

1
2 An act relating to pari-mutuel wagering;
3 amending s. 550.01215, F.S.; revising language
4 with respect to periods of operation for
5 certain permitholders; amending s. 550.0951,
6 F.S.; providing that no admission tax shall be
7 imposed on any free passes or complimentary
8 cards for admission to pari-mutuel events;
9 reviving, reenacting, and amending s.
10 550.09515, F.S., relating to thoroughbred horse
11 taxes; revising the tax on handle and
12 additional purse payment requirements for
13 certain guest thoroughbred permitholders;
14 amending s. 550.09515, F.S.; amending
15 thoroughbred horse taxes; repealing increased
16 tax requirements for certain thoroughbred
17 permitholders operating in multiple tax
18 periods; deleting obsolete language; amending
19 s. 550.2625, F.S.; revising eligibility
20 requirements with respect to stallion awards;
21 reenacting and amending s. 550.2625(2), F.S.;
22 revising horseracing purse payment requirements
23 and purse accounts used for Florida Owners'
24 Awards; amending s. 550.5251, F.S.; revising
25 the hours of operation for thoroughbred racing
26 permitholders; amending s. 550.615, F.S.;
27 providing for the retention of tax revenues by
28 a thoroughbred permitholder conducting
29 specified intertrack wagering; providing for
30 certain purse payments; repealing subsection
31 (11) of s. 550.615, F.S.; requiring certain

1 intertrack wagering broadcasts; amending s.
2 550.6305, F.S.; revising language with respect
3 to intertrack wagering and guest track
4 payments; creating s. 550.6308, F.S.; providing
5 for a limited intertrack wagering license;
6 creating s. 550.72, F.S.; directing a study of
7 the feasibility of state or municipal ownership
8 of Hialeah Race Course; providing an
9 appropriation; repealing s. 550.2425, F.S.,
10 relating to a racing laboratory at horse
11 racetrack facilities; repealing s. 550.655,
12 F.S., relating to backside medical and health
13 benefits; providing effective dates.

14

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

16

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

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

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 and subsection (6) is
25 added to said section to read:

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

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

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

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

15 1. The tax on handle per performance for live
16 thoroughbred performances is 2.0 ~~2.25~~ percent of handle for
17 performances conducted during the period beginning on January
18 3 and ending March 16; .20 ~~.70~~ percent of handle for
19 performances conducted during the period beginning March 17
20 and ending May 22; and 1.25 ~~1.5~~ percent of handle for
21 performances conducted during the period beginning May 23 and
22 ending January 2.

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

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

1 if the 3 days are either the first 3 days or the last 3 days
2 of the racing period in which the permitholders intend to
3 operate.

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

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

17

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

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

30 4. In the event any licenses have been issued to any
31 thoroughbred permitholders for racing dates prior to April 26,

1 1993, then, notwithstanding the provisions of s. 550.525(2),
2 amendments may be filed to the racing dates up to May 1, 1993.

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

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

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

30 (4) In the event that a court of competent
31 jurisdiction determines any of the provisions of this section

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

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

19 (6) Notwithstanding the provisions of s.
20 550.0951(3)(c), the tax on handle is 0.2 percent for
21 intertrack wagering and for intertrack wagering on
22 rebroadcasts of simulcast horseraces for a thoroughbred
23 permitholder that conducts performances during the period
24 beginning March 17 and ending May 22. This subsection applies
25 only to thoroughbred permitholders located in any area of the
26 state where there are three or more thoroughbred permitholders
27 within 25 miles of each other. The tax shall be deposited
28 into the General Revenue Fund. Effective July 1, 2001, this
29 subsection is repealed.

30
31

1 Section 4. Effective July 1, 2001, paragraph (a) of
2 subsection (2) of section 550.09515, Florida Statutes, is
3 amended to read:

4 550.09515 Thoroughbred horse taxes; abandoned interest
5 in a permit for nonpayment of taxes.--

6 (2)(a) Notwithstanding the provisions of s.
7 550.0951(3)(a), the tax on handle for live thoroughbred horse
8 performances shall be subject to the following:

9 1. The tax on handle per performance for live
10 thoroughbred performances is 2.25 ~~2.0~~ percent of handle for
11 performances conducted during the period beginning on January
12 3 and ending March 16; .70 ~~.20~~ percent of handle for
13 performances conducted during the period beginning March 17
14 and ending May 22; and 1.5 ~~1.25~~ percent of handle for
15 performances conducted during the period beginning May 23 and
16 ending January 2.

