provide multiple premises where games of bingo are managed, operated or conducted, whether or not the multiple premises have different addresses.

No game of bingo shall be managed, operated or conducted on leased premises if at any time during the immediately preceding 44 hours the premises, or any premises within 1,000 feet of them, have been used for the management, operation or conduct of a game of bingo.

Every licensee who has gross receipts of $1,000 or more received from participation in games, admission fees or charges and from any other source directly related to the operation or conduct of any bingo games in any calendar month shall maintain a bingo trust bank account into which all such receipts are deposited daily and from which all payments are made relating to the management, operation or conduct of any bingo games, except payment of prizes of less than $100. Having once established such bingo trust bank account, the licensee shall continue to make deposits of all receipts therein. Every licensee shall notify the secretary of revenue of the name of the bank in which the bingo trust bank account is maintained, together with the number and name of the account. Every licensee who maintains a bingo trust bank account shall maintain a complete record of all deposits and withdrawals from such bank account and the same shall be available to the secretary of revenue or the secretary's agents or investigators to audit at any reasonable time.

The records required under subsection (t) are in addition to all other records required to be kept by the licensee by statute or rules and regulations. The records required by subsection (t) shall be maintained in the same place as all other records required to be kept by the licensee.

New Sec. 4 (a) For the purpose of ascertaining the correctness of any return or for the purpose of determining the receipts and payments of any licensee, the secretary of revenue shall have power to examine, or cause to be examined by any agent or representative designated by the secretary for that purpose, any books, papers, records or memoranda, bearing upon the matters required to be included in the records of the licensee, and may require the attendance of the licensee in the county where the licensee resides, or where the location or registered premises for bingo games are located, or of any person having knowledge relating to such records, and may take testimony and require proof of such person or persons.

(b) The secretary of revenue may issue subpoenas to compel access to or for the production of such books, papers, records or memoranda in the custody of or to which the licensee has access, or to compel the appearance of such persons, and may issue interrogatories to any such person to the same extent and subject to the same limitations as would apply if the subpoena or interrogatories were issued or served in aid of a civil action in the district court. The secretary or an agent or representative designated by the secretary for that purpose may administer oaths and take depositions to the same extent and subject to the same limitations as would apply if the deposition was in aid of a civil action in the district court. In case of the refusal of any person to comply with any subpoena or interrogatory or to testify to any matter regarding which such person may be lawfully questioned, the district court of any county may, upon application of the secretary, order such person to comply with such subpoena or interrogatory or to testify. Failure to obey the court's order may be punished by the court as contempt. Subpoenas or interrogatories issued under the provisions of this section may be served upon individuals and corporations in the manner provided in
K.S.A. 60-304 and amendments thereto for the service of process by any officer authorized to serve subpoenas in civil actions or by the secretary of revenue or an agent or representative designated by the secretary.

Sec. 5. K.S.A. 79-4708 is hereby amended to read as follows.

79-4708. The administration of this act shall be vested in the secretary of revenue who shall have power to adopt and enforce rules and regulations to regulate, license, and tax the management, operation and conduct of games of bingo and participants therein and to properly administer and enforce the provisions of this act. Also, the secretary shall adopt rules and regulations relating to the leasing of premises for the management, operation and conduct of games of bingo.

Sec. 6. K.S.A. 79-4710 is hereby amended to read as follows.

79-4710. (a) All amounts received by or for the secretary of revenue from license fees pursuant to K.S.A. 79-4703 and amendments thereto shall be remitted to the state treasurer and the state treasurer shall deposit all of such moneys in the state treasury and, except as otherwise required in accordance with provided by K.S.A. 79-4711 and amendments thereto for maintenance of the bingo refund fund, shall credit the same to the state general fund.

