


Marion County, FL

Browse  Results

 Marion County, Florida - Code of Ordinances

 Chapter 10 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE IX. - BINGO

| Sec. 10-151. - Definitions.

Sec. 10-152. - Legislative intent; exemptions.

Sec. 10-153. - Administration and enforcement.

Sec. 10-154. - License required.

Sec. 10-155. - License application; fee.

Sec. 10-156. - Investigation.

Sec. 10-157. - Issuance denied.

Sec. 10-158. - Amendment to application.

Sec. 10-159. - Suspension and revocation of license.

Sec. 10-160. - License fee.

Sec. 10-161. - Records and reports; consent by licensee.

Sec. 10-162. - Conduct of bingo.

Sec. 10-163. - Financial requirements.

Sec. 10-164. - Use of premises.

Sec. 10-165. - False statements prohibited.

Sec. 10-166. - Violations.

Secs. 10-167—10-200. - Reserved.

ARTICLE IX. - BINGO



Sec. 10-151. - Definitions.



In this article the definitions set forth in, Section 849.0931, F.S., as amended from time to time, are incorporated herein by reference. In addition, the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context otherwise requires:

Actual business expenses means those authorized 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.

Authorized expenses 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, sewage or garbage collection resulting from conducting a bingo game, cost of refreshments provided at no cost to players and volunteers, costs of prizes, and the costs of creating and maintaining a petty cash fund no larger than five hundred dollars (\$500.00) and rental charge so long as the rental charge does not exceed the fair market rent charged for similar premises located within Marion County.

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

Conviction or convicted means an adjudication of guilt, or a plea of guilty or nolo contendere to a felony or a misdemeanor involving theft or illegal gambling.

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

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

Organization shall mean a charitable, nonprofit, or veterans' organization as defined in Section 849.0931(1)(c), F.S., or condominium association, homeowners association as defined in 617.301, F.S., mobile home owners association or a group of residents of a mobile home park or parks as defined in Chapter 723, F.S., or a recreational vehicle park.

Person means an individual, partnership, corporation, trust, foundation, group, association, organization, society, or any combination thereof.

Premises means on the property owned, leased, or controlled where single bingo sessions are conducted. More than one bingo session may not be held on the same premises concurrently with another session. No more than one unit or structure on the same property shall be used for the conduct of bingo games.

Principal officer means the president, vice president, or treasurer, or partner, or limited partner, or director or stockholder, or an organization's officers performing similar duties.

(Ord. No. 99-35, § 1, 11-9-99)

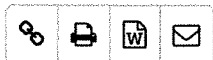
Sec. 10-152. - Legislative intent; exemptions.



- (a) It is the intent of Marion County that all phases of the regulation, licensing and supervision of bingo be closely controlled and the law pertaining thereto be strictly construed and rigidly enforced, to the end that commercialization in all its forms be discouraged, participation by criminal and other undesirable elements be prevented and diversion of the proceeds of bingo games from the purposes authorized by Section 849.0931, F.S., be eliminated.
- (b) It is the intent of Marion County that the provisions of this article shall not be applicable to residents, and their overnight guests, residing within condominium complexes, residential developments or subdivisions, mobile home parks, recreational vehicle parks or adult living facilities. Such organizations shall not use or lease their facilities for the conduct of bingo games by any other organization.

(Ord. No. 99-35, § 2, 11-9-99)

Sec. 10-153. - Administration and enforcement.



Responsibility for administration of this article shall be the responsibility of the county administrator. Responsibility for enforcement of this article is vested in the Marion County Code Enforcement Department.

(Ord. No. 99-35, § 3, 11-9-99)

Sec. 10-154. - License required.



- (a)

It shall be unlawful for a person to conduct a bingo game unless the person is a member of a licensed organization holding a current and effective license, which license shall not be under suspension or revocation. No licensed organization shall allow the use of its name in any manner or for any reason whatsoever for the conduct of bingo by any other person.

