

ARTICLE III. BINGO

DIVISION 1. - GENERALLY

Sec. 10-51. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Actual business expenses means those expenses that have a direct bearing on and are necessary to the conduct of a bingo game and related activities, the allocation of which shall be in accordance with generally acceptable accounting practices, and which include the following:

- (1) Authorized expenses, charitable organization's, authorized organization's or associational group or organization's premises means and includes equipment and supplies; accounting services for records and reports; state and local license fees; advertising; cost of security personnel; pro rata costs for insurance and utilities such as electricity, water, gas, sewer, garbage collection or trash collection resulting from conducting a bingo game; cost of refreshments provided at no cost to players and volunteers; cost of prizes; cost of creating and maintaining a petty cash fund no larger than \$25.00.
- (2) Authorized expenses, charitable organization's, authorized organization's or associational group or organization's bingo games conducted at other than charitable organization's, authorized organization's or associational group or organization's premises means and includes equipment and supplies; state and local license fees; accounting services for records and reports; advertising; cost of security personnel; pro rata share of insurance and utilities such as water, sewer, gas, garbage and trash collection and electricity incurred in conducting bingo; cost of prizes; cost of refreshments provided at no cost to players and volunteers; cost of creating and maintaining a petty cash amount containing \$25.00; and rental charge so long as the rental charge does not exceed the fair market rent charged for similar premises in the county.

Associational group or organization means a condominium association, cooperative association, homeowners associations, mobile home owners' association or a group of residents of a mobile home park as defined in F.S. ch. 723, or a group of residents of a mobile home park or recreational vehicle park as defined in F.S. ch. 513.

Authorized organization means an organization as described in F.S. § 849.0931(2)(a) other than a charitable organization that is entitled under F.S. § 849.0931(3) to conduct bingo.

Bingo or bingo game means a game in which:

- (1) Each participant either pays a charge or becomes a participant for free and receives one or more bingo cards in a place licensed by the county to conduct bingo games and/or authorized by state statute to conduct bingo.
- (2) The players cover squares as the representative announces a number, letter or a combination of numbers and letters selected by chance from a receptacle containing objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares on the bingo cards; and
- (3) A prize is awarded to the winner, who is the player first properly covering a predetermined and announced pattern of squares on the bingo card.

Bingo card means the flat, usually rectangular, piece of paper or thin pasteboard marked off into a set of 25 squares arranged in five vertical rows of five squares each. Bingo card will have no fewer than 24 numbers, letters, or combinations of numbers and letters, and includes a piece of paper or cardboard marked in Braille. More than one set of bingo numbers may be printed on a single sheet of paper.

Chairperson means the person designated by a licensed organization to be responsible for the conduct of bingo games or instant bingo.

Charitable organization means any person who has qualified for exemption from federal income tax as an exempt organization under section 501(c) of the Internal Revenue Code of 1954 or section 528 of the Internal Revenue Code of 1986, as amended, and who is or holds himself out to be established for any benevolent, educational, philanthropic, humane, scientific, artistic, patriotic, social welfare or advocacy, public health, environmental conservation, civic or other eleemosynary purpose and which organization has been in existence and active for a period of three years or more. It includes a chapter, branch, area, office or similar officiate performing functions of the organization within the state for a charitable organization which has its principal place of business outside the state.

Conviction or convicted includes also an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond, when a person has been charged with a violation involving theft or illegal gambling or with a felony.

Deal means a separate set or package of not more than 4,000 instant bingo tickets in which the predetermined minimum prize payout is at least 65 percent of the total receipts from the sale of the entire deal.

Entire or net proceeds means all moneys collected in exchange for the purpose of bingo cards, instant bingo, admissions and related sales, less only actual business expenses.

Flare means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information:

- (1) The game name.
- (2) The manufacturer's name or distinctive logo.
- (3) The form number.
- (4) The ticket count.
- (5) The prize structure, including the number of symbols or number combinations for winning instant bingo tickets by denomination, with their respective winning symbols or number combinations.
- (6) The cost per play.
- (7) The game serial number.

Instant bingo means a form of bingo that is played at the same location as bingo, using tickets by which a player wins a prize by opening and removing a cover from the ticket to reveal a set of numbers, letters, objects, or patterns, some of which have been designated in advance as prize winners.

Lease includes a lease, sublease, assignment, rental or agreement to use any premises for the conduct of bingo or instant bingo, other than premises owned by the licensed organization and used by it to conduct bingo or instant bingo for its own benefit.

Lessor means a person who or organization which leases, subleases, assigns or rents any premises to be used for the conduct of bingo or instant bingo or agrees to the use of the premises for the conduct of bingo or instant bingo.

Licensed organization means a charitable, authorized organization or associational organization that has been issued a license under this article.

Owner means the charitable organization, authorized organization or associational organization which holds legal title to the premises on which a bingo game, instant bingo, or a series of bingo games is played.

Player means a person who has paid some amount of money to the representative for one or more bingo cards and who has some expectation of receiving a prize if one or more of his bingo cards contains a sufficient number of numbers, letters or combination of letters and numbers which are the same as

those shown and announced by the representative during a bingo game, or a person who has paid some amount of money to the representative for one or more instant bingo tickets.

Premises means an indoor or outdoor area used for the conduct of bingo or instant bingo.

Principal officers means the president, vice-president or treasurer or partner or limited partner or organization officers performing similar duties.

Prize means cash or anything of value awarded to a player of a bingo game or instant bingo or players in a series of bingo games.

Volunteer means a bona fide member of the organizations sponsoring the bingo or instant bingo session and participating in other meaningful activities of the organization other than bingo or instant bingo and who resides in the county or within a 15-mile radius of where the bingo or instant bingo session is located. A volunteer must have been a member of the sponsoring organization for at least 30 days.

(Code 1970, § 16½-82; Ord. No. 92-15, § 2, 10-27-92; Ord. No. 93-18, § 1, 6-8-93; Ord. No. 94-12, § 1, 8-9-94; Ord. No. 95-12, § 1, 8-22-95; Ord. No. 96-19, § 1, 11-6-96; Ord. No. 97-01, § 1, 1-14-97; Ord. No. 00-07, § 2, 6-20-00; Ord. No. 06-07, § 2, 2-28-06; Ord. No. 08-40, § 1, 9-23-08)

Cross reference— Definitions generally, § 1-2.

Sec. 10-53. - Legislative intent.

- (a) It is the intent of the board of county commissioners that all phases of the regulation, licensing and supervision of bingo and instant bingo are closely controlled and the law pertaining thereto is strictly construed and rigidly enforced, to the end that commercialization in all its forms is discouraged, participation by criminal and other undesirable elements is prevented and diversion of the proceeds of bingo and instant bingo games from the purposes authorized by F.S. § 849.0931 is eliminated.
- (b) It is the further intent of the board of county commissioners that this article shall not be applicable to those organizations and groups that have or serve 50 players or less, with such number of players to be determined based on an annual average. The exemption granted in this subsection shall not be construed as exempting such organizations and groups from full compliance with F.S. § 849.0931. The exemption granted in this subsection represents a legislative determination that bingo or instant bingo conducted with 50 players or less is not large enough to require more rigorous regulation.
- (c) It is the further intent of the board of county commissioners that this article shall apply in all parts of the county, including each municipality located within the county.

(Code 1970, § 16½-83; Ord. No. 92-15, § 3, 10-27-92; Ord. No. 92-16, §§ 1, 2, 11-4-92; Ord. No. 08-40, § 1, 9-23-08)

State Law reference— Application of county ordinances to incorporated areas, Fla. Const. art. VIII, § 1(f).

Sec. 10-54. - Administration and enforcement.

Responsibility for administration of this article is vested in the county administrator or his designee and responsibility for the enforcement of this article is vested in the sheriff.

(Code 1970, § 16½-84; Ord. No. 92-15, § 4, 10-27-92; Ord. No. 93-08, § 1, 4-6-93; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-55. - Records and reports; consent by licensee.

Each charitable organization, authorized organization, associational group or organization and lessor shall keep such records and make such reports as may be required by the county to implement this article and carry out its purpose. By applying for a license under this article, a person shall be deemed to have consented to this article and to the exercise by the sheriff of the authority granted by this article.

(Code 1970, § 16½-98; Ord. No. 92-15, § 18, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-56. - Certain premises declared nuisances.

A room, house, building, boat, vehicle, structure or place which is either (i) not included in an approved application for a class B license and covered by a rent and valid class B license issued under this article or (ii) not owned by the person or unincorporated organization, whether or not licensed under this article, conducting a bingo or instant bingo game therein, upon or within which a bingo or instant bingo game is conducted contrary to this article, is declared to be a common nuisance. An action to enjoin the nuisance may be brought by the county attorney, at the request of the sheriff, in the appropriate court. If a person has knowledge or reason to believe that his room, house, building, boat, vehicle, structure or place is occupied or used for the conduct of a bingo or instant bingo game contrary to this article and by acquiescence or consent suffers the place to be so occupied or used, the room, house, building, boat, vehicle, structure or place shall be subject to a lien for and may be sold to pay all fines or costs assessed against the person guilty of the nuisance, and the county attorney may enforce this lien in the appropriate court.

