

1 A bill to be entitled
2 An act relating to pari-mutuel wagering;
3 amending s. 550.0951, F.S.; prescribing the tax
4 on handle for intertrack wagering; amending s.
5 550.09511, F.S.; prescribing the tax on handle
6 for live jai alai performances; amending s.
7 550.2625, F.S.; prescribing the tax on handle
8 for live thoroughbred performances; amending s.
9 550.2625, F.S.; revising standing requirements
10 for stallion awards; amending s. 550.09512,
11 F.S.; revising the date for expiration of that
12 section; amending s. 550.09514, F.S., relating
13 to greyhound purse requirements; amending s.
14 26, ch. 96-364, Laws of Florida, relating to
15 tax on handle of live thoroughbred
16 performances, live jai alai performances, and
17 intertrack wagering; providing effective dates.

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

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21 Section 1. Effective July 1, 2000, subsection (3) of
22 section 550.0951, Florida Statutes, as amended by chapter
23 96-364, Laws of Florida, is amended to read:

24 550.0951 Payment of daily license fee and taxes.--

25 (3) TAX ON HANDLE.--Each permitholder shall pay a tax
26 on contributions to pari-mutuel pools, the aggregate of which
27 is hereinafter referred to as "handle," on races or games
28 conducted by the permitholder. The tax is imposed daily and is
29 based on the total contributions to all pari-mutuel pools
30 conducted during the daily performance. If a permitholder

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1 conducts more than one performance daily, the tax is imposed
2 on each performance separately.

3 (a) The tax on handle for thoroughbred horse racing,
4 harness horse racing, and quarter horse racing is 3.3 percent
5 of the handle.

6 (b) The tax on handle for dogracing is 7.6 percent of
7 the handle and for jai alai is 7.1 percent of the handle.

8 (c)1. The tax on handle for intertrack wagering is 3.3
9 percent of the handle if the host track is a horse track, 7.6
10 percent if the host track is a dog track, and 7.1 percent if
11 the host track is a jai alai fronton. ~~The tax on handle for~~
12 ~~intertrack wagering on rebroadcasts of simulcast horseraces is~~
13 ~~2.4 percent of the handle.~~ The tax shall be deposited into
14 the General Revenue Fund.

15 ~~2. Effective October 1, 1996, the tax on handle for~~
16 ~~intertrack wagers accepted by any dog track located in an area~~
17 ~~of the state in which there are only three permitholders, all~~
18 ~~of which are greyhound permitholders, located in three~~
19 ~~contiguous counties, from any greyhound permitholder also~~
20 ~~located within such area or any dog track or jai alai fronton~~
21 ~~located as specified in s. 550.615(6) or (8), on races or~~
22 ~~games received from the same class of permitholder located~~
23 ~~within the same market area is 6 percent if the host facility~~
24 ~~is a greyhound permitholder and, if the host facility is a jai~~
25 ~~alai permitholder, the rate shall be 6.1 percent except that~~
26 ~~it shall be 2.3 percent on handle at such time as the total~~
27 ~~tax on intertrack handle paid to the division by the~~
28 ~~permitholder during the current state fiscal year exceeds the~~
29 ~~total tax on intertrack handle paid to the division by the~~
30 ~~permitholder during the 1992-1993 state fiscal year.~~

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1 ~~2.3.~~ Any guest track that imposes a surcharge on each
2 winning ticket cashed pursuant to s. 550.6335 shall pay an
3 additional tax equal to 5 percent of the surcharge so imposed.
4 Any taxes so imposed shall be deposited into the General
5 Revenue Fund.

6 Section 2. Effective July 1, 2000, paragraphs (a) and
7 (b) of subsection (2) and paragraph (a) of subsection (3) of
8 section 550.09511, Florida Statutes, as amended by chapter
9 96-364, Laws of Florida, are amended to read:

10 550.09511 Jai alai taxes; abandoned interest in a
11 permit for nonpayment of taxes.--

12 (2) Notwithstanding the provisions of s.
13 550.0951(3)(b), wagering on live jai alai performances shall
14 be subject to the following taxes:

15 (a)1. The tax on handle per performance for live jai
16 alai performances is 5.0 ~~4.25~~ percent of handle per
17 performance. However, when the live handle of a permitholder
18 during the preceding state fiscal year was less than \$15
19 million, the tax shall be paid on the handle in excess of
20 \$30,000 per performance per day.

21 2. The tax rate shall be applicable only until the
22 requirements of paragraph (b) are met.