- (b) It shall be unlawful to lease any premises of any type for the conduct of bingo games as a lessor unless the lessee is the holder of a license as required herein.
- (c) A license issued under this article shall be nontransferable from one organization to another. The prohibition shall not be construed to prevent an organization from changing the name set forth in the original application.
- (d) Each organization licensed under this article shall display the license in a conspicuous place on the premises where bingo games are conducted in a transparent cover or frame. The license shall be available for inspection at all times by persons using the premises when bingo games are in progress. No person shall mutilate, cover, obstruct or remove a license so displayed.
- (e) All licenses issued under this article shall be renewed annually provided all the requirements of this article have been complied with by the licensed organization during the previous year.
- (f) No license shall be issued to an organization if the representative or any of the principal officers thereof or any of the members of said organization who shall be responsible for the running of any bingo game has within five (5) years of the date of application, been convicted of any misdemeanor involving a theft or illegal gambling or of any felony under the laws of this state, any other state, or the United States.
- (g) No license shall be issued to an organization whose license under this article has previously been revoked unless the Marion County Code Enforcement Board have, after public hearing, specifically authorized the issuance of the license after it is satisfied that the reason or reasons for revocation have been corrected and steps taken to insure that such problem or problems will not arise in the future.

(Ord. No. 99-35, § 4, 11-9-99)

Sec. 10-155. - License application; fee.

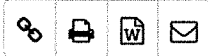


- (a) Any organization desiring to obtain a license under this article shall file with the county administrator a sworn application on forms supplied by the county administrator. The application shall be executed under oath by the chairperson of an organization. The application shall contain the following information:
 - (1) The applicants name, address, phone number, and any address and phone numbers used by the applicant in the previous three (3) years.
 - (2) The name, address and phone number of the person designated by the applicant who will be responsible for the running of any bingo game allowed under this article.
 - (3) The name, address and phone number of any member of the applicant who will conduct or assist in conducting bingo games allowed under this article.

- (4) Whether any of the individuals listed pursuant to subparagraphs (1), (2), and (3) has, within the five (5) year period immediately preceding, been convicted of any misdemeanor involving a theft or illegal gambling or of any felony under the laws of the State of Florida, the United States or any other state and, if so, the particular criminal act involved and the place of conviction.
 - (5) Whether the applicant has had any license under this article or a similar 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 and counties where an application has been made for a license to conduct bingo or to lease premises for the conduct of bingo.
 - (7) The name and address of each bank in which the net proceeds from the conduct of bingo are to be deposited.
 - (8) A statement that all individuals listed in subparagraph (2) and (3) are current and active members of the applicant and have been for at least one year and that said individuals have been a resident of Marion County, Florida for at least six (6) months.
 - (9) A statement that the applicant agrees to abide by all the provisions of this article and Section 849.0931, F.S. and the failure to do so may result in revocation or suspension of the licensee, or the imposition of noncriminal or criminal penalties.
- (b) There shall be an initial nonrefundable application fee of one hundred fifty dollars (\$150.00).

(Ord. No. 99-35, § 5, 11-9-99)

Sec. 10-156. - Investigation.



Upon receipt of an application properly completed and filed and upon payment of the application fee, the county administrator shall investigate the qualifications of the applicant to determine the applicant's eligibility for a license in accordance with the provisions of this article. The county administrator may request the assistance of the Marion County Sheriff's Department or other County or State agencies to investigate the applicant.

(Ord. No. 99-35, § 6, 11-9-99)

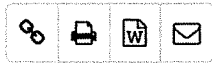
Sec. 10-157. - Issuance denied.



- (a) Upon completion of the investigation of an application, the county administrator shall within seven (7) days following investigation either approve or disapprove the application. If approved, the license fee shall be paid by the applicant.
- (b) If the application is disapproved, the county administrator shall provide the applicant, through its representative, notice of disapproval and the reasons therefore.

(Ord. No. 99-35, § 7, 11-9-99)

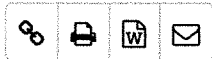
Sec. 10-158. - Amendment to application.



- (a) An application, so long as the license issued thereon is valid and effective, must be amended, without an additional application fee, if any of the information contained in the application changes.
- (b) The county administrator shall conduct such investigation of the new or additional matters as he deems necessary to determine the eligibility or continued eligibility of the licensed organization to hold a license pursuant to this article. The provisions of section 10-157 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 of the amendment shall subject the license to the possibility of suspension or revocation as provided in this article.