(Code 1970, § 16½-113; Ord. No. 92-15, § 33, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-57. - Major violations.

A person shall, upon being found guilty, be punished as provided in chapter 1 of this Code if such person knowingly and willfully:

- (1) Uses any room, house, building, boat, vehicle, structure or place owned or leased by him, which room, house, building, boat, vehicle, structure or place is either not included in an approved application for a class B license and covered by a current and valid class B license issued under this article, or not covered by a licensed organization and being at the time used to conduct a bingo or instant bingo game for its own benefits, for the conduct of a bingo or instant bingo game by a person not holding a current and valid class A license issued under this article or acquiesces in or consents to this use.
- (2) Conducts a bingo or instant bingo game without, at the time, having a current and valid class A license issued under this article.
- (3) Gives, offers or distributes any service or thing of value to encourage or entice participation in the play of any bingo or instant bingo game, contrary to the prohibition of subsection 10-63(3) and section 10-70 of this chapter.
- (4) Being at the time a licensed organization, permits its name to be used in connection with a bingo or instant bingo game that is conducted by another person, contrary to the prohibition of subsection 10-64(a), or acquiesces in such use.
- (5) Leases, subleases, assigns or rents a premises for the conduct of bingo or instant bingo or agrees to the use of any premises for the conduct of bingo or instant bingo without at the time having a current and valid class B license issued under this article.
- (6) Being at the time a lessor, conducts, assists or participates in the conduct of bingo or instant bingo or renders any service or offers, distributes or gives anything of value to anyone

conducting, assisting or participating in the conduct of bingo or instant bingo or to any member of a licensed organization, contrary to the prohibition of subsection 10-65(b).

- (7) Offers, pays or gives any salary, tip, compensation or reward in any form whatsoever, directly or indirectly, to any person conducting or assisting in the conduct of bingo or instant bingo.

(Code 1970, § 16½-114; Ord. No. 92-15, § 34, 10-27-92; Ord. No. 99-08, § 2, 7-20-99; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-58. - Minor violations.

A person who, knowingly and willfully:

- (1) Being at the time a representative of any charitable organization, authorized organization or associational group or organization, conducts a bingo or instant bingo game on behalf of that charitable organization contrary to any of the conditions of play stated in section 10-59 or permits or acquiesces in such conduct;
- (2) Permits any premises owned or controlled by him to be used for the conduct of bingo or instant bingo contrary to any of the conditions stated in section 10-68;
- (3) Being at the time a charitable organization, authorized organization or associational group or organization, requires or permits any person who has not been an active member of the charitable organization, authorized organization or associational group or organization for a period for at 30 days prior to his appointment for designation to act or serve as the charitable organization, authorized organization or associational group or organization representative or to conduct bingo or instant bingo;
- (4) Being at the time a charitable organization, authorized organization or associational group or organization or lessor fails or refuses to deposit the proceeds derived from the conduct of bingo or instant bingo or from the leasing of premises upon which bingo or instant bingo is conducted, as the case may be, into a separate bank account as required by subsection 10-64(b) or 10-65(c);
- (5) Fails or refuses to maintain the records or to make the reports required by this article or by the sheriff pursuant to the article;
- (6) Fails or refuses to make records available on demand by the sheriff or his authorized representative, as provided by subsection 10-64(c) or 10-65(d);
- (7) Mutilates, obstructs, tears down, removes or otherwise tampers with any official notice, placard, poster or other sign required by this article or by the sheriff to be posted without legal authority to do so;
- (8) Reproduces or alters or causes to be reproduced or altered a license, report, certificate or other document issued by the sheriff, with an intent to evade or violate any section of this article or any other law;
- (9) Uses or has in his possession any bingo equipment, as defined in subsection 10-59(b) that is being used to conduct an unlawful bingo game as prohibited by subsection 10-59(b);
- (10) Has in his possession any money or other thing of value derived from admissions, sales of bingo cards, instant bingo tickets, sales of food and beverages, concession payments and other activities in connection with the conduct of an unlawful bingo or instant bingo game as prohibited by subsection 10-59(b);
- (11) Tampers with the bingo or instant bingo equipment, including the balls used or tickets, with the intent of producing an irregular result;
- (12) Commits any violation of this article not otherwise mentioned in this section or in section 10-57; shall, if found guilty, be fined up to \$500.00 and imprisoned in the county jail for a period not to

exceed 60 days. For violations that are of a continuing nature, each date that the violation continues shall be a separate offense. Violations are declared to be class VII violations.

(Code 1970, § 16½-115; Ord. No. 92-15, § 35, 10-27-92; Ord. No. 94-12, § 3, 8-9-94; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-59. - Confiscation of bingo equipment.

- (a) As used in this section and article, the term "bingo equipment" includes bingo cards, chips or markers for use in covering the spaces on a bingo card; the balls, cubes or tiles having the letters, numbers or combinations thereof by which the squares on bingo cards are denominated and used by the charitable organization, authorized organization or associational group or organization in conducting a bingo game; a birdcage or similar device, whether hand operated or mechanically powered, for randomizing and ejecting such balls, cubes or tiles; a master bingo layout for the display of balls, cubes or tiles ejected and called by charitable organization's, authorized organization's or associational group's or organization's representative; instant bingo tickets; flares; deals; or any other device, implement, apparatus or paraphernalia ordinarily or commonly used or designed to be used in the conduct of bingo and/or instant bingo; but does not include tables, chairs and similar items not specifically designed for use in the conduct of bingo.
- (b) Except when bingo equipment is being used in the conduct of bingo or instant bingo by a charitable organization, authorized organization or associational group or organization having the appropriate license upon premises owned by the charitable organization, authorized organization or associational group or organization or leased from a lessor having the appropriate license, neither of which licenses is under suspension or permanently or conditionally revoked, the use of bingo equipment in the conduct of a bingo or instant bingo game is unlawful.
- (c) All bingo equipment that is found by the sheriff being used in the conduct of an unlawful bingo or instant bingo game shall be subject to confiscation and forfeiture as provided in section 10-60. It shall be the duty of the sheriff or of any law enforcement officer in the office of the sheriff finding any bingo equipment being used unlawfully to seize and take possession of the equipment for disposition as provided in section 10-60. It shall also be the duty of the sheriff or of any law enforcement officer in the office of the sheriff finding any bingo equipment being used unlawfully in connection with any lawful search made by him to seize and take possession of the equipment for disposition as provided in section 10-60.

(Code 1970, § 16½-110; Ord. No. 92-15, § 30, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-60. - Procedure for disposition of confiscated bingo equipment.

- (a) Return of sheriff. When bingo equipment is seized by the sheriff or a law enforcement officer in the office of the sheriff pursuant to section 10-59, the sheriff shall fix the approximate value thereof and make a return thereof to the county attorney. The return shall contain a schedule of the bingo equipment seized, describing it in reasonable detail; shall give in detail the facts and circumstances under which it was seized; shall state in full the reason why the seizing officer knew or was led to believe that the bingo equipment was being used unlawfully; and shall list all persons known to the sheriff to be interested in the seized bingo equipment. The sheriff shall hold the seized bingo equipment pending its disposition by the court as provided in this section.
- (b) Proceedings for forfeiture.
 - (1) Petition; violation.
 - a. Upon receipt of the sheriff's return, the county attorney shall file with the appropriate court a petition for forfeiture of the seized bingo equipment. The proceedings and any judgment of forfeiture shall be in rem and primarily against the bingo equipment itself. Upon the filing

of the petition, the clerk shall issue a citation directed to all persons owning, having or claiming an interest in or a lien upon the seized bingo equipment to file their claim to, on or in the equipment within the time fixed in the citation as to persons not personally served and within 20 days from personal service of the citation where personal service is held. Personal service shall be made on all persons in the state listed on the sheriff's return, in accordance with the Florida Rules of Civil Procedure and the laws of the state. The citation shall be in substantially the following form:

IN THE [name of court]

IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY

[here describe seized bingo equipment]

THE COUNTY OF PASCO to:

[here list the individuals, partnerships, corporations and unincorporated organizations listed on the sheriff's return] AND TO ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE-DESCRIBED PROPERTY.

YOU AND EACH OF YOU is hereby notified that the above-described property has been seized under and by virtue of Pasco County Code and is in the possession of the Sheriff of Pasco County, and you and each of you is hereby further notified that a petition under said Code has been filed in [name of court] seeking the forfeiture of the said property. You are hereby directed and required to file your claim, if any you have, and show cause on or before _____/_____/_____, 20_____, if not personally served with process herein, and within 20 days from service if personally served with process herein, why the said property should not be forfeited pursuant to said Pasco County Code. Should you fail to file claim as herein directed, judgment will be entered against you herein in due course. Persons not personally served with process may obtain a copy of the petition for forfeiture filed herein from the undersigned Clerk of Court.

