

Bill No. CS for SB 440

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Casas moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsections (1) and (5) of section		
18	550.01215, Florida Statutes, are amended to read:		
19	550.01215 License application; periods of operation;		
20	bond, conversion of permit.--		
21	(1) Each permitholder shall annually, during the		
22	period between December 15 and January 4, file in writing with		
23	the division its application for a license to conduct		
24	performances during the next state fiscal year. Each		
25	application shall specify the number, dates, and starting		
26	times of all performances which the permitholder intends to		
27	conduct. It shall also specify which performances will be		
28	conducted as charity or scholarship performances. In addition,		
29	each application for a license shall include, for each		
30	permitholder which elects to operate a cardroom, the dates and		
31	periods of operation the permitholder intends to operate the		

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1 cardroom or, for each thoroughbred permitholder which elects
2 to receive or rebroadcast out-of-state races after 7 p.m.
3 ~~between the hours of 7 p.m. and 10 p.m.~~, the dates for all
4 performances which the permitholder intends to conduct.
5 Permitholders shall be entitled to amend their applications
6 through February 28.

7 (5) Except as provided in s. 550.5251 for thoroughbred
8 racing, the division shall issue each license no later than
9 March 15. Each permitholder shall operate all performances at
10 the date and time specified on its license. The division
11 shall have the authority to approve minor changes in racing
12 dates after a license has been issued. The division may
13 approve changes in racing dates after a license has been
14 issued when there is no objection from any operating
15 permitholder located within 50 miles of the permitholder
16 requesting the changes in operating dates. In the event of an
17 objection, the division shall approve or disapprove the change
18 in operating dates based upon the impact on operating
19 permitholders located within 50 miles of the permitholder
20 requesting the change in operating dates. In making the
21 determination to change racing dates, the division shall take
22 into consideration the impact of such changes on state
23 revenues.

24 Section 2. Subsection (2) of section 550.0951, F.S.,
25 is amended to read:

26 550.0951 Payment of daily license fee and taxes.--

27 (2) ADMISSION TAX.--

28 (a) An admission tax equal to 15 percent of the
29 admission charge for entrance to the permitholder's facility
30 and grandstand area, or 10 cents, whichever is greater, is
31 imposed on each person attending a horserace, dograce, or jai

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1 alai game. The permitholder shall be responsible for
2 collecting the admission tax.

3 (b) No admission tax under this chapter or chapter 212
4 shall be imposed on any free passes or complimentary cards
5 issued to persons for which there is no cost to the person for
6 admission to pari-mutuel events.~~An admission tax is imposed~~
7 ~~on any free passes or complimentary cards issued to guests by~~
8 ~~permitholders in an amount equal to the tax imposed on the~~
9 ~~regular and usual admission charge for entrance to the~~
10 ~~permitholder's facility and grandstand area.~~

11 (c) A permitholder may issue tax-free passes to its
12 officers, officials, and employees or other persons actually
13 engaged in working at the racetrack, including accredited
14 press representatives such as reporters and editors, and may
15 also issue tax-free passes to other permitholders for the use
16 of their officers and officials. The permitholder shall file
17 with the division a list of all persons to whom tax-free
18 passes are issued under this paragraph.

19 Section 3. Notwithstanding subsection (5) of section
20 550.09515, Florida Statutes, as created by section 1 of
21 chapter 93-123, Laws of Florida, and notwithstanding section
22 26 of chapter 96-364, Laws of Florida, section 550.09515,
23 Florida Statutes, shall not stand repealed on July 1, 1998,
24 but is revived, reenacted, and amended to read:

25 550.09515 Thoroughbred horse taxes; abandoned interest
26 in a permit for nonpayment of taxes.--

27 (1) Pari-mutuel wagering at thoroughbred horse
28 racetracks in this state is an important business enterprise,
29 and taxes derived therefrom constitute a part of the tax
30 structure which funds operation of the state. Thoroughbred
31 horse permitholders should pay their fair share of these taxes

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1 to the state. This business interest should not be taxed to
2 such an extent as to cause any racetrack which is operated
3 under sound business principles to be forced out of business.
4 Due to the need to protect the public health, safety, and
5 welfare, the gaming laws of the state provide for the
6 thoroughbred horse industry to be highly regulated and taxed.
7 The state recognizes that there exist identifiable differences
8 between thoroughbred horse permitholders based upon their
9 ability to operate under such regulation and tax system and at
10 different periods during the year.

