

By the Committees on Fiscal Resource, Regulated Industries and Senator Lee

314-2216-00

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; amending s.
20 550.1645, F.S., to conform; creating s.
21 550.1647, F.S.; providing for payments and
22 credits concerning unclaimed pari-mutuel
23 tickets and retention of breaks by greyhound
24 permitholders; amending s. 550.615, F.S.,
25 relating to intertrack wagering and leased
26 greyhound facilities; authorizing certain
27 permitholders to conduct intertrack wagering at
28 certain additional facilities; amending s.
29 550.0555, F.S.; providing legislative intent;
30 providing for the relocation of jai alai
31 permittees within a county in the same manner

1 as is currently provided for the relocation of
2 greyhound dogracing permittees within a county;
3 providing that relocation of permittees be
4 consistent with local government comprehensive
5 plan; amending s. 550.09512, F.S.; reducing the
6 tax on handle for live harness performances;
7 amending s. 550.475, F.S.; providing for
8 leasing of jai alai facilities; amending s.
9 550.625, F.S.; increasing the percentage of
10 purses for harness racing; amending s. 550.155,
11 F.S.; requiring counties to approve certain
12 capital improvements by permitholders in
13 certain situations; amending s. 550.26352,
14 F.S., relating to the Breeders' Cup Meet;
15 increasing the amount of certain tax credits
16 allowed to permitholders; deleting certain
17 limitations on broadcasts to pari-mutuel
18 facilities; authorizing the Division of
19 Pari-mutuel Wagering of the Department of
20 Business and Professional Regulation to waive
21 certain rules; amending s. 550.3551, F.S.;
22 conforming provisions; amending s. 550.6305,
23 F.S.; conforming cross-references; amending s.
24 550.002, F.S.; substituting the term "same
25 class of races, games, or permit" for the term
26 "same class of race or permit"; amending s.
27 550.0251, F.S.; providing for the Division of
28 Pari-mutuel Wagering to adopt rules for
29 wagering through a pari-mutuel wagering pool;
30 amending s. 550.0351, F.S.; increasing the
31 number of charity performances per fiscal year

1 which a jai alai permitholder may conduct;
2 amending s. 550.105, F.S.; revising provisions
3 relating to licenses for persons or entities
4 with access to certain areas of racetracks and
5 frontons; amending s. 550.24055, F.S.; amending
6 standards used in testing certain licensees to
7 determine whether they have abused alcoholic
8 beverages; amending s. 550.2614, F.S.;
9 substantially amending provisions relating to
10 horsemen's association membership and
11 responsibilities; providing for the use of
12 specified funds from the purse pool to provide
13 financial assistance to certain thoroughbred
14 racing personnel and their spouses and
15 children; amending s. 550.26165, F.S.;
16 providing for breeders' awards and stallion
17 awards; providing for certain moneys to be
18 returned to the permitholders that generated
19 the money, in accordance with a plan to be
20 established annually by specified entities;
21 amending s. 550.2625, F.S.; amending minimum
22 purse requirements for horseracing
23 permitholders; amending criteria for the
24 payment of breeders' awards and stallion
25 awards; amending s. 550.3551, F.S.; requiring
26 the written approval of the Florida Horsemen's
27 Benevolent and Protective Association, Inc.,
28 before a thoroughbred permitholder may conduct
29 fewer than eight live races on any race day;
30 amending s. 550.6308, F.S.; amending provisions
31 relating to limited intertrack wagering

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

1 to the compact; providing for construction and
2 severability of provisions of the compact;
3 repealing s. 550.0951(2)(a), F.S., relating to
4 an admission tax imposed on each attendee at a
5 horserace, dograce, or jai alai game; repealing
6 s. 550.2415(10), (11), (12), F.S., relating to
7 postmortem examinations of injured animals that
8 subsequently die or are destroyed; repealing s.
9 550.615(9), F.S., relating to limited
10 intertrack wagering license; providing
11 effective dates.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (6) of section 212.20, Florida
16 Statutes, is amended to read:

17 212.20 Funds collected, disposition; additional powers
18 of department; operational expense; refund of taxes
19 adjudicated unconstitutionally collected.--

20 (6) Distribution of all proceeds under this chapter
21 shall be as follows:

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

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

28 (c) Proceeds from the tax imposed pursuant to s.
29 212.06(5)(a)2. shall be reallocated to the Mail Order Sales
30 Tax Clearing Trust Fund.