WITNESS my hand and the seal of the above-mentioned court, at New Port Richey/Dade City, Florida, this _____/_____/_____, 20_____.

[Clerk of the Court]

[seal]

By _____
[Deputy Clerk]

- b. The citation shall be returnable, as to persons served constructively, not less than 21 nor more than 30 days from the posting or publication thereof and as to persons personally served within 20 days from service thereof.
 - c. If the value of the seized bingo equipment is shown by the sheriff's return to have an approximate value of \$400.00 or less, the citation shall be constructively served by posting at three public places in the county, one of which shall be the front door of the county courthouse. If the value of the seized bingo equipment is shown by the sheriff's return to have an approximate value of more than \$400.00, the citation shall be published once a week for three consecutive weeks as provided in F.S. ch. 50. Failure of the record of the proceedings to show proof of publication shall not affect any judgment made therein unless it shall affirmatively appear that no publication was made.
- (2) Delivery of property to claimant. A person filing a claim in the action, which claim shall state fully such person's right, title, claim or interest in and to the seized bingo equipment, may, at any time after the claim is filed with the clerk of the court, obtain possession of the seized bingo equipment by filing a request therefore with the sheriff and posting with him a surety bond. The surety bond shall be approved by the county attorney, shall be payable to the county in twice the amount of the value of the property as fixed on the sheriff's return and shall be with a corporate surety duly authorized to transact business in the state as a surety. The bond shall be conditioned upon his paying to the sheriff the value of the property together with the costs of the proceedings if a judgment of forfeiture is entered by the court. Upon the posting of the bond with the sheriff and the release of the property to the applicant, the action shall proceed to final judgment as if no bond has been filed, except that an execution issued pursuant to a final judgment may run and be enforced against the person posting the bond and his surety.
 - (3) Proceedings before judgment. The action shall proceed as a civil action under the Florida Rules of Civil Procedure and the laws of the state. Except as provided in this section, a claimant shall prove to the satisfaction of the court that he did not know or have any reason to believe, at the time his right, title, interest or lien arose, the seized bingo equipment was being used for or in connection with the unlawful conduct of bingo or instant bingo and, further, that at that time there was no reasonable reason to believe that the equipment might be used for such purposes. Where the owner of the seized bingo equipment has been convicted of a violation of subsection 10-57(1) or (2), the conviction shall be prima facie evidence that each claimant has reason to believe that the equipment might be used for or in connection with the unlawful conduct of bingo or instant bingo, and it shall be incumbent upon the claimant to satisfy the court that he was without knowledge of the conviction.
 - (4) Judgment of forfeiture. On final hearing, the sheriff's return shall be taken as prima facie evidence that the seized bingo equipment was or had been used for or in connection with the unlawful conduct of bingo or instant bingo and shall be sufficient predicate for a judgment of forfeiture in the absence of other proofs and evidence. Where the seized bingo equipment is encumbered by a lien or retained-title agreement under circumstances wherein the lienholder had no knowledge of the use of the equipment for or in connection with the unlawful conduct of bingo or instant bingo and no reasonable reason to believe that it might be so used, the court may:
 - a. Declare a forfeiture of all other rights, title and interests subject to the lien of the innocent lienholder.
 - b. Direct the payment of the innocent lienholder from the proceeds of a sale of the seized bingo equipment.

Upon the entry of a judgment of forfeiture, the court shall determine the disposition to be made of the seized bingo equipment. A sale of the seized bingo equipment shall be at public sale to the highest and best bidder for cash after two weeks' public notice has been given as the court directs. Where the seized bingo equipment has been delivered to a claimant as provided in subsection (b)(2) of this section, the court shall determine the value of the equipment or portion thereof subject to forfeiture and shall enter judgment against the principal and surety of the

bond in such amount for which execution shall issue in the usual manner. Upon the application of a claimant, the court may fix the value of the forfeitable interest in the seized bingo equipment and permit the claimant to redeem the equipment upon the payment of a sum equal to the value of the forfeitable interest, which sum shall be disposed of as would the proceeds of a sale of the equipment under a judgment of forfeiture.

- (c) Disposition of proceeds of forfeiture. Money received from the sale or other disposition of seized bingo equipment shall be paid into the general fund.

(Code 1970, § 16½-111; Ord. No. 92-15, § 31, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-61. - Confiscation of money and other things of value.

- (a) Except when a bingo or instant bingo game is being conducted by a charitable organization, authorized organization or associational group or organization having the appropriate license upon premises owned by the charitable organization, authorized organization or associational group or organization or leased from a lessor having the appropriate license, neither of which licenses is under suspension or permanently or conditionally revoked, all money or other things of value taken in by or in the possession of the charitable organization, authorized organization or associational group or organization from activities relating to an unlawful bingo or instant bingo game is unlawful and shall be subject to confiscation and forfeiture as provided in this section. The right of property in and to any such money or other things of value is declared not to exist in any person.
- (b) All money or other things of value found by the sheriff or by a law enforcement officer in the office of the sheriff in the possession of its representative or any person assisting in the conduct of any unlawful bingo or instant bingo game, which money or other things of value were or appear to have been derived from admissions, sales of bingo cards, instant bingo tickets, sales of food and beverages, concession payments and other activities in connection with the conduct of the unlawful bingo or instant bingo game, shall be seized and retained in the custody of the sheriff. The sheriff shall make a return thereof, listing the items seized and, if any of such items is not money, the approximate value thereof and shall file the return with the county attorney. Upon receipt of the sheriff's return, the county attorney shall petition the appropriate court for forfeiture of the money or other things of value.
- (c) All moneys and other things of value, or the proceeds from the sale of such things of value if a sale is ordered by the court shall be placed into the general fund as miscellaneous receipts or otherwise disposed of as ordered by the court.

(Code 1970, § 16½-112; Ord. No. 92-15, § 32, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-62. - Equipment.

- (a) Bingo card. A bingo card may be either disposable or reusable. If the bingo card is:
 - (1) Disposable, it shall not be used for more than one series of designated bingo games. It shall be serially numbered and color coded and shall be sold to players at a constant unit price, which shall be quoted in advertising published in and posted on the charitable organization's, authorized organization's or associational group's or organization's program for each session and printed material distributed in relation to bingo. The serial number shall be imprinted on one side of the bingo card, together with the trade name or logo of the manufacturers. Receipts and records shall be maintained by serial number and color code of the number of disposable bingo cards sold at each session of play.
 - (2) Reusable, it shall be sold to players at a constant unit price, which shall be quoted in advertising and published in all printed material distributed in relation to bingo. At the time of sale, each player shall be issued a serially numbered, color-coded admission ticket which indicates the

number of bingo cards he is authorized to play during the session and the price paid. Receipts and records shall be maintained by indicating the number of cards sold on each admission ticket.

- (b) Purchase of supplies and equipment. Supplies and equipment bought by a charitable organization, authorized organization, or associational group or organization for bingo games shall be purchased from a distributor authorized to do business in the state and maintaining an office within the state.
- (c) Instant bingo tickets. Instant bingo tickets must meet the labeling and manufacturing requirements outlined in F.S. 849.0931(13). The invoice, or a true and accurate copy thereof, must be on the premises where any deal of instant bingo tickets is stored or in play.

(Code 1970, § 16½-99; Ord. No. 92-15, § 19, 10-27-92; Ord. No. 95-12, § 2, 8-22-95; Ord. No. 96-19, § 2, 11-6-96; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-63. - Conduct of bingo and/or instant bingo.

Each bingo and/or instant bingo game shall be conducted under the following conditions of play:

- (1) Charitable organizations, authorized organizations, or associational groups or organizations may not conduct bingo any more than two days during any calendar week, except for instant bingo, which is not limited by the subsection.
- (2) Bingo prizes, including jackpot and all other awards, shall not exceed the limits established by F.S. § 849.0931(5) and (7). Instant bingo prizes are limited to the amounts displayed on the ticket or on the game flare.
- (3) No service or thing of value shall be given, offered or distributed by a charitable organization, authorized organization or associational group or organization to encourage or entice participation in the play of any bingo or instant bingo game; except that the furnishing by a charitable organization, authorized organization or associational group or organization of nonalcoholic beverages or pastries on the premises without cost shall not be construed as encouragement or enticement.
- (4) All winners shall be determined and all prizes shall be awarded within the same calendar day as that upon which the game is conducted. If the licensed organization has not completed the bingo session by 12:00 midnight on the day of play, a majority vote determined by the raising of hands will be conducted as to the disbursement of the remaining prize(s). That majority will determine if the remaining prize(s) will be returned fairly to the players or donated to a charitable, nonprofit or veterans organization which is exempt from federal income tax under section 501(c) of the Internal Revenue Code. That majority vote will authorize the chairperson to determine the method of the return to the players or to the section 501(c) recipient who would receive the remaining prizes.
- (5) No person under the age of 18 years shall:
 - a. Participate or be permitted to participate in any bingo or instant bingo game.
 - b. Be present or be permitted to be present in that part of the premises where a bingo or instant bingo game is being conducted.
- (6) No bingo card or instant bingo ticket shall be removed at any time from the premises where the bingo or instant bingo game is being conducted for any reason whatsoever.
- (7) No other game of chance or skill whatsoever shall be offered, played, conducted or participated in by any person on the premises where a bingo or instant bingo game is in progress or is to be played or conducted.
- (8) The game of bingo or instant bingo shall not be conducted or played under any other name, designation, title, label, term or pseudonym.

