

By the Committee on Regulated Industries and Senator Lee

315-2162B-00

1 A bill to be entitled
 2 An act relating to pari-mutuel wagering;
 3 amending s. 212.20, F.S.; authorizing a
 4 distribution of sales and use tax revenues to
 5 county governments; repealing s. 550.01215(8),
 6 F.S., relating to the use of permitted
 7 facilities; amending s. 550.135, F.S.;
 8 eliminating the annual distribution of
 9 pari-mutuel tax revenues to county governments;
 10 amending s. 550.0951, F.S.; providing that the
 11 daily license fee tax credit provided by said
 12 section and the \$360,000 or \$500,000 tax
 13 exemption provided by s. 550.09514(1), F.S.,
 14 may be applied to any tax and daily license
 15 fees imposed under ch. 550, F.S.; removing
 16 restrictions on the transfer of the daily
 17 license fee tax credit by greyhound
 18 permitholders; authorizing transfer of the
 19 \$360,000 or \$500,000 tax exemption by a
 20 greyhound permitholder to a greyhound
 21 permitholder that acts as host track to such
 22 permitholder for intertrack wagering; providing
 23 for repayment; providing for rules; reducing
 24 the taxes on handle for greyhound dogracing,
 25 for intertrack wagering when the host track is
 26 a dog track, for intertrack wagers accepted by
 27 certain dog tracks, for intrack wagers when
 28 both the host and guest are thoroughbred
 29 tracks; and for harness racing; providing
 30 exceptions; removing the additional tax on the
 31 surcharge on winning tickets; redirecting

1 deposits from the General Revenue Fund to the
2 Pari-mutuel Wagering Trust Fund; specifying the
3 rate of the tax on handle for greyhound
4 simulcast races received from outside the
5 United States; revising the time period for
6 remittance of certain fees and taxes; forgiving
7 certain taxes; amending s. 550.09514, F.S.;
8 revising application and administration of the
9 \$360,000 or \$500,000 tax exemption provided by
10 said section; providing for payment of
11 additional purses by greyhound permitholders in
12 an amount equal to a percentage of the tax
13 reduction resulting from the reduction of the
14 taxes on handle; providing requirements with
15 respect thereto; providing for audits; amending
16 s. 550.09515, F.S.; modifying the tax on handle
17 for thoroughbred performances; redirecting
18 deposits from the General Revenue Fund to the
19 Pari-mutuel Wagering Trust Fund; providing for
20 contributions for the health and welfare of
21 jockeys; providing a tax credit; amending s.
22 550.1645, F.S., to conform; creating s.
23 550.1647, F.S.; providing for payments and
24 credits concerning unclaimed pari-mutuel
25 tickets and retention of breaks by greyhound
26 permitholders; amending s. 550.615, F.S.,
27 relating to intertrack wagering and leased
28 greyhound facilities; authorizing certain
29 permitholders to conduct intertrack wagering at
30 certain additional facilities; amending s.
31 550.0555, F.S.; providing legislative intent;

1 providing for the relocation of jai alai
2 permittees within a county in the same manner
3 as is currently provided for the relocation of
4 greyhound dogracing permittees within a county;
5 amending s. 550.09512, F.S.; reducing the tax
6 on handle for live harness performances;
7 amending s. 550.2633, F.S.; providing for
8 distribution of abandoned interest in or
9 contributions to pari-mutuel pools from live
10 jai alai games; amending s. 550.475, F.S.;
11 providing for leasing of jai alai facilities;
12 amending s. 550.625, F.S.; increasing the
13 percentage of purses for harness racing;
14 amending s. 550.155, F.S.; requiring counties
15 to approve certain capital improvements by
16 permitholders in certain situations; amending
17 s. 550.26352, F.S., relating to the Breeders'
18 Cup Meet; increasing the amount of certain tax
19 credits allowed to permitholders; deleting
20 certain limitations on broadcasts to
21 pari-mutuel facilities; authorizing the
22 Division of Pari-mutuel Wagering of the
23 Department of Business and Professional
24 Regulation to waive certain rules; amending s.
25 550.3551, F.S.; conforming provisions; amending
26 ss. 550.09511, 550.6305, F.S.; conforming
27 cross-references; amending s. 550.002, F.S.;
28 substituting the term "same class of races,
29 games, or permit" for the term "same class of
30 race or permit"; amending s. 550.0251, F.S.;
31 providing for the Division of Pari-mutuel

1 Wagering to adopt rules for wagering through a
2 pari-mutuel wagering pool; amending s.
3 550.0351, F.S.; increasing the number of
4 charity performances per fiscal year which a
5 jai alai permitholder may conduct; amending s.
6 550.105, F.S.; revising provisions relating to
7 licenses for persons or entities with access to
8 certain areas of racetracks and frontons;
9 amending s. 550.24055, F.S.; amending standards
10 used in testing certain licensees to determine
11 whether they have abused alcoholic beverages;
12 amending s. 550.2614, F.S.; substantially
13 amending provisions relating to horsemen's
14 association membership and responsibilities;
15 providing for the use of specified funds from
16 the purse pool to provide financial assistance
17 to certain thoroughbred racing personnel and
18 their spouses and children; amending s.
19 550.26165, F.S.; providing for breeders' awards
20 and stallion awards; providing for certain
21 moneys to be returned to the permitholders that
22 generated the money, in accordance with a plan
23 to be established annually by specified
24 entities; amending s. 550.2625, F.S.; amending
25 minimum purse requirements for horseracing
26 permitholders; amending criteria for the
27 payment of breeders' awards and stallion
28 awards; amending s. 550.3551, F.S.; requiring
29 the written approval of the Florida Horsemen's
30 Benevolent and Protective Association, Inc.,
31 before a thoroughbred permitholder may conduct

1 fewer than eight live races on any race day;
2 amending s. 550.6308, F.S.; amending provisions
3 relating to limited intertrack wagering
4 licenses; expanding the types of pari-mutuel
5 races or games on which intertrack wagering may
6 be conducted, subject to certain conditions;
7 requiring a licensee to pay a specified amount
8 to the daily pari-mutuel pool on certain wagers
9 to thoroughbred permitholders conducting live
10 races; creating s. 550.74, F.S.; prohibiting a
11 tax on certain programs, parking, or
12 admissions; amending s. 773.01, F.S.; amending
13 the definition of the term "participant" as
14 used in ss. 773.01-773.05, F.S.; amending ss.
15 773.03, F.S., relating to limitation on
16 liability for equine activity; providing that
17 the section does apply to the horseracing
18 industry as defined in ch. 550, F.S.; creating
19 the Interstate Compact on Licensure of
20 Participants in Pari-mutuel Wagering; providing
21 purposes of the compact; providing definitions;
22 providing for the effective date of the
23 compact; providing criteria for eligibility to
24 join the compact; providing procedures for
25 withdrawing from the compact; creating an
26 interstate governmental entity to be known as
27 the compact committee; providing the powers and
28 duties of the compact committee; providing
29 voting requirements for the committee;
30 providing for the administration and management
31 of the committee; providing that committee

1 employees are governmental employees; providing
2 immunity from liability for performance of
3 official responsibilities and duties of the
4 compact committee; providing rights and
5 responsibilities of each state that is a party
6 to the compact; providing for construction and
7 severability of provisions of the compact;
8 repealing s. 550.0951(2)(a), F.S., relating to
9 an admission tax imposed on each attendee at a
10 horserace, dograce, or jai alai game; repealing
11 s. 550.2415(10), (11), (12), F.S., relating to
12 postmortem examinations of injured animals that
13 subsequently die or are destroyed; repealing s.
14 550.615(9), F.S., relating to limited
15 intertrack wagering license; providing
16 effective dates.

17

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

19

20 Section 1. Subsection (6) of section 212.20, Florida
21 Statutes, is amended to read:

22 212.20 Funds collected, disposition; additional powers
23 of department; operational expense; refund of taxes
24 adjudicated unconstitutionally collected.--

25 (6) Distribution of all proceeds under this chapter
26 shall be as follows:

27 (a) Proceeds from the convention development taxes
28 authorized under s. 212.0305 shall be reallocated to the
29 Convention Development Tax Clearing Trust Fund.

30

31

1 (b) Proceeds from discretionary sales surtaxes imposed
2 pursuant to ss. 212.054 and 212.055 shall be reallocated to
3 the Discretionary Sales Surtax Clearing Trust Fund.

4 (c) Proceeds from the tax imposed pursuant to s.
5 212.06(5)(a)2. shall be reallocated to the Mail Order Sales
6 Tax Clearing Trust Fund.

7 (d) Proceeds from the fee imposed pursuant to s.
8 212.18(5) shall be deposited in the Solid Waste Management
9 Clearing Trust Fund, which is hereby created to be used by the
10 department, and shall be subsequently transferred to the State
11 Treasurer to be deposited into the Solid Waste Management
12 Trust Fund.

13 (e) Proceeds from the fees imposed under ss.
14 212.05(1)(i)3. and 212.18(3) shall remain with the General
15 Revenue Fund.

16 (f) The proceeds of all other taxes and fees imposed
17 pursuant to this chapter shall be distributed as follows:

18 1. In any fiscal year, the greater of \$500 million,
19 minus an amount equal to 4.6 percent of the proceeds of the
20 taxes collected pursuant to chapter 201, or 5 percent of all
21 other taxes and fees imposed pursuant to this chapter shall be
22 deposited in monthly installments into the General Revenue
23 Fund.

24 2. Two-tenths of one percent shall be transferred to
25 the Solid Waste Management Trust Fund.

26 3. After the distribution under subparagraphs 1. and
27 2., 9.653 percent of the amount remitted by a sales tax dealer
28 located within a participating county pursuant to s. 218.61
29 shall be transferred into the Local Government Half-cent Sales
30 Tax Clearing Trust Fund.

31

1 4. After the distribution under subparagraphs 1., 2.,
2 and 3., 0.054 percent shall be transferred to the Local
3 Government Half-cent Sales Tax Clearing Trust Fund and
4 distributed pursuant to s. 218.65.

5 5. Of the remaining proceeds:

6 a. Beginning July 1, 2000, and in each fiscal year
7 thereafter, the sum of \$29,915,500 shall be divided into as
8 many equal parts as there are counties in the state, and one
9 part shall be distributed to each county. The distribution
10 among the several counties shall begin each fiscal year on or
11 before January 5th and shall continue monthly for a total of 4
12 months. If a local or special law required that any moneys
13 accruing to a county in fiscal year 1999-2000 under the
14 then-existing provisions of s. 550.135 be paid directly to the
15 district school board, special district, or a municipal
16 government, such payment shall continue until such time that
17 the local or special law is amended or repealed. The state
18 covenants with holders of bonds or other instruments of
19 indebtedness issued by local governments, special districts,
20 or district school boards prior to July 1, 2000, that it is
21 not the intent of this subparagraph to adversely affect the
22 rights of those holders or relieve local governments or
23 district school boards of the duty to meet their obligations
24 as a result of previous pledges or assignments or trusts
25 entered into which obligated funds received from the
26 distribution to county governments under then-existing s.
27 550.135. This distribution specifically is in lieu of funds
28 distributed under s. 550.135 prior to July 1, 2000.

29 ~~b.a.~~ Beginning July 1, 1992, \$166,667 shall be
30 distributed monthly by the department to each applicant that
31 has been certified as a "facility for a new professional

1 sports franchise" or a "facility for a retained professional
2 sports franchise" pursuant to s. 288.1162 and \$41,667 shall be
3 distributed monthly by the department to each applicant that
4 has been certified as a "new spring training franchise
5 facility" pursuant to s. 288.1162. Distributions shall begin
6 60 days following such certification and shall continue for 30
7 years. Nothing contained herein shall be construed to allow an
8 applicant certified pursuant to s. 288.1162 to receive more in
9 distributions than actually expended by the applicant for the
10 public purposes provided for in s. 288.1162(7). However, a
11 certified applicant shall receive distributions up to the
12 maximum amount allowable and undistributed under this section
13 for additional renovations and improvements to the facility
14 for the franchise without additional certification.

15 ~~c.b.~~ Beginning 30 days after notice by the Office of
16 Tourism, Trade, and Economic Development to the Department of
17 Revenue that an applicant has been certified as the
18 professional golf hall of fame pursuant to s. 288.1168 and is
19 open to the public, \$166,667 shall be distributed monthly, for
20 up to 300 months, to the applicant.

21 ~~d.c.~~ Beginning 30 days after notice by the Department
22 of Commerce to the Department of Revenue that the applicant
23 has been certified as the International Game Fish Association
24 World Center facility pursuant to s. 288.1169, and the
25 facility is open to the public, \$83,333 shall be distributed
26 monthly, for up to 180 months, to the applicant. This
27 distribution is subject to reduction pursuant to s. 288.1169.

28 6. All other proceeds shall remain with the General
29 Revenue Fund.

30 Section 2. Subsection (8) of section 550.01215 is
31 repealed.

1 Section 3. Section 550.135, Florida Statutes, is
2 amended to read:

3 550.135 Division of moneys derived under this
4 law.--All moneys that are deposited with the Treasurer to the
5 credit of the Pari-mutuel Wagering Trust Fund shall be
6 distributed as follows in the following proportions, in the
7 manner and at the times specified in this section:

8 ~~(1) In each fiscal year, the sum of \$29,915,500 shall~~
9 ~~be divided into as many equal parts as there are counties in~~
10 ~~the state, and one part shall be distributed to each county;~~
11 ~~any excess of such moneys after the distributions to the~~
12 ~~counties shall be paid into the General Revenue Fund. If the~~
13 ~~sum available for distribution is less than \$29,915,500, the~~
14 ~~deficiency shall be paid into the Pari-mutuel Wagering Trust~~
15 ~~Fund from the General Revenue Fund up to the amount of the~~
16 ~~deficiency if the deficiency does not exceed the deposits of~~
17 ~~pari-mutuel tax collections to the General Revenue Fund for~~
18 ~~that fiscal year.~~

19 ~~(2) The distribution among the several counties~~
20 ~~provided for in subsection (1) shall begin each fiscal year on~~
21 ~~or before January 5 and shall continue monthly for a total of~~
22 ~~4 months. If during the fiscal year the sums available for~~
23 ~~distribution to the counties is not sufficient to make the~~
24 ~~scheduled distributions, the division shall immediately~~
25 ~~transfer to the Pari-mutuel Wagering Trust Fund from deposits~~
26 ~~made by the division to the General Revenue Fund during that~~
27 ~~fiscal year, the sums required to make the distributions. If~~
28 ~~on April 5 the sums distributed to the counties do not equal~~
29 ~~the maximum sum to be distributed, the division shall~~
30 ~~immediately transfer to the Pari-mutuel Wagering Trust Fund,~~
31 ~~from deposits made by the division to the General Revenue Fund~~

1 ~~during that fiscal year, the sums required to pay each county~~
2 ~~the sum entitled and shall make such payments on or before the~~
3 ~~end of that fiscal year. The Comptroller is appointed as the~~
4 ~~agent of the division to make the distribution to the counties~~
5 ~~and to make transfers as may be required by this section.~~

6 (1)~~(3)~~ The daily license fee revenues collected
7 pursuant to s. 550.0951(1) shall be used to fund the operating
8 cost of the division and to provide a proportionate share of
9 the operation of the office of the secretary and the Division
10 of Administration of the Department of Business and
11 Professional Regulation; however, other collections in the
12 Pari-mutuel Wagering Trust Fund, ~~after the payments required~~
13 ~~by subsections (1) and (2),~~ may also be used to fund the
14 operation of the division in accordance with authorized
15 appropriations.