17 ~~2. If any thoroughbred permitholder conducts~~
18 ~~performances during more than one time period or if~~
19 ~~performances are conducted during more than one period at any~~
20 ~~facility, the tax on handle per performance is double the sum~~
21 ~~of the tax percentages for the periods in which performances~~
22 ~~are being conducted, except:~~

23 a. ~~Pursuant to s. 550.01215, two permitholders, by~~
24 ~~mutual written agreement, may agree to the operation by one of~~
25 ~~them in the other permitholder's tax period for up to 3 days,~~
26 ~~if the 3 days are either the first 3 days or the last 3 days~~
27 ~~of the racing period in which the permitholders intend to~~
28 ~~operate.~~

29 b. ~~If, on March 31 of any year, there is no~~
30 ~~permitholder holding a license for operating any one of the~~
31 ~~three race periods set forth in this section or if the~~

1 ~~permitholder who is licensed to operate in any period fails to~~
2 ~~operate for 10 consecutive days, a permitholder already~~
3 ~~licensed to operate in another period may apply for and be~~
4 ~~issued a license to operate the period in question, in~~
5 ~~addition to the period already licensed.~~

6 ~~c. Two permitholders who operated in different periods~~
7 ~~in the preceding fiscal year may, by mutual written agreement,~~
8 ~~switch periods for the current racing season, even if it~~
9 ~~results in either permitholder or the facility of a~~
10 ~~permitholder being operated in two different periods.~~

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

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

23 ~~4. In the event any licenses have been issued to any~~
24 ~~thoroughbred permitholders for racing dates prior to April 26,~~
25 ~~1993, then, notwithstanding the provisions of s. 550.525(2),~~
26 ~~amendments may be filed to the racing dates up to May 1, 1993.~~

27 Section 5. Paragraph (d) of subsection (3) of section
28 550.2625, Florida Statutes, is amended to read:

29 550.2625 Horseracing; minimum purse requirement,
30 Florida breeders' and owners' awards.--

31

1 (3) Each horseracing permit holder conducting any
2 thoroughbred race under this chapter, including any intertrack
3 race taken pursuant to ss. 550.615-550.6305 or any interstate
4 simulcast taken pursuant to s. 550.3551(3) shall pay a sum
5 equal to 0.75 percent on all pari-mutuel pools conducted
6 during any such race for the payment of breeders' and stallion
7 awards as authorized in this section. This subsection also
8 applies to all Breeder's Cup races conducted outside this
9 state taken pursuant to s. 550.3551(3). On any race
10 originating live in this state which is broadcast out-of-state
11 to any location at which wagers are accepted pursuant to s.
12 550.3551(2), the host track is required to pay 3.3 percent of
13 the gross revenue derived from such out-of-state broadcasts as
14 breeders' and stallion awards. The Florida Thoroughbred
15 Breeders' Association is authorized to receive these payments
16 from the permit holders and make payments of awards earned.
17 The Florida Thoroughbred Breeders' Association has the right
18 to withhold up to 10 percent of the permit holder's payments
19 under this section as a fee for administering the payments of
20 awards and for general promotion of the industry. The
21 permit holder shall remit these payments to the Florida
22 Thoroughbred Breeders' Association by the 5th day of each
23 calendar month for such sums accruing during the preceding
24 calendar month and shall report such payments to the division
25 as prescribed by the division. With the exception of the
26 10-percent fee, the moneys paid by the permit holders shall be
27 maintained in a separate, interest-bearing account, and such
28 payments together with any interest earned shall be used
29 exclusively for the payment of breeders' awards and stallion
30 awards in accordance with the following provisions:
31

1 (d) In order for an owner of the sire of a
2 thoroughbred horse winning a stakes race to be eligible to
3 receive a stallion award, the stallion must have been
4 registered with the Florida Thoroughbred Breeders'
5 Association, and the breeding of the registered Florida-bred
6 horse must have occurred in this state. The stallion must be
7 standing permanently in this state during the period of time
8 between February 1 and June 15 of each year or, if the
9 stallion is dead, must have stood permanently in this state
10 for a period of not less than 1 year immediately prior to its
11 death. The removal of a stallion from this state during the
12 period of time between February 1 and June 15 of any year for
13 any reason, other than exclusively for prescribed medical
14 treatment, as approved by the Florida Thoroughbred Breeders'
15 Association renders the owner or owners of the stallion
16 ineligible to receive a stallion award under any circumstances
17 for offspring sired prior to removal; however, if a removed
18 stallion is returned to this state, all offspring sired
19 subsequent to the return make the owner or owners of the
20 stallion eligible for the stallion award but only for those
21 offspring sired subsequent to such return to this state. The
22 Florida Thoroughbred Breeders' Association shall maintain
23 complete records showing the date the stallion arrived in this
24 state for the first time, whether or not the stallion remained
25 in the state permanently, the location of the stallion, and
26 whether the stallion is still standing in this state and
27 complete records showing awards earned, received, and
28 distributed. The association may charge the owner, owners, or
29 breeder a reasonable fee for this service.

