

By the Committee on Regulated Services and Representative  
Morrone

1                                   A bill to be entitled  
2           An act relating to pari-mutuel wagering;  
3           amending ss. 550.01215, 550.0251, 550.0951,  
4           550.09511, 550.09515, and 550.6305, F.S.;  
5           removing obsolete language and correcting a  
6           cross reference; providing an effective date.

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

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10           Section 1. Section 550.01215, Florida Statutes, is  
11 amended to read:

12           550.01215 License application; periods of operation;  
13 bond, conversion of permit.--

14           (1) Each permitholder shall annually, during the  
15 period between December 15 and January 4, file in writing with  
16 the division its application for a license to conduct  
17 performances during the next state fiscal year. Each  
18 application shall specify the number, dates, and starting  
19 times of all performances which the permitholder intends to  
20 conduct. It shall also specify which performances will be  
21 conducted as charity or scholarship performances. In addition,  
22 each application for a license shall include, for each  
23 permitholder which elects to operate a cardroom, the dates and  
24 periods of operation the permitholder intends to operate the  
25 cardroom or, for each thoroughbred permitholder which elects  
26 to receive or rebroadcast out-of-state races between the hours  
27 of 7 p.m. and 10 p.m., the dates for all performances which  
28 the permitholder intends to conduct. Permitholders shall be  
29 entitled to amend their applications through February 28.

30           ~~(2) Notwithstanding any other provision of this~~  
31 ~~chapter, any permitholder located as specified in s.~~

1 ~~550.615(6) may, between August 1, 1996, and August 15, 1996,~~  
2 ~~make a one-time request to the division and shall be granted a~~  
3 ~~reduction in its authorized performances conducted during the~~  
4 ~~1996-1997 state fiscal year not to exceed 15 performances. In~~  
5 ~~the absence of a request by a permitholder between August 1,~~  
6 ~~1996, and August 15, 1996, the division shall have the~~  
7 ~~authority to reduce a permitholder's authorized performances~~  
8 ~~conducted during the 1996-1997 state fiscal year pursuant to a~~  
9 ~~court order issued prior to January 1, 1997.~~

10 ~~(3) Notwithstanding any other provision of this~~  
11 ~~section, any greyhound permitholder located as specified in s.~~  
12 ~~550.615(6), may apply for a license to conduct racing for~~  
13 ~~fiscal year 1996-1997 within 10 days after the effective date~~  
14 ~~of this act. The division shall issue such license within 15~~  
15 ~~days of receipt of such application. In addition, any other~~  
16 ~~greyhound permitholders located in such area, may within the~~  
17 ~~same 10-day time period, request corresponding reductions in~~  
18 ~~their authorized number of performances, and the division~~  
19 ~~shall grant such amendments.~~

20 ~~(2)(4)~~ After the first license has been issued to a  
21 permitholder, all subsequent annual applications for a license  
22 shall be accompanied by proof, in such form as the division  
23 may by rule require, that the permitholder continues to  
24 possess the qualifications prescribed by this chapter, and  
25 that the permit has not been disapproved at a later election.

26 ~~(3)(5)~~ The division shall issue each license no later  
27 than March 15. Each permitholder shall operate all  
28 performances at the date and time specified on its license.  
29 The division shall have the authority to approve minor changes  
30 in racing dates after a license has been issued. The division  
31 may approve changes in racing dates after a license has been

1 issued when there is no objection from any operating  
2 permitholder located within 50 miles of the permitholder  
3 requesting the changes in operating dates. In the event of an  
4 objection, the division shall approve or disapprove the change  
5 in operating dates based upon the impact on operating  
6 permitholders located within 50 miles of the permitholder  
7 requesting the change in operating dates. In making the  
8 determination to change racing dates, the division shall take  
9 into consideration the impact of such changes on state  
10 revenues.

11 (4)~~(6)~~ In the event that a permitholder fails to  
12 operate all performances specified on its license at the date  
13 and time specified, the division shall hold a hearing to  
14 determine whether to fine or suspend the permitholder's  
15 license, unless such failure was the direct result of fire,  
16 strike, war, or other disaster or event beyond the ability of  
17 the permitholder to control. Financial hardship to the  
18 permitholder shall not, in and of itself, constitute just  
19 cause for failure to operate all performances on the dates and  
20 at the times specified.

21 (5)~~(7)~~ In the event that performances licensed to be  
22 operated by a permitholder are vacated, abandoned, or will not  
23 be used for any reason, any permitholder shall be entitled,  
24 pursuant to rules adopted by the division, to apply to conduct  
25 performances on the dates for which the performances have been  
26 abandoned. The division shall issue an amended license for  
27 all such replacement performances which have been requested in  
28 compliance with the provisions of this chapter and division  
29 rules.

30 (6)~~(8)~~ In addition to the conduct of pari-mutuel  
31 wagering and cardroom operations conducted pursuant to s.