16 (2)~~(4)~~ ~~After payments to the counties have been~~
17 ~~completed as provided in subsections (1) and (2),~~ All
18 unappropriated funds in the Pari-mutuel Wagering Trust Fund
19 shall be deposited to the Treasurer to the credit of the
20 General Revenue Fund ~~as provided in subsection (1).~~

21 ~~(5) If a local or special law requires that any moneys~~
22 ~~accruing to a county under this chapter, the same being~~
23 ~~division funds, be paid to the Treasurer of the state, as ex~~
24 ~~officio treasurer of the teachers' salary fund, to the credit~~
25 ~~of a district school board, those moneys shall be paid~~
26 ~~directly to the district school board.~~

27 Section 4. Subsections (1), (3), and (5) and paragraph
28 (b) of subsection (6) of section 550.0951, Florida Statutes,
29 are amended to read:

30 550.0951 Payment of daily license fee and taxes.--

31

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

29 (b) Each permitholder that authorized a maximum tax
30 savings of \$500,000 per state fiscal year pursuant to s.
31 550.09514(1) or the greyhound permitholder that had the lowest

1 ~~live handle during the preceding state fiscal year, which~~
2 cannot utilize the full amount of the exemption of \$360,000 or
3 \$500,000 provided in s. 550.09514(1) or the daily license fee
4 credit provided in this section,may, after notifying the
5 division in writing, elect once per state fiscal year on a
6 form provided by the division to transfer such exemption or
7 credit or any portion thereof to any greyhound permitholder
8 which acts as a host track to such permitholder for the
9 purpose of intertrack wagering. Once an election to transfer
10 such exemption or credit is filed with the division it shall
11 not be rescinded. The division shall disapprove the ~~credit~~
12 transfer when the amount of the exemption or credit or portion
13 thereof is unavailable to the transferring permitholder or
14 when the permitholder,~~who is entitled to transfer the~~
15 exemption or credit or who is entitled to receive the
16 exemption or credit,~~owes taxes to the state pursuant to a~~
17 deficiency letter or administrative complaint issued by the
18 division. Upon approval of the transfer by the division, the
19 transferred tax exemption or credit shall be effective for the
20 first performance of the next biweekly pay period as specified
21 in subsection (5). The exemption or ~~daily license fee~~ credit
22 transferred to such host track may be applied by such host
23 track against any its taxes and daily license fees imposed by
24 this chapter on live racing as provided in this subsection.
25 The greyhound permitholder host track to which such exemption
26 or ~~daily license fee~~ credit is transferred shall reimburse
27 such permitholder the exact monetary value of such transferred
28 exemption or credit as actually applied against the taxes and
29 daily license fees of the host track. The division shall
30 ensure that all transfers of exemption or credit are made in
31

1 accordance with this subsection and shall have the authority
2 to adopt rules to ensure the implementation of this section.

3 (3) TAX ON HANDLE.--Each permitholder shall pay a tax
4 on contributions to pari-mutuel pools, the aggregate of which
5 is hereinafter referred to as "handle," on races or games
6 conducted by the permitholder. The tax is imposed daily and is
7 based on the total contributions to all pari-mutuel pools
8 conducted during the daily performance. If a permitholder
9 conducts more than one performance daily, the tax is imposed
10 on each performance separately.

11 (a) The tax on handle for ~~thoroughbred horse racing,~~
12 ~~harness horse racing, and~~ quarter horse racing is 1.0 ~~3.3~~
13 percent of the handle.

14 (b)1. The tax on handle for dogracing is 3.6 ~~7.6~~
15 percent of the handle, except that for live charity
16 performances held pursuant to s. 550.0351, and for intertrack
17 wagering on such charity performances at a guest greyhound
18 track within the market area of the host, the tax is 7.6
19 percent of the handle.~~and~~

20 2. The tax on handle for jai alai is 7.1 percent of
21 the handle.

22 (c)1. The tax on handle for intertrack wagering is 1.5
23 ~~3.3~~ percent of the handle if the host track is a horse track,
24 1.6 percent if the host track is a harness track, 3.6 ~~7.6~~
25 percent if the host track is a dog track, and 7.1 percent if
26 the host track is a jai alai fronton. The tax on handle for
27 intertrack wagering is 0.5 percent if the host track and the
28 guest track are thoroughbred permitholders.The tax on handle
29 for intertrack wagering on rebroadcasts of simulcast
30 horseraces is 2.0 ~~2.4~~ percent of the handle and 1.2 percent of
31 the handle if the permitholder is a harness track. The tax

1 shall be deposited into the Pari-mutuel Wagering Trust ~~General~~
2 ~~Revenue~~ Fund.

3 2. ~~Effective October 1, 1996,~~The tax on handle for
4 intertrack wagers accepted by any dog track located in an area
5 of the state in which there are only three permitholders, all
6 of which are greyhound permitholders, located in three
7 contiguous counties, from any greyhound permitholder also
8 located within such area or any dog track or jai alai fronton
9 located as specified in s. 550.615(6) or (9)~~(8)~~, on races or
10 games received from the same class of permitholder located
11 within the same market area is 2.6 percent if the host
12 facility is a greyhound permitholder and, if the host facility
13 is a jai alai permitholder, the rate shall be 6.1 percent
14 except that it shall be 2.3 percent on handle at such time as
15 the total tax on intertrack handle paid to the division by the
16 permitholder during the current state fiscal year exceeds the
17 total tax on intertrack handle paid to the division by the
18 permitholder during the 1992-1993 state fiscal year.

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

24 (d) The tax on handle for greyhound simulcast races
25 received from a location outside the United States is 2
26 percent of the handle.

27 (e) Notwithstanding any other provision of this
28 chapter, in order to protect the Florida jai alai industry,
29 effective July 1, 2000, a jai alai permitholder may not be
30 taxed on live handle at a rate higher than 2 percent.

31

1 (5) PAYMENT AND DISPOSITION OF FEES AND
2 TAXES.--Payment for the admission tax, tax on handle, and the
3 breaks tax imposed by this section shall be paid to the
4 division. The division shall deposit these sums with the
5 Treasurer, to the credit of ~~one-half being credited to the~~
6 ~~Pari-mutuel Wagering Trust Fund, hereby established, and~~
7 ~~one-half being credited to the General Revenue Fund.~~ The
8 permittholder shall remit to the division payment for the daily
9 license fee, the admission tax, the tax on handle, and the
10 breaks tax. Such payments shall be remitted by ~~3 p.m. Friday~~
11 ~~of each week for taxes and fees imposed and collected for the~~
12 ~~preceding Sunday, Monday, and Tuesday, and by 3 p.m. Wednesday~~
13 ~~of each week for taxes imposed and collected for the preceding~~
14 ~~week ending on Sunday~~ Wednesday, Thursday, Friday, and
15 ~~Saturday.~~ Permittholders shall file a report under oath by the
16 5th day of each calendar month for all taxes remitted during
17 the preceding calendar month. Such payments shall be
18 accompanied by a report under oath showing the total of all
19 admissions, the pari-mutuel wagering activities for the
20 preceding calendar month, and such other information as may be
21 prescribed by the division.

22 (6) PENALTIES.--

23 (b) In addition to the civil penalty prescribed in
24 paragraph (a), any willful or wanton failure by any
25 permittholder to make payments of the daily license fee,
26 admission tax, tax on handle, or breaks tax, ~~or surtax~~
27 constitutes sufficient grounds for the division to suspend or
28 revoke the license of the permittholder, to cancel the permit
29 of the permittholder, or to deny issuance of any further
30 license or permit to the permittholder.

31

1 Section 5. Any tax liability that accrued under
2 section 550.09515(2)(a)2., Florida Statutes, between January
3 1, 2000, and the effective date of this act is forgiven, and
4 the Department of Business and Professional Regulation may not
5 maintain an action to collect such taxes.

6 Section 6. Section 550.09514, Florida Statutes, is
7 amended to read:

8 550.09514 Greyhound dogracing taxes; purse
9 requirements.--

10 (1) ~~Notwithstanding the provisions of s.~~
11 ~~550.0951(3)(b),~~ Wagering on greyhound racing is subject to a
12 tax on handle for live greyhound racing as specified in s.
13 ~~550.0951(3) at the rate of 7.6 percent of handle. However,~~
14 each permitholder shall pay no the tax on live or market area
15 greyhound intertrack wagering handle in excess of \$100,000 per
16 performance until such time as this subsection has resulted in
17 a tax savings per state fiscal year of \$360,000. Thereafter,
18 each permitholder shall pay the tax as specified in s.
19 ~~550.0951(3) provided in this subsection~~ on all handle for the
20 remainder of the permitholder's current race meet, and the tax
21 must be calculated and commence beginning the day after the
22 biweekly period in which the permitholder reaches the maximum
23 tax savings per state fiscal year provided in this section.
24 For the three permitholders that ~~which~~ conducted a full
25 schedule of live racing in 1995, and are closest to another
26 state that ~~which~~ authorizes greyhound pari-mutuel wagering,
27 the maximum tax savings per state fiscal year shall be
28 \$500,000. The provisions of this subsection relating to tax
29 exemptions shall not apply to any charity or scholarship
30 performances conducted pursuant to s. 550.0351.

31

1 (2)(a) The division shall determine for each greyhound
2 permitholder the annual purse percentage rate of live handle
3 for the state fiscal year 1993-1994 by dividing total purses
4 paid on live handle by the permitholder, exclusive of payments
5 made from outside sources, during the 1993-1994 state fiscal
6 year by the permitholder's live handle for the 1993-1994 state
7 fiscal year. Each permitholder shall pay as purses for live
8 races conducted during its current race meet a percentage of
9 its live handle not less than the percentage determined under
10 this paragraph, exclusive of payments made by outside sources,
11 for its 1993-1994 state fiscal year.

12 (b)1. Except as otherwise provided herein, in addition
13 to the minimum purse percentage required by paragraph (a),
14 each permitholder shall pay as purses, for fiscal year
15 1996-1997, an amount equal to 75 percent of the permitholder's
16 tax credit pursuant to s. 550.0951(1).

17 2. Except as otherwise set forth herein, in addition
18 to the minimum purse percentage required by paragraph (a),
19 ~~beginning July 1, 1997,~~ each permitholder shall pay as purses
20 an annual amount equal to 75 percent of the daily license fees
21 paid by each permitholder for the 1994-1995 fiscal year. This
22 purse supplement shall be disbursed weekly during the
23 permitholder's race meet in an amount determined by dividing
24 the annual purse supplement by the number of performances
25 approved for the permitholder pursuant to its annual license
26 and multiplying that amount by the number of performances
27 conducted each week. For the greyhound permitholders in the
28 county where there are two greyhound permitholders located as
29 specified in s. 550.615(6), such permitholders shall pay in
30 the aggregate an amount equal to 75 percent of the daily
31 license fees paid by such permitholders for the 1994-1995

1 fiscal year. These permitholders shall be jointly and
2 severally liable for such purse payments.

3

4 The additional purses provided by this paragraph must be used
5 exclusively for purses other than stakes. The division shall
6 conduct audits necessary to ensure compliance with this
7 section.

8 (c)1. Each greyhound permitholder when conducting at
9 least three live performances during any week shall pay purses
10 in that week on wagers it accepts as a guest track on
11 intertrack and simulcast greyhound races at the same rate as
12 it pays on live races. Each greyhound permitholder when
13 conducting at least three live performances during any week
14 shall pay purses in that week, at the same rate as it pays on
15 live races, on wagers accepted on greyhound races at a guest
16 track which is not conducting live racing and is located
17 within the same market area as the greyhound permitholder
18 conducting at least three live performances during any week.

19 2. Each host greyhound permitholder shall pay purses
20 on its simulcast and intertrack broadcasts of greyhound races
21 to guest facilities that are located outside its market area
22 in an amount equal to one quarter of an amount determined by
23 subtracting the transmission costs of sending the simulcast or
24 intertrack broadcasts from an amount determined by adding the
25 fees received for greyhound simulcast races plus 3 percent of
26 the greyhound intertrack handle at guest facilities that are
27 located outside the market area of the host and that paid
28 contractual fees to the host for such broadcasts of greyhound
29 races.

30 (d) The division shall require sufficient
31 documentation from each greyhound permitholder regarding

1 purses paid on live racing to assure that the annual purse
2 percentage rates paid by each permitholder on the live races
3 are not reduced below those paid during the 1993-1994 state
4 fiscal year. The division shall require sufficient
5 documentation from each greyhound permitholder to assure that
6 the purses paid by each permitholder on the greyhound
7 intertrack and simulcast broadcasts are in compliance with the
8 requirements of paragraph (c).