23 (b) At such time as the total of admissions tax, daily
24 license fee, and tax on handle for live jai alai performances
25 paid to the division by a permitholder during the current
26 state fiscal year exceeds the total state tax revenues from
27 wagering on live jai alai performances paid or due by the
28 permitholder in fiscal year 1991-1992, the permitholder shall
29 pay tax on handle for live jai alai performances at a rate of
30 3.3 ~~2.55~~ percent of the handle per performance for the
31 remainder of the current state fiscal year. For purposes of

1 this section, total state tax revenues on live jai alai
2 wagering in fiscal year 1991-1992 shall include any admissions
3 tax, tax on handle, surtaxes on handle, and daily license
4 fees.

5 (3)(a) Notwithstanding the provisions of s.
6 550.0951(3)(c)~~subsection (2) and s. 550.0951(3)(c)1.~~, any jai
7 alai permitholder which is restricted under Florida law from
8 operating live performances on a year-round basis is entitled
9 to conduct ~~wagering on live performances at a tax rate of 3.85~~
10 ~~percent of live handle. Such permitholder is also entitled to~~
11 ~~conduct~~ intertrack wagering as a host permitholder on live jai
12 alai games at its fronton at a tax rate of 3.3 percent of
13 handle at such time as the total tax on intertrack handle paid
14 to the division by the permitholder during the current state
15 fiscal year exceeds the total tax on intertrack handle paid to
16 the division by the permitholder during the 1992-1993 state
17 fiscal year.

18 Section 3. Effective July 1, 1998, subsection (2) of
19 section 550.2625, Florida Statutes, as amended by chapter
20 96-364, Laws of Florida, is amended to read:

21 550.2625 Horseracing; minimum purse requirement,
22 Florida breeders' and owners' awards.--

23 (2) Each permitholder conducting a horserace meet is
24 required to pay from the takeout withheld on pari-mutuel pools
25 a sum for purses in accordance with the type of race
26 performed.

27 (a) A permitholder conducting a thoroughbred horse
28 race meet under this chapter must pay from the takeout
29 withheld a sum not less than 7.5 percent of all contributions
30 to pari-mutuel pools conducted during the race meet as purses.
31 ~~In addition to the 7.5 percent minimum purse payment,~~

1 ~~permitholders conducting live thoroughbred performances shall~~
 2 ~~be required to pay as additional purses .375 percent of live~~
 3 ~~handle for performances conducted during the period beginning~~
 4 ~~on January 3 and ending March 16; .225 percent for~~
 5 ~~performances conducted during the period beginning March 17~~
 6 ~~and ending May 22; and .6 percent for performances conducted~~
 7 ~~during the period beginning May 23 and ending January 2.~~
 8 ~~Except that any thoroughbred permitholder whose total handle~~
 9 ~~on live performances during the 1991-1992 state fiscal year~~
 10 ~~was not greater than \$34 million is not subject to this~~
 11 ~~additional purse payment.~~A permitholder authorized to conduct
 12 thoroughbred racing may withhold from the handle an additional
 13 amount equal to 1 percent on exotic wagering for use as
 14 owners' awards, and may withhold from the handle an amount
 15 equal to 2 percent on exotic wagering for use as overnight
 16 purses. No permitholder may withhold in excess of 20 percent
 17 from the handle without withholding the amounts set forth in
 18 this subsection.

19 (b)1. A permitholder conducting a harness horse race
 20 meet under this chapter must pay to the purse pool from the
 21 takeout withheld a purse requirement that totals an amount not
 22 less than 8 percent of all contributions to pari-mutuel pools
 23 conducted during the race meet. An amount not less than 7.5
 24 percent of the total handle shall be paid from this purse pool
 25 as purses.

26 2. An amount not to exceed 0.5 percent of the total
 27 handle on all harness horse races that are subject to the
 28 purse requirement of subparagraph 1., must be available for
 29 use to provide medical, dental, surgical, life, funeral, or
 30 disability insurance benefits for occupational licensees who
 31 work at tracks in this state at which harness horse races are

1 conducted. Such insurance benefits must be paid from the
 2 purse pool specified in subparagraph 1. An annual plan for
 3 payment of insurance benefits from the purse pool, including
 4 qualifications for eligibility, must be submitted by the
 5 Florida Standardbred Breeders and Owners Association for
 6 approval to the division. An annual report of the implemented
 7 plan shall be submitted to the division. All records of the
 8 Florida Standardbred Breeders and Owners Association
 9 concerning the administration of the plan must be available
 10 for audit at the discretion of the division to determine that
 11 the plan has been implemented and administered as authorized.
 12 If the division finds that the Florida Standardbred Breeders
 13 and Owners Association has not complied with the provisions of
 14 this section, the division may order the association to cease
 15 and desist from administering the plan and shall appoint the
 16 division as temporary administrator of the plan until the
 17 division reestablishes administration of the plan with the
 18 association.