(b) All amounts received by or for the secretary of revenue from the tax pursuant to K.S.A. 79-4704 and amendments thereto shall be remitted to the state treasurer and the state treasurer shall deposit all of such moneys in the state treasury. There is hereby created, in the state treasury, the state bingo regulation fund and the county and city bingo tax fund. Subject to the maintenance requirements of the bingo refund fund under K.S.A. 79-4711 and amendments thereto, one third (1/3) of each such deposit shall be credited to the state general fund, 1/3 of each deposit to the state bingo regulation fund and the remaining two thirds (2/3) of such deposit shall be credited to the county and city bingo tax fund. Moneys in the state bingo regulation fund shall be expended for the enforcement of the bingo statutes in article 47 of chapter 79 of Kansas Statutes Annotated and rules and regulations adopted pursuant thereto. Such expenditures shall be made upon vouchers approved by the secretary of revenue or a person designated by the secretary. Whenever any part of such deposit is credited to the bingo refund fund in accordance with K.S.A. 79-4711, one third (1/3) of the balance of such deposit shall be credited to the state general fund and the remaining two thirds (2/3) of such balance shall be credited to the county and city bingo tax fund.

(c) All moneys deposited in the county and city bingo tax fund shall be returned to the counties and cities in which the licensed locations and registered premises are located at a time or times fixed by the secretary but not less than once in each year. If the licensed locations and registered premises are located within the corporate limits of a city, all taxes collected therefrom shall be remitted to the city treasurer of such city and credited to the city general fund. If the licensed locations and registered premises are located within the unincorporated area of any county, all taxes collected therefrom shall be remitted to the county treasurer of such county and credited to the county general fund. Moneys distributed to cities and counties under this section shall be used to assist in the enforcement of the bingo laws of this state.
SENATE BILL No. 401—page 8


Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above Bill originated in the Senate, and passed that body.

__________________________________________

SENATE concurred in
House amendments __________________________

__________________________________________

President of the Senate.

__________________________________________

Secretary of the Senate

Passed the House
as amended __________________________

__________________________________________

Speaker of the House

__________________________________________

Chief Clerk of the House

APPROVED __________________________

__________________________________________

Governor
SENATE BILL No. 357

AN ACT concerning bingo, amending K.S.A. 1983 Supp 79-4706, as amended by section 3 of 1984 Senate Bill No. 401, and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas

Section 1. K.S.A. 1983 Supp 79-4706, as amended by section 3 of 1984 Senate Bill No. 401, is hereby amended to read as follows:

Games of bingo managed, operated or conducted by organizations licensed under the provisions of this act shall be managed, operated or conducted subject to rules and regulations adopted by the secretary of revenue and the following restrictions:

(a) The entire gross receipts received by any such organization from the operation or conduct of games of bingo, except that portion utilized for the payment of the cost of prizes and license fees and taxes imposed under the provisions of this act, shall be used exclusively for the lawful purposes of the organization permitted to conduct that game.

(b) No person except a bona fide member or spouse of a bona fide member of the sponsoring organization or parent organization or an auxiliary unit or society of such sponsoring organization may participate in the management, conduct or operation of any game of bingo.

(c) No lessor, any employee of any such lessor or any employee, officer or shareholder of a for profit corporation which is the lessor, shall play any game of bingo on premises leased by any such lessor or shall be responsible for or assist in the management, operation or conduct of any game of bingo on such premises.

(d) No person may participate in the management, conduct or operation of bingo games if such person, within five years prior to such participation, has been convicted of or pleaded guilty to any felony or illegal gambling activity or purchased a tax stamp for wagering or gambling activity.

(e) No person may receive any remuneration or profit for participating in the management, conduct or operation of any game of bingo.

(f) The aggregate value of all prizes including the retail value of all merchandise awarded or offered by any such organization on any single day to winners of games of bingo shall not exceed $1,200, and any prize awarded in cash of $100 or more shall be paid by a check drawn on the bingo trust bank account of the licensee.

(g) The total number of games managed, operated or conducted by any licensee in any one day shall not exceed 55 and not more than five of such games shall be jackpot or special games and not more than one licensee may conduct bingo games at a given location or registered premises in any one calendar day.

(h) The prize awarded in any one regular game shall not exceed $50 in cash or its equivalent and such prize in any one jackpot or special game shall not exceed $500 in cash or its equivalent. The retail value of any merchandise received by a winner of a bingo game shall be considered as the cash value for the purposes of determining the value of the prize.