9 (e) In addition to the purse requirements of
10 paragraphs (a)-(c), each greyhound permitholder shall pay as
11 purses an amount equal to one-third of the amount of the tax
12 reduction on live and simulcast handle applicable to such
13 permitholder as a result of the reductions in tax rates
14 provided by this act through the amendments to s. 550.0951(3).
15 With respect to intertrack wagering when the host and guest
16 tracks are greyhound permitholders not within the same market
17 area, an amount equal to the tax reduction applicable to the
18 guest track handle as a result of the reduction in tax rate
19 provided by this act through the amendment to s. 550.0951(3)
20 shall be distributed to the guest track, one-third of which
21 amount shall be paid as purses at the guest track. However, if
22 the guest track is a greyhound permitholder within the market
23 area of the host or if the guest track is not a greyhound
24 permitholder, an amount equal to such tax reduction applicable
25 to the guest track handle shall be retained by the host track,
26 one-third of which amount shall be paid as purses at the host
27 track. These purse funds shall be disbursed in the week
28 received if the permitholder conducts at least one live
29 performance during that week. If the permitholder does not
30 conduct at least one live performance during the week in which
31 the purse funds are received, the purse funds shall be

1 disbursed weekly during the permitholder's next race meet in
2 an amount determined by dividing the purse amount by the
3 number of performances approved for the permitholder pursuant
4 to its annual license, and multiplying that amount by the
5 number of performances conducted each week. The division shall
6 conduct audits necessary to ensure compliance with this
7 paragraph.

8 (f)~~(e)~~ Each greyhound permitholder shall, during the
9 permitholder's race meet, supply kennel operators and the
10 Division of Pari-Mutuel Wagering with a weekly report showing
11 purses paid on live greyhound races and all greyhound
12 intertrack and simulcast broadcasts, including both as a guest
13 and a host together with the handle or commission calculations
14 on which such purses were paid and the transmission costs of
15 sending the simulcast or intertrack broadcasts, so that the
16 kennel operators may determine statutory and contractual
17 compliance.

18 (g)~~(f)~~ Each greyhound permitholder shall make direct
19 payment of purses to the greyhound owners who have filed with
20 such permitholder appropriate federal taxpayer identification
21 information based on the percentage amount agreed upon between
22 the kennel operator and the greyhound owner.

23 (h)~~(g)~~ At the request of a majority of kennel
24 operators under contract with a greyhound permitholder, the
25 permitholder shall make deductions from purses paid to each
26 kennel operator electing such deduction and shall make a
27 direct payment of such deductions to the local association of
28 greyhound kennel operators formed by a majority of kennel
29 operators under contract with the permitholder. The amount of
30 the deduction shall be at least 1 percent of purses, as
31 determined by the local association of greyhound kennel

1 operators. No deductions may be taken pursuant to this
2 paragraph without a kennel operator's specific approval before
3 or after the effective date of this act.

4 (3) For the purpose of this section, the term "live
5 handle" means the handle from wagers placed at the
6 permitholder's establishment on the live greyhound races
7 conducted at the permitholder's establishment.

8 Section 7. Subsections (2), (5), and (6) of section
9 550.09515, Florida Statutes, are amended, and subsection (7)
10 is added to that section, to read:

11 550.09515 Thoroughbred horse taxes; abandoned interest
12 in a permit for nonpayment of taxes.--

13 (2)

14 (a) Notwithstanding the provisions of s.
15 550.0951(3)(a), the tax on handle for live thoroughbred
16 horserace ~~horse~~ performances shall be subject to the
17 following:

18 1. The tax on handle per performance for live
19 thoroughbred performances is 0.5 ~~2.0~~ percent of handle for
20 performances conducted during the period beginning on January
21 3 and ending March 16; 0.2 ~~2.0~~ percent of handle for
22 performances conducted during the period beginning March 17
23 and ending May 22; and 0.5 ~~1.25~~ percent of handle for
24 performances conducted during the period beginning May 23 and
25 ending January 2.

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

1 a. Pursuant to s. 550.01215, two permitholders, by
2 mutual written agreement, may agree to the operation by one of
3 them in the other permitholder's tax period for up to 3 days,
4 if the 3 days are either the first 3 days or the last 3 days
5 of the racing period in which the permitholders intend to
6 operate.

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

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

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

26 ~~3. For the period beginning on April 1 and ending May~~
27 ~~23 during the state fiscal year 1992-1993, any permitholder~~
28 ~~which has operated less than 51 racing days in the last 18~~
29 ~~months may operate said period and pay 1.25 percent tax on~~
30 ~~live handle per performance. In the event this provision~~

31

1 ~~takes effect after April 1, 1993, it shall be construed to~~
2 ~~apply retroactively from April 1, 1993, through May 23, 1993.~~

3 ~~4. In the event any licenses have been issued to any~~
4 ~~thoroughbred permitholders for racing dates prior to April 26,~~
5 ~~1993, then, notwithstanding the provisions of s. 550.525(2),~~
6 ~~amendments may be filed to the racing dates up to May 1, 1993.~~

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

10 (5) Notwithstanding the provisions of s.
11 550.0951(3)(c), the tax on handle for intertrack wagering on
12 rebroadcasts of simulcast horseraces is 2.0 ~~2.4~~ percent of the
13 handle; provided however, that if the guest track is a
14 thoroughbred track located more than 35 miles from the host
15 track, the host track shall pay a tax of 0.1 ~~0.5~~ percent of the
16 handle, and additionally the host track shall pay to the guest
17 track 1.9 percent of the handle to be used by the guest track
18 solely for purses. The tax shall be deposited into the
19 Pari-mutuel Wagering Trust ~~General Revenue~~ Fund.

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

31

1 (7) A credit equal to the amount of contributions made
2 by a thoroughbred permitholder during the taxable year
3 directly to the Jockeys Guild or its Health and Welfare Fund
4 to be used to provide health and welfare benefits for active,
5 disabled, and retired Florida jockeys and their dependents
6 pursuant to reasonable rules of eligibility established by the
7 Jockeys Guild is allowed against any tax due for a taxable
8 year under this section. A thoroughbred permitholder may not
9 receive a credit greater than the amount equal to 2 percent of
10 its paid taxes for the previous taxable year.

11 Section 8. Effective July 1, 2001, paragraph (a) of
12 subsection (2) of section 550.09515, Florida Statutes, as
13 amended by section 4 of chapter 98-190, Laws of Florida, is
14 reenacted to read:

15 550.09515 Thoroughbred horse taxes; abandoned interest
16 in a permit for nonpayment of taxes.--

17 (2)(a) ~~Notwithstanding the provisions of s.~~
18 ~~550.0951(3)(a),~~The tax on handle for live thoroughbred
19 horserace horse performances shall be 0.5 percent.~~subject to~~
20 ~~the following:~~

21 1. ~~The tax on handle per performance for live~~
22 ~~thoroughbred performances is 2.25 percent of handle for~~
23 ~~performances conducted during the period beginning on January~~
24 ~~3 and ending March 16; .70 percent of handle for performances~~
25 ~~conducted during the period beginning March 17 and ending May~~
26 ~~22; and 1.5 percent of handle for performances conducted~~
27 ~~during the period beginning May 23 and ending January 2.~~

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

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

3 Section 9. Section 550.1645, Florida Statutes, is
4 amended to read:

5 550.1645 Escheat to state of abandoned interest in or
6 contribution to pari-mutuel pools.--

7 (1) It is the public policy of the state, while
8 protecting the interest of the owners, to possess all
9 unclaimed and abandoned interest in or contribution to certain
10 ~~any~~ pari-mutuel pools ~~pool~~ conducted in this state under this
11 chapter, for the benefit of all the people of the state; and
12 this law shall be liberally construed to accomplish such
13 purpose.

14 (2) Except as otherwise provided in this chapter, all
15 money or other property represented by any unclaimed,
16 uncashed, or abandoned pari-mutuel ticket which has remained
17 in the custody of or under the control of any licensee
18 authorized to conduct pari-mutuel pools in this state for a
19 period of 1 year after the date the pari-mutuel ticket was
20 issued, if the rightful owner or owners thereof have made no
21 claim or demand for such money or other property within the
22 aforesaid period of time, is hereby declared to have escheated
23 to or to escheat to, and to have become the property of, the
24 state.

25 (3) All money or other property that has escheated to
26 and become the property of the state as provided herein, and
27 which is held by such licensee authorized to conduct
28 pari-mutuel pools in this state, shall be paid by such
29 licensee to the Treasurer annually within 60 days after the
30 close of the race meeting of the licensee. Such moneys so
31 paid by the licensee to the Treasurer shall be deposited in

1 the State School Fund to be used for the support and
2 maintenance of public free schools as required by s. 6, Art.
3 IX of the State Constitution.

4 Section 10. Section 550.1647, Florida Statutes, is
5 created to read:

6 550.1647 Greyhound permitholders; unclaimed tickets;
7 breaks.--

8 (1) All money or other property represented by any
9 unclaimed, uncashed, or abandoned pari-mutuel ticket which has
10 remained in the custody of or under the control of any
11 permitholder authorized to conduct greyhound racing
12 pari-mutuel pools in this state for a period of 1 year after
13 the date the pari-mutuel ticket was issued, if the rightful
14 owner or owners thereof have made no claim or demand for such
15 money or other property within that period of time, shall,
16 with respect to live races, be retained by the permitholder
17 conducting the race, and, with respect to simulcast greyhound
18 races, be retained by the permitholder who receives the
19 simulcast. However, any permitholder authorized to conduct
20 greyhound racing pari-mutuel pools shall be entitled to a
21 credit that may be applied against any taxes imposed pursuant
22 to this chapter in the amount of the money or property
23 remitted under this subsection. In addition, each permitholder
24 shall pay, from any source, including the proceeds from
25 performances conducted pursuant to s. 550.0351, an amount not
26 less than 10 percent of the amount of the credit provided by
27 this section to any bonafide organization that promotes or
28 encourages the adoption of greyhounds.

29 (2) With respect to live greyhound races, the breaks
30 shall be retained by the permitholder conducting the race,
31 and, with respect to simulcast greyhound races, the breaks

1 shall be retained by the permitholder who receives the
2 simulcast.

3 Section 11. Section 550.615, Florida Statutes, is
4 amended to read:

5 550.615 Intertrack wagering.--

6 (1) Any horserace permitholder licensed under this
7 chapter which has conducted a full schedule of live racing
8 may, at any time, receive broadcasts of horseraces and accept
9 wagers on horseraces conducted by horserace permitholders
10 licensed under this chapter at its facility.

11 (2) Any track or fronton licensed under this chapter
12 which in the preceding year conducted a full schedule of live
13 racing is qualified to, at any time, receive broadcasts of any
14 class of pari-mutuel race or game and accept wagers on such
15 races or games conducted by any class of permitholders
16 licensed under this chapter.

17 (3) If a permitholder elects to broadcast its signal
18 to any permitholder in this state, any permitholder that is
19 eligible to conduct intertrack wagering under the provisions
20 of ss. 550.615-550.6345 is entitled to receive the broadcast
21 and conduct intertrack wagering under this section; provided,
22 however, that the host track may require a guest track within
23 25 miles of another permitholder to receive in any week at
24 least 60 percent of the live races that the host track is
25 making available on the days that the guest track is otherwise
26 operating live races or games. A host track may require a
27 guest track not operating live races or games and within 25
28 miles of another permitholder to accept within any week at
29 least 60 percent of the live races that the host track is
30 making available. A person may not restrain or attempt to
31 restrain any permitholder that is otherwise authorized to

1 conduct intertrack wagering from receiving the signal of any
2 other permitholder or sending its signal to any permitholder.

3 (4) In no event shall any intertrack wager be accepted
4 on the same class of live races or games of any permitholder
5 without the written consent of such operating permitholders
6 conducting the same class of live races or games if the guest
7 track is within the market area of such operating
8 permitholder.

9 (5) No permitholder within the market area of the host
10 track shall take an intertrack wager on the host track without
11 the consent of the host track.

12 (6) Notwithstanding the provisions of subsection (3),
13 in any area of the state where there are three or more
14 horserace permitholders within 25 miles of each other,
15 intertrack wagering between permitholders in said area of the
16 state shall only be authorized under the following conditions:
17 Any permitholder, other than a thoroughbred permitholder, may
18 accept intertrack wagers on races or games conducted live by a
19 permitholder of the same class or any harness permitholder
20 located within such area and any harness permitholder may
21 accept wagers on games conducted live by any jai alai
22 permitholder located within its market area and from a jai
23 alai permitholder located within the area specified in this
24 subsection when no jai alai permitholder located within its
25 market area is conducting live jai alai performances; any
26 greyhound or jai alai permitholder may receive broadcasts of
27 and accept wagers on any permitholder of the other class
28 provided that a permitholder, other than the host track, of
29 such other class is not operating a contemporaneous live
30 performance within the market area.

31

1 (7) In any county of the state where there are only
2 two permits, one for dogracing and one for jai alai, no
3 intertrack wager may be taken during the period of time when a
4 permitholder is not licensed to conduct live races or games
5 without the written consent of the other permitholder that is
6 conducting live races or games. However, if neither
7 permitholder is conducting live races or games, either
8 permitholder may accept intertrack wagers on horseraces or on
9 the same class of races or games, or on both horseraces and
10 the same class of races or games as is authorized by its
11 permit.

12 (8) In any three contiguous counties of the state
13 where there are only three permitholders, all of which are
14 greyhound permitholders, if any permitholder leases the
15 facility of another permitholder for all or any portion of the
16 conduct of its live race meet pursuant to s. 550.475, such
17 lessee may conduct intertrack wagering at its pre-lease
18 permitted facility throughout the entire year, including while
19 its live meet is being conducted at the leased facility, if
20 such permitholder has conducted a full schedule of live racing
21 during the preceding fiscal year at its pre-lease permitted
22 facility or at a leased facility, or combination thereof.

23 ~~(9)~~(8) In any two contiguous counties of the state in
24 which there are located only four active permits, one for
25 thoroughbred horse racing, two for greyhound dogracing, and
26 one for jai alai games, no intertrack wager may be accepted on
27 the same class of live races or games of any permitholder
28 without the written consent of such operating permitholders
29 conducting the same class of live races or games if the guest
30 track is within the market area of such operating
31 permitholder.

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

22 (b) If more than one permitholder applies, the
23 division shall determine which permitholder shall be granted
24 the license. In making its determination, the division shall
25 consider the length of time the permitholder has been
26 conducting thoroughbred horse sales in this state, the length
27 of time the applicant has had a permanent location in this
28 state, and the volume of sales of thoroughbred horses in this
29 state, giving the greater weight to the applicant that meets
30 these criteria.

31

1 (c) The applicant must comply with the provisions of
2 ss. 550.125 and 550.1815.

3 (d) Intertrack wagering under this subsection may not
4 be conducted within 50 miles of any greyhound racetrack that
5 conducted a full schedule of live racing prior to June 1,
6 1990.

