

By Representative Bainter

1                                   A bill to be entitled  
2           An act relating to pari-mutuel wagering;  
3           amending s. 550.01215, F.S.; revising language  
4           with respect to license applications to  
5           authorize thoroughbred permitholders to elect  
6           to receive or rebroadcast out-of-state races  
7           after a certain time of day; providing a  
8           different date of the year for the issuance of  
9           licenses for thoroughbred racing; deleting  
10          obsolete language; amending s. 550.0951, F.S.;  
11          prohibiting the application of an admission tax  
12          on free passes or complimentary cards; amending  
13          s. 550.5251, F.S.; deleting a time limitation  
14          with respect to the receipt and rebroadcast of  
15          out-of-state races; amending s. 550.6305, F.S.;  
16          providing a procedure for the correct payment  
17          of money due by a guest track or a host track  
18          when one track is in default; providing for  
19          venue when litigation is required to resolve a  
20          dispute; providing for attorney's fees and  
21          costs; amending s. 550.2633, F.S., relating to  
22          certain funds escheated to the state; deleting  
23          obsolete language; repealing s. 550.2425, F.S.,  
24          relating to a racing laboratory at horse  
25          racetrack facilities; repealing s. 550.655,  
26          F.S., relating to backside medical and health  
27          benefits; repealing s. 550.2625(2)(a), F.S.,  
28          relating to moneys withheld from the takeout of  
29          thoroughbred horse race meets; repealing s.  
30          550.615(11), F.S., relating to certain  
31          thoroughbred permitholders conducting

1           performances beginning May 23 and ending  
2           January 2; amending s. 550.3551, F.S.;  
3           correcting a cross reference; providing an  
4           effective date.

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

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8           Section 1. Section 550.01215, Florida Statutes, 1996  
9 Supplement, is amended to read:

10           550.01215 License application; periods of operation;  
11 bond, conversion of permit.--

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

28           (2) Notwithstanding any other provision of this  
29 chapter, any permitholder located as specified in s.  
30 550.615(6) may, between August 1, 1996, and August 15, 1996,  
31 make a one-time request to the division and shall be granted a

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

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

18 (3)(4) After the first license has been issued to a  
19 permitholder, all subsequent annual applications for a license  
20 shall be accompanied by proof, in such form as the division  
21 may by rule require, that the permitholder continues to  
22 possess the qualifications prescribed by this chapter, and  
23 that the permit has not been disapproved at a later election.

24 (4)(5) Except as provided in s. 550.5251 for  
25 thoroughbred racing, the division shall issue each license no  
26 later than March 15. Each permitholder shall operate all  
27 performances at the date and time specified on its license.  
28 The division shall have the authority to approve minor changes  
29 in racing dates after a license has been issued. The division  
30 may approve changes in racing dates after a license has been  
31 issued when there is no objection from any operating

1 | permitholder located within 50 miles of the permitholder  
2 | requesting the changes in operating dates. In the event of an  
3 | objection, the division shall approve or disapprove the change  
4 | in operating dates based upon the impact on operating  
5 | permitholders located within 50 miles of the permitholder  
6 | requesting the change in operating dates. In making the  
7 | determination to change racing dates, the division shall take  
8 | into consideration the impact of such changes on state  
9 | revenues.

10 |       (5)~~(6)~~ In the event that a permitholder fails to  
11 | operate all performances specified on its license at the date  
12 | and time specified, the division shall hold a hearing to  
13 | determine whether to fine or suspend the permitholder's  
14 | license, unless such failure was the direct result of fire,  
15 | strike, war, or other disaster or event beyond the ability of  
16 | the permitholder to control. Financial hardship to the  
17 | permitholder shall not, in and of itself, constitute just  
18 | cause for failure to operate all performances on the dates and  
19 | at the times specified.

20 |       (6)~~(7)~~ In the event that performances licensed to be  
21 | operated by a permitholder are vacated, abandoned, or will not  
22 | be used for any reason, any permitholder shall be entitled,  
23 | pursuant to rules adopted by the division, to apply to conduct  
24 | performances on the dates for which the performances have been  
25 | abandoned. The division shall issue an amended license for  
26 | all such replacement performances which have been requested in  
27 | compliance with the provisions of this chapter and division  
28 | rules.