30 Section 6. Notwithstanding section 26 of chapter
31 96-364, Laws of Florida, subsection (2) of section 550.2625,

1 Florida Statutes, shall not stand repealed on July 1, 1998,
2 but is revived, reenacted, and amended to read:

3 550.2625 Horseracing; minimum purse requirement,
4 Florida breeders' and owners' awards.--

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

9 (a) A permitholder conducting a thoroughbred horse
10 race meet under this chapter must pay from the takeout
11 withheld a sum not less than 7.5 percent of all contributions
12 to pari-mutuel pools conducted during the race meet as purses.
13 In addition to the 7.5 percent minimum purse payment,
14 permitholders conducting live thoroughbred performances shall
15 be required to pay as additional purses .625~~.375~~ percent of
16 live handle for performances conducted during the period
17 beginning on January 3 and ending March 16; .225 percent for
18 performances conducted during the period beginning March 17
19 and ending May 22; and .85~~.6~~ percent for performances
20 conducted during the period beginning May 23 and ending
21 January 2. Except that any thoroughbred permitholder whose
22 total handle on live performances during the 1991-1992 state
23 fiscal year was not greater than \$34 million is not subject to
24 this additional purse payment. A permitholder authorized to
25 conduct thoroughbred racing may withhold from the handle an
26 additional amount equal to 1 percent on exotic wagering for
27 use as owners' awards, and may withhold from the handle an
28 amount equal to 2 percent on exotic wagering for use as
29 overnight purses. No permitholder may withhold in excess of
30 20 percent from the handle without withholding the amounts set
31 forth in this subsection.

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

8 2. An amount not to exceed 0.5 percent of the total
9 handle on all harness horse races that are subject to the
10 purse requirement of subparagraph 1., must be available for
11 use to provide medical, dental, surgical, life, funeral, or
12 disability insurance benefits for occupational licensees who
13 work at tracks in this state at which harness horse races are
14 conducted. Such insurance benefits must be paid from the
15 purse pool specified in subparagraph 1. An annual plan for
16 payment of insurance benefits from the purse pool, including
17 qualifications for eligibility, must be submitted by the
18 Florida Standardbred Breeders and Owners Association for
19 approval to the division. An annual report of the implemented
20 plan shall be submitted to the division. All records of the
21 Florida Standardbred Breeders and Owners Association
22 concerning the administration of the plan must be available
23 for audit at the discretion of the division to determine that
24 the plan has been implemented and administered as authorized.
25 If the division finds that the Florida Standardbred Breeders
26 and Owners Association has not complied with the provisions of
27 this section, the division may order the association to cease
28 and desist from administering the plan and shall appoint the
29 division as temporary administrator of the plan until the
30 division reestablishes administration of the plan with the
31 association.

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

5 (d) The division shall adopt reasonable rules to
6 ensure the timely and accurate payment of all amounts withheld
7 by horserace permitholders regarding the distribution of
8 purses, owners' awards, and other amounts collected for
9 payment to owners and breeders. Each permitholder that fails
10 to pay out all moneys collected for payment to owners and
11 breeders shall, within 10 days after the end of the meet
12 during which the permitholder underpaid purses, deposit an
13 amount equal to the underpayment into a separate
14 interest-bearing account to be distributed to owners and
15 breeders in accordance with division rules.

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

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

26 550.5251 Florida thoroughbred racing; certain permits;
27 operating days.--

28 (4) A thoroughbred racing permitholder may not begin
29 any race later than 7 p.m. However, any thoroughbred
30 permitholder in a county in which the authority for cardrooms
31 has been approved by the board of county commissioners may

1 elect not to operate a cardroom when conducting live races
2 during its current race meet and instead to receive and
3 rebroadcast out-of-state races after the hour ~~between the~~
4 ~~hours~~ of 7 p.m. ~~and 10 p.m.~~ on any day during which the
5 permitholder conducts live races. However, such permitholder
6 may not engage in both operating a cardroom and receiving or
7 rebroadcasting out-of-state races after 7 p.m. Permitholders
8 shall be required to elect between either operating a cardroom
9 or engaging in simulcasting after 7 p.m. at the time of
10 submitting its application for its annual license pursuant to
11 this section ~~s. 550.01215~~.