31

1 (d) Proceeds from the fee imposed pursuant to s.
2 212.18(5) shall be deposited in the Solid Waste Management
3 Clearing Trust Fund, which is hereby created to be used by the
4 department, and shall be subsequently transferred to the State
5 Treasurer to be deposited into the Solid Waste Management
6 Trust Fund.

7 (e) Proceeds from the fees imposed under ss.
8 212.05(1)(i)3. and 212.18(3) shall remain with the General
9 Revenue Fund.

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

12 1. In any fiscal year, the greater of \$500 million,
13 minus an amount equal to 4.6 percent of the proceeds of the
14 taxes collected pursuant to chapter 201, or 5 percent of all
15 other taxes and fees imposed pursuant to this chapter shall be
16 deposited in monthly installments into the General Revenue
17 Fund.

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

20 3. After the distribution under subparagraphs 1. and
21 2., 9.653 percent of the amount remitted by a sales tax dealer
22 located within a participating county pursuant to s. 218.61
23 shall be transferred into the Local Government Half-cent Sales
24 Tax Clearing Trust Fund.

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

29 5. Of the remaining proceeds:

30 a. Beginning July 1, 2000, and in each fiscal year
31 thereafter, the sum of \$29,915,500 shall be divided into as

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

22 b.a. Beginning July 1, 1992, \$166,667 shall be
23 distributed monthly by the department to each applicant that
24 has been certified as a "facility for a new professional
25 sports franchise" or a "facility for a retained professional
26 sports franchise" pursuant to s. 288.1162 and \$41,667 shall be
27 distributed monthly by the department to each applicant that
28 has been certified as a "new spring training franchise
29 facility" pursuant to s. 288.1162. Distributions shall begin
30 60 days following such certification and shall continue for 30
31 years. Nothing contained herein shall be construed to allow an

1 applicant certified pursuant to s. 288.1162 to receive more in
2 distributions than actually expended by the applicant for the
3 public purposes provided for in s. 288.1162(7). However, a
4 certified applicant shall receive distributions up to the
5 maximum amount allowable and undistributed under this section
6 for additional renovations and improvements to the facility
7 for the franchise without additional certification.

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

14 ~~d.e.~~ Beginning 30 days after notice by the Department
15 of Commerce to the Department of Revenue that the applicant
16 has been certified as the International Game Fish Association
17 World Center facility pursuant to s. 288.1169, and the
18 facility is open to the public, \$83,333 shall be distributed
19 monthly, for up to 180 months, to the applicant. This
20 distribution is subject to reduction pursuant to s. 288.1169.

21 6. All other proceeds shall remain with the General
22 Revenue Fund.

23 Section 2. Subsection (8) of section 550.01215 is
24 repealed.

25 Section 3. Section 550.135, Florida Statutes, is
26 amended to read:

27 550.135 Division of moneys derived under this
28 law.--All moneys that are deposited with the Treasurer to the
29 credit of the Pari-mutuel Wagering Trust Fund shall be
30 distributed as follows ~~in the following proportions, in the~~
31 ~~manner and at the times specified in this section:~~

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

12 ~~(2) The distribution among the several counties~~
13 ~~provided for in subsection (1) shall begin each fiscal year on~~
14 ~~or before January 5 and shall continue monthly for a total of~~
15 ~~4 months. If during the fiscal year the sums available for~~
16 ~~distribution to the counties is not sufficient to make the~~
17 ~~scheduled distributions, the division shall immediately~~
18 ~~transfer to the Pari-mutuel Wagering Trust Fund from deposits~~
19 ~~made by the division to the General Revenue Fund during that~~
20 ~~fiscal year, the sums required to make the distributions. If~~
21 ~~on April 5 the sums distributed to the counties do not equal~~
22 ~~the maximum sum to be distributed, the division shall~~
23 ~~immediately transfer to the Pari-mutuel Wagering Trust Fund,~~
24 ~~from deposits made by the division to the General Revenue Fund~~
25 ~~during that fiscal year, the sums required to pay each county~~
26 ~~the sum entitled and shall make such payments on or before the~~
27 ~~end of that fiscal year. The Comptroller is appointed as the~~
28 ~~agent of the division to make the distribution to the counties~~
29 ~~and to make transfers as may be required by this section.~~

30 (1)(3) The daily license fee revenues collected
31 pursuant to s. 550.0951(1) shall be used to fund the operating

1 cost of the division and to provide a proportionate share of
2 the operation of the office of the secretary and the Division
3 of Administration of the Department of Business and
4 Professional Regulation; however, other collections in the
5 Pari-mutuel Wagering Trust Fund, ~~after the payments required~~
6 ~~by subsections (1) and (2),~~ may also be used to fund the
7 operation of the division in accordance with authorized
8 appropriations.

