

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 566

SPONSOR: Regulated Industries Committee, Comprehensive Planning, Local & Military Affairs Committee and Senator Sebesta

SUBJECT: Recreational Activities at Facilities for Elderly or Disabled Adults

DATE: January 30, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cooper	Yeatman	CA	Favorable/CS
2.	Vaccaro	Caldwell	RI	Favorable/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill authorizes bingo games at nursing homes, assisted living facilities, adult day care centers, multi-service senior centers, continuing care facilities, and government-financed or government-insured housing for the elderly.

This bill creates an unspecified section of Florida Law.

**II. Present Situation:**

Section 849.0931, F.S., provides rules and regulations regarding bingo. The section provides governing definitions and describes the types of organizations that are authorized to conduct bingo. Certain charitable, nonprofit, and veterans' organizations are authorized to conduct bingo. Likewise, condominium associations, cooperative associations, homeowners' associations, mobile homeowners' associations, and a group of residents of a mobile home park or recreational vehicle park, are authorized to conduct bingo.

Charitable, nonprofit and veterans' organizations may use bingo proceeds that remain after prizes have been awarded to support and fund their various charitable endeavors. The residential groups that are authorized to conduct bingo games may use net proceeds to make donations to charitable, tax-exempt organizations. These groups also have the option of carrying over the proceeds for use as prize money in subsequent games under certain conditions.

Strictly interpreted, the statute does not allow nursing homes, assisted living facilities, adult day care centers, multi-service senior centers, continuing care facilities, and government-financed or government insured housing for the elderly to conduct bingo games for their residents.

### III. Effect of Proposed Changes:

**Section 1** creates an unspecified section of Florida Law to allow the following organizations to conduct bingo games: nursing homes, assisted living facilities, adult day care centers, multi-service senior centers, continuing care facilities, and government-financed or government insured housing for the elderly.

The games must be held in the facility and played only by residents, clients, or their guests. The games must be conducted by residents, staff, or volunteers of the facility, and neither the facility nor any third party may derive financial benefit from the games. Games conducted for residents or clients with a diagnosis of Alzheimer's Disease that are played with the personal funds of those residents or clients must be supervised by paid or volunteer staff. Prizes may only be claimed by residents or clients of these facilities, or by guests who are residents or clients of other similarly licensed or authorized facilities. Nonresidents are prohibited from claiming prizes. Any net proceeds remaining after paying prizes may be donated by the residents' council to projects or activities of its choice.

Any county or municipality that regulates bingo must exempt the games conducted pursuant to this section from regulation and fees.

**Section 2** provides that the act will take effect July 1, 2002.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Subsection (b) of Section 18 of Article VII, Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature in order to enact a general law reducing the authority that municipalities and counties had on February 1, 1989, to raise revenues in the aggregate. However, laws with an insignificant fiscal impact (\$1.6 million) are exempt from this requirement.

By exempting the organizations and facilities from any fees levied by counties and municipalities that regulate bingo, the bill could reduce the municipalities' and counties' revenues, thereby reducing their revenue-raising authority. This bill will exempt approximately 4,000 facilities from licensing by local governments. Pinellas County imposes a license fee of \$150 - \$200 on these facilities in its jurisdiction. If a \$200 fee were imposed on the 4,000 facilities affected by this bill, it would generate \$800,000.

Therefore, the bill appears to be exempt because of its insignificant fiscal impact and does not require a two-thirds vote of the membership of each house of the Legislature.

#### B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

This bill will exempt approximately 4,000 facilities from licensing by local governments. While it appears that only one county currently regulates bingo games in these types of facilities, the current revenue generating authority of all local governments will be restricted. Pinellas County imposes a license fee of \$150 - \$200 on these facilities. If a \$200 fee were imposed on the 4,000 facilities affected by this bill, it would generate \$800,000.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.