29 |       (7)~~(8)~~ In addition to the conduct of pari-mutuel  
30 | wagering and cardroom operations conducted pursuant to s.  
31 | 849.086, any permitted facility may be used for the conduct of

1 concerts, trade shows, expositions, conventions, flea markets,  
2 charitable events, and similar activities, subject to any  
3 local ordinance.

4 (8)(9)(a) Any permit which was converted from a jai  
5 alai permit to a greyhound permit may be converted to a jai  
6 alai permit at any time if the permitholder never conducted  
7 greyhound racing or if the permitholder has not conducted  
8 greyhound racing for a period of 12 consecutive months.

9 ~~(b) After conversion, such permitholder may apply for~~  
10 ~~racing dates for the conduct of jai alai and, upon receiving a~~  
11 ~~license for the conduct of a full schedule of live games, may~~  
12 ~~immediately operate intertrack wagering pursuant to ss.~~  
13 ~~550.615-550.6335. This paragraph is hereby repealed October~~  
14 ~~1, 1996.~~

15 Section 2. Subsection (2) of section 550.0951, Florida  
16 Statutes, 1996 Supplement, is amended to read:

17 550.0951 Payment of daily license fee and taxes.--

18 (2) ADMISSION TAX.--

19 (a) An admission tax equal to 15 percent of the  
20 admission charge for entrance to the permitholder's facility  
21 and grandstand area, or 10 cents, whichever is greater, is  
22 imposed on each person attending a horserace, dograce, or jai  
23 alai game. The permitholder shall be responsible for  
24 collecting the admission tax.

25 (b) No admission tax under this chapter or chapter 212  
26 shall be imposed on any free passes or complimentary cards  
27 issued to persons for which there is no cost to the person for  
28 admission to pari-mutuel events.~~An admission tax is imposed~~  
29 ~~on any free passes or complimentary cards issued to guests by~~  
30 ~~permitholders in an amount equal to the tax imposed on the~~

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1 ~~regular and usual admission charge for entrance to the~~  
2 ~~permitholder's facility and grandstand area.~~

3       (c) A permitholder may also issue tax-free passes to  
4 its officers, officials, and employees or other persons  
5 actually engaged in working at the racetrack, including  
6 accredited press representatives such as reporters and  
7 editors, and may also issue tax-free passes to other  
8 permitholders for the use of their officers and officials.  
9 The permitholder shall file with the division a list of all  
10 persons to whom tax-free passes are issued under this  
11 paragraph.

12       Section 3. Subsection (4) of section 550.5251, Florida  
13 Statutes, 1996 Supplement, is amended to read:

14       550.5251 Florida thoroughbred racing; certain permits;  
15 operating days.--

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

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1           Section 4. Subsection (12) is added to section  
2 550.6305, Florida Statutes, 1996 Supplement, to read:

3           550.6305 Intertrack wagering; guest track payments;  
4 accounting rules.--

5           (12) If either a guest track fails to make correct  
6 payment of money due to the host track by 3 p.m. Friday of  
7 each week for intertrack and interstate wagers taken at the  
8 guest track for the preceding Wednesday through Tuesday, or  
9 the host track fails to make correct payment of money due to  
10 the guest track by 3 p.m. Friday of each week for intertrack  
11 and interstate wagers taken at the host track, the nonpaying  
12 track shall be in default. The nondefaulting track may notify  
13 the defaulting track by facsimile or express service, or any  
14 other manner that a receipt is provided, that the track is in  
15 default and, unless payment is made by wire transfer within 48  
16 hours of such notice, interest shall accrue at the rate of 12  
17 percent per annum until paid. In the event litigation is  
18 required to collect such moneys due, venue shall be in the  
19 county where the nondefaulting track is located, and the  
20 prevailing party shall be entitled to attorney's fees and  
21 costs, including on appeal.