(Ord. No. 99-35, § 8, 11-9-99)

Sec. 10-159. - Suspension and revocation of license.



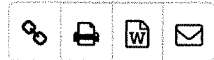
- (a) The county administrator is authorized to suspend or revoke a license when he determines, upon sufficient cause that an organization:
 - (1) Permitted its name to be used in connection with a bingo game that is conducted by any person, contrary to the provisions of this article or of Section 849.0931, F.S., or acquiesced in such use.
 - (2) Permitted its representative to conduct a bingo game on its behalf contrary to any of the conditions of play required by this article or of Section 849.0931, F.S., or acquiesced in such conduct.
 - (3) Required or permitted any person or volunteer who has not been an active member of the organization for a period of at least one year prior to this appointment or designation to act or serve as its representative or to conduct bingo.
 - (4) 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.
 - (5) Failed or refused to maintain the records or make the reports required by this article or by the county administrator pursuant to this article.
 - (6) Failed or refused to deposit the proceeds derived from the conduct of bingo into a separate bank account as required by this article.
 - (7) Its representative, or its principal officers, servants, employees, volunteers or members violated any of the requirements of this article or of Section 849.0931, F.S.
- (b) Before the county administrator suspends or revokes a license, he shall furnish the organization a written statement, by certified or registered mail or by personal service, of the cause of the suspension or revocation. The organization shall have twenty (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 shall proceed to suspend or revoke the license without further proceedings. If a hearing is requested, the organization shall be entitled to a hearing before the Marion County Code Enforcement Board and shall be entitled to produce witnesses, cross examine witnesses and be represented by counsel. After the hearing, the Marion County Code Enforcement Board shall make the decision and notify the organization of its decision.

- (c) The revocation of any license issued pursuant to this article shall be for a period of one year, unless the Marion County Code Enforcement Board agrees to allow reinstatement upon a finding that the cause of the initial revocation has been satisfactorily eliminated by the organization. The suspension of a license may be made up to a period of one year.

(Ord. No. 99-35, § 9, 11-9-99)

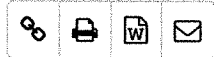
Sec. 10-160. - License fee.



- (a) There is hereby imposed a one-hundred fifty-dollar annual license fee under this article separate from the application fee.
- (b) The fees collected under this article are fees paid for the purpose of examination and inspection of the person, organization or 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 imposed by the board of county commissioners. The payment of license fees under this article shall not relieve the person, organization or lessor of liability for 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 the occupational license requirements set forth in the Marion County Code.

(Ord. No. 99-35, § 10, 11-9-99)

Sec. 10-161. - Records and reports; consent by licensee.



Each organization shall keep such records and make such reports as may be required by the county administrator 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 the provisions of this article and to exercise by the county administrator of the authority granted by this article.

(Ord. No. 99-35, § 11, 11-9-99)

Sec. 10-162. - Conduct of bingo.



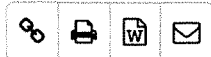
Each bingo game shall be conducted under the following conditions of play:

- (a) No organization may conduct bingo any more than two (2) days during any week.
- (b) No lessor shall lease the lessors property for the conduct of bingo more than four

- (4) days during any week.
- (c) No organization which conducts bingo on its own property may lease to another organization its property for the conduct of bingo so that between the lessor organization and lessee organization bingo is conducted on the same property more than four (4) times per week.
- (d) Each person conducting or assisting in the conduct of a bingo game shall wear a legible tag bearing his name and the name of the organization he represents.
- (e) During the course of a bingo game; the organization shall post, as directed below, in a conspicuous place in letters and numbers no less than three (3) inches high the following information:
- (1) The names of all members or volunteers conducting or assisting in the conduct of the bingo game.
 - (2) Within twenty-four (24) hours, the total gross receipts collected at each bingo game or series of bingo games.
 - (3) The total value of all prizes, whether in money or other taking of value, to be awarded at each bingo game or series of bingo games.
 - (4) The net receipts collected but not awarded as prizes.
- (f) Every person directly involved in the conduct of a bingo game must be a bonafide member of the organization for at least a period of six (6) months and a resident of Marion County, Florida for at least six (6) months prior to their involvement with the conduct of any bingo game. It shall be unlawful for any person or any member of any organization to falsely represent the membership status of any person involved in the conduct of a bingo game. Proof of the length of membership shall be furnished by the licensed organization upon demand by the county administrator 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 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 organization may be made at any time, but such change shall require the immediate filing with the county administrator of an amendment of the licensed organization's application.
- (g) No salary, compensation, tip or reward in any form whatsoever shall be offered, solicited, paid or given, before, during or after, directly or indirectly, to any person conducting or assisting in the conduct of bingo.