9 ~~(2)(4) After payments to the counties have been~~
10 ~~completed as provided in subsections (1) and (2),~~ All
11 unappropriated funds in excess of \$2 million in the
12 Pari-mutuel Wagering Trust Fund shall be deposited to the
13 Treasurer to the credit of the General Revenue Fund ~~as~~
14 ~~provided in subsection (1).~~

15 ~~(5) If a local or special law requires that any moneys~~
16 ~~accruing to a county under this chapter, the same being~~
17 ~~division funds, be paid to the Treasurer of the state, as ex~~
18 ~~officio treasurer of the teachers' salary fund, to the credit~~
19 ~~of a district school board, those moneys shall be paid~~
20 ~~directly to the district school board.~~

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

24 550.0951 Payment of daily license fee and taxes.--

25 (1)(a) DAILY LICENSE FEE.--Each person engaged in the
26 business of conducting race meetings or jai alai games under
27 this chapter, hereinafter referred to as the "permitholder,"
28 "licensee," or "permittee," shall pay to the division, for the
29 use of the division, a daily license fee on each live or
30 simulcast pari-mutuel event of \$100 for each horserace and \$80
31 for each dograce and \$40 for each jai alai game conducted at a

1 racetrack or fronton licensed under this chapter. ~~Effective~~
2 ~~October 1, 1996,~~In addition to the tax exemption specified in
3 s. 550.09514(1) of \$360,000 or \$500,000 per greyhound
4 permitholder per state fiscal year, each greyhound
5 permitholder shall receive in the current state fiscal year a
6 tax credit equal to the number of live greyhound races
7 conducted in the previous state fiscal year times the daily
8 license fee specified for each dograce in this subsection
9 applicable for the previous state fiscal year. This tax
10 credit and the exemption in s. 550.09514(1) shall be
11 applicable to any the tax imposed by this chapter or the daily
12 license fees imposed by this chapter ~~on live handle under~~
13 ~~subsection (3)~~except during any charity or scholarship
14 performances conducted pursuant to s. 550.0351. ~~Effective~~
15 ~~October 1, 1996,~~Each permitholder shall pay daily license
16 fees not to exceed \$500 per day on any simulcast races or
17 games on which such permitholder accepts wagers regardless of
18 the number of out-of-state events taken or the number of
19 out-of-state locations from which such events are taken. This
20 license fee shall be deposited with the Treasurer to the
21 credit of the Pari-mutuel Wagering Trust Fund.

22 (b) Each permitholder that ~~authorized a maximum tax~~
23 ~~savings of \$500,000 per state fiscal year pursuant to s.~~
24 ~~550.09514(1) or the greyhound permitholder that had the lowest~~
25 ~~live handle during the preceding state fiscal year, which~~
26 cannot utilize the full amount of the exemption of \$360,000 or
27 \$500,000 provided in s. 550.09514(1) or the daily license fee
28 credit provided in this section,may, after notifying the
29 division in writing, elect once per state fiscal year on a
30 form provided by the division to transfer such exemption or
31 credit or any portion thereof to any greyhound permitholder