(i) The charge made for a single card to play in games other than jackpot or special games shall be $5.50 not exceed $1 and such card shall be valid for all regular games conducted or operated by the licensee on a particular day, the charge made for a single card to play in any single jackpot or special game shall be $5.50 not exceed $1. Paper game program booklets with multiple bingo cards printed on the pages thereof are permitted so long as the charge made for a regular game program booklet is $5.50 does not exceed $1, except that the charge for such game program booklet may be increased by an amount of $5.50 not exceeding $1 for each single jackpot or special game in the game program booklet.

(j) Games of bingo shall not be managed, operated or conducted by any licensee on more than two calendar days in any one week.
(k) All licenses issued under the provisions of this act shall be issued in the name of the organization licensed.

(l) Each licensee shall keep a record of all bingo games managed, operated or conducted by it for a period of three years following the date the game is managed, operated or conducted.

(m) No person under the age of 18 years shall participate in the management, operation or conduct of any game of bingo managed, operated or conducted under the provisions of this act.

(n) A lessor of premises used for the management, operation or conduct of bingo or a licensee may not advertise bingo games except to the extent and in the manner prescribed by the rules and regulations adopted by the secretary of revenue, and any advertisement of any bingo game by or on behalf of such lessor or licensee shall specify the organization which is managing, operating or conducting the bingo game.

(o) No lessor of premises used for the management, operation or conduct of any games of bingo or any licensee shall offer an opportunity to participate in a game of chance, drawing, contest, door prize, game, test of skill, lottery or any similar activity as an inducement to participate in games of bingo nor as a bingo prize or preliminary to the awarding of a bingo prize.

(p) No licensee shall manage, operate or conduct bingo on any leased premises or with leased equipment unless all of the terms and conditions of rental or use, including the rental of chairs, bingo equipment, tables, security guards, janitor service or any other services, are set forth in a lease submitted, approved and on file with the secretary of revenue.

(q) No premises shall be used for the management, operation or conduct of bingo games on more than three calendar days in any one week.

(r) No premises shall be subdivided to provide multiple premises where games of bingo are managed, operated or conducted, whether or not the multiple premises have different addresses.

(s) No game of bingo shall be managed, operated or conducted on leased premises if at any time during the immediately preceding 44 hours the premises, or any premises within 1,000 feet of them, have been used for the management, operation or conduct of a game of bingo.

(t) Every licensee who has gross receipts of $1,000 or more received from participation in games, admission fees or charges and from any other source directly related to the operation or conduct of any bingo games in any calendar month shall maintain a bingo trust bank account into which all such receipts are deposited daily and from which all payments are made relating to the management, operation or conduct of any bingo games, except payment of prizes of less than $100. Having once established such bingo trust bank account, the licensee shall continue to make deposits of all receipts therein. Every licensee shall notify the secretary of revenue of the name of the bank in which the bingo trust bank account is maintained, together with the number and name of the account. Every licensee who maintains a bingo trust bank account shall maintain a complete record of all deposits and withdrawals from such bank account and the same shall be available to the secretary of revenue or the secretary's agents or investigators to audit at any reasonable time.

(u) The records required under subsection (t) are in addition to all other records required to be kept by the licensee by statute or rules and regulations. The records required by subsection (t) shall be maintained in the same place as all other records required to be kept by the licensee.
SENATE BILL No 357—page 3

Sec. 2. K.S.A. 1983 Supp 79-4706, as amended by section 3 of 1984 Senate Bill No 401, is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above Bill originated in the Senate, and passed that body.

______________________________
Secretary of the Senate

______________________________
Chief Clerk of the House

______________________________
Governor
HB 210

SPONSOR(S): Reps. Deratany & Crotty

RELATING TO: Bingo

OTHER COMMITTEES OF REFERENCE: None

COMPANION/SIMILAR: None

January 31, 1984

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 veterans' 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.

B. Effect on Present Situation

Requires all bingo cards to have not less than 24 playing numbers.

Defines "charitable, nonprofit, or veterans' organizations" to mean organizations which are exempt from taxation under the Internal Revenue Code.

Deletes reference to guest games, an undefined phrase used inconsistently throughout s. 849.093.

Requires organizations that conduct bingo games to be located in the same community where the game is played.

Changes leasing provisions to facilitate sub-leasing between qualified organizations.

