

Title: OPEN TO PUBLIC BINGO – INSTANT BINGO PULL TABS

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References: Florida Statutes Section 849.0931

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DISCLAIMER

The Business Practice Committee of the B.P.O. Elks of the State of Florida has prepared this information to assist the Local Lodges of this Fraternal Order. The FSEA Business Practice Committee is neither responsible nor empowered to be responsible for the establishment of such procedures. The Business Practice Committee acts as a resource to assist Local Lodges. You should always consult your Lodge's tax and legal advisors before engaging in any endeavors or transactions to ensure compliance with Federal, State, and Local Laws.

OPEN TO PUBLIC BINGO – INSTANT BINGO PULL TABS

Section 849.0931 of Florida Statutes permit our Elks Lodges to conduct open to public bingo games and to sell instant bingo pull tabs as long as we comply with all of the conditions stated within this law.

Our lodges qualify as non-profit 501 (C) organizations under the Internal Revenue Code. 501 (C) organizations must be **ENGAGED** in charitable, civic, community, benevolent, religious or scholastic works or similar activities, and must have been in existence and active for a period of 3 years or more.

Certain counties and municipalities within Florida have additional provisions, regulations and restrictions requiring total compliance. For example, a local bingo law license must be current in order to obtain an instant bingo permit in some counties.

“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.”

“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.”

“It is the express intent of the Legislature that no charitable, nonprofit, or veterans’ organization serve as a sponsor of a bingo game or instant bingo conducted by another, but such organization may only be directly involved in the conduct of such a game as provided in this act.”

“Each person involved in the conduct of any bingo game or instant bingo must be a RESIDENT of the community where the organization is located and a **BONA FIDE MEMBER** of the organization sponsoring such game and may not be compensated in any way for operation of such game. When bingo games or instant bingo is conducted by a charitable, nonprofit, or veterans’ organization, the organization conducting the games must designate up to three members of that organization to be in charge of the games, one of whom shall be present during the entire session at which the games are conducted.”

“None of the provisions of this chapter shall be construed to prohibit or prevent charitable, nonprofit, or veterans’ organizations engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar **ENDEAVORS**, which organizations, have been in existence and active for a period of 3 years or more, from conducting bingo games or instant bingo, provided the entire proceeds derived from the conduct of such games, less actual business expenses for articles designed for and essential to the operations, conduct, and playing of bingo or instant bingo are donated by such organizations to the **ENDEAVORS**

mentioned above. In no case may the net proceeds from the conduct of such games be used for any other purpose.”

EDITOR’S NOTE:

The key word in this provision is “ENDEAVORS.” It does not state that our donations of net bingo proceeds must go to the 501 (C) organization itself, but to the various TYPE OF ENDEAVORS. For example, would the following type of expenditures not meet the organization’s endeavors test?

- Providing Boy Scouts a free meal and soft drinks following their rent-free meeting at the lodge
- Providing VA Hospital patients, homeless citizens, retirement home residents with free meals and soft drinks, gifts during the holiday season, Hoop Shoot participants, scholarship recipients and their family members meals and awards
- Aiding a discharged VA hospital patient in relocating to a rental property with furniture, household articles and personal hygiene items

Lodge donations paid directly to qualified 501 (C) organizations for their qualified endeavors are clearly specified within the provisions of this chapter of the law.

PAYOUTS AND PLAY LIMITATIONS BY LAW ARE:

Except for instant bingo prizes, which are limited to the amounts displayed on the ticket or on the game flare, a jackpot shall not exceed the value of \$250 in actual money or its equivalent, and there shall be no more than three jackpots in any one session of bingo.

Except for instant bingo, which is not limited by this subsection, the number of days per week during which organizations authorized under this section may conduct bingo shall not exceed two.

Except for instant bingo prizes, which are limited to the amounts displayed on the ticket or on the game flare, there shall be no more than three jackpots on any one day of play. All other game prizes shall not exceed \$50.

OTHER MISCELLANEOUS PROVISIONS:

No one under 18 years of age shall be allowed to play any bingo game or instant bingo or be involved in the conduct of a bingo game or instant bingo in any way.

A caller in a bingo game may not be a participant in that bingo game.

The lodge is required to post a notice in a conspicuous place on the premises stating the name of the organization and the names of the designated members responsible for conducting bingo.

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

EDITOR'S NOTE:

Caution and due diligence must be exercised by every lodge especially where instant bingo tickets are dispersed by a vendor provided machine. One of the 3 bingo committee member volunteers or their designated non paid volunteer helper should empty the machine, record all necessary information and submit all monies to the Lodge Secretary. No paid individual, to include the Lodge Secretary or Treasurer, should be involved with the machine process. Full compliance with this statute can avoid IRS taxes attributable to unrelated business income.

All Elk members involved with bingo and pull tabs should read and be knowledgeable of all of the provisions within 849.0931 of the State of Florida Statutes. The entirety of 849.0931 is included separately on this website.

BAR BINGO:

Note that bar bingo played in the social quarters is a lodge activity and is not subject to Section 849.0931 of Florida Statutes. Net income from these sessions do not have to be disbursed to the 501 (C) endeavors referred to in the law. These profits may be used as determined by the lodge. However, participation in bar bingo should follow each member's BPOE obligation of being open to members and guests only and should be in full compliance with provisions contained in your state liquor license.

Submitted by

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