1 | which acts as a host track to such permitholder for the
2 | purpose of intertrack wagering. Once an election to transfer
3 | such exemption or credit is filed with the division it shall
4 | not be rescinded. The division shall disapprove the ~~credit~~
5 | transfer when the amount of the exemption or credit or portion
6 | thereof is unavailable to the transferring permitholder or
7 | when the permitholder, who is entitled to transfer the
8 | exemption or credit or who is entitled to receive the
9 | exemption or credit, owes taxes to the state pursuant to a
10 | deficiency letter or administrative complaint issued by the
11 | division. Upon approval of the transfer by the division, the
12 | transferred tax exemption or credit shall be effective for the
13 | first performance of the next biweekly pay period as specified
14 | in subsection (5). The exemption or ~~daily license fee~~ credit
15 | transferred to such host track may be applied by such host
16 | track against any its taxes imposed by this chapter or daily
17 | license fees imposed by this chapter ~~on live racing as~~
18 | ~~provided in this subsection~~. The greyhound permitholder host
19 | track to which such exemption or ~~daily license fee~~ credit is
20 | transferred shall reimburse such permitholder the exact
21 | monetary value of such transferred exemption or credit as
22 | actually applied against the taxes and daily license fees of
23 | the host track. The division shall ensure that all transfers
24 | of exemption or credit are made in accordance with this
25 | subsection and shall have the authority to adopt rules to
26 | ensure the implementation of this section.

27 | (3) TAX ON HANDLE.--Each permitholder shall pay a tax
28 | on contributions to pari-mutuel pools, the aggregate of which
29 | is hereinafter referred to as "handle," on races or games
30 | conducted by the permitholder. The tax is imposed daily and is
31 | based on the total contributions to all pari-mutuel pools

1 conducted during the daily performance. If a permitholder
2 conducts more than one performance daily, the tax is imposed
3 on each performance separately.

4 (a) The tax on handle for ~~thoroughbred horse racing,~~
5 ~~harness horse racing, and~~ quarter horse racing is 1.0 ~~3.3~~
6 percent of the handle.

7 (b)1. The tax on handle for dogracing is 5.6 ~~7.6~~
8 percent of the handle, except that for live charity
9 performances held pursuant to s. 550.0351, and for intertrack
10 wagering on such charity performances at a guest greyhound
11 track within the market area of the host, the tax is 7.6
12 percent of the handle.~~and~~

13 2. The tax on handle for jai alai is 7.1 percent of
14 the handle.

15 (c)1. The tax on handle for intertrack wagering is 1.5
16 ~~3.3~~ percent of the handle if the host track is a horse track,
17 3.3 percent if the host track is a harness track, 5.6 ~~7.6~~
18 percent if the host track is a dog track, and 7.1 percent if
19 the host track is a jai alai fronton. The tax on handle for
20 intertrack wagering is 0.5 percent if the host track and the
21 guest track are thoroughbred permitholders.The tax on handle
22 for intertrack wagering on rebroadcasts of simulcast
23 horseraces is 2.4 percent of the handle and 1.25 percent of
24 the handle if the permitholder is a harness track. The tax
25 shall be deposited into the Pari-mutuel Wagering Trust ~~General~~
26 ~~Revenue~~ Fund.

27 2. ~~Effective October 1, 1996,~~The tax on handle for
28 intertrack wagers accepted by any dog track located in an area
29 of the state in which there are only three permitholders, all
30 of which are greyhound permitholders, located in three
31 contiguous counties, from any greyhound permitholder also

1 located within such area or any dog track or jai alai fronton
2 located as specified in s. 550.615(6) or (9)~~(8)~~, on races or
3 games received from the same class of permitholder located
4 within the same market area is 4 ~~6~~ percent if the host
5 facility is a greyhound permitholder and, if the host facility
6 is a jai alai permitholder, the rate shall be 6.1 percent
7 except that it shall be 2.3 percent on handle at such time as
8 the total tax on intertrack handle paid to the division by the
9 permitholder during the current state fiscal year exceeds the
10 total tax on intertrack handle paid to the division by the
11 permitholder during the 1992-1993 state fiscal year.

12 ~~3. Any guest track that imposes a surcharge on each~~
13 ~~winning ticket cashed pursuant to s. 550.6335 shall pay an~~
14 ~~additional tax equal to 5 percent of the surcharge so imposed.~~
15 ~~Any taxes so imposed shall be deposited into the General~~
16 ~~Revenue Fund.~~

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

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

24 (5) PAYMENT AND DISPOSITION OF FEES AND
25 TAXES.--Payment for the admission tax, tax on handle, and the
26 breaks tax imposed by this section shall be paid to the
27 division. The division shall deposit these sums with the
28 Treasurer, to the credit of ~~one-half being credited to the~~
29 ~~Pari-mutuel Wagering Trust Fund, hereby established, and~~
30 ~~one-half being credited to the General Revenue Fund.~~ The
31 permitholder shall remit to the division payment for the daily