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

14 550.615 Intertrack wagering.--

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

1 Section 9. Effective July 1, 2001, subsection (11) of
2 s. 550.615, Florida Statutes, is repealed.

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

5 550.6305 Intertrack wagering; guest track payments;
6 accounting rules.--

7 (9) A host track that has contracted with an
8 out-of-state horse track to broadcast live races conducted at
9 such out-of-state horse track pursuant to s. 550.3551(5) may
10 broadcast such out-of-state races to any guest track and
11 accept wagers thereon in the same manner as is provided in s.
12 550.3551.

13 (a) For purposes of this section, "net proceeds" means
14 the amount of takeout remaining after the payment of state
15 taxes, purses required pursuant to s. 550.0951(3)(c)1., the
16 cost to the permitholder required to be paid to the
17 out-of-state horse track, ~~and~~ breeders' awards paid to the
18 Florida Thoroughbred Breeders' Association and the Florida
19 Standardbred Breeders and Owners Association, to be used as
20 set forth in s. 550.625(2)(a) and (b), and the deduction of
21 any amount retained pursuant to s. 550.615(11).

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

26 2. Any thoroughbred permitholder which accepts wagers
27 on a simulcast signal received after 6 p.m. must make such
28 signal available to any permitholder that is eligible to
29 conduct intertrack wagering under the provisions of ss.
30 550.615-550.6345, including any permitholder located as
31 specified in s. 550.615(6). Such guest permitholders are

1 authorized to accept wagers on such simulcast signal,
2 notwithstanding any other provision of this chapter to the
3 contrary.

4 3. Any thoroughbred permitholder which accepts wagers
5 on a simulcast signal received after 6 p.m. must make such
6 signal available to any permitholder that is eligible to
7 conduct intertrack wagering under the provisions of ss.
8 550.615-550.6345, including any permitholder located as
9 specified in s. 550.615(9). Such guest permitholders are
10 authorized to accept wagers on such simulcast signals for a
11 number of performances not to exceed that which constitutes a
12 full schedule of live races for a quarter horse permitholder
13 pursuant to s. 550.002(11), notwithstanding any other
14 provision of this chapter to the contrary, except that the
15 restrictions provided in s. 550.615(9)(a) apply to wagers on
16 such simulcast signals.

17
18 No thoroughbred permitholder shall be required to continue to
19 rebroadcast a simulcast signal to any in-state permitholder if
20 the average per performance gross receipts returned to the
21 host permitholder over the preceding 30-day period were less
22 than \$100. Subject to the provisions of s. 550.615(4), as a
23 condition of receiving rebroadcasts of thoroughbred simulcast
24 signals under this paragraph, a guest permitholder must accept
25 intertrack wagers on all live races conducted by all
26 then-operating thoroughbred permitholders ~~a thoroughbred~~
27 ~~permitholder located in a county where there are only three~~
28 ~~permits, one for thoroughbred, one for greyhound, and one for~~
29 ~~jai alai.~~

30 Section 11. Section 550.6308, Florida Statutes, is
31 created to read:

1 550.6308 Limited intertrack wagering license.--In
2 recognition of the economic importance of the thoroughbred
3 breeding industry to this state, its positive impact on
4 tourism, and of the importance of a permanent thoroughbred
5 sales facility as a key focal point for the activities of the
6 industry, a limited license to conduct intertrack wagering is
7 established to ensure the continued viability and public
8 interest in thoroughbred breeding in Florida.

9 (1) Upon application to the division on or before
10 January 31 of each year, any person that is licensed to
11 conduct public sales of thoroughbred horses pursuant to s.
12 535.01, that has conducted at least 15 days of thoroughbred
13 horse sales at a permanent sales facility in this state for at
14 least 3 consecutive years, and that has conducted at least 1
15 day of nonwagering thoroughbred racing in this state, with a
16 purse structure of at least \$250,000 per year for 2
17 consecutive years before such application, shall be issued a
18 license to conduct intertrack wagering for thoroughbred racing
19 for up to 21 days in connection with thoroughbred sales, to
20 conduct intertrack wagering at such permanent sales facility
21 between November 1 and May 8, to conduct intertrack wagering
22 at such permanent sales facility between May 9 and October 31
23 at such times and on such days as any thoroughbred, jai alai,
24 or a greyhound permitholder in the same county is not
25 conducting live performances, and to conduct intertrack
26 wagering under the provisions of this subsection during the
27 weekend of the Kentucky Derby, the Preakness, the Belmont, and
28 a Breeders' Cup Meet that is conducted before November 1 and
29 after May 8, subject to conditions set forth in this section
30 but no more than one such license may be issued and no such
31

1 license may be issued for a facility located within 50 miles
2 of any thoroughbred permitholder's track.