II. PRIVATE SECTOR/STATE/LOCAL FISCAL IMPACT

Indeterminate

III. COMMENTS - None

IV. AMENDMENTS - None

Prepared by: Bill Ryan

Staff Director: Bill Ryan
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 veterans' 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.

B. Effect on Present Situation

The bill requires all bingo cards to have not less than 24 playing numbers.

"Charitable, nonprofit, or veterans' organizations" are defined to mean organizations which have been in existence for at least 3 years, which are exempt from taxation under the Internal Revenue Code, and which are engaged in certain charitable endeavors.

References to guest games, an undefined phrase used inconsistently throughout s. 849.093, are deleted.

The bill requires organizations that conduct bingo games to be located in the same county or within a 15-mile radius of where the game is played.

The bill requires an organization which sponsors a bingo game to designate an organization member who will be present throughout the game, and to post notice of the sponsoring organization's name and the designated member's name at the game location. The bill limits the number of
days during which bingo may be played at any one location to two days per week.

II. PRIVATE SECTOR/STATE/LOCAL FISCAL IMPACT

A. Private Sector Impact

The bill should have a negative fiscal impact upon private persons who presently use the exemption for charitable organizations as a means for operating for-profit bingo halls. It should help ensure that monies generated from bingo operations are either returned to the players in the form of prizes or paid to the charitable organization sponsoring the bingo games.

B. State Fiscal Impact

None

C. Local Fiscal Impact

None

III. COMMENTS

The law presently allows certain organizations which are not engaged in charitable endeavors to conduct bingo games if all of the proceeds are returned in the form of prizes to the players. By defining "charitable, nonprofit and veterans' organizations" and inserting this defined phrase in the section of the law which presently allows non-charitable organizations to conduct bingo and in the section of the law which restricts the premises on which bingo can be played, the bill appears to prohibit the conduct of bingo by anyone other than those organizations which qualify as "charitable, nonprofit and veterans' organizations."

IV. AMENDMENTS - None

Prepared by: Bill Ryan

Staff Director: Bill Ryan
I. SUMMARY

A. PRESENT SITUATION:

Chapter 849, F.S., contains provisions which prohibit gambling. Among the prohibited activities, it is illegal to set up, promote, or conduct any lottery. Lotteries are also prohibited by Article 10, Section 7 of the Florida Constitution.

The definition of lottery is, in essence, a chance at a prize for a price. There must be a hazard of something tangible of value paid or agreed to be paid by the player in consideration for the privilege of participating in the game or scheme in which there is a chance to win a much larger amount. A lottery, therefore, has three elements—a prize, awarded by chance, for a consideration. 27 Fla. Jur. 2d, Gambling s. 16. Section 849.35(6), F.S., defines "lottery ticket" and gives several examples of a lottery, but in no way are they intended to be all inclusive of what constitutes a lottery.

Under current law, a raffle may be deemed a lottery and therefore be prohibited as a criminal activity. Conducting a lottery is punishable as a third degree felony by imprisonment not exceeding 5 years or by fine not exceeding $5,000, or both. However, under s. 849.091, nonprofit and charitable institutions, by meeting certain requirements, may be excluded from the prohibitions of Ch. 849. An eligible institution may conduct bingo games or guest games provided the net proceeds are donated to the endeavors of such organization.

B. EFFECT OF PROPOSED CHANGES:
This bill would amend s. 849.093 to include raffles with bingo and guest games as permitted endeavors. There would be no age requirement for participation in a raffle as there is for bingo or guest games.

Also, where gross ticket sales or the value of the prize or prizes exceeds $1,000, the eligible organization would:

(a) be limited to two raffles per calendar year.

(b) be required to file with the Secretary of State a notice of intent at least 14 days prior to sale of tickets if the raffle is statewide or multi-county.

(c) be required to file with the clerk of the circuit court a notice of intent at least 14 days prior to sale of tickets if the raffle is confined to one county.

The notice of intent would include the name of the organization, the name and address of the person in charge of the raffle, and the list of prizes.

II. FISCAL IMPACT

Minimal if any.