1 license fee, the admission tax, the tax on handle, and the
2 breaks tax. Such payments shall be remitted by ~~3 p.m. Friday~~
3 ~~of each week for taxes and fees imposed and collected for the~~
4 ~~preceding Sunday, Monday, and Tuesday, and by 3 p.m. Wednesday~~
5 of each week for taxes imposed and collected for the preceding
6 week ending on Sunday ~~Wednesday, Thursday, Friday, and~~
7 ~~Saturday~~. Permitholders shall file a report under oath by the
8 5th day of each calendar month for all taxes remitted during
9 the preceding calendar month. Such payments shall be
10 accompanied by a report under oath showing the total of all
11 admissions, the pari-mutuel wagering activities for the
12 preceding calendar month, and such other information as may be
13 prescribed by the division.

14 (6) PENALTIES.--

15 (b) In addition to the civil penalty prescribed in
16 paragraph (a), any willful or wanton failure by any
17 permitholder to make payments of the daily license fee,
18 admission tax, tax on handle, or breaks tax,~~or surtax~~
19 constitutes sufficient grounds for the division to suspend or
20 revoke the license of the permitholder, to cancel the permit
21 of the permitholder, or to deny issuance of any further
22 license or permit to the permitholder.

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

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

30 550.09514 Greyhound dogracing taxes; purse
31 requirements.--

1 (1) ~~Notwithstanding the provisions of s.~~
2 ~~550.0951(3)(b)~~, Wagering on greyhound racing is subject to a
3 tax on handle for live greyhound racing as specified in s.
4 550.0951(3) ~~at the rate of 7.6 percent of handle. However,~~
5 each permitholder shall pay no ~~the~~ tax on live or market area
6 greyhound intertrack wagering ~~handle in excess of \$100,000 per~~
7 ~~performance~~ until such time as this subsection has resulted in
8 a tax savings per state fiscal year of \$360,000. Thereafter,
9 each permitholder shall pay the tax as specified in s.
10 550.0951(3) ~~provided in this subsection~~ on all handle for the
11 remainder of the permitholder's current race meet, and the tax
12 must be calculated and commence beginning the day after the
13 biweekly period in which the permitholder reaches the maximum
14 tax savings per state fiscal year provided in this section.
15 For the three permitholders that ~~which~~ conducted a full
16 schedule of live racing in 1995, and are closest to another
17 state that ~~which~~ authorizes greyhound pari-mutuel wagering,
18 the maximum tax savings per state fiscal year shall be
19 \$500,000. The provisions of this subsection relating to tax
20 exemptions shall not apply to any charity or scholarship
21 performances conducted pursuant to s. 550.0351.

22 (2)(a) The division shall determine for each greyhound
23 permitholder the annual purse percentage rate of live handle
24 for the state fiscal year 1993-1994 by dividing total purses
25 paid on live handle by the permitholder, exclusive of payments
26 made from outside sources, during the 1993-1994 state fiscal
27 year by the permitholder's live handle for the 1993-1994 state
28 fiscal year. Each permitholder shall pay as purses for live
29 races conducted during its current race meet a percentage of
30 its live handle not less than the percentage determined under
31

1 this paragraph, exclusive of payments made by outside sources,
2 for its 1993-1994 state fiscal year.

3 (b)1. Except as otherwise provided herein, in addition
4 to the minimum purse percentage required by paragraph (a),
5 each permitholder shall pay as purses, for fiscal year
6 1996-1997, an amount equal to 75 percent of the permitholder's
7 tax credit pursuant to s. 550.0951(1).

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

25
26 The additional purses provided by this paragraph must be used
27 exclusively for purses other than stakes. The division shall
28 conduct audits necessary to ensure compliance with this
29 section.

30 (c)1. Each greyhound permitholder when conducting at
31 least three live performances during any week shall pay purses

1 in that week on wagers it accepts as a guest track on
2 intertrack and simulcast greyhound races at the same rate as
3 it pays on live races. Each greyhound permitholder when
4 conducting at least three live performances during any week
5 shall pay purses in that week, at the same rate as it pays on
6 live races, on wagers accepted on greyhound races at a guest
7 track which is not conducting live racing and is located
8 within the same market area as the greyhound permitholder
9 conducting at least three live performances during any week.