11 (2)(a) Notwithstanding the provisions of s.
12 550.0951(3)(a), the tax on handle for live thoroughbred horse
13 performances shall be subject to the following:

14 1. The tax on handle per performance for live
15 thoroughbred performances is 2.25 percent of handle for
16 performances conducted during the period beginning on January
17 3 and ending March 16; .20~~.70~~ percent of handle for
18 performances conducted during the period beginning March 17
19 and ending May 22; and 1.5 percent of handle for performances
20 conducted during the period beginning May 23 and ending
21 January 2.

22 2. If any thoroughbred permitholder conducts
23 performances during more than one time period or if
24 performances are conducted during more than one period at any
25 facility, the tax on handle per performance is double the sum
26 of the tax percentages for the periods in which performances
27 are being conducted, except:

28 a. Pursuant to s. 550.01215, two permitholders, by
29 mutual written agreement, may agree to the operation by one of
30 them in the other permitholder's tax period for up to 3 days,
31 if the 3 days are either the first 3 days or the last 3 days

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1 of the racing period in which the permitholders intend to
2 operate.

3 b. If, on March 31 of any year, there is no
4 permitholder holding a license for operating any one of the
5 three race periods set forth in this section or if the
6 permitholder who is licensed to operate in any period fails to
7 operate for 10 consecutive days, a permitholder already
8 licensed to operate in another period may apply for and be
9 issued a license to operate the period in question, in
10 addition to the period already licensed.

11 c. Two permitholders who operated in different periods
12 in the preceding fiscal year may, by mutual written agreement,
13 switch periods for the current racing season, even if it
14 results in either permitholder or the facility of a
15 permitholder being operated in two different periods.

16
17 However, any thoroughbred permitholder whose total handle on
18 live performances during the 1991-1992 state fiscal year was
19 not greater than \$34 million is authorized to conduct live
20 performances at any time of the year and shall pay 0.5 percent
21 on live handle per performance.

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

29 4. In the event any licenses have been issued to any
30 thoroughbred permitholders for racing dates prior to April 26,
31 1993, then, notwithstanding the provisions of s. 550.525(2),

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1 amendments may be filed to the racing dates up to May 1, 1993.

2 (b) For purposes of this section, the term "handle"
3 shall have the same meaning as in s. 550.0951, and shall not
4 include handle from intertrack wagering.

5 (3)(a) The permit of a thoroughbred horse permitholder
6 who does not pay tax on handle for live thoroughbred horse
7 performances for a full schedule of live races during any 2
8 consecutive state fiscal years shall be void and shall escheat
9 to and become the property of the state unless such failure to
10 operate and pay tax on handle was the direct result of fire,
11 strike, war, or other disaster or event beyond the ability of
12 the permitholder to control. Financial hardship to the
13 permitholder shall not, in and of itself, constitute just
14 cause for failure to operate and pay tax on handle.

15 (b) In order to maximize the tax revenues to the
16 state, the division shall reissue an escheated thoroughbred
17 horse permit to a qualified applicant pursuant to the
18 provisions of this chapter as for the issuance of an initial
19 permit. However, the provisions of this chapter relating to
20 referendum requirements for a pari-mutuel permit shall not
21 apply to the reissuance of an escheated thoroughbred horse
22 permit. As specified in the application and upon approval by
23 the division of an application for the permit, the new
24 permitholder shall be authorized to operate a thoroughbred
25 horse facility anywhere in the same county in which the
26 escheated permit was authorized to be operated,
27 notwithstanding the provisions of s. 550.054(2) relating to
28 mileage limitations.

29 (4) In the event that a court of competent
30 jurisdiction determines any of the provisions of this section
31 to be unconstitutional, it is the intent of the Legislature

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1 that the provisions contained in this section shall be null
2 and void and that the provisions of s. 550.0951 shall apply to
3 all thoroughbred horse permitholders beginning on the date of
4 such judicial determination. To this end, the Legislature
5 declares that it would not have enacted any of the provisions
6 of this section individually and, to that end, expressly finds
7 them not to be severable.

8 (5) Notwithstanding the provisions of s.
9 550.0951(3)(c), the tax on handle for intertrack wagering on
10 rebroadcasts of simulcast horseraces is 2.4 percent of the
11 handle; provided however, that if the guest track is a
12 throughbred track located more than 35 miles from the host
13 track, the host track shall pay a tax of .5 percent of the
14 handle, and additionally the host track shall pay to the guest
15 track 1.9 percent of the handle to be used by the guest track
16 solely for purses. The tax shall be deposited into the
17 General Revenue Fund.