III. COMMENTS

In some areas of the state, local law enforcement agencies do not prevent charitable or nonprofit organizations from conducting raffles. In other areas, organizations that would conduct a raffle are threatened with arrest and criminal prosecution. By allowing all eligible institutions to conduct raffles, the bill would end this disparate treatment.

Article 10, Section 7 of the Florida Constitution states, "Lotteries, other than the types of parimutual pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state". It should be noted that even though this bill would make raffles statutorily permissible, they may be prohibited by the Constitution.

IV. AMENDMENTS

Prepared by:  

Rick Whitaker

Staff Director:
J. Thomas Wright

Copy to Sponsor: March 23, 1984
I. SUMMARY

A. Present Situation

Section 849.093, F.S., exempts certain bingo activities from the general prohibition on gambling. Veterans' and nonprofit organizations engaged in charitable, civic, community, benevolent, religious, or scholastic works and other nonprofit organizations are permitted to conduct bingo games if the organization has been in existence for 3 years. Veterans' and nonprofit organizations engaged in the enumerated charitable activities must use the net proceeds of the bingo games, after deducting business expenses, for these charitable endeavors. Other nonprofit organizations not engaged in the enumerated charitable activities must return all game proceeds to the players.

The prize money is restricted to $250 per jackpot, with a maximum of 3 jackpots per session and per day of play. All other prizes are restricted to $50. No organization is allowed to conduct bingo games more than 2 times per week.

Each person involved in the conduct of bingo games is required to be a resident of the community where the sponsor organization is located and a bona fide member of the organization. The law prohibits the payment of compensation to such persons.

Bingo games may only be held on property owned or leased for 1 year or longer by the charitable or nonprofit organization, or property owned by a city or county which has, by ordinance, authorized such use of the property.

These exceptions to the prohibition on gambling have sometimes been used by commercial bingo parlors, which operate full-time using different charitable organizations as sponsors for the bingo activities. The commercial bingo operators make their money by charging the
charitable organizations a flat fee or percentage of the revenues generated by the bingo games in return for the organization’s use of the facility and bingo equipment.

No state agency licenses bingo at the present time. Dade and Broward Counties license bingo operators pursuant to county ordinances. Pinellas County licensed bingo operators in the past, but discontinued the licensing because the license fees did not generate sufficient revenue to pay the costs of licensing.

B. Effect on Present Situation

The bill mandates licensing of and reporting by all organizations engaged in the conduct of bingo games and all persons who lease premises to such organizations. The Department of Business Regulation is given the responsibility for licensing applicants and collecting reports from licensees. License applicants are assessed a $25 fee for the annual license.

Licensees are required to file quarterly reports with the Department. Organizations conducting bingo must report the number of games conducted, the number of participants, the number and amount of prizes awarded, the proceeds derived from each game, the amount of deductible business expenses, the net proceeds to charitable endeavors, and/or the disposition of the proceeds if not to a charitable endeavor. Persons leasing premises for bingo operations must report the location of the premises, the name and address of each organization leasing the premises, the number of games and participants and amount of prizes awarded by each organization, the consideration paid for each lease, and the amount of any charges imposed by the lessor for its own benefit or on behalf of the organization.

The bill provides that failure to file a complete report or falsification of information in a report is grounds for revocation of a license.

II. PRIVATE SECTOR/STATE/LOCAL FISCAL IMPACT

A. Private Sector Impact

Insignificant. Organizations conducting bingo games will be required to pay $25 per year to obtain a license to do so. Persons leasing property to such organizations will also be required to pay $25 per year for a license.

B. State Fiscal Impact
Indeterminate. The Attorney General's Office has estimated that approximately 600 persons and organizations would be licensed under this bill. Of that 600, 100 would require dual licensing as operators and lessors. This estimate may be low because Broward County alone has 167 outstanding licenses for bingo operators. The $25 license fee may cover the costs of issuing a license and gathering reports, but would not generate sufficient revenues to allow the Department to investigate applicants, pursue license revocation proceedings, or otherwise enforce the bingo law.

C. Local Fiscal Impact

To the extent that local governments license bingo, and the licensing fees do not pay all costs of licensing, these local governments could save money by abolishing local licensing.