1 849.086, any permitted facility may be used for the conduct of  
2 concerts, trade shows, expositions, conventions, flea markets,  
3 charitable events, and similar activities, subject to any  
4 local ordinance.

5 (7)~~(9)~~ Any permit which was converted from a jai alai  
6 permit to a greyhound permit may be converted to a jai alai  
7 permit at any time if the permitholder never conducted  
8 greyhound racing or if the permitholder has not conducted  
9 greyhound racing for a period of 12 consecutive months.

10 Section 2. Subsection (12) of section 550.0251,  
11 Florida Statutes, is amended to read:

12 550.0251 The powers and duties of the Division of  
13 Pari-mutuel Wagering of the Department of Business and  
14 Professional Regulation.--The division shall administer this  
15 chapter and regulate the pari-mutuel industry under this  
16 chapter and the rules adopted pursuant thereto, and:

17 (12) The division shall have full authority and power  
18 to make, adopt, amend, or repeal rules relating to cardroom  
19 operations, to enforce and to carry out the provisions of s.  
20 849.086, and to regulate the authorized cardroom activities in  
21 the state. ~~The division is authorized to adopt emergency~~  
22 ~~rules prior to January 1, 1997, to implement the provisions of~~  
23 ~~s. 849.086.~~

24 Section 3. Subsection (1), paragraph (c) of subsection  
25 (3), and subsection (4) of section 550.0951, Florida Statutes,  
26 are amended to read:

27 550.0951 Payment of daily license fee and taxes.--

28 (1) DAILY LICENSE FEE.--Each person engaged in the  
29 business of conducting race meetings or jai alai games under  
30 this chapter, hereinafter referred to as the "permitholder,"  
31 "licensee," or "permittee," shall pay to the division, for the

1 use of the division, a daily license fee on each live or  
2 simulcast pari-mutuel event of \$100 for each horserace and \$80  
3 for each dograce and \$40 for each jai alai game conducted at a  
4 racetrack or fronton licensed under this chapter. Effective  
5 October 1, 1996, in addition to the tax exemption specified in  
6 s. 550.09514(1) of \$360,000 or \$500,000 per greyhound  
7 permitholder per state fiscal year, each greyhound  
8 permitholder shall receive in the current state fiscal year a  
9 tax credit equal to the number of live greyhound races  
10 conducted in the previous state fiscal year times the daily  
11 license fee specified for each dograce in this subsection  
12 applicable for the previous state fiscal year. This tax  
13 credit and the exemption in s. 550.09514(1) shall be  
14 applicable to the tax on live handle under subsection (3)  
15 except during any charity or scholarship performances  
16 conducted pursuant to s. 550.0351. ~~Effective October 1, 1996,~~  
17 Each permitholder shall pay daily license fees not to exceed  
18 \$500 per day on any simulcast races or games on which such  
19 permitholder accepts wagers regardless of the number of  
20 out-of-state events taken or the number of out-of-state  
21 locations from which such events are taken. This license fee  
22 shall be deposited with the Treasurer to the credit of the  
23 Pari-mutuel Wagering Trust Fund.

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

1           (c)1. The tax on handle for intertrack wagering is 3.3  
2 percent of the handle if the host track is a horse track, 7.6  
3 percent if the host track is a dog track, and 7.1 percent if  
4 the host track is a jai alai fronton. The tax on handle for  
5 intertrack wagering on rebroadcasts of simulcast horseraces is  
6 2.4 percent of the handle. The tax shall be deposited into  
7 the General Revenue Fund.

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

24           3. Any guest track that imposes a surcharge on each  
25 winning ticket cashed pursuant to s. 550.6335 shall pay an  
26 additional tax equal to 5 percent of the surcharge so imposed.  
27 Any taxes so imposed shall be deposited into the General  
28 Revenue Fund.

29           (4) BREAKS TAX.--~~Effective October 1, 1996,~~Each  
30 permitholder conducting jai alai performances shall pay a tax  
31 equal to the breaks. The "breaks" represents that portion of

1 each pari-mutuel pool which is not redistributed to the  
2 contributors or withheld by the permitholder as commission.