19 (c) A permitholder conducting a quarter horse race
 20 meet under this chapter shall pay from the takeout withheld a
 21 sum not less than 6 percent of all contributions to
 22 pari-mutuel pools conducted during the race meet as purses.

23 (d) The division shall adopt reasonable rules to
 24 ensure the timely and accurate payment of all amounts withheld
 25 by horserace permitholders regarding the distribution of
 26 purses, owners' awards, and other amounts collected for
 27 payment to owners and breeders. Each permitholder that fails
 28 to pay out all moneys collected for payment to owners and
 29 breeders shall, within 10 days after the end of the meet
 30 during which the permitholder underpaid purses, deposit an
 31 amount equal to the underpayment into a separate

1 interest-bearing account to be distributed to owners and
2 breeders in accordance with division rules.

3 (e) An amount equal to 8.5 percent of the purse
4 account generated through intertrack wagering and interstate
5 simulcasting will be used for Florida Owners' Awards as set
6 forth in subsection (3). Any thoroughbred permitholder with
7 an average blended takeout which does not exceed 20 percent
8 and with an average daily purse distribution excluding
9 sponsorship, entry fees, and nominations exceeding \$225,000 is
10 exempt from the provisions of this subsection.

11 Section 4. Paragraph (d) of subsection (3) of section
12 550.2625, Florida Statutes, is amended to read:

13 550.2625 Horseracing; minimum purse requirement,
14 Florida breeders' and owners' awards.--

15 (3) Each horseracing permitholder conducting any
16 thoroughbred race under this chapter, including any intertrack
17 race taken pursuant to ss. 550.615-550.6305 or any interstate
18 simulcast taken pursuant to s. 550.3551(3) shall pay a sum
19 equal to 0.75 percent on all pari-mutuel pools conducted
20 during any such race for the payment of breeders' and stallion
21 awards as authorized in this section. This subsection also
22 applies to all Breeder's Cup races conducted outside this
23 state taken pursuant to s. 550.3551(3). On any race
24 originating live in this state which is broadcast out-of-state
25 to any location at which wagers are accepted pursuant to s.
26 550.3551(2), the host track is required to pay 3.3 percent of
27 the gross revenue derived from such out-of-state broadcasts as
28 breeders' and stallion awards. The Florida Thoroughbred
29 Breeders' Association is authorized to receive these payments
30 from the permitholders and make payments of awards earned.
31 The Florida Thoroughbred Breeders' Association has the right

1 to withhold up to 10 percent of the permitholder's payments
2 under this section as a fee for administering the payments of
3 awards and for general promotion of the industry. The
4 permitholder shall remit these payments to the Florida
5 Thoroughbred Breeders' Association by the 5th day of each
6 calendar month for such sums accruing during the preceding
7 calendar month and shall report such payments to the division
8 as prescribed by the division. With the exception of the
9 10-percent fee, the moneys paid by the permitholders shall be
10 maintained in a separate, interest-bearing account, and such
11 payments together with any interest earned shall be used
12 exclusively for the payment of breeders' awards and stallion
13 awards in accordance with the following provisions:

14 (d) In order for an owner of the sire of a
15 thoroughbred horse winning a stakes race to be eligible to
16 receive a stallion award, the stallion must have been
17 registered with the Florida Thoroughbred Breeders'
18 Association, and the breeding of the registered Florida-bred
19 horse must have occurred in this state. The stallion must be
20 standing permanently in this state between February 1st
21 through June 15th of each year or, if the stallion is dead,
22 must have stood permanently in this state for a period of not
23 less than 1 year immediately prior to its death. The removal
24 of a stallion from this state during the period of time
25 between February 1st through June 15th of any year for any
26 reason, other than exclusively for prescribed medical
27 treatment, as approved by the Florida Thoroughbred Breeders'
28 Association, renders the owner or owners of the stallion
29 ineligible to receive a stallion award under any circumstances
30 for offspring sired prior to removal; however, if a removed
31 stallion is returned to this state, all offspring sired

1 subsequent to the return make the owner or owners of the
2 stallion eligible for the stallion award but only for those
3 offspring sired subsequent to such return to this state. The
4 Florida Thoroughbred Breeders' Association shall maintain
5 complete records showing the date the stallion arrived in this
6 state for the first time, whether or not the stallion remained
7 in the state permanently, the location of the stallion, and
8 whether the stallion is still standing in this state and
9 complete records showing awards earned, received, and
10 distributed. The association may charge the owner, owners, or
11 breeder a reasonable fee for this service.