18 Section 4. Effective July 1, 2000, paragraph (a) of
19 subsection (2) of section 550.09515, Florida Statutes, is
20 amended to read:

21 550.09515 Thoroughbred horse taxes; abandoned interest
22 in a permit for nonpayment of taxes.--

23 (2)(a) Notwithstanding the provisions of s.
24 550.0951(3)(a), the tax on handle for live thoroughbred horse
25 performances shall be subject to the following:

26 1. The tax on handle per performance for live
27 thoroughbred performances is 2.25 percent of handle for
28 performances conducted during the period beginning on January
29 3 and ending March 16; ~~.70-20~~ percent of handle for
30 performances conducted during the period beginning March 17
31 and ending May 22; and 1.5 percent of handle for performances

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1 conducted during the period beginning May 23 and ending
2 January 2.

3 ~~2. If any thoroughbred permitholder conducts~~
4 ~~performances during more than one time period or if~~
5 ~~performances are conducted during more than one period at any~~
6 ~~facility, the tax on handle per performance is double the sum~~
7 ~~of the tax percentages for the periods in which performances~~
8 ~~are being conducted, except:~~

9 a. ~~Pursuant to s. 550.01215, two permitholders, by~~
10 ~~mutual written agreement, may agree to the operation by one of~~
11 ~~them in the other permitholder's tax period for up to 3 days,~~
12 ~~if the 3 days are either the first 3 days or the last 3 days~~
13 ~~of the racing period in which the permitholders intend to~~
14 ~~operate.~~

15 b. ~~If, on March 31 of any year, there is no~~
16 ~~permitholder holding a license for operating any one of the~~
17 ~~three race periods set forth in this section or if the~~
18 ~~permitholder who is licensed to operate in any period fails to~~
19 ~~operate for 10 consecutive days, a permitholder already~~
20 ~~licensed to operate in another period may apply for and be~~
21 ~~issued a license to operate the period in question, in~~
22 ~~addition to the period already licensed.~~

23 c. ~~Two permitholders who operated in different periods~~
24 ~~in the preceding fiscal year may, by mutual written agreement,~~
25 ~~switch periods for the current racing season, even if it~~
26 ~~results in either permitholder or the facility of a~~
27 ~~permitholder being operated in two different periods.~~

28
29 2. However, any thoroughbred permitholder whose total
30 handle on live performances during the 1991-1992 state fiscal
31 year was not greater than \$34 million is authorized to conduct

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1 live performances at any time of the year and shall pay 0.5
2 percent on live handle per performance.

3 ~~3. For the period beginning on April 1 and ending May~~
4 ~~23 during the state fiscal year 1992-1993, any permitholder~~
5 ~~which has operated less than 51 racing days in the last 18~~
6 ~~months may operate said period and pay 1.25 percent tax on~~
7 ~~live handle per performance. In the event this provision~~
8 ~~takes effect after April 1, 1993, it shall be construed to~~
9 ~~apply retroactively from April 1, 1993, through May 23, 1993.~~

10 ~~4. In the event any licenses have been issued to any~~
11 ~~thoroughbred permitholders for racing dates prior to April 26,~~
12 ~~1993, then, notwithstanding the provisions of s. 550.525(2),~~
13 ~~amendments may be filed to the racing dates up to May 1, 1993.~~

14 Section 5. Paragraph (d) of subsection (3) of section
15 550.2625, Florida Statutes, is amended to read:

16 550.2625 Horseracing; minimum purse requirement,
17 Florida breeders' and owners' awards.--

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

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

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

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

15 Section 6. Notwithstanding section 26 of chapter
16 96-364, Laws of Florida, subsection (2) of section 550.2625,
17 Florida Statutes, shall not stand repealed on July 1, 1998,
18 but is revived, reenacted, and amended to read:

19 550.2625 Horseracing; minimum purse requirement,
20 Florida breeders' and owners' awards.--

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

25 (a) A permitholder conducting a thoroughbred horse
26 race meet under this chapter must pay from the takeout
27 withheld a sum not less than 7.5 percent of all contributions
28 to pari-mutuel pools conducted during the race meet as purses.
29 In addition to the 7.5 percent minimum purse payment,
30 permitholders conducting live thoroughbred performances shall
31 be required to pay as additional purses .375 percent of live