3 Section 4. Paragraph (c) of subsection (2) of section  
4 550.09511, Florida Statutes, is amended to read:

5 550.09511 Jai alai taxes; abandoned interest in a  
6 permit for nonpayment of taxes.--

7 (2) Notwithstanding the provisions of s.  
8 550.0951(3)(b), wagering on live jai alai performances shall  
9 be subject to the following taxes:

10 (c) If no tax on handle for live jai alai performances  
11 were paid to the division by a jai alai permitholder during  
12 the 1991-1992 state fiscal year, then at such time as the  
13 total of admissions tax, daily license fee, and tax on handle  
14 for live jai alai performances paid to the division by a  
15 permitholder during the current state fiscal year exceeds the  
16 total state tax revenues from wagering on live jai alai  
17 performances paid or due by the permitholder in the last state  
18 fiscal year in which the permitholder conducted a full  
19 schedule of live games, the permitholder shall pay tax on  
20 handle for live jai alai performances at a rate of 3.3 percent  
21 of the handle per performance for the remainder of the current  
22 state fiscal year. For purposes of this section, total state  
23 tax revenues on live jai alai wagering shall include any  
24 admissions tax, tax on handle, surtaxes on handle, and daily  
25 license fees. ~~This paragraph shall take effect July 1, 1993.~~

26 Section 5. Paragraph (a) of subsection (2) of section  
27 550.09515, Florida Statutes, is amended to read:

28 550.09515 Thoroughbred horse taxes; abandoned interest  
29 in a permit for nonpayment of taxes.--

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1           (2)(a) Notwithstanding the provisions of s.  
2 550.0951(3)(a), the tax on handle for live thoroughbred horse  
3 performances shall be subject to the following:  
4           1. The tax on handle per performance for live  
5 thoroughbred performances is 2.25 percent of handle for  
6 performances conducted during the period beginning on January  
7 3 and ending March 16; .70 percent of handle for performances  
8 conducted during the period beginning March 17 and ending May  
9 22; and 1.5 percent of handle for performances conducted  
10 during the period beginning May 23 and ending January 2.  
11           2. If any thoroughbred permitholder conducts  
12 performances during more than one time period or if  
13 performances are conducted during more than one period at any  
14 facility, the tax on handle per performance is double the sum  
15 of the tax percentages for the periods in which performances  
16 are being conducted, except:  
17           a. Pursuant to s. 550.01215, two permitholders, by  
18 mutual written agreement, may agree to the operation by one of  
19 them in the other permitholder's tax period for up to 3 days,  
20 if the 3 days are either the first 3 days or the last 3 days  
21 of the racing period in which the permitholders intend to  
22 operate.  
23           b. If, on March 31 of any year, there is no  
24 permitholder holding a license for operating any one of the  
25 three race periods set forth in this section or if the  
26 permitholder who is licensed to operate in any period fails to  
27 operate for 10 consecutive days, a permitholder already  
28 licensed to operate in another period may apply for and be  
29 issued a license to operate the period in question, in  
30 addition to the period already licensed.  
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1           c. Two permitholders who operated in different periods  
2 in the preceding fiscal year may, by mutual written agreement,  
3 switch periods for the current racing season, even if it  
4 results in either permitholder or the facility of a  
5 permitholder being operated in two different periods.

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7 However, any thoroughbred permitholder whose total handle on  
8 live performances during the 1991-1992 state fiscal year was  
9 not greater than \$34 million is authorized to conduct live  
10 performances at any time of the year and shall pay 0.5 percent  
11 on live handle per performance.

12           ~~3. For the period beginning on April 1 and ending May~~  
13 ~~23 during the state fiscal year 1992-1993, any permitholder~~  
14 ~~which has operated less than 51 racing days in the last 18~~  
15 ~~months may operate said period and pay 1.25 percent tax on~~  
16 ~~live handle per performance. In the event this provision~~  
17 ~~takes effect after April 1, 1993, it shall be construed to~~  
18 ~~apply retroactively from April 1, 1993, through May 23, 1993.~~

19           ~~4. In the event any licenses have been issued to any~~  
20 ~~thoroughbred permitholders for racing dates prior to April 26,~~  
21 ~~1993, then, notwithstanding the provisions of s. 550.525(2),~~  
22 ~~amendments may be filed to the racing dates up to May 1, 1993.~~

23           Section 6. Paragraph (c) of subsection (9) of section  
24 550.6305, Florida Statutes, is amended to read:

25           550.6305 Intertrack wagering; guest track payments;  
26 accounting rules.--

27           (9) A host track that has contracted with an  
28 out-of-state horse track to broadcast live races conducted at  
29 such out-of-state horse track pursuant to s. 550.3551(5) may  
30 broadcast such out-of-state races to any guest track and  
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1 accept wagers thereon in the same manner as is provided in s.  
2 550.3551.

3 (c) All guest tracks other than thoroughbred  
4 permitholders that are eligible to receive wagers on  
5 out-of-state horseraces rebroadcast from a host track racing  
6 under a thoroughbred horse permit shall be subject to the  
7 distribution of the net proceeds as specified in paragraph**(b)**  
8 ~~(a)~~ unless the host and guest permitholders and the recognized  
9 horseman's group agree to a different distribution of their  
10 respective portions of the proceeds by contract.

11 Section 7. This act shall take effect upon becoming a  
12 law.

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15 HOUSE SUMMARY

16 Revises various provisions of law relating to pari-mutuel  
17 wagering to remove obsolete language and correct a cross  
18 reference. See bill for details.

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