- (9) Once a bingo game has begun by the drawing or ejection of the first number, no further purchases of bingo cards for that game may be sold or given, and no other bingo game will be played until that game is completed.
- (10) Each person conducting or assisting in the conduct of a bingo or instant bingo game shall wear a legible tag bearing his name and the name of the charitable organization, authorized organization or associational group or organization. The member or volunteer of the charitable organization, authorized organization or associational group or organization shall be present on the premises at all times when a bingo or instant bingo game is in progress, except when excused for extraordinary reasons, as provided in the rules promulgated by the sheriff. The member or volunteer shall not conduct bingo or instant bingo for any more than one other charitable organization, associational group or organization, authorized organization or lessor licensed under this article.
- (11) Reserved.
- (12) Every person directly involved in the conduct of a bingo or instant bingo game must be a bona fide member of the charitable organization, authorized organization or associational group or organization or a volunteer of such organization for at least 30 days and participate in other meaningful activities of the organization other than bingo or instant bingo.
- (13) The final game of a bingo session must be announced prior to the beginning of that game.
- (14) Instant bingo tickets must be sold at the price printed on the ticket or on the game flare by the manufacturer, not to exceed \$1.00. Discounts may not be given for the purchase of multiple tickets, or may tickets be given away free of charge.
- (15) Each deal of instant bingo tickets must be accompanied by a flare, and the flare must be posted before the sale of any tickets in that deal.

(Code 1970, § 16½-100; Ord. No. 92-15, § 20, 10-27-92; Ord. No. 93-18, § 3, 6-8-93; Ord. No. 94-12, § 2, 8-9-94; Ord. No. 95-12, § 3, 8-22-95; Ord. No. 96-19, § 3, 11-6-96; Ord. No. 06-07, § 3, 2-28-06; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-64. - Charitable organizations, authorized organizations, associational groups or organizations.

- (a) License required. It shall be unlawful for a person to conduct a bingo or instant bingo game unless the person is a licensed charitable organization, authorized organization or associational group or organization holding a current and effective class A license, which license shall not be under suspension or permanently or conditionally revoked. No licensed charitable organization, authorized organization or associational group or organization shall allow the use of its name in any manner or for any reason whatsoever for the conduct of bingo or instant bingo by any other person. All bingo licenses issued pursuant to this article shall be visibly posted at the premises where bingo or instant bingo is being conducted at all times when such games are played.
- (b) Separate bank account. The entire proceeds derived from the conduct of bingo or instant bingo by a charitable organization, authorized organization or associational group or organization shall be deposited either at the conclusion of each day of play or within 24 hours of play in a checking account in a bank located within the county, which shall be maintained separate and apart from all other accounts of the charitable organization, authorized organization or associational group or organization and which shall not be used for the deposit of funds received from any other activity than the conduct of bingo and/or instant bingo. Two of the principal officers of the charitable organization, authorized organization or associational group or organization shall be required to sign all checks, drafts and other instruments withdrawing or transferring funds from the checking account, without exception. This subsection shall not preclude:
 - (1) For a charitable organization, the periodic transfer of the entire net proceeds derived from the conduct of bingo or instant bingo into a savings or other account established for the charitable,

religious, educational, fraternal, patriotic, civic, community or benevolent endeavor for which the bingo or instant bingo games were played.

- (2) For an authorized organization or associational group or organization, the withdrawal of the entire net proceeds or the necessary portion thereof to be used on the next scheduled day of play as prizes.
- (c) Maintenance of records. A charitable organization or authorized organization or associational group or organization shall maintain adequate records according to generally accepted accounting practices and in a form prescribed by the county, which records shall show the following:
- (1) Gross proceeds from any source related to the conduct of bingo and/or instant bingo, including a method of cash control with respect to admissions and other related activities.
 - (2) Receipts records as required by section 10-62.
 - (3) Actual expenses.
 - (4) Entire or net proceeds.
 - (5) The distribution or disposition of the entire or net proceeds.

These records shall be made available on demand for immediate inspection by the sheriff or his authorized representative at reasonable times during normal business and whenever a bingo game is in progress, but the sheriff or his authorized representative shall not interrupt an actual bingo or instant bingo game or interfere with the operation of the premises where bingo or instant bingo is played unless necessary in order to make an inspection. All records shall be retained by the charitable organization, authorized organization or associational group or organization for a minimum of three years or for such longer period as may be required by the sheriff.

- (d) Financial statement; other reports. Annually or more frequently if the sheriff requires, each charitable organization, authorized organization and associational group or organization shall file with the sheriff a financial statement, in the form prescribed by the sheriff, containing the sources and the amount of the gross revenue derived by the charitable organization, authorized organization and associational group or organization from the conduct of bingo and/or instant bingo during the 12-month or other period for which the statement is being filed and stating the names of the distributees of the net revenues and the amounts received by each. This financial statement shall be certified as correct by a principal officer, one of the partners or one who controls the charitable organization, authorized organization or associational group or organization, but need not be audited, provided that this shall not prohibit an operation from filing an audited financial statement or the sheriff from requiring the filing of an audited financial statement whenever he determines that an audited financial statement is necessary to enable him to ascertain whether the charitable organization, authorized organization or associational group or organization is obeying the law and the rules promulgated under the authority of section 10-54. The sheriff may also require a charitable organization, authorized organization or associational group or organization to submit other reports, on a periodic basis or upon demand by the sheriff, covering the activities connected with or related to the conduct of bingo and/or instant bingo, which reports shall be certified as prescribed for financial statements but need not be audited; however, the sheriff may require audited reports, as for financial statements.
- (e) Active membership of members and volunteers. The members, volunteers and any other persons involved in or assisting with the conduct of any bingo or instant bingo game shall have been active members of the licensed charitable organization, authorized organization or associational group or organization for a period of at least 30 days prior to appointment or designation to conduct bingo or instant bingo and participate in other meaningful activities of the organization other than bingo or instant bingo. Proof of the length of membership shall be furnished by the licensed charitable organization, authorized organization, associational group or organization upon demand by the sheriff or his authorized representative. The possession by the member or volunteer or other person of a valid identification or membership card issued by the licensed charitable organization, authorized organization or associational group or organization containing the date of active

membership and full name of the person to whom it is issued is required. A change of a principal officer or of a member or volunteer of a licensed charitable organization, authorized organization or associational group or organization may be made at any time, but such change shall require the immediate filing with the sheriff of an amendment of the licensed charitable organization's, authorized organization's, associational group's or organization's application as prescribed by section 10-89.

- (f) Compensation prohibited. No salary, compensation, tip or reward in any form whatsoever shall be offered, paid or given before, during or after, directly or indirectly, to any person conducting or assisting in the conduct of bingo or instant bingo.

(Code 1970, § 16½-101; Ord. No. 92-15, § 21, 10-27-92; Ord. No. 97-01, § 2, 1-14-97; Ord. No. 06-07, § 4, 2-28-06; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-65. - Lessors.

- (a) License required. It shall be unlawful for a person to lease, sublease, assign or rent any premises for the conduct of bingo or instant bingo or agree to the use of any premises for the conduct of bingo or instant bingo, unless that person shall have a current and valid class B license under this article, which license shall not be under suspension or permanently or conditionally revoked. The holder of a class B license may not lease or otherwise permit his premises to be used for the conduct of bingo more than two times in one week. This requirement for a class B license shall not apply when a licensed organization holding a class A license is the owner of the premises upon which it conducts bingo or instant bingo games only and solely for its own benefit.
- (b) Interest in bingo prohibited. No lessor and no officer, director, stockholder, employee or any other person having an interest in the lessor shall conduct, assist or participate in the conduct of bingo or instant bingo or render any service or offer, distribute or give anything of value to anyone conducting, assisting or participating in the conduct of bingo or instant bingo or to any member of a licensed charitable organization, authorized organization or associational group or organization.
- (c) Separate bank account. The entire proceeds derived by a lessor from the leasing of premises upon which bingo or instant bingo is conducted shall be deposited in a checking account in a bank located within the county, which shall be maintained separate and apart from all other amounts of the lessor and shall not be used for the deposit of funds received from any other activity than the leasing of premises for the conduct of bingo or instant bingo. If the lessor is other than an individual, two of the required principal officers or partners shall be required to sign all checks, drafts and other instruments withdrawing or transferring funds from the checking account, without exception. This subsection shall not preclude the periodic withdrawal or transfer of the net proceeds, after payment of the actual business expenses related to the premises from which the funds were derived, for the use of the lessor.
- (d) Maintenance of records. A lessor shall maintain adequate records according to generally accepted accounting practices and in a form prescribed by the sheriff, which records shall show all gross proceeds, actual business expenses and the entire or net proceeds from leases or rentals of premises for the conduct of bingo and/or instant bingo and which shall also include copies of the executed leases or agreements, if any, for such premises. These records shall be made available on demand for immediate inspection by the sheriff or his authorized representative at reasonable times during normal business hours. All records shall be maintained by the lessor for a minimum of three years or for such longer period as may be required by the sheriff.
- (e) Financial statement; other reports. Annually or more frequently if the sheriff requires, each lessor shall file with the sheriff a financial statement, in the form prescribed by the sheriff, containing the sources and the amount of the gross revenue derived by the lessor from the leasing of premises for the conduct of bingo and/or instant bingo during the 12-month or other period for which the statement is being filed and stating the actual business expenses related to the premises. The financial statement shall be certified as correct by a principal officer, one of the partners or one who