10 2. Each host greyhound permitholder shall pay purses
11 on its simulcast and intertrack broadcasts of greyhound races
12 to guest facilities that are located outside its market area
13 in an amount equal to one quarter of an amount determined by
14 subtracting the transmission costs of sending the simulcast or
15 intertrack broadcasts from an amount determined by adding the
16 fees received for greyhound simulcast races plus 3 percent of
17 the greyhound intertrack handle at guest facilities that are
18 located outside the market area of the host and that paid
19 contractual fees to the host for such broadcasts of greyhound
20 races.

21 (d) The division shall require sufficient
22 documentation from each greyhound permitholder regarding
23 purses paid on live racing to assure that the annual purse
24 percentage rates paid by each permitholder on the live races
25 are not reduced below those paid during the 1993-1994 state
26 fiscal year. The division shall require sufficient
27 documentation from each greyhound permitholder to assure that
28 the purses paid by each permitholder on the greyhound
29 intertrack and simulcast broadcasts are in compliance with the
30 requirements of paragraph (c).

31

1 (e) In addition to the purse requirements of
2 paragraphs (a)-(c), each greyhound permitholder shall pay as
3 purses an amount equal to one-third of the amount of the tax
4 reduction on live and simulcast handle applicable to such
5 permitholder as a result of the reductions in tax rates
6 provided by this act through the amendments to s. 550.0951(3).
7 With respect to intertrack wagering when the host and guest
8 tracks are greyhound permitholders not within the same market
9 area, an amount equal to the tax reduction applicable to the
10 guest track handle as a result of the reduction in tax rate
11 provided by this act through the amendment to s. 550.0951(3)
12 shall be distributed to the guest track, one-third of which
13 amount shall be paid as purses at the guest track. However, if
14 the guest track is a greyhound permitholder within the market
15 area of the host or if the guest track is not a greyhound
16 permitholder, an amount equal to such tax reduction applicable
17 to the guest track handle shall be retained by the host track,
18 one-third of which amount shall be paid as purses at the host
19 track. These purse funds shall be disbursed in the week
20 received if the permitholder conducts at least one live
21 performance during that week. If the permitholder does not
22 conduct at least one live performance during the week in which
23 the purse funds are received, the purse funds shall be
24 disbursed weekly during the permitholder's next race meet in
25 an amount determined by dividing the purse amount by the
26 number of performances approved for the permitholder pursuant
27 to its annual license, and multiplying that amount by the
28 number of performances conducted each week. The division shall
29 conduct audits necessary to ensure compliance with this
30 paragraph.
31

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

11 (g)~~(f)~~ Each greyhound permitholder shall make direct
12 payment of purses to the greyhound owners who have filed with
13 such permitholder appropriate federal taxpayer identification
14 information based on the percentage amount agreed upon between
15 the kennel operator and the greyhound owner.

16 (h)~~(g)~~ At the request of a majority of kennel
17 operators under contract with a greyhound permitholder, the
18 permitholder shall make deductions from purses paid to each
19 kennel operator electing such deduction and shall make a
20 direct payment of such deductions to the local association of
21 greyhound kennel operators formed by a majority of kennel
22 operators under contract with the permitholder. The amount of
23 the deduction shall be at least 1 percent of purses, as
24 determined by the local association of greyhound kennel
25 operators. No deductions may be taken pursuant to this
26 paragraph without a kennel operator's specific approval before
27 or after the effective date of this act.

28 (3) For the purpose of this section, the term "live
29 handle" means the handle from wagers placed at the
30 permitholder's establishment on the live greyhound races
31 conducted at the permitholder's establishment.

1 Section 7. Subsections (2), (5), and (6) of section
2 550.09515, Florida Statutes, are amended to read:

3 550.09515 Thoroughbred horse taxes; abandoned interest
4 in a permit for nonpayment of taxes.--

5 (2)

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

10 1. The tax on handle per performance for live
11 thoroughbred performances is 0.5 ~~2.0~~ percent of handle for
12 performances conducted during the period beginning on January
13 3 and ending March 16; 0.2 ~~20~~ percent of handle for
14 performances conducted during the period beginning March 17
15 and ending May 22; and 0.5 ~~1.25~~ percent of handle for
16 performances conducted during the period beginning May 23 and
17 ending January 2.