22           Section 5. Subsections (1), (3), (4), and (5) of  
23 section 550.2633, Florida Statutes, are amended to read:

24           550.2633 Horseracing; distribution of abandoned  
25 interest in or contributions to pari-mutuel pools.--

26           (1) ~~Except as provided in subsection (3),~~All moneys  
27 or other property represented by any unclaimed, uncashed, or  
28 abandoned pari-mutuel ticket which has remained in the custody  
29 of or under the control of any horseracing permitholder  
30 authorized to conduct pari-mutuel pools in this state for a  
31 period of 1 year after the date the pari-mutuel ticket was

1 issued, when the rightful owner or owners thereof have made no  
2 claim or demand for such money or other property within that  
3 period, is hereby declared to have escheated to or to escheat  
4 to, and to have become the property of, the state.

5 ~~(3) Notwithstanding any other provision of law, all~~  
6 ~~moneys described in s. 550.263(2)(a), Florida Statutes 1991,~~  
7 ~~which escheated to the state under s. 550.263(1), Florida~~  
8 ~~Statutes 1991, during the period beginning October 1, 1992,~~  
9 ~~and ending on December 16, 1992, shall be paid as provided in~~  
10 ~~paragraph (2)(a).~~

11 ~~(4) Notwithstanding any other provision of law, all~~  
12 ~~moneys described in s. 550.263(3), Florida Statutes 1991,~~  
13 ~~which escheated to the state under s. 550.263(1), Florida~~  
14 ~~Statutes 1991, during the period beginning August 24, 1992,~~  
15 ~~and ending on December 16, 1992, shall be paid as provided in~~  
16 ~~subsection (5).~~

17 (3)(5) Uncashed tickets and breaks on live racing  
18 conducted by thoroughbred permitholders shall be retained by  
19 the permitholder conducting the live race.

20 Section 6. Sections 550.2425 and 550.655, Florida  
21 Statutes, are hereby repealed.

22 Section 7. Paragraph (a) of subsection (2) of section  
23 550.2625, Florida Statutes, is repealed effective July 1,  
24 1998, and shall be reviewed by the Legislature prior to that  
25 date.

26 Section 8. Subsection (11) of section 550.615, Florida  
27 Statutes, as created by chapter 96-368, Laws of Florida, is  
28 repealed effective July 1, 1998, and shall be reviewed by the  
29 Legislature prior to that date.

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1           Section 9. Paragraph (c) of subsection (3) of section  
2 550.3551, Florida Statutes, 1996 Supplement, is amended to  
3 read:

4           550.3551 Transmission of racing and jai alai  
5 information; commingling of pari-mutuel pools.--

6           (3) Any horse track licensed under this chapter may  
7 receive broadcasts of horseraces conducted at other horse  
8 racetracks located outside this state at the racetrack  
9 enclosure of the licensee during its racing meet.

10           (c) All forms of pari-mutuel wagering are allowed on  
11 races broadcast under this section, and all money wagered by  
12 patrons on such races shall be computed as part of the total  
13 amount of money wagered at each racing performance for  
14 purposes of taxation under ss. 550.0951, 550.09512, and  
15 550.09515. Section 550.2625(2)(a), and (b), ~~and~~ (c) does not  
16 apply to any money wagered on races broadcast under this  
17 section. Similarly, the takeout shall be increased by breaks  
18 and uncashed tickets for wagers on races broadcast under this  
19 section, notwithstanding any contrary provision of this  
20 chapter.

21           Section 10. This act shall take effect upon becoming a  
22 law.

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HOUSE SUMMARY

- Revises various provisions of law governing pari-mutuel wagering to:
1. Authorize thoroughbred horse race permitholders to elect to receive or rebroadcast out-of-state races after 7 p.m.
  2. Provide that described thoroughbred licenses do not have to be issued by March 15 of each year.
  3. Provide that no admission tax shall be imposed on any free passes or complimentary cards.
  4. Revise language with respect to intertrack wagering to provide a procedure for the correct payment of money due by a guest track or a host track when one track is in default, to provide for venue when litigation is required, and to provide for attorney's fees and costs.
  5. Repeal obsolete language.
  6. Delete provisions of law relating to a racing laboratory at horse racetrack facilities, backside medical and health facilities, described funds escheated to the state, described moneys withheld from the takeout of thoroughbred horse race meetings, and performances held by certain thoroughbred permitholders.

See bill for details.