controls the lessor, but need not be audited, provided that this shall not prohibit a lessor from filing an audited financial statement or the sheriff from requiring the filing of an audited financial statement whenever he determines that an audited financial statement is necessary to enable him to ascertain whether the lessor is obeying the law and the rules promulgated under the authority of section 10-54. The sheriff may also require a lessor to submit other reports, on a periodic basis or upon demand by the sheriff, concerning the activities connected with or related to the leasing of premises for the conduct of bingo or instant bingo, which reports shall be certified as prescribed for financial statements, but need not be audited; however, as in the case of financial statements, the sheriff shall have the right to require such reports to be audited.

(Code 1970, § 16½-102; Ord. No. 92-15, § 22, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-66. - False statements prohibited.

No person shall knowingly make or induce or cause to be made by another a false, untrue or misleading statement or a signature of another on a certificate, application, registration, report or other document required to be prepared pursuant to this article. No person shall knowingly make a false, untrue or misleading oral statement to the sheriff as to any matter investigated by the sheriff.

(Code 1970, § 16½-108; Ord. No. 92-15, § 28, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-67. - Unlawful reproduction or alteration of documents.

No person shall reproduce or alter or cause to be reproduced or altered a license, report, certificate or other document issued by the sheriff under this article if the purpose of the reproduction or alteration is the evasion or violation of this article or any other law.

(Code 1970, § 16½-109; Ord. No. 92-15, § 29, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-68. - Use of premises.

Premises may be used to conduct bingo or instant bingo under the following conditions:

- (1) Bingo and instant bingo shall not be conducted between the hours of 12:00 midnight and 9:00 a.m.
- (2) No licensed charitable organization, authorized organization, associational group or organization or lessor will permit the conduct of bingo on any premises it owns or leases or licenses for the purpose of conducting bingo more than twice per week in any one week. This limitation applies to all premises whether owned, leased or licensed where the game of bingo is proposed to be conducted.
- (3) Bingo and/or instant bingo may be conducted on Sunday.
- (4) Not more than one licensed charitable organization, authorized organization or associational group or organization shall lease any premises for the conduct of bingo or instant bingo in any 24-hour period, and no other licensed charitable organization, authorized organization or associational group or organization shall conduct bingo or instant bingo upon the same premises in that time period. This subsection shall not extend to or affect the leasing, rental or use of premises for any other purpose than the conduct of bingo or instant bingo.
- (5) Premises shall be leased, rented or used for the conduct of bingo or instant bingo only if the lessor has indicated the premises on his application for the class B license.
- (6) The rental fee for the lease of any premises on which bingo or instant bingo games are to be conducted shall not be calculated on a percentage basis of the seating capacity of the leased

premises or the game receipts before or after payment of the actual business expenses or of the number of persons attending any occasion that includes the play of bingo or instant bingo games. The amount paid for such lease shall not exceed the fair market value of the leasehold interest. The sheriff shall be authorized to require the lessor to demonstrate the manner or method by which the fair market rent was determined. The sheriff shall have the right to use the services of an appraiser to ascertain whether or not the rental charge represents a fair market rent for the premises.

- (7) When the rental fee for the lease of any premises on which bingo games or instant bingo are to be conducted includes the use of equipment, tables, chairs and other articles essential to the conduct of bingo or instant bingo, subsection (3) of this section shall apply, except that the amount paid for the lease may include a separate charge which shall not be greater than the fair market rental charge for such equipment. The sheriff may require the lessor to demonstrate the manner and method by which the fair market rental charge for such equipment was determined.
- (8) When a lessor rents or leases any premises to more than one licensed charitable organization, authorized organization or associational group or organization at a time so that each licensed organization is allowed to use the premises to conduct bingo or instant bingo for a specified period of time, after which another licensed charitable organization, authorized organization or associational group or organization is allowed to do so, the total rental fee for all leases together shall not exceed the limitations contained in subsections (5) and (6) of this section. The sheriff may authorize a lessor to exceed the limitations contained in subsections (5) and (6) of this section only upon:
 - a. A showing by the lessor that economic hardship would otherwise result.
 - b. A finding by the sheriff that an authorization pursuant to this subsection will not be contrary to the public interest.
- (9) The lessor may provide or may license a concessionaire to provide food and nonalcoholic beverages for the persons on the premises while bingo or instant bingo games are being conducted. These items shall be provided without cost or they may be sold for a price determined by the seller of the items. If the items are sold for a price, the lessor may not require that any of the items are purchased as a condition of playing a bingo or instant bingo game. If a concessionaire is licensed to provide the items, neither the concessionaire nor an officer, director, stockholder, employer or other person having an interest in the concessionaire shall conduct, assist or participate in the conduct of bingo or instant bingo or render any service, other than as the licensed concessionaire, or offer, distribute or give anything of value, other than the food and nonalcoholic beverage items he is licensed to provide, to anyone conducting, assisting or participating in the conduct of bingo or instant bingo or to any member of a licensed charitable organization, authorized organization or associational group or organization. Payments by a concessionaire to a lessor under and strictly according to the terms of the concession license shall not be deemed an unlawful contribution to or interest in bingo or instant bingo, and all payments shall be shown by the recipient lessor on the financial statements required by subsections 10-64(d) and 10-65(e). All concession licenses or concession agreements shall be in writing, and the lessor or charitable organization, authorized organization or associational group or organization shall keep an executed copy thereof in the records required by subsections 10-64(c) and 10-65(d) to be maintained.

(Code 1970, § 16½-103; Ord. No. 92-15, § 23, 10-27-92; Ord. No. 93-18, § 2, 6-8-93; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-69. - Admission of or participation by minors.

It shall be unlawful for a charitable organization, authorized organization or associational group or organization to admit a minor to that part of any premises where a bingo or instant bingo game is being conducted or to permit a minor to participate in a bingo or instant bingo game.

(Code 1970, § 16½-105; Ord. No. 92-15, § 25, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-70. - Enticements or inducements to play.

It shall be unlawful for a charitable organization, authorized organization or associational group or organization or a member or volunteer of a charitable organization, authorized organization or associational group or organization or a person assisting in the conduct of bingo to give or offer or distribute any service or thing of value including a tip or bingo card to encourage or entice participation in the play of any bingo or instant bingo game, except pastries or nonalcoholic beverages to be consumed on the premises furnished without cost to the players or sold for a price by concessionaires, by the lessor of the premises or by the charitable organization, authorized organization or associational group or organization. Instant bingo tickets must be sold at the price printed on the ticket or on the game flare by the manufacturer, not to exceed \$1.00. Discounts may not be given for the purchase of multiple tickets, nor may tickets be given away free of charge.

(Code 1970, § 16½-106; Ord. No. 92-15, § 26, 10-27-92; Ord. No. 93-18, § 4, 6-8-93; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-71. - Tampering with notices.

No person shall mutilate, destroy, tear down, remove or otherwise tamper with an official notice, placard, poster or other sign required by this article or by the sheriff to be posted unless authorized to do so by the sheriff or by this article.

(Code 1970, § 16½-107; Ord. No. 92-15, § 27, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Secs. 10-72—10-80. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-81. - Conduct of bingo or instant bingo or lease of premises for bingo or instant bingo without license unlawful.

It shall be unlawful for a person or charitable organization, authorized organization or associational group or organization to conduct bingo or instant bingo or to lease or rent premises for the conduct of bingo or instant bingo unless the person or organization shall have a valid license of the proper classification therefore under this article, which license shall not be under suspension or permanently or conditionally revoked. The use by the holder of a class B license of a concessionaire shall not preclude those persons attending a bingo or instant bingo game from providing their own food or nonalcoholic beverage.

(Code 1970, § 16½-104; Ord. No. 92-15, § 24, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-82. - Required; temporary license.