7 (e) For each year such quarter horse permitholder must
8 obtain the license set forth in paragraph (a), any provisions
9 relating to suspension or revocation of a quarter horse permit
10 for failure to conduct live quarter horse racing do not apply.

11 (f) Intertrack wagering under this subsection may only
12 be conducted on thoroughbred horse racing, and intertrack
13 wagering under this subsection may not be conducted on evening
14 performances.

15 (11)~~(10)~~ All costs of receiving the transmission of
16 the broadcasts shall be borne by the guest track; and all
17 costs of sending the broadcasts shall be borne by the host
18 track.

19 (12)~~(11)~~ Notwithstanding any other provision of this
20 section, any thoroughbred permitholder that conducts
21 performances during the period beginning May 23 and ending
22 January 2 must make available any live pari-mutuel event
23 conducted and any simulcast pari-mutuel event received by such
24 permitholder to any thoroughbred permitholder that conducts
25 performances during the period beginning March 17 and ending
26 May 22, and such guest permitholder is authorized to accept
27 wagers on such signals. Notwithstanding s. 550.0951(3)(c),
28 the tax on wagers accepted by the guest permitholder on such
29 events shall be 2 percent, but such amount shall be retained
30 by the host track as compensation for lost revenues and
31 purses. At least 50 percent of the amount retained shall be

1 paid as purses at the host track. This subsection applies only
2 to thoroughbred permitholders located in any area of the state
3 where there are three or more thoroughbred permitholders
4 within 25 miles of each other.

5 Section 12. Section 550.0555, Florida Statutes, is
6 amended to read:

7 550.0555 Greyhound dogracing and jai alai permits;
8 relocation within a county; conditions.--

9 (1) It is the finding of the Legislature that
10 pari-mutuel wagering on greyhound dogracing and jai alai
11 provides substantial revenues to the state. It is the further
12 finding that, in some cases, this revenue-producing ability is
13 hindered due to the lack of provisions allowing the relocation
14 of existing dogracing and jai alai operations. It is
15 therefore declared that state revenues derived from greyhound
16 dogracing and jai alai will continue to be jeopardized if
17 provisions allowing the relocation of such greyhound racing
18 and jai alai permits are not implemented. This enactment is
19 made pursuant to, and for the purpose of, implementing such
20 provisions.

21 (2) Any holder of a valid outstanding permit for
22 greyhound dogracing in a county in which there is only one
23 dogracing permit issued, as well as any holder of a valid
24 outstanding permit for jai alai in a county where only one jai
25 alai permit is issued, is authorized, without the necessity of
26 an additional county referendum required under s. 550.0651, to
27 move the location for which the permit has been issued to
28 another location within a 30-mile radius of the location fixed
29 in the permit issued in that county, provided the move does
30 not cross the county boundary, that such relocation is
31 approved under the zoning regulations of the county or

1 municipality in which the permit is to be located, and that
2 such move is approved by the department after it is determined
3 at a proceeding pursuant to chapter 120 in the county affected
4 that the move is necessary to ensure the revenue-producing
5 capability of the permittee without deteriorating the
6 revenue-producing capability of any other pari-mutuel
7 permittee within 50 miles; the distance shall be measured on a
8 straight line from the nearest property line of one racing
9 plant or jai alai fronton to the nearest property line of the
10 other.

11 Section 13. Paragraph (a) of subsection (2) of section
12 550.09512, Florida Statutes, is amended to read:

13 550.09512 Harness horse taxes; abandoned interest in a
14 permit for nonpayment of taxes.--

15 (2)(a) Notwithstanding the provisions of s.
16 550.0951(3)(a), the tax on handle for live harness horse
17 performances is 0.5 ± percent of handle per performance.

18 Section 14. Section 550.2633, Florida Statutes, is
19 amended to read:

20 550.2633 Horseracing and jai alai; distribution of
21 abandoned interest in or contributions to pari-mutuel pools.--

22 (1) Except as provided in subsection (3), all moneys
23 or other property represented by any unclaimed, uncashed, or
24 abandoned pari-mutuel ticket which has remained in the custody
25 of or under the control of any horseracing permitholder
26 authorized to conduct pari-mutuel pools in this state for a
27 period of 1 year after the date the pari-mutuel ticket was
28 issued, when the rightful owner or owners thereof have made no
29 claim or demand for such money or other property within that
30 period, is hereby declared to have escheated to or to escheat
31 to, and to have become the property of, the state.

1 (2) All moneys or other property which has escheated
2 to and become the property of the state as provided herein and
3 which is held by a permitholder authorized to conduct
4 pari-mutuel pools in this state shall be paid annually by the
5 permitholder to the recipient designated in this subsection
6 within 60 days after the close of the race meeting of the
7 permitholder. Section 550.1645 notwithstanding, such moneys
8 shall be paid by the permitholder as follows:

9 (a) Funds from any harness horse races shall be paid
10 to the Florida Standardbred Breeders and Owners Association
11 and shall be used for the payment of breeders' awards,
12 stallion awards, stallion stakes, additional purses, and
13 prizes for, and for the general promotion of owning and
14 breeding of, Florida-bred standardbred horses, as provided for
15 in s. 550.2625.

16 (b) Except as provided in paragraphs (c) and (d),
17 funds from quarter horse races shall be paid to the Florida
18 Quarter Horse Breeders and Owners Association and shall be
19 allocated solely for supplementing and augmenting purses and
20 prizes and for the general promotion of owning and breeding of
21 racing quarter horses in this state, as provided for in s.
22 550.2625.

23 (c) Funds for Appaloosa races conducted under a
24 quarter horse racing permit shall be deposited into the
25 Florida Quarter Horse Racing Promotion Trust Fund in a special
26 account to be known as the "Florida Appaloosa Racing Promotion
27 Fund" and shall be used for the payment of breeders' awards
28 and stallion awards as provided for in s. 570.381.

29 (d) Funds for Arabian horse races conducted under a
30 quarter horse racing permit shall be deposited into the
31 Florida Quarter Horse Racing Promotion Trust Fund in a special

1 account to be known as the "Florida Arabian Horse Racing
2 Promotion Fund" and shall be used for the payment of breeders'
3 awards and stallion awards as provided for in s. 570.382.

4 (e) Funds from any live jai alai games shall be paid
5 to the National Association of Jai Alai Frontons, to be used
6 for the general promotion of the sport of jai alai in the
7 state, including professional tournaments and amateur jai alai
8 youth programs. These youth programs shall focus on benefiting
9 children in after-school and anti-drug programs with special
10 attention to inner city areas.

11 (3) Notwithstanding any other provision of law, all
12 moneys described in s. 550.263(2)(a), Florida Statutes 1991,
13 which escheated to the state under s. 550.263(1), Florida
14 Statutes 1991, during the period beginning October 1, 1992,
15 and ending on December 16, 1992, shall be paid as provided in
16 paragraph (2)(a).

17 (4) Notwithstanding any other provision of law, all
18 moneys described in s. 550.263(3), Florida Statutes 1991,
19 which escheated to the state under s. 550.263(1), Florida
20 Statutes 1991, during the period beginning August 24, 1992,
21 and ending on December 16, 1992, shall be paid as provided in
22 subsection (5).

23 (5) Uncashed tickets and breaks on live racing
24 conducted by thoroughbred permitholders shall be retained by
25 the permitholder conducting the live race.

26 Section 15. Section 550.475, Florida Statutes, is
27 amended to read:

28 550.475 Lease of pari-mutuel facilities by pari-mutuel
29 permitholders.--Holders of valid pari-mutuel permits for the
30 conduct of any jai alai games, dogracing, or thoroughbred and
31 standardbred horse racing in this state are ~~shall be~~ entitled

1 to lease any and all of their facilities to any other holder
2 of a same class valid pari-mutuel permit for jai alai games,
3 dogracing, or thoroughbred or standardbred horse racing, when
4 located within a 35-mile radius of each other; and such lessee
5 is ~~shall be~~ entitled to a permit and license to operate its
6 race meet or jai-alai games at the leased premises.

7 Section 16. Subsection (1) of section 550.625, Florida
8 Statutes, is amended to read:

9 550.625 Intertrack wagering; purses; breeders'
10 awards.--If a host track is a horse track:

11 (1) A host track racing under either a thoroughbred or
12 quarter horse permit shall pay an amount equal to 7.125 ~~6.125~~
13 percent of all wagers placed pursuant to the provisions of s.
14 550.615, as purses during its current race meet. However, up
15 to 0.50 percent of all wagers placed pursuant to s. 550.615
16 may, at the option of the host track, be deducted from the
17 amount retained by the host track for purses to supplement the
18 awards program for owners of Florida-bred horses as set forth
19 in s. 550.2625(6). A host track racing under a harness permit
20 shall pay an amount equal to 7.85 ~~7~~ percent of all wagers
21 placed pursuant to the provisions of s. 550.615, as purses
22 during its current race meet. If a host track underpays or
23 overpays purses required by this section and s. 550.2625, the
24 provisions of s. 550.2625 apply to the overpayment or
25 underpayment.

26 Section 17. Paragraph (a) of subsection (6) of section
27 550.3551, Florida Statutes, is amended to read:

28 550.3551 Transmission of racing and jai alai
29 information; commingling of pari-mutuel pools.--

30 (6)(a) A maximum of 20 percent of the total number of
31 races on which wagers are accepted by a greyhound permitholder

1 not located as specified in s. 550.615(6) may be received from
2 locations outside this state. A permitholder may not conduct
3 fewer than eight live races or games on any authorized race
4 day except as provided in this subsection. A thoroughbred
5 permitholder may not conduct fewer than eight live races on
6 any race day without the written approval of the Florida
7 Thoroughbred Breeders' Association and the Florida Horsemen's
8 Benevolent and Protective Association, Inc.~~horsemen's group~~
9 ~~representing the majority of thoroughbred racehorse owners and~~
10 ~~trainers in this state.~~ A harness permitholder may conduct
11 fewer than eight live races on any authorized race day, except
12 that such permitholder must conduct a full schedule of live
13 racing during its race meet consisting of at least eight live
14 races per authorized race day for at least 100 days. Any
15 harness horse permitholder that during the preceding racing
16 season conducted a full schedule of live racing may, at any
17 time during its current race meet, receive full-card
18 broadcasts of harness horse races conducted at harness
19 racetracks outside this state at the harness track of the
20 permitholder and accept wagers on such harness races. With
21 specific authorization from the division for special racing
22 events, a permitholder may conduct fewer than eight live races
23 or games when the permitholder also broadcasts out-of-state
24 races or games. The division may not grant more than two such
25 exceptions a year for a permitholder in any 12-month period,
26 and those two exceptions may not be consecutive.

27 Section 18. Subsection (2) of section 550.155, Florida
28 Statutes, is amended to read:

29 550.155 Pari-mutuel pool within track enclosure;
30 takeouts; breaks; penalty for purchasing part of a pari-mutuel
31 pool for or through another in specified circumstances.--

1 (2) The permitholder's share of the takeout is that
2 portion of the takeout that remains after the pari-mutuel tax
3 imposed upon the contributions to the pari-mutuel pool is
4 deducted from the takeout and paid by the permitholder. The
5 takeout is deducted from all pari-mutuel pools but may be
6 different depending on the type of pari-mutuel pool. The
7 permitholder shall inform the patrons, either through the
8 official program or via the posting of signs at conspicuous
9 locations, as to the takeout currently being applied to handle
10 at the facility. A capital improvement proposed by a
11 permitholder licensed under this chapter to a pari-mutuel
12 facility existing on June 23, 1981, which capital improvement
13 requires, pursuant to any municipal or county ordinance,
14 resolution, or regulation, the qualification or approval of
15 the municipality or county wherein the permitholder conducts
16 its business operations, shall receive approval unless the
17 municipality or county is able to show that the proposed
18 improvement presents a justifiable and immediate hazard to the
19 health and safety of municipal or county residents, provided
20 the permitholder pays to the municipality or county the cost
21 of a building permit and provided the capital improvement
22 meets the following criteria:

23 (a) The improvement does not qualify as a development
24 of regional impact as defined in s. 380.06; and

25 (b) The improvement is contiguous to or within the
26 existing pari-mutuel facility site. To be contiguous, the
27 site of the improvement must share a sufficient common
28 boundary with the present pari-mutuel facility to allow full
29 and free access without crossing a public roadway, public
30 waterway, or similar barrier.

31

1 Section 19. Subsections (3), (5), (6), (8), and (10)
2 of section 550.26352, Florida Statutes, are amended to read:

3 550.26352 Breeders' Cup Meet; pools authorized;
4 conflicts; taxes; credits; transmission of races; rules;
5 application.--

6 (3) If the permitholder conducting the Breeders' Cup
7 Meet is located within 35 miles of one or more permitholders
8 scheduled to conduct a thoroughbred race meet on any of the 3
9 days of the Breeders' Cup Meet, then operation on any of those
10 3 days by the other permitholders is prohibited. As
11 compensation for the loss of racing days caused thereby, such
12 operating permitholders shall receive a credit against the
13 taxes otherwise due and payable to the state under ss.
14 550.0951 and 550.09515. This credit shall be in an amount
15 equal to the operating loss determined to have been suffered
16 by the operating permitholders as a result of not operating on
17 the prohibited racing days, but shall not exceed a total of
18 \$950,000~~\$500,000~~. The determination of the amount to be
19 credited shall be made by the division upon application by the
20 operating permitholder. The tax credits provided in this
21 subsection shall not be available unless an operating
22 permitholder is required to close a bona fide meet consisting
23 in part of no fewer than 10 scheduled performances in the 15
24 days immediately preceding or 10 scheduled performances in the
25 15 days immediately following the Breeders' Cup Meet. Such
26 tax credit shall be in lieu of any other compensation or
27 consideration for the loss of racing days. There shall be no
28 replacement or makeup of any lost racing days.

29 (5) The permitholder conducting the Breeders' Cup Meet
30 shall receive a credit against the taxes otherwise due and
31 payable to the state under ss. 550.0951 and 550.09515

1 generated during said permitholder's next ensuing regular
2 thoroughbred race meet. This credit shall be in an amount not
3 to exceed \$950,000~~\$800,000~~ and shall be utilized by the
4 permitholder to pay the purses offered by the permitholder
5 during the Breeders' Cup Meet in excess of the purses which
6 the permitholder is otherwise required by law to pay. The
7 amount to be credited shall be determined by the division upon
8 application of the permitholder which is subject to audit by
9 the division.