(Ord. No. 99-35, § 12, 11-9-99)

Sec. 10-163. - Financial requirements.



- (a) The entire net proceeds derived from the conduct of bingo by a organization shall be deposited during the next business day in a checking account in a bank located within Marion County which shall be maintained separate and apart from all other accounts of the organization and which shall not be used for the deposit of funds received from any other activity other than the conduct of bingo. Two (2) of the principal officers of the

organization shall be required to sign all checks, drafts and other instruments withdrawing or transferring funds from the checking account, without exception. The provisions of this subsection shall not preclude;

- (1) In the case of an organization, the periodic transfer of the entire net proceeds derived from the conduct of bingo into a savings or other account established for the charitable, religious, educational, fraternal, patriotic, civic, community or benevolent endeavor for which the bingo games were played.
 - (2) In the case of an 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.
- (b) An organization shall maintain adequate records according to generally accepted accounting practices and in a form prescribed by Marion County which records shall show:
- (1) Gross proceeds from any source related to the conduct of bingo, including a method of cash control with respect to admissions and other related activities.
 - (2) Receipts records.
 - (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 county administrator or his authorized representative at reasonable times during normal business hours and whenever a bingo game is in progress, but the county administrator or his authorized representative shall not interrupt an actual bingo game or interfere with the operation of the premises where bingo is played unless necessary in order to make an inspection. All records shall be retained by an organization for a minimum time of three (3) years.

- (c) Annually each organization shall file with the county administrator a financial statement, in the form prescribed by the county administrator, containing the sources and amount of the gross revenue derived by the organization from the conduct of bingo during the twelve (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. The financial statement shall be certified as correct by a principal officer, one of the partners or one who controls the organization but need not be audited; provided; that the foregoing language shall not prohibit an operation from filing an audited financial statement nor the county administrator 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 organization is obeying the law and rules promulgated under this article. The county administrator may also require an organization to submit other reports, on a periodic basis covering the activities connected with or related to the conduct of bingo, which reports shall be certified as prescribed for financial statements as set forth herein.

(Ord. No. 99-35, § 13, 11-9-99)

Sec. 10-164. - Use of premises.



A premises may be used to conduct bingo under the following conditions:

- (a) Bingo shall not be conducted between the hours of 1:00 a.m. and 9:00 a.m.
- (b) Not more than one licensed organization shall lease any premises for the conduct of bingo in any twenty-four (24) hour period, and no other licensed organization shall conduct bingo upon the same premises in that time period. This prohibition shall not extend to or affect the leasing, rental or use of premises for any other purpose than the conduct of bingo.
- (c) The rental fee for the lease on any premise on which 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 that play of bingo games. The amount paid for such lease shall not exceed the fair market value of the leasehold interest. The county administrator shall be authorized to require the lessor to demonstrate the manner or method by which the fair market rent was determined. The county administrator 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.
- (d) When the actual fee for the lease of any premises on which bingo games are to be conducted includes the use of equipment, tables, chairs and other articles essential to the conduct of bingo, the provisions of subsection (c) 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 county administrator may require the lessor to demonstrate the manner and method by which the fair market rental charge for such equipment was determined.

(Ord. No. 99-35, § 14, 11-9-99)

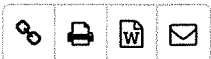
Sec. 10-165. - False statements prohibited.



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 county administrator as to any matter investigated by the county administrator.

(Ord. No. 99-35, § 15, 11-9-99)

Sec. 10-166. - Violations.



A person who violates the terms of this article shall be subject to the provisions of section 162.09, F.S. For violations that are of a continuing nature, each day that the violation continues shall be a separate offense.

(Ord. No. 99-35, § 16, 11-9-99)

Secs. 10-167—10-200. - Reserved.