- (a) No person or nonprofit charitable organization or associational group or organization may:
 - (1) Conduct a bingo or instant bingo game or a series of bingo games as a nonprofit charitable organization, authorized organization or associational group or organization without a license;

- (2) Lease any premises of any type for the conduct of bingo or instant bingo as a lessor, unless in either case the person or organization is the holder of an annual license as required by this division;
 - (3) Engage in the conduct of bingo or rent premises to any person to conduct bingo or instant bingo games within the county unless a license has first been obtained pursuant to this division;
 - (4) Lease any premises owned or leased by it to another for the purpose of playing or conducting bingo or instant bingo unless the licensed organization that owns or leases the premises has obtained a class B license required by this division to engage in leasing such premises; or
 - (5) With more than one branch chapter, lodge, agency or other unit within the county, permit such branch, chapter, lodge, agency or other unit to engage in conducting bingo or instant bingo games or leasing premises until each individual branch, chapter, lodge, agency or other unit has filed a separate application for a license and agreed to conform to all sections in this article and to F.S. § 849.0931.
- (b) In addition to the other requirements set forth in this section, an authorized organization, associational group or organization, charitable organization or lessor may only obtain a license when such entity or person can demonstrate that such person or organization has been a resident of the county for the last three years, that such person or organization will not distribute their own bingo or instant bingo supplies and that such person or organization agrees to conform to all sections of this article. Within this subsection, the term "resident of the county" means active continuous residing or activity in business for a period of three years.
 - (c) Upon submittal of an application that is complete in all respects, a temporary license may be issued to the applicant. The temporary license shall only be good for a period of 60 days or less and shall expire either automatically at the end of such 60-day period or at the time the county administrator or his designee places in the mail a notice of denial of the application for an annual license. Only one temporary license may be issued to any applicant. Where the completed application discloses that the applicant has previously been convicted of the crimes or offenses outlined in section 10-86 or that the applicant has previously had a license or permit revoked or suspended in any city, county or state, a temporary license may not be issued.

(Code 1970, § 16½-85; Ord. No. 92-15, § 5, 10-27-92; Ord. No. 93-02, § 1, 1-5-93; Ord. No. 93-18, §§ 6, 9, 6-8-93; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-83. - Classifications.

Licenses required under this division shall be issued under the following classifications:

- (1) A class A license shall be issued to a charitable organization conducting bingo or instant bingo pursuant to F.S. § 849.0931(2). Where a charitable organization has more than one branch, chapter, lodge, agency or other local unit within the county, it shall make separate application for a class A license for each branch, chapter, lodge, agency or local unit within the county which intends to conduct bingo or instant bingo, each of which, if granted a license, shall be a licensed charitable organization subject to the limitation contained in F.S. § 849.0931(5), (6), (7), (8), (9), (10), (11) and (12), as well as any additional requirements and limitations set forth in this article at any licensed location within the county owned or leased by the licensed organization pursuant to this article, as long as the license for the licensed organization remains valid and effective. A class A license authorizes the licensed charitable organization to conduct bingo or instant bingo pursuant to this article; it does not authorize the licensed organization to lease any premises owned or leased by it to any other person or organization, whether licensed under this article or not, for the purpose of conducting bingo or instant bingo. The licensed organization shall utilize its identified volunteers to conduct the bingo or instant bingo game. Bingo may not be conducted on any more than a two-day period in any one week. No payment

of compensation or tipping shall occur during, before or after the conduct of bingo or instant bingo.

- (2) A class A license shall be issued to an authorized organization conducting bingo or instant bingo pursuant to F.S. § 849.0931. Where an authorized organization has more than one branch, chapter, lodge, agency or other local unit within the county, it shall make separate application for a class A license for each branch, chapter, lodge, agency or local unit within the county which intends to conduct bingo or instant bingo, each of which, if granted a license, shall be a licensed organization. Such licensed organization shall also be subject to the limitation contained in F.S. § 849.0931(5), (6), (7), (8), (9), (10), (11) and (12), in addition to any other limitations and requirements set forth in this article at any licensed location within the county owned or leased by the licensed organization pursuant to this article, as long as the license for the licensed organization remains valid and effective. A class A license authorizes the licensed organization to conduct bingo or instant bingo pursuant to this article; it does not authorize the licensed organization to lease any premises owned or leased by it to any other person or organization, whether licensed under this article or not, for the purpose of conducting bingo or instant bingo. An authorized organization must use its identified volunteers to conduct the bingo game. No payment of compensation or tipping shall occur before, during or after bingo or instant bingo.
- (3) A class A license shall be issued to an associational group or organization that conducts bingo pursuant to F.S. § 849.0931(4). Such licensed organization shall be subject to the further requirements set forth in F.S. § 849.0931(5), (6), (7), (8), (9), (10), (11) and (12), in addition to any other limitations and requirements set forth in this article. A class A license only authorizes the associational group or organization to conduct bingo pursuant to this article. It does not authorize such licensed organization to lease any premises owned or used by it to any other person or organization. Wherever used in this section, the premises to be used by an associational group or organization shall be such premises as are identified in F.S. § 849.0931(11)(e).
- (4) A class B license shall be issued to a person or organization acting as a lessor. Where a person or organization has more than one premises within the county which it wishes to lease to licensed organizations holding valid and effective class A licenses, it shall make separate applications for a class B permit for each premises at which bingo or instant bingo may be conducted. A class B license only authorizes the licensed organization to lease each licensed premises owned or leased by it to licensed organizations for the purpose of conducting bingo or instant bingo; it does not authorize the licensed organization to conduct bingo or instant bingo. A licensed organization holding a class A license may also hold a class B license.

(Code 1970, § 16½-86; Ord. No. 92-15, § 6, 10-27-92; Ord. No. 93-18, § 10, 6-8-93; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-84. - Application; fee.

- (a) A lessor or charitable organization, authorized organization or associational group or organization desiring to obtain a license under this division shall file with the county administrator or his designee a sworn application on forms supplied by the county administrator. The representative of the lessor or a charitable organization, authorized organization or associational group or organization shall file the application and execute the oath. The application shall contain at least the following information:
 - (1) If the applicant is:
 - a. An individual, his name, residence address, date of birth and social security number.
 - b. An unincorporated organization, its full name and the names, dates of birth, social security numbers and residence addresses of its principal officers.

- c. A corporation, the exact corporate name and state of incorporation and the names, dates of birth, social security numbers and residence addresses of its principal officers and board of directors.
- (2) The representative's full name, date of birth, social security number and residence address.
 - (3) Whether any of the individuals listed pursuant to subsections (a)(1) and (2) of this section has, within the five-year period immediately preceding, been convicted of any violation involving a theft or illegal gambling or of any felony under the laws of the state, the United States or any other state or has been convicted of any violation or similar violation involving a theft or illegal gambling or any felony or crime of equal nature under the laws of any foreign nation.
 - (4) If any individual listed pursuant to subsections (a)(1) and (2) of this section is a naturalized citizen, the date and place of naturalization.
 - (5) Whether the applicant has had any license under this article or a license issued by any other jurisdiction revoked or suspended and, if so, the date of each revocation or suspension.
 - (6) The names of all municipalities or counties where an application has been made for a license to conduct bingo or instant bingo or to lease premises for the conduct of bingo or instant bingo.
 - (7) The name of each bank in which the net proceeds from the conduct of bingo or instant bingo or fees from the lease of any premises for the conduct of bingo or instant bingo are to be deposited.
 - (8) The classification of the license for which the application is being filed.
 - (9) If the license classification being applied for is:
 - a. A class A license:
 1. The street address and ownership of the premises where the bingo or instant bingo games are to be conducted, if known at the time the application is filed, and each of them if more than one.
 2. The applicant's current 501(c) exemption of the Internal Revenue Code of 1954 or current exemption certificate issued under section 528 of the Internal Revenue Code of 1986, as amended.
 3. If the applicant is a corporation, the applicant's nonprofit charter or if not a corporation such other documentation as will demonstrate the nonprofit charitable purpose of the applicant. If such information is not satisfactory to the county administrator or his designee, he may request the applicant to produce other evidence such as will confirm the nonprofit charitable status of the applicant to the county administrator or his designee.
 4. The days of the week on which bingo or instant bingo games are to be conducted, and which for any applicant shall not exceed two days per week for bingo games.
 5. If the applicant is a branch, chapter, lodge, agency or other local unit of a nonprofit charitable organization, the name of the primary organization and the street address of its principal office.
 6. At the time of renewal and every renewal thereafter, a financial statement in the form prescribed by the county, containing the sources and amount of the gross revenue derived by the applicant from the conduct of bingo and/or instant bingo during the 12-month period immediately prior to the date of the application and stating the names of the distributees of the net revenues and the amounts received by each, together with executed receipts signed by each distributee acknowledging receipt of the funds, which statement must be certified as correct by a principal officer, one of the partners or any similar principal, but need not be audited.