10 (6) The permitholder conducting the Breeders' Cup Meet
11 shall receive a credit against the taxes otherwise due and
12 payable to the state under ss. 550.0951 and 550.09515
13 generated during said permitholder's next ensuing regular
14 thoroughbred race meet. This credit shall be in an amount not
15 to exceed \$950,000~~\$800,000~~ and shall be utilized by the
16 permitholder for such capital improvements and extraordinary
17 expenses as may be necessary for operation of the Breeders'
18 Cup Meet. The amount to be credited shall be determined by
19 the division upon application of the permitholder which is
20 subject to audit by the division.

21 (8)(a) Pursuant to s. 550.3551(2), the permitholder
22 conducting the Breeders' Cup Meet is authorized to transmit
23 broadcasts of the races conducted during the Breeders' Cup
24 Meet to locations outside of this state for wagering purposes.
25 The division may approve broadcasts to pari-mutuel
26 permitholders and other betting systems authorized under the
27 laws of any other state or country. Wagers accepted by any
28 out-of-state pari-mutuel permitholder or betting system on any
29 races broadcast under this section may be, but are not
30 required to be, commingled with the pari-mutuel pools of the
31 permitholder conducting the Breeders' Cup Meet. The

1 calculation of any payoff on national pari-mutuel pools with
2 commingled wagers may be performed by the permitholder's
3 totalisator contractor at a location outside of this state.
4 Pool amounts from wagers placed at pari-mutuel facilities or
5 other betting systems in foreign countries before being
6 commingled with the pari-mutuel pool of the Florida
7 permitholder conducting the Breeders' Cup Meet shall be
8 calculated by the totalisator contractor and transferred to
9 the commingled pool in United States currency in cycles
10 customarily used by the permitholder. Pool amounts from wagers
11 placed at any foreign pari-mutuel facility or other betting
12 system shall not be commingled with a Florida pool until a
13 determination is made by the division that the technology
14 utilized by the totalisator contractor is adequate to assure
15 commingled pools will result in the calculation of accurate
16 payoffs to Florida bettors. Any totalisator contractor at a
17 location outside of this state shall comply with the
18 provisions of s. 550.495 relating to totalisator licensing.

19 (b) The permitholder conducting the Breeders' Cup Meet
20 is authorized to transmit broadcasts of the races conducted
21 during the Breeders' Cup Meet to other pari-mutuel facilities
22 located in this state for wagering purposes; however, the
23 permitholder conducting the Breeders' Cup Meet shall not be
24 required to transmit broadcasts to any pari-mutuel facility
25 located within 25 miles of the facility at which the Breeders'
26 Cup Meet is conducted ~~and, further, shall not transmit~~
27 ~~broadcasts to any pari-mutuel facility located within 25 miles~~
28 ~~of the facility at which the Breeders' Cup Meet is conducted~~
29 ~~without the consent of all operating permitholders in the~~
30 ~~market area. Wagers accepted by all pari-mutuel facilities~~
31 ~~located in the state on any races broadcast under this section~~

1 ~~shall be included in the pari-mutuel pools of the permitholder~~
2 ~~conducting the Breeders' Cup Meet.~~

3 (10) The division is authorized to adopt such rules as
4 are necessary to facilitate the conduct of the Breeders' Cup
5 Meet as authorized in this section. Included within this
6 grant of authority shall be the adoption or waiver of rules
7 regarding the overall conduct of racing during the Breeders'
8 Cup Meet so as to ensure the integrity of the races, licensing
9 for all participants, special stabling and training
10 requirements for foreign horses, commingling of pari-mutuel
11 pools, and audit requirements for tax credits and other
12 benefits.

13 Section 20. Paragraph (a) of subsection (3) of section
14 550.09511, Florida Statutes, is amended to read:

15 550.09511 Jai alai taxes; abandoned interest in a
16 permit for nonpayment of taxes.--

17 (3)(a) Notwithstanding the provisions of subsection
18 (2) and s. 550.0951(3)(c)~~2.1-~~, any jai alai permitholder which
19 is restricted under Florida law from operating live
20 performances on a year-round basis is entitled to conduct
21 wagering on live performances at a tax rate of 3.85 percent of
22 live handle. Such permitholder is also entitled to conduct
23 intertrack wagering as a host permitholder on live jai alai
24 games at its fronton at a tax rate of 3.3 percent of handle at
25 such time as the total tax on intertrack handle paid to the
26 division by the permitholder during the current state fiscal
27 year exceeds the total tax on intertrack handle paid to the
28 division by the permitholder during the 1992-1993 state fiscal
29 year.

30 Section 21. Paragraph (a) of subsection (9) of section
31 550.6305, Florida Statutes, is amended to read:

1 550.6305 Intertrack wagering; guest track payments;
2 accounting rules.--

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

9 (a) For purposes of this section, "net proceeds" means
10 the amount of takeout remaining after the payment of state
11 taxes, purses required pursuant to s. 550.0951(3)(c)2.1, the
12 cost to the permitholder required to be paid to the
13 out-of-state horse track, breeders' awards paid to the Florida
14 Thoroughbred Breeders' Association and the Florida
15 Standardbred Breeders and Owners Association, to be used as
16 set forth in s. 550.625(2)(a) and (b), and the deduction of
17 any amount retained pursuant to s. 550.615(12)~~(11)~~.

18 Section 22. Subsection (31) of section 550.002,
19 Florida Statutes, is amended to read:

20 550.002 Definitions.--As used in this chapter, the
21 term:

22 (31) "Same class of races, games, ~~race~~ or permit"
23 means, with respect to a jai alai permitholder, jai alai games
24 or other jai alai permitholders; with respect to a greyhound
25 permitholder, greyhound races or other greyhound
26 permitholders; with respect to a thoroughbred permitholder,
27 thoroughbred races or other thoroughbred permitholders; with
28 respect to a harness permitholder, harness races or other
29 harness permitholders; with respect to a quarter horse
30 permitholder, quarter horse races or other quarter horse
31 permitholders.

1 Section 23. Subsection (3) of section 550.0251,
2 Florida Statutes, is amended to read:

3 550.0251 The powers and duties of the Division of
4 Pari-mutuel Wagering of the Department of Business and
5 Professional Regulation.--The division shall administer this
6 chapter and regulate the pari-mutuel industry under this
7 chapter and the rules adopted pursuant thereto, and:

8 (3) The division shall adopt reasonable rules for the
9 control, supervision, and direction of all applicants,
10 permittees, and licensees;and for the holding, conducting,
11 and operating of all racetracks, race meets, and races held in
12 this state; and for wagering through a pari-mutuel wagering
13 pool. Such rules must be uniform in their application and
14 effect, and the duty of exercising this control and power is
15 made mandatory upon the division.

16 Section 24. Subsections (8) and (9) of section
17 550.0351, Florida Statutes, are amended to read:

18 550.0351 Charity racing days.--

19 (8) In addition to the eligible charities that meet
20 the criteria set forth in this section, a jai alai
21 permitholder is authorized to conduct two ~~one~~ additional
22 charity performances ~~performance~~ each fiscal year for a fund
23 to benefit retired jai alai players. This performance shall
24 be known as the "Retired Jai Alai Players Charity Day." The
25 administration of this fund shall be determined by rule by the
26 division.

27 ~~(9) Notwithstanding the limitations set forth in~~
28 ~~subsection (8), any jai alai permitholder who has not~~
29 ~~conducted one "Retired Jai Alai Players Charity Day"~~
30 ~~performance per year since the 1992-1993 fiscal year is~~
31 ~~authorized to conduct up to two performances per fiscal year~~

1 ~~until the time when the total number of such performances is~~
2 ~~equivalent to the total number of fiscal years. This~~
3 ~~subsection shall be repealed on July 1, 2000.~~

4 Section 25. Section 550.105, Florida Statutes, is
5 amended to read:

6 550.105 Occupational licenses of racetrack employees;
7 fees; denial, suspension, and revocation of license; penalties
8 and fines.--

9 (1) Each person connected with a racetrack or jai alai
10 fronton, as specified in paragraph (2)(a), shall purchase from
11 the division an annual occupational license, which license is
12 valid from May 1 until June 30 of the following year. All
13 moneys collected pursuant to this section each fiscal year
14 shall be deposited into the Pari-mutuel Wagering Trust Fund.
15 ~~If the division determines that it is in the best interest of~~
16 ~~the division and persons connected with racetracks, the~~
17 ~~division may issue a license valid for one season at one~~
18 ~~racetrack but may not make that determination apply to any~~
19 ~~person who objects to such determination. In any event, the~~
20 ~~season license fee must be equal to the annual occupational~~
21 ~~license fee.~~ Any person may, at her or his option and
22 pursuant to the rules adopted by the division, purchase an
23 occupational license valid for a period of 3 years if the
24 purchaser of the license pays the full occupational license
25 fee for each of the years for which the license is purchased
26 at the time the 3-year license is requested. The occupational
27 license shall be valid during its specified term at any
28 pari-mutuel facility.

29 (2)(a) The following ~~Unrestricted~~ licenses shall be
30 issued to persons or entities with access to the backside,
31 racing animals, jai alai players' room, jockeys' room,

1 drivers' room, totalisator room, the mutuels, or money room,
2 or to persons who, by virtue of the position they hold, might
3 be granted access to these areas or to any other person or
4 entity in one of the following categories and with scheduled
5 annual fees as follows:-

6 1. Business licenses: any business such as a vendor,
7 contractual concessionaire, contract kennel, business owning
8 racing animals, trust or estate, totalisator company, stable
9 name, or other fictitious name: \$50.

10 2. Professional occupational licenses: professional
11 persons with access to the backside of a racetrack or players'
12 quarters in jai alai such as trainers, officials,
13 veterinarians, doctors, nurses, EMT's, jockeys and
14 apprentices, drivers, jai alai players, owners, trustees, or
15 any management or officer or director or shareholder or any
16 other professional-level person who might have access to the
17 jockeys' room, the drivers' room, the backside, racing
18 animals, kennel compound, or managers or supervisors requiring
19 access to mutuels machines, the money room, or totalisator
20 equipment: \$40.

21 3. General occupational licenses: general employees
22 with access to the jockeys' room, the drivers' room, racing
23 animals, the backside of a racetrack or players' quarters in
24 jai alai, such as grooms, kennel helpers, leadouts, pelota
25 makers, cesta makers, or ball boys, or a practitioner of any
26 other occupation who would have access to the animals, the
27 backside, or the kennel compound, or who would provide the
28 security or maintenance of these areas, or mutuel employees,
29 totalisator employees, money-room employees, or any employee
30 with access to mutuels machines, the money room, or

31

1 totalisator equipment or who would provide the security or
2 maintenance of these areas: \$10.

3
4 The individuals and entities that are licensed under this
5 paragraph ~~Persons issued an unrestricted license~~ require
6 heightened ~~the most~~ state scrutiny, including the submission
7 by the individual licensees or persons associated with the
8 entities described in this chapter of fingerprints for a
9 Federal Bureau of Investigation criminal records check.

10 ~~(b) Restricted licenses shall be issued to persons~~
11 ~~without access to the backside, racing animals, jai alai~~
12 ~~players' room, jockeys' room, drivers' room, totalisator room,~~
13 ~~the mutuels, or money room. Persons issued a restricted~~
14 ~~license require the less state scrutiny and will not require~~
15 ~~routine criminal records check. The division may require~~
16 ~~persons issued the restricted license to submit fingerprints~~
17 ~~for a criminal records check as needed for investigations.~~

18 ~~(b)(c)~~ The division shall adopt promulgate rules
19 pertaining to pari-mutuel regarding unrestricted and
20 restricted occupational licenses.

21 ~~(d) Pari-mutuel occupational licenses shall be issued~~
22 ~~in the categories and with scheduled annual fees as follows:~~

23 1. ~~Business licenses: any business such as vendors,~~
24 ~~contractual concessionaires, contract kennels, businesses~~
25 ~~owning racing animals, trusts or estates, totalisator~~
26 ~~companies, stable names, or other fictitious names: \$50.~~

27 2. ~~Unrestricted licenses: professional persons with~~
28 ~~access to the backside of a racetrack or players' quarters in~~
29 ~~jai alai such as trainers, officials, veterinarians, doctors,~~
30 ~~nurses, EMT's, jockeys and apprentices, drivers, jai alai~~
31 ~~players, owners, trustees, or any management or officer or~~

1 ~~director or shareholder or any other professional level person~~
2 ~~who might have access to the jockeys' room, drivers' room, the~~
3 ~~backside, racing animals, or kennel compound: \$40.~~

4 ~~3. Unrestricted licenses: general employees with~~
5 ~~access to the jockeys' room, drivers' room, racing animals,~~
6 ~~the backside of a racetrack or players' quarters in jai alai~~
7 ~~such as grooms, kennel helpers, leadouts, pelota makers, cesta~~
8 ~~makers, ball boys, vendor representatives, or any other~~
9 ~~occupation who would have access to the animals, the backside,~~
10 ~~or the kennel compound, or the security or maintenance of~~
11 ~~these areas: \$10.~~

12 ~~4. Unrestricted licenses: managers or supervisors~~
13 ~~requiring access to mutuels machines, the money room, or~~
14 ~~totalisator equipment but not requiring access to the~~
15 ~~backside: \$40.~~

16 ~~5. Unrestricted licenses: mutuel employees,~~
17 ~~totalisator employees, money room employees, and any employee~~
18 ~~with access to mutuels machines, the money room, or~~
19 ~~totalisator equipment or the security or maintenance of these~~
20 ~~areas: \$10.~~

21 ~~6. Restricted licenses: managers, supervisors, and~~
22 ~~other professionals who do not require access to the jockeys'~~
23 ~~room, drivers' room, racing animals, the backside, the kennel~~
24 ~~compound, mutuels areas, or money room or totalisator~~
25 ~~equipment: \$40.~~

26 ~~7. Restricted licenses: general employees or~~
27 ~~occupations which do not require access to the jockeys' room,~~
28 ~~drivers' room, racing animals, the backside, kennel compound,~~
29 ~~mutuels areas, money room, or totalisator equipment: \$10.~~

30 (3) Certified public accountants and attorneys
31 licensed to practice in this state shall not be required to

1 hold an occupational license under this section while
2 providing accounting or legal services to a permitholder if
3 the certified public accountant's or attorney's primary place
4 of employment is not on the permitholder premises.