3 (2) If more than one application is submitted for such
4 license, the division shall determine which applicant shall be
5 granted the license. In making its determination, the division
6 shall grant the license to the applicant demonstrating
7 superior capabilities, as measured by the length of time the
8 applicant has been conducting thoroughbred sales within this
9 state or elsewhere, the applicant's total volume of
10 thoroughbred horse sales, within this state or elsewhere, the
11 length of time the applicant has maintained a permanent
12 thoroughbred sales facility in this state, and the quality of
13 the facility.

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

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

18 Section 12. Section 550.72, Florida Statutes, is
19 created to read:

20 550.72 Department of State; City of Hialeah; Study of
21 Hialeah Park; appropriation; duties and responsibilities;
22 taxation.--

23 (1) The Department of State, in conjunction with the
24 office of the mayor of the City of Hialeah, is hereby directed
25 to undertake a comprehensive study of the feasibility of state
26 or municipal ownership of Hialeah Park and its operation of a
27 limited race meet pursuant to this section. All references to
28 the "Department" for purposes of this section shall mean the
29 Secretary of State.

30 (2)(a) There is hereby appropriated the sum of
31 \$185,000 from the Pari-Mutuel Wagering Trust Fund to the

1 department. Such funds shall be expended solely and
2 exclusively for a review, analysis, and report to the Senate,
3 the House of Representatives, and the Governor in regard to
4 the feasibility of state or municipal ownership of the
5 property known as Hialeah Park located in Hialeah, Florida and
6 the pari-mutuel permit held by Hialeah, Inc. The report shall
7 contain the following information:

8 1. A financial analysis as to the cost of operating
9 the facility as a racetrack, including year-round maintenance
10 expenses.

11 2. An analysis of other compatible uses for the
12 property, including, but not limited to, amusement, retail
13 shopping development, recreational use, or a museum, that
14 would operate in conjunction with a racetrack, operating a
15 limited racing meet and simulcast program.

16 3. A recommendation of future revenues that the
17 property could generate.

18 4. A recommendation as to its future operation and
19 financing.

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

24 (b) The department shall also obtain an appraisal of
25 the land and facilities known as Hialeah Park and the
26 pari-mutuel permit held by Hialeah, Inc. utilizing the
27 information filed in accordance with the provisions of s.
28 550.125, provided the appraiser shall have no ex parte
29 communications with any party holding a pari-mutuel permit
30 until the conclusion of the appraisal, at which time the
31 appraisal shall become a public record, and available for

1 inspection by all parties. This appraisal shall be completed
2 by November 15, 1998.

3 (c) None of the funds appropriated pursuant to
4 paragraph (a) shall be expended by the department for any
5 salaries of employees of the department; however, nothing
6 contained herein shall be interpreted to prevent the
7 department from contracting with individuals to oversee, on
8 behalf of the department and the office of the mayor of the
9 City of Hialeah, the means to properly carry out the duties
10 and responsibilities set out in this section.

11 (d) The analysis, review, and report shall receive at
12 least one public hearing. A final recommendation shall be
13 filed with the Speaker of the House, the President of the
14 Senate, the Governor and the Mayor of the City of Hialeah.
15 Such recommendation shall contain a definitive recommendation
16 by January 31, 1999 as to the following:

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

20 2. The projected capital cost of purchase of the
21 property determined in subparagraph 1. and the pari-mutuel
22 permit.

23 3. A recommendation as to a method of paying the
24 projected capital cost.

25 (3) In the conduct of the duties and responsibilities
26 set out herein, the department and all employees, agents, and
27 others shall be subject to the provisions of chapter 119,
28 provided that the confidentiality of the appraisal and
29 communications with such appraiser shall be governed by
30 paragraph (b) of subsection (2) and provided the appraiser
31 shall have no ex parte communications with any party holding a

1 pari-mutuel permit until the conclusion of the appraisal at
2 which time the appraisal shall become a public record.

3 Section 13. Sections 550.2425 and 550.655, Florida
4 Statutes, are repealed.

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

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