7. Execute a form authorization authorizing the sheriff or his designee to inspect all books or other records of the applicant within 24 hours of any bingo or instant bingo game.
 8. Contain a list of volunteers to be used by the charitable organization. The volunteers set forth on the list must be bona fide members of the charitable organization and must have been members for at least 30 days prior to being listed and participate in other meaningful activities of the organization other than bingo or instant bingo. The applicant shall execute a form agreeing to update such list any time changes are made. Such list shall at all times only contain the names of volunteers who meet the membership requirements set forth in this subsection.
- b. A class B license:
1. The street address and ownership of the premises for which the license is being sought.
 2. If the applicant is not the owner of the premises, a statement that the premises are not owned by the applicant and if the premises are leased the period of time for which such premises have been leased by the applicant, which time period shall not be less than the time period prescribed in F.S. § 849.0931(11)(C).
 3. If the applicant is leasing premises from another nonprofit organization qualified under this article, the class and date of issuance of the license held by the other organization.
 4. Attached fully executed copies of any rental agreements, leases or subleases existing or proposed involving the premises sought to be used by the applicant and an executed form whereby the applicant agrees to submit a copy of any lease, sublease or rental agreement the applicant enters into during the time the license is in effect.
 5. At the time of renewal and every renewal thereafter, a financial statement in the form prescribed by the county containing the sources and amount of the applicant's gross revenue during the 12-month period ending immediately prior to the date of the application, which statement must be certified as correct by a principal officer, one of the partners or any similar principal, but need not be audited.
- (10) If the applicant is a partnership, corporation or unincorporated organization, the application, in addition to other documentation required in this section, will be accompanied by the following additional documents:
- a. If the applicant is a partnership, an executed copy of the partnership instrument.
 - b. If the applicant is a corporation, the articles of incorporation with all amendments thereto and the charter issued by the secretary of state.
 - c. If the applicant is an unincorporated organization, the constitution and bylaws of the organization.
- (11) Such other documentation related to the application as the county administrator or his designee may require, which documentation shall be in addition to the items set forth in this section and shall be directed toward completing a full disclosure of all items mentioned in this section.
- (12) A notarized statement certifying that all information on the application and any submittals or attachments thereto is true and that the applicant understands that any misstatement of material fact in the application will result in the denial of the license or, if it has been issued, in the suspension or revocation of the license.
- (b) Each application shall be accompanied by a nonrefundable fee of \$100.00 in accordance with the development services branch fee resolution.

(Code 1970, § 16½-88; Ord. No. 92-15, § 8, 10-27-92; Ord. No. 93-08, § 2, 4-6-93; Ord. No. 93-18, § 8, 6-8-93; Ord. No. 06-07, § 5, 2-28-06; Ord. No. 08-40, § 1, 9-23-08; Ord. No. 14-23, § 4, 9-9-14)

Sec. 10-85. - Investigation.

Upon receipt of a properly completed and filed application for a license as required by this division and upon payment of the application fee, the county administrator or his designee shall refer the complete application to the sheriff for investigation. The sheriff shall perform such investigation as will permit the sheriff to report on the eligibility of the applicant to be issued a license. The sheriff may request the assistance of other county agencies, and they shall provide such information and assistance as the sheriff deems necessary.

(Code 1970, § 16½-89; Ord. No. 92-15, § 9, 10-27-92; Ord. No. 93-08, § 3, 4-6-93; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-86. - Disqualification.

No license required by this division shall be issued to the following:

- (1) A lessor, charitable organization, authorized organization or associational group or organization if the representative or any principal officer thereof has, within five years of the date of the application, been convicted of any violation involving a theft or illegal gambling or any felony under the laws of this state, any other state or the United States or convicted of any violation or similar violation involving a theft or illegal gambling or any felony or crime of equal nature under the laws of any foreign nation.
- (2) A lessor whose representative or any of whose principal officers is less than 18 years of age.
- (3) A charitable organization, unless at the time it files an application it holds a valid certificate of exemption issued pursuant to section 501(c) of the Internal Revenue Code of 1954 or a similar exemption issued pursuant to section 528 of the Internal Revenue Code of 1986. Such exemption certificate must be displayed at the time of license application.
- (4) An authorized organization, unless at the time it files an application it holds a valid certificate of exemption issued pursuant to section 501(c) of the Internal Revenue Code of 1954 or a similar exemption certificate issued pursuant to section 528 of the Internal Revenue Code of 1986, and it also submits its nonprofit articles of incorporation and charter or similar documents to demonstrate its nonprofit status and provides evidence in the form of a corporate charter, partnership agreement or similar documentation satisfactory to the county administrator that it has been in existence for a period of at least three years.
- (5) A lessor whose license under this article has previously been revoked, unless in each case the board of county commissioners shall specifically authorize the issuance of the license after it becomes satisfied that the reason for revocation has been corrected and steps have been taken to ensure that such problem will not arise in the future.
- (6) Use a computerized bingo card or conduct a computer bingo game.

(Code 1970, § 16½-87; Ord. No. 92-15, § 7, 10-27-92; Ord. No. 93-12, § 1, 4-20-93; Ord. No. 93-18, § 7, 6-8-93; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-87. - Issuance; denial.

- (a) Upon completion of any investigation of an application for a license required under this division, the sheriff shall, within seven days following such investigation or if the sheriff determines that information provided is sufficient to prepare a report within seven days following receipt of the application, prepare a report containing his findings and recommendation and forward the application and report back to the county administrator or his designee. Where the report prepared by the sheriff indicates that corrective or remedial action by the applicant may cause the sheriff to revise his report and change his recommendation, the sheriff prior to forwarding such application and report shall notify the applicant of his findings and afford the applicant 14 days in which to accomplish such corrective or remedial steps that will enable the sheriff to revise his report to one of approval. At the end of such 14-day period the sheriff shall refer such application together with a report or revised report back to the county administrator or his designee for action to approve or disapprove the application. The county administrator or his designee shall, within five days of receipt of any application and report of the sheriff, either approve or disapprove the application. If approved, the license fee provided for in section 10-88 shall be remitted to the county administrator or his designee prior to the license being issued.
- (b) If the application is disapproved, any temporary license previously issued to the applicant shall terminate on the date the county administrator or his designee deposits in the mail the notice of the disapproval and the reasons therefore, which notice shall also indicate that the temporary license has expired.
- (c) Any applicant who receives a notice of disapproval and termination of the temporary license shall have the right to appeal such denial.

(Code 1970, § 16½-90; Ord. No. 92-15, § 10, 10-27-92; Ord. No. 93-08, § 4, 4-6-93; Ord. No. 93-18, § 5, 6-8-93; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-88. - Fees.

- (a) There are imposed the following annual license fees under this division:
 - (1) Class A license, \$50.00.
 - (2) Class B license, \$50.00.
- (b) The fees collected under this division are fees paid for the purpose of examination and inspection of charitable organizations, authorized organizations, associational groups or organizations, lessors and premises under this article and are declared to be regulatory fees in addition to and not in lieu of the occupational license taxes that may be required by the county. The payment of such license fees shall not relieve the charitable organization, authorized organization, associational group or organization or lessor or any other person of liability for and the responsibility of paying an occupational license tax where it is required and for doing such acts and providing such information as may be required by chapter 102, article II, pertaining to occupational licenses.

(Code 1970, § 16½-97; Ord. No. 92-15, § 17, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-89. - Amendment of application.

- (a) At any time after the application for a license required by this division is filed and, if it is approved, so long as the license issued thereon is valid and effective, the application may be amended by the filing by the representative of the applicant or licensed organization, as the case may be, of an amended application without an additional application fee, if any of the information contained in the application changes. An amended application shall be filed if any of the following changes occur:
 - (1) Any of the principal officers change, which shall require the filing of the information required by subsections 10-84(a)(2), (3) and (4), as appropriate, with respect to the new principal officer.

- (2) The representative changes, which shall require the filing of the information required by subsection 10-84(a), as appropriate, with respect to the new representative.
 - (3) The structure or purpose of the organization changes, which shall require the filing of the information required by subsection 10-84(a)(9)a. or (a)(9)b., with respect to such matters.
- (b) In each instance of the filing of an amendment under this section, such amendment shall be referred to the sheriff and the sheriff shall conduct such investigation of the new or additional matters as he deems necessary to determine the eligibility or continued eligibility of the applicant or licensed organization, as the case may be, to hold a license pursuant to this division. Section 10-87 shall be applicable to the results of investigations conducted pursuant to this section, provided that where the amendment is of an application on which a license has already been issued, disapproval by the county administrator or his designee of the amendment shall subject the license to the possibility of suspension or revocation as provided in section 10-93. No amendment may be filed if the effect of approval thereof by the county administrator or his designee would be to make the applicant eligible to hold a license of a classification other than that for which the application was originally filed or where the amendment would create a licensed situation inconsistent with the intent of this article. An amendment of the application need not be filed in any instance where notification to the county administrator or his designee is sufficient.

(Code 1970, § 16½-91; Ord. No. 92-15, § 11, 10-27-92; Ord. No. 93-08, § 5, 4-6-93; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-90. - Transferability.