5 (4)~~(3)~~ It is unlawful ~~for any person~~ to take part in
6 or officiate in any way ~~or to serve in any capacity~~ at any
7 pari-mutuel facility without first having secured a license
8 and paid the occupational license fee.

9 (5)~~(4)~~(a) The division may:

10 1. Deny a license to or revoke, suspend, or place
11 conditions upon or restrictions on a license of any person who
12 has been refused a license by any other state racing
13 commission or racing authority;

14 2. Deny, suspend, or place conditions on a license of
15 any person who is under suspension or has unpaid fines in
16 another jurisdiction;

17
18 if the state racing commission or racing authority of such
19 other state or jurisdiction extends to the division reciprocal
20 courtesy to maintain the disciplinary control.

21 (b) The division may deny, suspend, revoke, or declare
22 ineligible any occupational license if the applicant for or
23 holder thereof has violated the provisions of this chapter or
24 the rules of the division governing the conduct of persons
25 connected with racetracks and frontons. In addition, the
26 division may deny, suspend, revoke, or declare ineligible any
27 occupational license if the applicant for such license has
28 been convicted in this state, in any other state, or under the
29 laws of the United States of a capital felony, a felony, or an
30 offense in any other state which would be a felony under the
31 laws of this state involving arson; trafficking in, conspiracy

1 to traffic in, smuggling, importing, conspiracy to smuggle or
2 import, or delivery, sale, or distribution of a controlled
3 substance; or a crime involving a lack of good moral
4 character, or has had a pari-mutuel license revoked by this
5 state or any other jurisdiction for an offense related to
6 pari-mutuel wagering.

7 (c) The division may deny, declare ineligible, or
8 revoke any occupational license if the applicant for such
9 license has been convicted of a felony or misdemeanor in this
10 state, in any other state, or under the laws of the United
11 States, if such felony or misdemeanor is related to gambling
12 or bookmaking, as contemplated in s. 849.25, or involves
13 cruelty to animals. If the applicant establishes that she or
14 he is of good moral character, that she or he has been
15 rehabilitated, and that the crime she or he was convicted of
16 is not related to pari-mutuel wagering and is not a capital
17 offense, the restrictions excluding offenders may be waived by
18 the director of the division.

19 (d) If an occupational license will expire by division
20 rule during the period of a suspension the division intends to
21 impose, or if a license would have expired but for pending
22 administrative charges and the occupational licensee is found
23 to be in violation of any of the charges, the license may be
24 revoked and a time period of license ineligibility may be
25 declared. The division may bring administrative charges
26 against any person not holding a current license for
27 violations of statutes or rules which occurred while such
28 person held an occupational license, and the division may
29 declare such person ineligible to hold a license for a period
30 of time. The division may impose a civil fine of up to \$1,000
31 for each violation of the rules of the division in addition to

1 or in lieu of any other penalty provided for in this section.
2 In addition to any other penalty provided by law, the division
3 may exclude from all pari-mutuel facilities in this state, for
4 a period not to exceed the period of suspension, revocation,
5 or ineligibility, any person whose occupational license
6 application has been denied by the division, who has been
7 declared ineligible to hold an occupational license, or whose
8 occupational license has been suspended or revoked by the
9 division.

10 (e) The division may cancel any occupational license
11 that has been voluntarily relinquished by the licensee.

12 (6)~~(5)~~ In order to promote the orderly presentation of
13 pari-mutuel meets authorized in this chapter, the division may
14 issue a temporary occupational license. The division shall
15 adopt rules to implement this subsection. However, no
16 temporary occupational license shall be valid for more than 30
17 days, and no more than one temporary license may be issued for
18 any person in any year.

19 (7)~~(6)~~ The division may deny, revoke, or suspend any
20 occupational license if the applicant therefor or holder
21 thereof accumulates unpaid obligations or defaults in
22 obligations, or issues drafts or checks that are dishonored or
23 for which payment is refused without reasonable cause, if such
24 unpaid obligations, defaults, or dishonored or refused drafts
25 or checks directly relate to the sport of jai alai or racing
26 being conducted at a pari-mutuel facility within this state.

27 (8)~~(7)~~ The division may fine, or suspend or revoke, or
28 place conditions upon, the license of any licensee who under
29 oath knowingly provides false information regarding an
30 investigation by the division.

31

1 (9)~~(8)~~ The tax imposed by this section is in lieu of
2 all license, excise, or occupational taxes to the state or any
3 county, municipality, or other political subdivision, except
4 that, if a race meeting or game is held or conducted in a
5 municipality, the municipality may assess and collect an
6 additional tax against any person conducting live racing or
7 games within its corporate limits, which tax may not exceed
8 \$150 per day for horseracing or \$50 per day for dogracing or
9 jai alai. Except as provided in this chapter, a municipality
10 may not assess or collect any additional excise or revenue tax
11 against any person conducting race meetings within the
12 corporate limits of the municipality or against any patron of
13 any such person.

14 (10)~~(9)~~ Upon application for an occupational license,
15 the division may require the applicant's full legal name; any
16 nickname, alias, or maiden name for the applicant; name of the
17 applicant's spouse; the applicant's date of birth, residence
18 address, mailing address, residence address and business phone
19 number, and social security number; disclosure of any felony
20 or any conviction involving bookmaking, illegal gambling, or
21 cruelty to animals; disclosure of any past or present
22 enforcement or actions by any racing or gaming agency against
23 the applicant; and any information the division determines is
24 necessary to establish the identity of the applicant or to
25 establish that the applicant is of good moral character.
26 Fingerprints shall be taken in a manner approved by the
27 division and then shall be submitted to the Federal Bureau of
28 Investigation, or to the association of state officials
29 regulating pari-mutuel wagering pursuant to the Federal
30 Pari-mutuel Licensing Simplification Act of 1988. The cost of
31 processing fingerprints shall be borne by the applicant and

1 paid to the association of state officials regulating
2 pari-mutuel wagering from the trust fund to which the
3 processing fees are deposited. The division shall require
4 each applicant for an occupational license to have the
5 applicant's signature witnessed and notarized or signed in the
6 presence of a division official. The division, by rule, may
7 require additional information from licensees which is
8 reasonably necessary to regulate the industry. The division
9 may, by rule, exempt certain occupations or groups of persons
10 from the fingerprinting requirements.

11 Section 26. Subsection (2) of section 550.24055,
12 Florida Statutes, is amended to read:

13 550.24055 Use of controlled substances or alcohol
14 prohibited; testing of certain occupational licensees;
15 penalty; evidence of test or action taken and admissibility
16 for criminal prosecution limited.--

17 (2) The occupational licensees, by applying for and
18 holding such licenses, are deemed to have given their consents
19 to submit to an approved chemical test of their breath for the
20 purpose of determining the alcoholic content of their blood
21 and to a urine or blood test for the purpose of detecting the
22 presence of controlled substances. Such tests shall only be
23 conducted upon reasonable cause that a violation has occurred
24 as shall be determined solely by the stewards at a horseracing
25 meeting or the judges or board of judges at a dogtrack or jai
26 alai meet. The failure to submit to such test may result in a
27 suspension of the person's occupational license for a period
28 of 10 days or until this section has been complied with,
29 whichever is longer.

30 (a) If there was at the time of the test 0.05 percent
31 or less by weight of alcohol in the person's blood, the person

1 is presumed not to have been under the influence of alcoholic
2 beverages to the extent that the person's normal faculties
3 were impaired, and no action of any sort may be taken by the
4 stewards, judges, or board of judges or the division.

5 (b) If there was at the time of the test an excess of
6 0.05 percent but less than 0.08 ~~0.10~~ percent by weight of
7 alcohol in the person's blood, that fact does not give rise to
8 any presumption that the person was or was not under the
9 influence of alcoholic beverages to the extent that the
10 person's faculties were impaired, but the stewards, judges, or
11 board of judges may consider that fact in determining whether
12 or not the person will be allowed to officiate or participate
13 in any given race or jai alai game.

14 (c) If there was at the time of the test 0.08 ~~0.10~~
15 percent or more by weight of alcohol in the person's blood,
16 that fact is prima facie evidence that the person was under
17 the influence of alcoholic beverages to the extent that the
18 person's normal faculties were impaired, and the stewards or
19 judges may take action as set forth in this section, but the
20 person may not officiate at or participate in any race or jai
21 alai game on the day of such test.

22
23 All tests relating to alcohol must be performed in a manner
24 substantially similar, or identical, to the provisions of s.
25 316.1934 and rules adopted pursuant to that section.
26 Following a test of the urine or blood to determine the
27 presence of a controlled substance as defined in chapter 893,
28 if a controlled substance is found to exist, the stewards,
29 judges, or board of judges may take such action as is
30 permitted in this section.

31

1 Section 27. Section 550.2614, Florida Statutes, is
2 amended to read:

3 (Substantial rewording of section. See
4 s. 550.2614, F.S., for present text.)

5 550.2614 Horsemen's association; membership;
6 responsibilities.--

7 (1) Upon receiving a license or renewal thereof, each
8 thoroughbred owner and trainer shall receive automatic
9 membership in the Florida Horsemen's Benevolent and Protective
10 Association, Inc., or another association designated by the
11 licensee which represents the majority of the thoroughbred
12 racehorse owners and trainers at the permit holder located in
13 Hillsborough County, and shall be counted on the membership
14 rolls of that association, unless, within 30 calendar days
15 after receiving a license from the division, the individual
16 declines such membership in writing. The division shall
17 monitor the membership rolls of each association to ensure
18 that complete, accurate, and timely listings are maintained
19 for the purposes specified in this section and s. 550.3551.

20 (2) Each licensee that holds a permit for thoroughbred
21 horse racing in this state shall deduct from the total purse
22 pool an amount of money equal to 1 percent of the total purse
23 pool and shall pay that amount to the Florida Horsemen's
24 Benevolent and Protective Association, Inc., or to another
25 association representing a majority of the thoroughbred
26 racehorse owners and trainers at the permittee located in
27 Hillsborough County. These funds must be used for the purpose
28 of providing for the benefit, aid, assistance, or relief of
29 thoroughbred owners, trainers, exercise riders, grooms, stable
30 attendants, and other thoroughbred racing personnel employed
31 in connection with racing, and their spouses and children, who

1 demonstrate a need for financial assistance connected with
2 death, illness, or off-the-job injury and who are not
3 otherwise covered by health and welfare plans, workers'
4 compensation, social security, public assistance, or any other
5 type of health, medical, death, or accident insurance.

6 (3) The division shall audit the collection and
7 distribution of funds as authorized in this section to assure
8 that the funds are being used for the charitable and
9 beneficial purposes set forth in this section. The division
10 may take action to assure that such funds are being used as
11 authorized by subsection (2). Such actions may include seeking
12 an injunction against distribution, or seeking recovery, of
13 funds that are being distributed in a manner inconsistent with
14 the requirements of subsection (2). The division may adopt
15 rules to facilitate the orderly transfer of funds authorized
16 by subsection (2) or to carry out its responsibilities as
17 provided in this section.

18 Section 28. Subsection (1) of section 550.26165,
19 Florida Statutes, is amended to read:

20 550.26165 Breeders' awards.--

21 (1) The purpose of this section is to encourage the
22 agricultural activity of breeding and training racehorses in
23 this state. Moneys dedicated in this chapter for use as
24 breeders' awards and stallion awards ~~from breaks and uncashed~~
25 ~~tickets from pari-mutuel wagering and horseraces~~ are to be
26 used for awards ~~of up to 20 percent of the announced gross~~
27 ~~purse at any race~~ to breeders of registered Florida-bred
28 horses winning horseraces and for similar awards to the owners
29 of stallions who sired Florida-bred horses winning stakes
30 races, if the stallions are registered as Florida stallions
31 standing in this state. Such awards shall be given at a

1 uniform rate to all winners of the awards, shall not be
2 greater than 20 percent of the announced gross purse, and
3 shall not be less than 15 percent of the announced gross purse
4 if funds are available. In addition, no less than 25 percent
5 nor more than 45 percent, as determined by the Florida
6 Thoroughbred Breeders' Association, of the moneys dedicated in
7 this chapter for use as breeders' awards and stallion awards
8 for thoroughbreds shall be returned prorata to the
9 permitholders that generated the moneys for awards to be
10 distributed by the permitholders to owners of registered
11 Florida-bred thoroughbred horses winning in thoroughbred races
12 and winning or placing in thoroughbred stakes races, all in
13 accordance with a plan established annually no later than 120
14 days before the first day of the permitholders' racing meet
15 and agreed upon by the permitholder, the Florida Thoroughbred
16 Breeders' Association, and the Florida Horsemen's Benevolent
17 and Protective Association, Inc. Awards for thoroughbred races
18 are to be paid through the Florida Thoroughbred Breeders'
19 Association, and awards for standardbred races are to be paid
20 through the Florida Standardbred Breeders and Owners
21 Association. Among other sources specified in this chapter,
22 ~~The~~ moneys for thoroughbred breeders' awards will come from
23 the 0.975 ~~0.75~~ percent of handle for thoroughbred races
24 conducted, received, broadcast, or simulcast under this
25 chapter as provided in s. 550.2625(3). The moneys for quarter
26 horse and harness breeders' awards will come from the breaks
27 and uncashed tickets on live quarter horse and harness racing
28 performances and 1 percent of handle on intertrack wagering.
29 The funds for these breeders' awards shall be paid to the
30 respective breeders' associations by the permitholders
31 conducting the races. ~~The awards are to be given at a uniform~~

1 ~~rate to all winners of the awards and may not be less than 15~~
2 ~~percent of the announced gross purse if funds are available.~~

3 Section 29. Subsections (2) and (3) of section
4 550.2625, Florida Statutes, are amended to read:

5 550.2625 Horseracing; minimum purse requirement,
6 Florida breeders' and owners' awards.--

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

11 (a) A permitholder conducting a thoroughbred horse
12 race meet under this chapter must pay from the takeout
13 withheld a sum not less than 7.75 ~~7.5~~ percent of all
14 contributions to pari-mutuel pools conducted during the race
15 meet as purses. In addition to the 7.75 ~~7.5~~ percent minimum
16 purse payment, permitholders conducting live thoroughbred
17 performances shall be required to pay as additional purses
18 .625 percent of live handle for performances conducted during
19 the period beginning on January 3 and ending March 16; .225
20 percent for performances conducted during the period beginning
21 March 17 and ending May 22; and .85 percent for performances
22 conducted during the period beginning May 23 and ending
23 January 2. Except that any thoroughbred permitholder whose
24 total handle on live performances during the 1991-1992 state
25 fiscal year was not greater than \$34 million is not subject to
26 this additional purse payment. A permitholder authorized to
27 conduct thoroughbred racing may withhold from the handle an
28 additional amount equal to 1 percent on exotic wagering for
29 use as owners' awards, and may withhold from the handle an
30 amount equal to 2 percent on exotic wagering for use as
31 overnight purses. No permitholder may withhold in excess of

1 20 percent from the handle without withholding the amounts set
2 forth in this subsection.