12 Section 5. Subsection (5) of section 550.09512,
13 Florida Statutes, as created by section 1 of chapter 93-288,
14 Laws of Florida, is amended to read:

15 550.09512 Harness horse taxes; abandoned interest in a
16 permit for nonpayment of taxes.--

17 (5) This section is repealed July 1, 2000 ~~1998~~, and
18 shall be reviewed by the Legislature prior to that date.

19 Section 6. Paragraphs (b) and (c), of subsection (2)
20 of section 550.09514, Florida Statutes, 1996 Supplement, is
21 amended to read:

22 550.09514 Greyhound dogracing taxes; purse
23 requirements.--

24 (2)

25 (b)1. Except as otherwise provided herein, in addition
26 to the minimum purse percentage required by paragraph (a),
27 each permitholder shall pay as purses, for fiscal year
28 1996-1997, an amount equal to 75 percent of the permitholder's
29 tax credit pursuant to s. 550.0951(1).

30 2. Except as otherwise set forth herein, in addition
31 to the minimum purse percentage required by paragraph (a),

1 beginning July 1, 1997, each permitholder shall pay as purses
 2 an amount equal to 75 percent of the daily license fees paid
 3 by each permitholder for the 1994-1995 fiscal year. This purse
 4 supplement shall be prorated and dispersed weekly during a
 5 permitholder's live meet.For the greyhound permitholders in
 6 the county where there are two greyhound permitholders located
 7 as specified in s. 550.615(6), such permitholders shall pay in
 8 the aggregate an amount equal to 75 percent of the daily
 9 license fees paid by such permitholders for the 1994-1995
 10 fiscal year. These permitholders shall be jointly and
 11 severally liable for such purse payments.

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13 The additional purses provided by this paragraph must be used
 14 exclusively for purses other than stakes. The division shall
 15 conduct audits necessary to ensure compliance with this
 16 section.

17 (c) The division shall require sufficient
 18 documentation from each greyhound permitholder regarding
 19 purses paid on live racing and greyhound intertrack and
 20 simulcast broadcasts to assure that the annual purse
 21 percentage rates paid by each permitholder on the intertrack
 22 or simulcast broadcasts are not reduced below those paid
 23 during the 1993-1994 state fiscal year. In addition, each
 24 greyhound permitholder when conducting its live meet ~~live~~
 25 ~~races~~ shall pay purses on wagers it accepts as a guest track
 26 on intertrack and simulcast greyhound races at the same rate
 27 as it pays on live races. Each greyhound permitholder acting
 28 as a host track shall pay purses, at the same rate as it pays
 29 on live races, on wagers accepted on such races at a guest
 30 track which is not conducting live racing and is located
 31 within the same market area as the host.

1 Section 7. Section 26 of chapter 96-364, Laws of
2 Florida, is amended to read:

3 Section 26. Effective July 1, 1998, the amendments to
4 ~~subsection (3) of section 550.0951, subsections (2) and (3) of~~
5 ~~section 550.09511, subsection (2) of section 550.09515, and~~
6 ~~subsection (2) of section 550.2625, Florida Statutes, shall~~
7 expire and the text of said subsections shall revert to that
8 in existence immediately prior to chapter 96-364, Laws of
9 Florida, this act becoming law and as set forth in that the
10 act without the amendments to such subsections, specified in
11 that this act, except that any amendments to such text enacted
12 other than by that this act shall be preserved and continue to
13 operate to the extent that such amendments are not dependent
14 upon the portions of said text which expire pursuant to the
15 provisions of that this act. The Statutory Revision Division
16 of the Joint Legislative Management Committee shall include in
17 an appropriate reviser's bill any amendments to said section
18 which are necessary to give effect to the legislative intent
19 expressed in this section.

20 Section 8. Except as otherwise expressly provided in
21 this act, this act shall take effect upon becoming a law.
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