

By the Committee on Regulated Industries

315-435-98

1 A bill to be entitled
2 An act relating to pari-mutuel wagering;
3 reenacting s. 550.0951(3), F.S., relating to
4 the tax on handle; reenacting s. 550.09511(2),
5 (3), F.S., relating to jai alai taxes; amending
6 s. 26, ch. 96-364, Laws of Florida; abrogating
7 the future amendment of ss. 550.0951(3),
8 550.09511(2), (3), F.S.; providing an effective
9 date.

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

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13 Section 1. Subsection (3) of section 550.0951, Florida
14 Statutes, is reenacted to read:

15 550.0951 Payment of daily license fee and taxes.--

16 (3) TAX ON HANDLE.--Each permitholder shall pay a tax
17 on contributions to pari-mutuel pools, the aggregate of which
18 is hereinafter referred to as "handle," on races or games
19 conducted by the permitholder. The tax is imposed daily and is
20 based on the total contributions to all pari-mutuel pools
21 conducted during the daily performance. If a permitholder
22 conducts more than one performance daily, the tax is imposed
23 on each performance separately.

24 (a) The tax on handle for thoroughbred horse racing,
25 harness horse racing, and quarter horse racing is 3.3 percent
26 of the handle.

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

29 (c)1. The tax on handle for intertrack wagering is 3.3
30 percent of the handle if the host track is a horse track, 7.6
31 percent if the host track is a dog track, and 7.1 percent if

1 the host track is a jai alai fronton. The tax on handle for
2 intertrack wagering on rebroadcasts of simulcast horseraces is
3 2.4 percent of the handle. The tax shall be deposited into
4 the General Revenue Fund.

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

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

26 Section 2. Subsections (2) and (3) of section
27 550.09511, Florida Statutes, are reenacted to read:

28 550.09511 Jai alai taxes; abandoned interest in a
29 permit for nonpayment of taxes.--

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

4 (a)1. The tax on handle per performance for live jai
5 alai performances is 4.25 percent of handle per performance.
6 However, when the live handle of a permitholder during the
7 preceding state fiscal year was less than \$15 million, the tax
8 shall be paid on the handle in excess of \$30,000 per
9 performance per day.

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

12 (b) At such time as the total of admissions tax, daily
13 license fee, and tax on handle for live jai alai performances
14 paid to the division by a permitholder during the current
15 state fiscal year exceeds the total state tax revenues from
16 wagering on live jai alai performances paid or due by the
17 permitholder in fiscal year 1991-1992, the permitholder shall
18 pay tax on handle for live jai alai performances at a rate of
19 2.55 percent of the handle per performance for the remainder
20 of the current state fiscal year. For purposes of this
21 section, total state tax revenues on live jai alai wagering in
22 fiscal year 1991-1992 shall include any admissions tax, tax on
23 handle, surtaxes on handle, and daily license fees.

24 (c) If no tax on handle for live jai alai performances
25 were paid to the division by a jai alai permitholder during
26 the 1991-1992 state fiscal year, then at such time as the
27 total of admissions tax, daily license fee, and tax on handle
28 for live jai alai performances paid to the division by a
29 permitholder during the current state fiscal year exceeds the
30 total state tax revenues from wagering on live jai alai
31 performances paid or due by the permitholder in the last state

1 fiscal year in which the permitholder conducted a full
2 schedule of live games, the permitholder shall pay tax on
3 handle for live jai alai performances at a rate of 3.3 percent
4 of the handle per performance for the remainder of the current
5 state fiscal year. For purposes of this section, total state
6 tax revenues on live jai alai wagering shall include any
7 admissions tax, tax on handle, surtaxes on handle, and daily
8 license fees. This paragraph shall take effect July 1, 1993.

9 (d) A permitholder who obtains a new permit issued by
10 the division subsequent to the 1991-1992 state fiscal year and
11 a permitholder whose permit has been converted to a jai alai
12 permit under the provisions of this chapter, shall, at such
13 time as the total of admissions tax, daily license fee, and
14 tax on handle for live jai alai performances paid to the
15 division by the permitholder during the current state fiscal
16 year exceeds the average total state tax revenues from
17 wagering on live jai alai performances for the first 3
18 consecutive jai alai seasons paid to or due the division by
19 the permitholder and during which the permitholder conducted a
20 full schedule of live games, pay tax on handle for live jai
21 alai performances at a rate of 3.3 percent of the handle per
22 performance for the remainder of the current state fiscal
23 year.

24 (e) The payment of taxes pursuant to paragraphs (b),
25 (c), and (d) shall be calculated and commence beginning the
26 day after the biweekly period in which the permitholder is
27 first entitled to the reduced rate specified in this section
28 and the report of taxes required by s. 550.0951(5) is
29 submitted to the division.

30 (f) A jai alai permitholder paying taxes under this
31 section shall retain the breaks and pay an amount equal to the

1 breaks as special prize awards which shall be in addition to
2 the regular contracted prize money paid to jai alai players at
3 the permitholder's facility. Payment of the special prize
4 money shall be made during the permitholder's current meet.

5 (g) For purposes of this section, "handle" shall have
6 the same meaning as in s. 550.0951, and shall not include
7 handle from intertrack wagering.

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

21 (b) The payment of taxes pursuant to paragraph (a)
22 shall be calculated and commence beginning the day after the
23 biweekly period in which the permitholder is first entitled to
24 the reduced rate specified in this subsection.

25 Section 3. Section 26 of chapter 96-364, Laws of
26 Florida, is amended to read:

27 Section 26. Effective July 1, 1998, the amendments to
28 ~~subsection (3) of section 550.0951, subsections (2) and (3) of~~
29 ~~section 550.09511, subsection (2) of section 550.09515, and~~
30 subsection (2) of section 550.2625, Florida Statutes, shall
31 expire and the text of said subsections shall revert to that

1 in existence immediately prior to this act becoming law and as
2 set forth in the act without the amendments to such
3 subsections, specified in this act, except that any amendments
4 to such text enacted other than by this act shall be preserved
5 and continue to operate to the extent that such amendments are
6 not dependent upon the portions of said text which expire
7 pursuant to the provisions of this act. The Statutory
8 Revision Division of the Joint Legislative Management
9 Committee shall include in an appropriate reviser's bill any
10 amendments to said section which are necessary to give effect
11 to the legislative intent expressed in this section.

12 Section 4. This act shall take effect upon becoming a
13 law.

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16 SENATE SUMMARY

17 Abrogates the future amendment of s. 550.0951(3), F.S.,
18 relating to tax on handle, and s. 550.09511(2) and (3),
19 F.S., relating to jai alai taxes, which was scheduled to
take effect July 1, 1998.

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