3 (b)1. A permitholder conducting a harness horse race
4 meet under this chapter must pay to the purse pool from the
5 takeout withheld a purse requirement that totals an amount not
6 less than 8.25 ~~8~~ percent of all contributions to pari-mutuel
7 pools conducted during the race meet. An amount not less than
8 7.75 ~~7.5~~ percent of the total handle shall be paid from this
9 purse pool as purses.

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

1 | division reestablishes administration of the plan with the
2 | association.

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

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

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

26 | (3) Each horseracing permitholder conducting any
27 | thoroughbred race under this chapter, including any intertrack
28 | race taken pursuant to ss. 550.615-550.6305 or any interstate
29 | simulcast taken pursuant to s. 550.3551(3) shall pay a sum
30 | equal to 0.975 ~~0.75~~ percent on all pari-mutuel pools conducted
31 | during any such race for the payment of breeders' and stallion

1 awards as authorized in this section. This subsection also
2 applies to all Breeder's Cup races conducted outside this
3 state taken pursuant to s. 550.3551(3). On any race
4 originating live in this state which is broadcast out-of-state
5 to any location at which wagers are accepted pursuant to s.
6 550.3551(2), the host track is required to pay 3.65 ~~3.3~~
7 percent of the gross revenue derived from such out-of-state
8 broadcasts as breeders' and stallion awards. The Florida
9 Thoroughbred Breeders' Association is authorized to receive
10 these payments from the permitholders and make payments of
11 awards earned. The Florida Thoroughbred Breeders' Association
12 has the right to withhold up to 10 percent of the
13 permitholder's payments under this section as a fee for
14 administering the payments of awards and for general promotion
15 of the industry. The permitholder shall remit these payments
16 to the Florida Thoroughbred Breeders' Association by the 5th
17 day of each calendar month for such sums accruing during the
18 preceding calendar month and shall report such payments to the
19 division as prescribed by the division. With the exception of
20 the 10-percent fee, the moneys paid by the permitholders shall
21 be maintained in a separate, interest-bearing account, and
22 such payments together with any interest earned shall be used
23 exclusively for the payment of breeders' awards and stallion
24 awards in accordance with the following provisions:

25 (a) The breeder of each Florida-bred thoroughbred
26 horse winning a thoroughbred horse race is entitled to an
27 award of up to, but not exceeding, 20 percent of the announced
28 gross purse, including nomination fees, eligibility fees,
29 starting fees, supplementary fees, and moneys added by the
30 sponsor of the race.

31

1 (b) The owner or owners of the sire of a Florida-bred
2 thoroughbred horse that wins a stakes race is entitled to a
3 stallion award of up to, but not exceeding, 20 percent of the
4 announced gross purse, including nomination fees, eligibility
5 fees, starting fees, supplementary fees, and moneys added by
6 the sponsor of the race.

7 (c) The owners of registered Florida-bred thoroughbred
8 horses winning or placing in thoroughbred stakes races may
9 receive an award in accordance with a plan established in s.
10 550.26165(1).

11 (d)~~(c)~~ In order for a breeder of a Florida-bred
12 thoroughbred horse to be eligible to receive a breeder's
13 award, or for the owners of a registered Florida-bred
14 thoroughbred horse to be eligible to receive an award under
15 paragraph (c), the horse ~~winning the race~~ must have been
16 registered as a Florida-bred horse with the Florida
17 Thoroughbred Breeders' Association, and the Jockey Club
18 certificate for the ~~winning~~ horse must show that it ~~the winner~~
19 has been duly registered as a Florida-bred horse as evidenced
20 by the seal and proper serial number of the Florida
21 Thoroughbred Breeders' Association registry. The Florida
22 Thoroughbred Breeders' Association shall be permitted to
23 charge the registrant a reasonable fee for this verification
24 and registration.

25 (e)~~(d)~~ In order for an owner of the sire of a
26 thoroughbred horse winning a stakes race to be eligible to
27 receive a stallion award, the stallion must have been
28 registered with the Florida Thoroughbred Breeders'
29 Association, and the breeding of the registered Florida-bred
30 horse must have occurred in this state. The stallion must be
31 standing permanently in this state during the period of time

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

23 (f)~~(e)~~ A permitholder conducting a thoroughbred horse
24 race under the provisions of this chapter shall, within 30
25 days after the end of the race meet during which the race is
26 conducted, certify to the Florida Thoroughbred Breeders'
27 Association such information relating to the thoroughbred
28 horses winning a stakes or other horserace at the meet as may
29 be required to determine the eligibility for payment of
30 breeders' awards and stallion awards.

31

1 (g)~~(f)~~ The Florida Thoroughbred Breeders' Association
2 shall maintain complete records showing the starters and
3 winners in all races conducted at thoroughbred tracks in this
4 state; shall maintain complete records showing awards earned,
5 received, and distributed; and may charge the owner, owners,
6 or breeder a reasonable fee for this service.

7 (h)~~(g)~~ The Florida Thoroughbred Breeders' Association
8 shall annually establish a uniform rate and procedure for the
9 payment of breeders' and stallion awards and shall make
10 breeders' and stallion award payments in strict compliance
11 with the established uniform rate and procedure plan. The
12 plan may set a cap on winnings and may limit, exclude, or
13 defer payments to certain classes of races, such as the
14 Florida stallion stakes races, in order to assure that there
15 are adequate revenues to meet the proposed uniform rate. Such
16 plan must include proposals for the general promotion of the
17 industry. Priority shall be placed upon imposing such
18 restrictions in lieu of allowing the uniform rate to be less
19 than 15 percent of the total purse payment. The uniform rate
20 and procedure plan must be approved by the division before
21 implementation. In the absence of an approved plan and
22 procedure, the authorized rate for breeders' and stallion
23 awards is 15 percent of the announced gross purse for each
24 race. Such purse must include nomination fees, eligibility
25 fees, starting fees, supplementary fees, and moneys added by
26 the sponsor of the race. If the funds in the account for
27 payment of breeders' and stallion awards are not sufficient to
28 meet all earned breeders' and stallion awards, those breeders
29 and stallion owners not receiving payments have first call on
30 any subsequent receipts in that or any subsequent year.

31

1 (i)~~(h)~~ The Florida Thoroughbred Breeders' Association
2 shall keep accurate records showing receipts and disbursements
3 of such payments and shall annually file a full and complete
4 report to the division showing such receipts and disbursements
5 and the sums withheld for administration. The division may
6 audit the records and accounts of the Florida Thoroughbred
7 Breeders' Association to determine that payments have been
8 made to eligible breeders and stallion owners in accordance
9 with this section.

10 (j)~~(i)~~ If the division finds that the Florida
11 Thoroughbred Breeders' Association has not complied with any
12 provision of this section, the division may order the
13 association to cease and desist from receiving funds and
14 administering funds received under this section. If the
15 division enters such an order, the permitholder shall make the
16 payments authorized in this section to the division for
17 deposit into the Pari-mutuel Wagering Trust Fund; and any
18 funds in the Florida Thoroughbred Breeders' Association
19 account shall be immediately paid to the Division of
20 Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering
21 Trust Fund. The division shall authorize payment from these
22 funds to any breeder or stallion owner entitled to an award
23 that has not been previously paid by the Florida Thoroughbred
24 Breeders' Association in accordance with the applicable rate.

25 Section 30. Paragraph (a) of subsection (6) of section
26 550.3551, Florida Statutes, is amended to read:

27 550.3551 Transmission of racing and jai alai
28 information; commingling of pari-mutuel pools.--

29 (6)(a) A maximum of 20 percent of the total number of
30 races on which wagers are accepted by a greyhound permitholder
31 not located as specified in s. 550.615(6) may be received from

1 | locations outside this state. A permitholder may not conduct
2 | fewer than eight live races or games on any authorized race
3 | day except as provided in this subsection. A thoroughbred
4 | permitholder may not conduct fewer than eight live races on
5 | any race day without the written approval of the Florida
6 | Thoroughbred Breeders' Association and the Florida Horsemen's
7 | Benevolent and Protective Association, Inc. ~~horsemen's group~~
8 | ~~representing the majority of thoroughbred racehorse owners and~~
9 | ~~trainers in this state.~~ A harness permitholder may conduct
10 | fewer than eight live races on any authorized race day, except
11 | that such permitholder must conduct a full schedule of live
12 | racing during its race meet consisting of at least eight live
13 | races per authorized race day for at least 100 days. Any
14 | harness horse permitholder that during the preceding racing
15 | season conducted a full schedule of live racing may, at any
16 | time during its current race meet, receive full-card
17 | broadcasts of harness horse races conducted at harness
18 | racetracks outside this state at the harness track of the
19 | permitholder and accept wagers on such harness races. With
20 | specific authorization from the division for special racing
21 | events, a permitholder may conduct fewer than eight live races
22 | or games when the permitholder also broadcasts out-of-state
23 | races or games. The division may not grant more than two such
24 | exceptions a year for a permitholder in any 12-month period,
25 | and those two exceptions may not be consecutive.

26 | Section 31. Subsections (1) and (4) of section
27 | 550.6308, Florida Statutes, are amended, and subsection (5) is
28 | added to that section, to read:

29 | 550.6308 Limited intertrack wagering license.--In
30 | recognition of the economic importance of the thoroughbred
31 | breeding industry to this state, its positive impact on

1 | tourism, and of the importance of a permanent thoroughbred
2 | sales facility as a key focal point for the activities of the
3 | industry, a limited license to conduct intertrack wagering is
4 | established to ensure the continued viability and public
5 | interest in thoroughbred breeding in Florida.

6 | (1) Upon application to the division on or before
7 | January 31 of each year, any person that is licensed to
8 | conduct public sales of thoroughbred horses pursuant to s.
9 | 535.01, that has conducted at least 15 days of thoroughbred
10 | horse sales at a permanent sales facility in this state for at
11 | least 3 consecutive years, and that has conducted at least 1
12 | day of nonwagering thoroughbred racing in this state, with a
13 | purse structure of at least \$250,000 per year for 2
14 | consecutive years before such application, shall be issued a
15 | license, subject to the conditions set forth in this section,
16 | to conduct intertrack wagering at such a permanent sales
17 | facility during the following periods:~~for thoroughbred racing~~
18 | ~~for~~

19 | (a) Up to 21 days in connection with thoroughbred
20 | sales; ~~to conduct intertrack wagering at such permanent sales~~
21 | ~~facility~~

22 | (b) Between November 1 and May 8; ~~to conduct~~
23 | ~~intertrack wagering at such permanent sales facility~~

24 | (c) Between May 9 and October 31 at such times and on
25 | such days as any thoroughbred, jai alai, or a greyhound
26 | permitholder in the same county is not conducting live
27 | performances; provided that any such permitholder may waive
28 | this requirement, in whole or in part, and allow the licensee
29 | under this section to conduct intertrack wagering during one
30 | or more of the permitholder's live performances; and, ~~and to~~
31 |

1 ~~conduct intertrack wagering under the provisions of this~~
2 ~~subsection~~

3 (d) During the weekend of the Kentucky Derby, the
4 Preakness, the Belmont, and a Breeders' Cup Meet that is
5 conducted before November 1 and after May 8., ~~subject to~~
6 ~~conditions set forth in this section but~~

7
8 No more than one such license may be issued, and no such
9 license may be issued for a facility located within 50 miles
10 of any thoroughbred permitholder's track.

11 (4) Intertrack wagering under this section may be
12 conducted only on thoroughbred horse racing, except that
13 intertrack wagering may be conducted on any class of
14 pari-mutuel race or game conducted by any class of
15 permitholders licensed under this chapter if all thoroughbred,
16 jai alai, and greyhound permitholders in the same county as
17 the licensee under this section give their consent.

18 (5) The licensee shall be considered a guest track
19 under this chapter. The licensee shall pay 2.5 percent of the
20 total contributions to the daily pari-mutuel pool on wagers
21 accepted at the licensee's facility on greyhound races or jai
22 alai games to the thoroughbred permitholder that is conducting
23 live races for purses to be paid during its current racing
24 meet. If more than one thoroughbred permitholder is conducting
25 live races on a day during which the licensee is conducting
26 intertrack wagering on greyhound races or jai alai games, the
27 licensee shall allocate these funds between the operating
28 thoroughbred permitholders on a prorata basis based on the
29 total live handle at the operating permitholders' facilities.

30 Section 32. Section 550.74, Florida Statutes, is
31 created to read:

1 550.74 Admissions and sales tax.--A tax may not be
2 levied on programs, parking, or admissions under this chapter
3 or chapter 212 for events permitted or licensed and conducted
4 pursuant to this chapter.

5 Section 33. Subsection (7) of section 773.01, Florida
6 Statutes, is amended to read:

7 773.01 Definitions.--As used in ss. 773.01-773.05:

8 (7) "Participant" means any person, whether amateur or
9 professional, who engages in or any equine that participates
10 in an equine activity, whether or not a fee is paid to
11 participate in the equine activity.

12 Section 34. Subsection (1) of section 773.03, Florida
13 Statutes, is amended to read:

14 773.03 Limitation on liability for equine activity;
15 exceptions.--

16 (1) This section applies ~~shall not apply~~ to the
17 horseracing industry as defined in chapter 550.

18 Section 35. Interstate Compact on Licensure of
19 Participants in Pari-mutuel Wagering.--There is created the
20 Interstate Compact on Licensure of Participants in Pari-mutuel
21 Wagering.

22 Section 36. Purposes.--The purposes of this compact
23 are to:

24 (1) Establish uniform requirements among the party
25 states for the licensing of participants with pari-mutuel
26 wagering, and ensure that all licensed participants meet a
27 uniform minimum standard of honesty and integrity.