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

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

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

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

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

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

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

9 Section 7. Subsection (4) of section 550.5251, Florida
10 Statutes, is amended to read:

11 550.5251 Florida thoroughbred racing; certain permits;
12 operating days.--

13 (4) A thoroughbred racing permitholder may not begin
14 any race later than 7 p.m. However, any thoroughbred
15 permitholder in a county in which the authority for cardrooms
16 has been approved by the board of county commissioners may
17 elect not to operate a cardroom when conducting live races
18 during its current race meet and instead to receive and
19 rebroadcast out-of-state races after the hour ~~between the~~
20 ~~hours~~ of 7 p.m. ~~and 10 p.m.~~ on any day during which the
21 permitholder conducts live races. However, such permitholder
22 may not engage in both operating a cardroom and receiving or
23 rebroadcasting out-of-state races after 7 p.m. Permitholders
24 shall be required to elect between either operating a cardroom
25 or engaging in simulcasting after 7 p.m. at the time of
26 submitting its application for its annual license pursuant to
27 this section ~~s. 550.01215~~.

28 Section 8. Subsection (11) of section 550.615, Florida
29 Statutes, is amended to read:

30 550.615 Intertrack wagering.--

31 (11) Notwithstanding any other provision of this

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1 section, any thoroughbred permitholder that conducts
2 performances during the period beginning May 23 and ending
3 January 2 or during the period beginning January 3 and ending
4 March 16 must make available any live pari-mutuel event
5 conducted and any simulcast pari-mutuel event received by such
6 permitholder to any thoroughbred permitholder that conducts
7 performances during the period beginning March 17 and ending
8 May 22, and such guest permitholder is authorized to accept
9 wagers on such signals. Notwithstanding s. 550.0951(3)(c),
10 the tax on wagers accepted by the guest permitholder on such
11 events shall be 2 percent, but such amount shall be retained
12 by the host track as compensation for lost revenues and
13 purses. At least 50 percent of the amount retained shall be
14 paid as purses at the host track. This subsection applies only
15 to thoroughbred permitholders located in any area of the state
16 where there are three or more thoroughbred permitholders
17 within 25 miles of each other.

18 Section 9. Effective July 1, 2000, subsection (11) of
19 s. 550.615, Florida Statutes, is repealed.

20 Section 10. Paragraphs (a) and (g) of subsection (9)
21 of section 550.6305, Florida Statutes, are amended to read:

22 550.6305 Intertrack wagering; guest track payments;
23 accounting rules.--

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

30 (a) For purposes of this section, "net proceeds" means
31 the amount of takeout remaining after the payment of state

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1 taxes, purses required pursuant to s. 550.0951(3)(c)1., the
2 cost to the permitholder required to be paid to the
3 out-of-state horse track, ~~and~~ breeders' awards paid to the
4 Florida Thoroughbred Breeders' Association and the Florida
5 Standardbred Breeders and Owners Association, to be used as
6 set forth in s. 550.625(2)(a) and (b), and the deduction of
7 any amount retained pursuant to s. 550.615(11).

8 (g)1. Any thoroughbred permitholder which accepts
9 wagers on a simulcast signal must make the signal available to
10 any permitholder that is eligible to conduct intertrack
11 wagering under the provisions of ss. 550.615-550.6345.

12 2. Any thoroughbred permitholder which accepts wagers
13 on a simulcast signal received after 6 p.m. must make such
14 signal available to any permitholder that is eligible to
15 conduct intertrack wagering under the provisions of ss.
16 550.615-550.6345, including any permitholder located as
17 specified in s. 550.615(6). Such guest permitholders are
18 authorized to accept wagers on such simulcast signal,
19 notwithstanding any other provision of this chapter to the
20 contrary.

21 3. Any thoroughbred permitholder which accepts wagers
22 on a simulcast signal received after 6 p.m. must make such
23 signal available to any permitholder that is eligible to
24 conduct intertrack wagering under the provisions of ss.
25 550.615-550.6345, including any permitholder located as
26 specified in s. 550.615(9). Such guest permitholders are
27 authorized to accept wagers on such simulcast signals for a
28 number of performances not to exceed that which constitutes a
29 full schedule of live races for a quarter horse permitholder
30 pursuant to s. 550.002(11), notwithstanding any other
31 provision of this chapter to the contrary, except that the

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1 restrictions provided in s. 550.615(9)(a) apply to wagers on
2 such simulcast signals.