III. COMMENTS

The bill provides that the Department of Business Regulation is the agency responsible for licensing bingo operators. Because most divisions and activities of the Department are funded through trust fund moneys, it may be desirable to designate the division responsible for administering the law. The Division of Pari-mutuel Wagering, which is based in Miami, would be the logical choice.

The bill does not specify where the licensing revenues are to be deposited. It may be desirable to designate the Pari-mutuel Wagering Trust Fund (which funds the division's activities) as the depository if the division will have the licensing responsibility.

The Department should probably be given express authority to revoke licenses for failure to comply with the reporting provisions of the law. The bill currently implies such authority by providing that either failure to report or falsification of a report is grounds for revocation.

IV. AMENDMENTS - None

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548.47 Financial interest in boxer prohibited.--

(1) No member of the commission or employee thereof, nor any referee, judge, or promoter licensed by the commission nor any attending physician may have any direct or indirect financial or pecuniary interest in any boxer.

(2) No manager, trainer, or second of any boxer shall have any direct or indirect financial or pecuniary interest in the opponent in any contest in which his own boxer participates. Nor shall any boxer have any direct or indirect financial or pecuniary interest in his opponent in any contest. A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

548.48 Fees, fines, and forfeitures.--All fees, fines, forfeitures, and other moneys collected under the provisions of this chapter shall be paid by the commission to the State Treasurer who, after expenses of the commission are paid, shall deposit them in the General Revenue Fund.

548.49 Rules.--The commission may adopt rules to implement this chapter.

Section 3. Sections 548.01, 548.02, 548.03, and 548.04, Florida Statutes, are hereby repealed.

Section 4. Section 14.27 and chapter 548, Florida Statutes, are repealed on October 1, 1994, and shall be reviewed pursuant to section 11.61, Florida Statutes.

Section 5. This act shall take effect October 1, 1984.

Approved by the Governor June 19, 1984.

Filed in Office Secretary of State June 20, 1984.

CHAPTER 84-247

Committee Substitute for House Bill No. 210

An act relating to bingo; amending s. 849.093, F.S., defining the term "charitable, nonprofit, or veterans' organizations"; requiring such organizations involved in the conduct of or sponsoring any bingo game to be located in the county or within a 15-mile radius of where the game is located; requiring a sponsoring organization to designate a member who will be present at the sponsored bingo game; requiring posting of notice of sponsoring organization and designated member; limiting the number of days during which bingo games may be conducted at any one location to 2 days per week; amending s. 849.16, F.S.; deleting language which provides that certain amusement games are not slot machines for the purposes of the laws relating to gambling; creating ch. 512, F.S.; defining the term "arcade amusement center"; providing that certain amusement games are not slot machines for purposes of the laws relating to gambling; providing legislative intent; providing an effective date.
operated—for-the-entertainment-of-the-general-public-and-tourists—as
a-bona-fide-amusement-facility;

Section 3. Chapter 512, Florida Statutes, consisting of section 512.01, Florida Statutes, is created to read:

512.01 Amusement machines not gambling devices.--

(1) Nothing contained in chapter 849 shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided that the merchandise or prize awarded in exchange for said points or coupons shall not exceed the cost value of 75 cents on any game played. Nothing in this subsection shall be taken or construed as applicable to a coin-operated game or device designed and manufactured only for bona fide amusement purposes which game or device may by application of skill entitle the player to replay the game or device at no additional cost, if the game or device can accumulate and react to no more than 15 free replays; can be discharged of accumulated free replays only by reactivating the game or device for one additional play for such accumulated free replay; can make no permanent record, directly or indirectly, of free replays; and is not classified by the United States as requiring a federal gambling tax stamp under applicable provisions of the Internal Revenue Code.

(2) The term "arcade amusement center" as used in this section shall mean a place of business having at least 50 or more coin-operated amusement games or machines on the premises which are operated for the entertainment of the general public and tourists as a bona fide amusement facility.

Section 4. Legislative intent.—It is the express intent of the Legislature that no charitable, nonprofit or veterans' organization shall serve as a sponsor of a bingo game conducted by another but shall only be directly involved in the conduct of such a game as provided in this act.

Section 5. This act shall take effect October 1, 1984.

Approved by the Governor June 19, 1984.

Filed in Office Secretary of State June 20, 1984.