28 (2) Facilitate the growth of the pari-mutuel wagering
29 industry in each party state and nationwide by simplifying the
30 process for licensing participants in pari-mutuel wagering,
31 and reduce the duplicative and costly process of separate

1 licensing by the regulatory agency in each state that conducts
2 pari-mutuel wagering.

3 (3) Authorize the Department of Business and
4 Professional Regulation to participate in this compact.

5 (4) Provide for participation in this compact by
6 officials of the party states, and permit those officials,
7 through the compact committee established by this compact, to
8 enter into contracts with governmental agencies and
9 nongovernmental persons to carry out the purposes of this
10 compact.

11 (5) Establish the compact committee created by this
12 compact as an interstate governmental entity duly authorized
13 to request and receive criminal-history record information
14 from the Federal Bureau of Investigation and other state and
15 local law enforcement agencies.

16 Section 37. Definitions.--As used in this compact, the
17 term:

18 (1) "Compact committee" means the organization of
19 officials from the party states which is authorized and
20 empowered to carry out the purposes of this compact.

21 (2) "Official" means the appointed, elected,
22 designated, or otherwise duly selected member of a racing
23 commission, or the equivalent thereof, in a party state who
24 represents that party state as a member of the compact
25 committee.

26 (3) "Participants in pari-mutuel wagering" means
27 participants in horseracing, greyhound racing, and jai alai
28 games with pari-mutuel wagering in the party states.

29 (4) "Party state" means each state that has enacted
30 this compact.

31

1 (5) "State" means each of the several states of the
2 United States, the District of Columbia, the Commonwealth of
3 Puerto Rico, and each territory or possession of the United
4 States.

5 Section 38. Entry into force.--This compact shall come
6 into force when enacted by any four states. Thereafter, this
7 compact shall become effective in any other state upon that
8 state's enactment of this compact and upon the affirmative
9 vote of a majority of the officials on the compact committee
10 as provided in section 43.

11 Section 39. States eligible to join compact.--Any
12 state that has adopted or authorized pari-mutuel wagering
13 shall be eligible to become a party to this compact.

14 Section 40. Withdrawal from compact; impact on force
15 and effect.--

16 (1) Any party state may withdraw from this compact by
17 enacting a statute repealing this compact, but such a
18 withdrawal becomes effective only when the head of the
19 executive branch of the withdrawing party state has given
20 written notice of the withdrawal to the heads of the executive
21 branch of all other party states.

22 (2) If, as a result of withdrawals, participation in
23 this compact decreases to fewer than three party states, this
24 compact shall no longer be in force and effect until
25 participation in this compact increases to three or more party
26 states.

27 Section 41. Compact committee.--

28 (1) There is created an interstate governmental entity
29 to be known as the "compact committee," which shall be
30 composed of one official from the racing commission, or the
31 equivalent thereof, in each party state who shall be

1 appointed, serve, and be subject to removal in accordance with
2 the laws of the party state that she or he represents. The
3 official from Florida shall be appointed by the Secretary of
4 Business and Professional Regulation. Pursuant to the laws of
5 her or his party state, each official shall have the
6 assistance of her or his state's racing commission, or the
7 equivalent thereof, in considering issues related to licensing
8 of participants in pari-mutuel wagering and in fulfilling her
9 or his responsibilities as the representative from her or his
10 state to the compact committee.

11 (2) If an official is unable to perform any of her or
12 his duties as a member of the compact committee, the racing
13 commission, or the equivalent thereof, from her or his state
14 shall designate another of its members as an alternate who
15 shall serve in her or his place and represent the party state
16 as its official on the compact committee, until that racing
17 commission, or the equivalent thereof, determines that the
18 original representative official is once again able to perform
19 her or his duties as that party state's representative
20 official on the compact committee. The designation of an
21 alternate shall be communicated by the affected state's racing
22 commission, or the equivalent thereof, to the compact
23 committee as the committee's bylaws provide.

24 Section 42. Powers and duties of compact
25 committee.--In order to carry out the purposes of this
26 compact, the compact committee has the power and duty to:

27 (1)(a) Determine which categories of participants in
28 pari-mutuel wagering, including, but not limited to, owners,
29 trainers, jockeys, jai alai players, drivers, grooms, mutuel
30 clerks, racing officials, veterinarians, and farriers, should
31 be licensed by the committee, and to establish the

1 requirements for the initial licensure of applicants in each
2 category, the term of the license for each category, and the
3 requirements for renewal of licenses in each category.

4 (b) With regard to requests for criminal-history
5 record information on each applicant for a license, and with
6 regard to the effect of a criminal record on the issuance or
7 renewal of a license, determine for each category of
8 participants in pari-mutuel wagering which licensure
9 requirements for that category are, in its judgment, the
10 most-restrictive licensure requirements of any party state for
11 that category and to adopt licensure requirements for that
12 category which are, in its judgment, comparable to those
13 most-restrictive requirements.

14 (2) Investigate applicants for licensure by the
15 compact committee and, as permitted by federal and state law,
16 gather information on such applicants, including
17 criminal-history record information from the Federal Bureau of
18 Investigation and relevant state and local law enforcement
19 agencies, and, where appropriate, from the Royal Canadian
20 Mounted Police and law enforcement agencies of other
21 countries, which is necessary to determine whether a license
22 should be issued under the licensure requirements established
23 by the committee under subsection (1). The fingerprints of
24 each applicant for licensure by the compact committee shall be
25 taken by the compact committee, its employees, or its
26 designee, and, pursuant to Pub. L. No. 92-544 or Pub. L. No.
27 100-413, shall be forwarded to a state identification bureau
28 or to the Association of Racing Commissioners International,
29 Inc., for submission to the Federal Bureau of Investigation
30 for a criminal-history record check. Such fingerprints may be
31 submitted on a fingerprint card or by electronic or other

1 means authorized by the Federal Bureau of Investigation or
2 other receiving law enforcement agency.

3 (3) Issue licenses to, and renew the licenses of,
4 participants in pari-mutuel wagering who are found by the
5 committee to have met the licensure and renewal requirements
6 established by the committee under subsection (1). The compact
7 committee shall not have the power or authority to deny a
8 license. If the compact committee determines that an
9 applicant is not eligible for the issuance or renewal of a
10 compact committee license, the compact committee shall notify
11 the applicant that her or his application will not be
12 processed further. Such notification does not constitute and
13 shall not be considered to be the denial of a license. Any
14 such applicant shall have the right to present additional
15 evidence to, and be heard by, the compact committee, but the
16 final decision on issuance or renewal of the license shall be
17 made by the compact committee using the requirements
18 established under subsection (1).

19 (4) Enter into contracts or agreements with
20 governmental agencies and nongovernmental persons to provide
21 personal services for its activities and such other services
22 as are necessary to effectuate the purposes of this compact.

23 (5) Create, appoint, and abolish those offices,
24 employments, and positions, including that of executive
25 director, that it considers necessary for the purposes of this
26 compact; prescribe the powers, duties, and qualifications of,
27 and hire persons to fill, such offices, employments, and
28 positions; and provide for the removal, term, tenure,
29 compensation, fringe benefits, retirement benefits, and other
30 conditions of employment of persons filling such offices,
31 employments, and positions.

1 (6) Borrow, accept, or contract for the services of
2 personnel from any state, the United States, or any other
3 governmental agency, or from any person, firm, association,
4 corporation, or other entity.

5 (7) Acquire, hold, and dispose of real and personal
6 property by gift, purchase, lease, or license, or in other
7 similar manner, in furtherance of the purposes of this
8 compact.

9 (8) Charge a fee to each applicant for an initial
10 license or renewal of a license.

11 (9) Receive other funds through gifts, grants, and
12 appropriations.

13 Section 43. Voting requirements.--

14 (1) Each member of the compact committee is entitled
15 to one vote.

16 (2) All action taken by the compact committee with
17 regard to the addition of party states, the licensure of
18 participants in pari-mutuel wagering, and the receipt and
19 disbursement of funds requires a majority vote of the members
20 of the compact committee or their alternates. All other action
21 by the compact committee requires a majority vote of the
22 members present or their alternates.

23 (3) The compact committee may not take any action
24 unless a quorum is present. A majority of the members of the
25 compact committee or their alternates constitutes a quorum.

26 Section 44. Administration and management.--

27 (1) The compact committee shall elect annually from
28 among its members a chairperson, a vice chairperson, and a
29 secretary/treasurer.

30 (2) The compact committee shall adopt bylaws for the
31 conduct of its business by a two-thirds vote of the members of

1 the committee or their alternates and may, by the same vote,
2 amend and rescind these bylaws. The compact committee shall
3 publish its bylaws in convenient form and shall file a copy
4 thereof and a copy of any amendments thereto with the
5 Secretary of State or equivalent agency of each of the party
6 states.

7 (3) The compact committee may delegate the day-to-day
8 management and administration of its duties and
9 responsibilities to an executive director and her or his
10 support staff.

11 (4) Employees of the compact committee shall be
12 considered governmental employees.

13 Section 45. Immunity from liability for performance of
14 official responsibilities and duties.--A member or employee of
15 the compact committee may not be held personally liable for
16 any good-faith act or omission that occurs during the
17 performance and within the scope of her or his
18 responsibilities and duties under this compact.

19 Section 46. Rights and responsibilities of each party
20 state.--

21 (1) By enacting this compact, each party state:

22 (a) Agrees to:

23 1. Accept the decisions of the compact committee
24 regarding the issuance of compact committee licenses to
25 participants in pari-mutuel wagering pursuant to the
26 committee's licensure requirements.

27 2. Reimburse or otherwise pay the expenses of its
28 official representative on the compact committee or her or his
29 alternate.

30 (b) Agrees not to treat a notification to an applicant
31 by the compact committee described in subsection (3) of

1 section 42 as the denial of a license, or to penalize such an
2 applicant in any other way based solely on such a decision by
3 the compact committee.

4 (c) Reserves the right to:

5 1. Apply its own standards in determining whether, on
6 the facts of a particular case, a compact committee license
7 should be suspended or revoked. Any party state that suspends
8 or revokes a compact committee license shall, through its
9 racing commission or the equivalent thereof, or otherwise,
10 promptly notify the compact committee of that suspension or
11 revocation.

12 2. Apply its own standards in determining licensure
13 eligibility, under the laws of that party state, for
14 categories of participants in pari-mutuel wagering which the
15 compact committee decides not to license and for individual
16 participants in pari-mutuel wagering who do not meet the
17 licensure requirements of the compact committee.

18 3. Establish its own licensure standards for those who
19 are not covered by the compact committee license.

20 (2) A party state may not be held liable for the debts
21 or other financial obligations incurred by the compact
22 committee.

23 Section 47. Construction and severability.--

24 (1) This compact shall be liberally construed so as to
25 effectuate its purposes. The provisions of this compact shall
26 be severable, and, if any phrase, clause, sentence, or
27 provision of this compact is declared to be contrary to the
28 Constitution of the United States or of any party state, or if
29 the applicability of this compact to any government, agency,
30 person, or circumstance is held invalid, the validity of the
31 remainder of this compact and the applicability thereof to any

1 government, agency, person, or circumstance shall not be
2 affected thereby.
3 (2) If all or some portion of this compact is held to
4 be contrary to the constitution of any party state, the
5 compact shall remain in full force and effect as to the
6 remaining party states and in full force and effect as to the
7 state affected as to all severable matters.
8 Section 48. Paragraph (a) of subsection (2) of section
9 550.0951, subsections (10), (11), and (12) of section
10 550.2415, and subsection (9) of section 550.615, Florida
11 Statutes, are repealed.
12 Section 49. Except as otherwise expressly provided in
13 this act, this act shall take effect upon becoming a law.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2324

4 The Committee Substitute for Senate Bill 2324:

- 5 - Transfers the Pari-Mutuel Wagering Trust Fund's
6 \$29,515,500 county obligation to the General Revenue;
- 7 - Provides specific tax reductions benefiting the
8 greyhound racing, horse racing, and jai alai industries;
- 9 - Expands tax credit transfer provisions for greyhound
10 permitholders to apply to all parimutuel taxes and the
11 daily license fee and to be transferrable to the
12 intertrack wagering host;
- 13 - Provides for retention by the greyhound permitholder of
14 money or other property represented by any unclaimed,
15 uncashed, or abandoned pari-mutuel tickets from live and
16 simulcast races;
- 17 - Clarifies that the three greyhound tracks in the
18 Jacksonville market area can all conduct intertrack
19 wagering, even if live racing is not conducted at each
20 of the facilities;
- 21 - Provides for relocation of jai alai permittees within a
22 county in the same manner as is currently provided for
23 the relocation of greyhound dogracing permittees;
- 24 - Provides that escheated funds from any live jai alai
25 games will be paid to the National Association of Jai
26 Alai Frontons to be used for the general promotion of
27 the sport of jai alai;
- 28 - Allows jai alai permitholders to lease jai alai
29 facilities within a 35-mile radius for jai alai games;
- 30 - Allows a jai alai permitholder to conduct two additional
31 charity performances to benefit retired jai alai
32 players;
- 33 - Provides additional specific tax credits in connection
34 with the Breeders' Cup Meet;
- 35 - Expands Ocala Breeders' intertrack wagering capability
36 upon the consent of pari-mutuel permitholders, specifies
37 that Ocala Breeders is considered a guest track, and
38 sets out payment provisions to the permitholders
39 conducting live races or games;
- 40 - Provides that thoroughbred permitholders are entitled to
41 a tax credit equal to the amount of the contributions
42 made to the Jockeys Guild or its Health and Welfare Fund
43 not to exceed 2% of total pari-mutuel taxes paid the
44 prior year;
- 45 - Requires increases in purses and awards for participants
46 and breeders;

- 1 - Forgives certain tax liability that accrued under s.
2 550.09515(2)(a)2., F.S., between January 1, and the
effective date of the bill;
- 3 - Creates the "Interstate Compact on Licensure of
4 Participants in Pari-Mutuel Wagering," which is designed
to establish uniform requirements among states for the
5 licensing of pari-mutuel wagering participants, to
provide reciprocity among states in recognizing permits,
6 and to ensure that all licensed participants meet a
uniform standard of honesty and integrity;
- 7 - Creates license categories for individuals participating
8 in pari-mutuel wagering; and
- 9 - Provides that no sales and use tax will be levied on
10 programs or parking, and no admissions tax will be
collected for pari-mutuel events.
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31