3
4 No thoroughbred permitholder shall be required to continue to
5 rebroadcast a simulcast signal to any in-state permitholder if
6 the average per performance gross receipts returned to the
7 host permitholder over the preceding 30-day period were less
8 than \$100. Subject to the provisions of s. 550.615(4), as a
9 condition of receiving rebroadcasts of thoroughbred simulcast
10 signals under this paragraph, a guest permitholder must accept
11 intertrack wagers on all live races conducted by all
12 ~~then-operating thoroughbred permitholders a thoroughbred~~
13 ~~permitholder located in a county where there are only three~~
14 ~~permits, one for thoroughbred, one for greyhound, and one for~~
15 ~~jai alai.~~

16 Section 11. Section 550.6308, Florida Statutes, is
17 created to read:

18 550.6308 Limited intertrack wagering license.--In
19 recognition of the economic importance of the thoroughbred
20 breeding industry to this state, its positive impact on
21 tourism, and of the importance of a permanent thoroughbred
22 sales facility as a key focal point for the activities of the
23 industry, a limited license to conduct intertrack wagering is
24 established to ensure the continued viability and public
25 interest in thoroughbred breeding in Florida.

26 (1) Upon application to the division on or before
27 January 31 of each year, any person that is licensed to
28 conduct public sales of thoroughbred horses pursuant to s.
29 535.01, that has conducted at least 15 days of thoroughbred
30 horse sales at a permanent sales facility in this state for at
31 least 3 consecutive years, and that has conducted at least 1

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1 day of nonwagering thoroughbred racing in this state, with a
2 purse structure of at least \$250,000 per year for 2
3 consecutive years before such application, shall be issued a
4 license to conduct intertrack wagering for thoroughbred racing
5 for up to 21 days in connection with thoroughbred sales, to
6 conduct intertrack wagering at such permanent sales facility
7 between November 1 and May 8, to conduct intertrack wagering
8 at such permanent sales facility between May 9 and October 31
9 at such times and on such days as any thoroughbred, jai alai,
10 or a greyhound permitholder in the same county is not
11 conducting live performances, and to conduct intertrack
12 wagering under the provisions of this subsection during the
13 weekend of the Kentucky Derby, the Preakness, the Belmont, and
14 a Breeders' Cup Meet that is conducted before November 1 and
15 after May 8, subject to conditions set forth in this section
16 but no more than one such license may be issued and no such
17 license may be issued for a facility located within 50 miles
18 of any thoroughbred permitholder's track.

19 (2) If more than one application is submitted for such
20 license, the division shall determine which applicant shall be
21 granted the license. In making its determination, the division
22 shall grant the license to the applicant demonstrating
23 superior capabilities, as measured by the length of time the
24 applicant has been conducting thoroughbred sales within this
25 state or elsewhere, the applicant's total volume of
26 thoroughbred horse sales, within this state or elsewhere, the
27 length of time the applicant has maintained a permanent
28 thoroughbred sales facility in this state, and the quality of
29 the facility.

30 (3) The applicant must comply with the provisions of
31 ss. 550.125 and 550.1815.

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1 (4) Intertrack wagering under this section may be
2 conducted only on thoroughbred horse racing.

3 Section 12. Section 550.72, Florida Statutes, is
4 created to read:

5 550.72 Department of State; City of Hialeah; Study of
6 Hialeah Park; appropriation; duties and responsibilities;
7 taxation.--

8 (1) The Department of State, in conjunction with the
9 office of the mayor of the City of Hialeah, is hereby directed
10 to undertake a comprehensive study of the feasibility of state
11 or municipal ownership of Hialeah Park and its operation of a
12 limited race meet pursuant to this section. All references to
13 the "Department" for purposes of this section shall mean the
14 Secretary of State.

15 (2)(a) There is hereby appropriated the sum of
16 \$185,000 from the Pari-Mutuel Wagering Trust Fund to the
17 department. Such funds shall be expended solely and
18 exclusively for a review, analysis, and report to the Senate,
19 the House of Representatives, and the Governor in regard to
20 the feasibility of state or municipal ownership of the
21 property known as Hialeah Park located in Hialeah, Florida and
22 the pari-mutuel permit held by Hialeah, Inc. The report shall
23 contain the following information:

24 1. A financial analysis as to the cost of operating
25 the facility as a racetrack, including year-round maintenance
26 expenses.

27 2. An analysis of other compatible uses for the
28 property, including, but not limited to, amusement, retail
29 shopping development, recreational use, or a museum, that
30 would operate in conjunction with a racetrack, operating a
31 limited racing meet and simulcast program.