A license issued under this division shall be nontransferable from one charitable organization, authorized organization, associational group or organization or lessor to another. This shall not be construed to prevent an organization or lessor from changing the name set forth in the original application; however, an amendment to the original application for the license shall be filed with the sheriff, as provided in section 10-89.

(Code 1970, § 16½-92; Ord. No. 92-15, § 12, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-91. - Terms; renewals.

- (a) All licenses issued under this division, except new licenses, shall be annual licenses which shall expire on September 30 next following. However, when the sheriff is investigating the continued eligibility of a charitable organization, authorized organization, associational group or organization or lessor as provided in subsection (b) of this section, a license which was presented to the county administrator or his designee as required by subsection (b) of this section on or before September 30 shall not expire until the decision by the county administrator or his designee under subsection (b) of this section is final. A charitable organization, authorized organization, associational group or organization or lessor obtaining a new license after October 1 and before April 1 may do so upon application and the payment of the appropriate license fee, and such license shall expire on the following September 30. A charitable organization, authorized organization, associational group or organization or lessor obtaining a new license after March 31 and before October 1 may do so upon application and the payment of one-half of the appropriate license fee, and such license shall expire on September 30 of the same year.
- (b) A charitable organization, authorized organization, associational group or organization or lessor shall be entitled to a renewal of the license on an annual basis on or before October 1 by presenting the license for the previous year or satisfactory evidence of its loss or destruction, in either case, properly endorsed by the county administrator as provided in this subsection, to the county administrator or his designee and by paying the appropriate license fee. Before a license may be renewed, the charitable organization, authorized organization, associational group or organization or

lessor shall present the license or evidence of the loss or destruction of the license, as the case may be, to the county administrator or his designee, together with such evidence of the charitable organization's, authorized organization's, associational group's or organization's or lessor's continued eligibility to hold the license as may be required by the county administrator or his designee. It shall not be necessary for a charitable organization, authorized organization, associational group or organization or lessor holding a valid and effective license issued under this division to file a new application to renew the license or to pay any additional application fee. Renewal of a license shall not be as a matter of course or of right, and the county administrator through the sheriff may conduct such investigation of the charitable organization's, authorized organization's, associational group's or organization's or lessor's continued eligibility as he deems necessary. If the county administrator or his designee is satisfied as to the charitable organization's, authorized organization's, associational group's or organization's or lessor's continued eligibility, he shall endorse his approval on the license or evidence of loss or destruction as the case may be, and the license may thereupon be renewed. If the county administrator or his designee is not satisfied as to the continued eligibility of the charitable organization, authorized organization, associational group or organization or lessor, he shall proceed as provided in subsection 10-87(b) as for denial of a license.

(Code 1970, § 16½-94; Ord. No. 92-15, § 14, 10-27-92; Ord. No. 93-08, § 6, 4-6-93; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-92. - Display; mutilation prohibited.

Each charitable organization, authorized organization, associational group or organization and lessor licensed under this division shall display the license in a conspicuous place on the premises where bingo or instant bingo games are conducted or on the premises leased for the conduct of bingo or instant bingo games, in a transparent cover or frame. The license shall be available for inspection at all times by persons using the premises when bingo or instant bingo games are in progress. No person shall mutilate, cover, obstruct or remove a license so displayed.

(Code 1970, § 16½-93; Ord. No. 92-15, § 13, 10-27-92; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-93. - Suspension and revocation.

(a) The county administrator or his designee, subject to a right of appeal to the board of county commissioners, is authorized to suspend or revoke a license issued under this division when he determines, upon sufficient cause that:

- (1) For a charitable organization, associational group or organization or authorized organization, the charitable organization, associational group or organization or authorized organization:
 - a. Or its representatives or its principal officers, servants, employees, members or volunteers, while conducting or assisting in the conduct of a bingo or instant bingo game, gave, offered or distributed any service or thing of value to encourage or entice participation in the play of any bingo or instant bingo game, contrary to subsection 10-62(2).
 - b. Permitted its name to be used in connection with a bingo or instant bingo game that is conducted by any other person, contrary to section 10-64, or acquiesced in such use.
 - c. Permitted its representative to conduct a bingo or instant bingo game on its behalf, contrary to any of the conditions of play stated in section 10-62, or acquiesced in such conduct.
 - d. Required or permitted any person or volunteer who has not been an active member of the charitable organization, authorized organization or associational group or organization for a period of at least 30 days and who has participated in other meaningful activities of the

organization other than bingo or instant bingo prior to this appointment or designation to act or serve as its representative or to conduct bingo or instant bingo.

- e. Offered, paid or gave any salary, compensation, tip or reward in any form whatsoever, directly or indirectly, to any person or volunteer conducting or assisting in the conduct of bingo or instant bingo.
- f. Failed or refused to maintain the records or make the reports required by this article or by the sheriff pursuant to this article.
- g. Failed or refused to make records available on demand by the sheriff or his authorized representative as provided by subsection 10-64(c).
- h. Failed or refused to deposit the proceeds derived from the conduct of bingo or instant bingo into a separate bank account as required by subsection 10-64(b).
- i. Its representative or its principal officers, servants, employees, volunteers or members violated any rule of the county administrator or his designee made pursuant to the authority granted in section 10-54.

(2) For a lessor, the lessor:

- a. Conducted, assisted or participated in the conduct of bingo or instant bingo or rendered any service or offered, distributed or gave anything of value to anyone conducting, assisting or participating in the conduct of bingo or instant bingo or to any member or volunteer of a licensed charitable organization, authorized organization or associational group or organization contrary to subsection 10-65(b).
 - b. Permitted any premises owned or controlled by the lessor to be used for the conduct of bingo or instant bingo contrary to any of the conditions stated in section 10-68.
 - c. Failed or refused to maintain the records or to make the reports required by this article or by the sheriff pursuant to this article.
 - d. Failed or refused to make records available on demand by the sheriff or his authorized representative as provided by subsection 10-65(d).
 - e. Or its principal officers, servants, employees or agents violated any rule of the county administrator or his designee made pursuant to the authority granted in section 10-54.
- (b) Before the county administrator or his designee suspends or revokes a license, he shall furnish the charitable organization, authorized organization, associational group or organization or lessor a written statement, by certified or registered mail or by personal service, of the cause for the suspension or revocation. The charitable organization, authorized organization, associational group or organization or lessor shall have 20 days from the date of the statement in which to request in writing a hearing on the matter. If no request is made within this time, the county administrator or his designee shall proceed to suspend or revoke the license without further proceedings. If a hearing is requested, the charitable organization, authorized organization, associational group or organization or lessor shall be entitled to produce witnesses, cross examine witnesses and be represented by counsel. After the hearing, the county administrator or his designee shall make the decision and notify the charitable organization, authorized organization, associational group or organization or lessor thereof by certified or registered mail or by personal delivery.
- (c) In his order suspending or revoking a license, the county administrator or his designee may withhold the suspension or revocation of a license or may condition the early termination of the period of suspension or the reinstatement of a revoked license, upon terms the county administrator or his designee in his discretion deems appropriate to implement the intent stated in section 10-53; however, such action by the county administrator or his designee shall be one that is consistent with section 10-94.
- (d) The order of the county administrator or his designee suspending or revoking a license may be appealed to the board of county commissioners. Such appeal shall be initiated by the filing of a

notice of appeal within 30 days of the date of the order. Such appeal shall be limited to the record made during the course of the hearing before the county administrator or his designee. An order suspending or revoking a license where no hearing was requested shall not be subject to the appeal granted in this subsection.

(Code 1970, § 16½-95; Ord. No. 92-15, § 15, 10-27-92; Ord. No. 93-12, § 2, 4-20-93; Ord. No. 95-12, § 4, 8-22-95; Ord. No. 06-07, § 6, 2-28-06; Ord. No. 08-40, § 1, 9-23-08)

Sec. 10-94. - Minimum periods of revocation.

- (a) Whenever the county administrator or his designee revokes the license of a charitable organization, authorized organization, associational group or organization or lessor under this division:
 - (1) For any reason stated in subsection 10-93(a)(1)e., (a)(1)f., (a)(1)i. or (a)(2)f., the revocation shall be effective for a minimum period of one year from the date of revocation.
 - (2) For any of the reasons stated in subsection 10-93(a)(1)a., (a)(1)b. or (a)(2)a., the revocation shall be effective for a minimum period of five years from the date of revocation.
- (b) In either case stated in subsection (a) of this section, the charitable organization, authorized organization, associational group or organization or lessor whose license has been revoked shall be ineligible to apply for the issuance of another license in either classification for at least the minimum period. The county administrator or his designee may not waive this section or reduce the minimum periods provided in subsection (a) of this section.

(Code 1970, § 16½-96; Ord. No. 92-15, § 16, 10-27-92; Ord. No. 93-12, § 3, 4-20-93; Ord. No. 08-40, § 1, 9-23-08)