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1 3. A recommendation of future revenues that the
2 property could generate.

3 4. A recommendation as to its future operation and
4 financing.

5 5. Such other necessary information in regard to the
6 overall health of the thoroughbred industry as will be
7 required to complete the analysis, review, and report to the
8 Senate, the House of Representatives, and the Governor.

9 (b) The department shall also obtain an appraisal of
10 the land and facilities known as Hialeah Park and the
11 pari-mutuel permit held by Hialeah, Inc. utilizing the
12 information filed in accordance with the provisions of s.
13 550.125, provided the appraiser shall have no ex parte
14 communications with any party holding a pari-mutuel permit
15 until the conclusion of the appraisal, at which time the
16 appraisal shall become a public record, and available for
17 inspection by all parties. This appraisal shall be completed
18 by November 15, 1998.

19 (c) None of the funds appropriated pursuant to
20 paragraph (a) shall be expended by the department for any
21 salaries of employees of the department; however, nothing
22 contained herein shall be interpreted to prevent the
23 department from contracting with individuals to oversee, on
24 behalf of the department and the office of the mayor of the
25 City of Hialeah, the means to properly carry out the duties
26 and responsibilities set out in this section.

27 (d) The analysis, review, and report shall receive at
28 least one public hearing. A final recommendation shall be
29 filed with the Speaker of the House, the President of the
30 Senate, the Governor and the Mayor of the City of Hialeah.
31 Such recommendation shall contain a definitive recommendation

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1 by January 31, 1999 as to the following:

2 1. What part of the property is determined to be
3 necessary and essential for conducting a live racing meet in
4 conjunction with the simulcast program.

5 2. The projected capital cost of purchase of the
6 property determined in subparagraph 1. and the pari-mutuel
7 permit.

8 3. A recommendation as to a method of paying the
9 projected capital cost.

10 (3) In the conduct of the duties and responsibilities
11 set out herein, the department and all employees, agents, and
12 others shall be subject to the provisions of chapter 119,
13 provided that the confidentiality of the appraisal and
14 communications with such appraiser shall be governed by
15 paragraph (b) of subsection (2) and provided the appraiser
16 shall have no ex parte communications with any party holding a
17 pari-mutuel permit until the conclusion of the appraisal at
18 which time the appraisal shall become a public record.

19 Section 13. Sections 550.2425 and 550.655, Florida
20 Statutes, are repealed.

21 Section 14. Except as otherwise expressly provided in
22 this act, this act shall take effect upon becoming a law.

23
24

25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 1, lines 3-13, delete those lines

28

29 and insert:

30 amending s. 550.01215, F.S.; revising language

31 with respect to periods of operation for

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1 certain permitholders; amending s. 550.0951,
2 F.S.; providing that no admission tax shall be
3 imposed on any free passes or complimentary
4 cards for admission to pari-mutuel events;
5 reviving, reenacting, and amending s.
6 550.09515, F.S., relating to thoroughbred horse
7 taxes; revising the tax on handle and
8 additional purse payment requirements for
9 certain guest thoroughbred permitholders;
10 amending s. 550.09515, F.S.; amending
11 thoroughbred horse taxes; repealing increased
12 tax requirements for certain thoroughbred
13 permitholders operating in multiple tax
14 periods; deleting obsolete language; amending
15 s. 550.2625, F.S.; revising eligibility
16 requirements with respect to stallion awards;
17 reenacting s. 550.2625(2), F.S., relating to
18 horseracing purse payment requirements and
19 purse accounts used for Florida Owners' Awards;
20 amending s. 550.5251, F.S.; revising the hours
21 of operation for thoroughbred racing
22 permitholders; amending s. 550.615, F.S.;
23 providing for the retention of tax revenues by
24 a thoroughbred permitholder conducting
25 specified intertrack wagering; providing for
26 certain purse payments; repealing subsection
27 (11) of s. 550.615, F.S.; requiring certain
28 intertrack wagering broadcasts; amending s.
29 550.6305, F.S.; revising language with respect
30 to intertrack wagering and guest track
31 payments; creating s. 550.6308, F.S.; providing

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for a limited intertrack wagering license;
creating s. 550.72, F.S.; directing a study of
the feasibility of state or municipal ownership
of Hialeah Race Course; providing an
appropriation; repealing s. 550.2425, F.S.,
relating to a racing laboratory at horse
racetrack facilities; repealing s. 550.655,
F.S., relating to backside medical and health
benefits; providing effective dates.