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

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

30 b. If, on March 31 of any year, there is no
31 permitholder holding a license for operating any one of the

1 three race periods set forth in this section or if the
2 permitholder who is licensed to operate in any period fails to
3 operate for 10 consecutive days, a permitholder already
4 licensed to operate in another period may apply for and be
5 issued a license to operate the period in question, in
6 addition to the period already licensed.

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

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

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

25 ~~4. In the event any licenses have been issued to any~~
26 ~~thoroughbred permitholders for racing dates prior to April 26,~~
27 ~~1993, then, notwithstanding the provisions of s. 550.525(2),~~
28 ~~amendments may be filed to the racing dates up to May 1, 1993.~~

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

1 (5) Notwithstanding the provisions of s.
2 550.0951(3)(c), the tax on handle for intertrack wagering on
3 rebroadcasts of simulcast horseraces is 2.4 percent of the
4 handle; provided however, that if the guest track is a
5 thoroughbred track located more than 35 miles from the host
6 track, the host track shall pay a tax of 0.1-5 percent of the
7 handle, and additionally the host track shall pay to the guest
8 track 1.9 percent of the handle to be used by the guest track
9 solely for purses. The tax shall be deposited into the
10 Pari-mutuel Wagering Trust ~~General Revenue~~ Fund.

11 (6) Notwithstanding the provisions of s.
12 550.0951(3)(c), the tax on handle is 0.2 percent for
13 intertrack wagering and for intertrack wagering on
14 rebroadcasts of simulcast horseraces for a thoroughbred
15 permitholder that conducts performances during the period
16 beginning March 17 and ending May 22. This subsection applies
17 only to thoroughbred permitholders located in any area of the
18 state where there are three or more thoroughbred permitholders
19 within 25 miles of each other. The tax shall be deposited
20 into the Pari-mutuel Wagering Trust ~~General Revenue~~ Fund.
21 Effective July 1, 2001, this subsection is repealed.

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

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

28 ~~(2)(a) Notwithstanding the provisions of s.~~
29 ~~550.0951(3)(a),~~The tax on handle for live thoroughbred
30 horserace horse performances shall be 0.5 percent.~~subject to~~
31 ~~the following:~~

1 ~~1. The tax on handle per performance for live~~
2 ~~thoroughbred performances is 2.25 percent of handle for~~
3 ~~performances conducted during the period beginning on January~~
4 ~~3 and ending March 16; .70 percent of handle for performances~~
5 ~~conducted during the period beginning March 17 and ending May~~
6 ~~22; and 1.5 percent of handle for performances conducted~~
7 ~~during the period beginning May 23 and ending January 2.~~

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

13 Section 9. Section 550.1645, Florida Statutes, is
14 amended to read:

15 550.1645 Escheat to state of abandoned interest in or
16 contribution to pari-mutuel pools.--

17 (1) It is the public policy of the state, while
18 protecting the interest of the owners, to possess all
19 unclaimed and abandoned interest in or contribution to certain
20 any pari-mutuel pools ~~pool~~ conducted in this state under this
21 chapter, for the benefit of all the people of the state; and
22 this law shall be liberally construed to accomplish such
23 purpose.

24 (2) Except as otherwise provided in this chapter, all
25 money or other property represented by any unclaimed,
26 uncashed, or abandoned pari-mutuel ticket which has remained
27 in the custody of or under the control of any licensee
28 authorized to conduct pari-mutuel pools in this state for a
29 period of 1 year after the date the pari-mutuel ticket was
30 issued, if the rightful owner or owners thereof have made no
31 claim or demand for such money or other property within the

1 aforesaid period of time, is hereby declared to have escheated
2 to or to escheat to, and to have become the property of, the
3 state.

4 (3) All money or other property that has escheated to
5 and become the property of the state as provided herein, and
6 which is held by such licensee authorized to conduct
7 pari-mutuel pools in this state, shall be paid by such
8 licensee to the Treasurer annually within 60 days after the
9 close of the race meeting of the licensee. Such moneys so
10 paid by the licensee to the Treasurer shall be deposited in
11 the State School Fund to be used for the support and
12 maintenance of public free schools as required by s. 6, Art.
13 IX of the State Constitution.

14 Section 10. Section 550.1647, Florida Statutes, is
15 created to read:

16 550.1647 Greyhound permitholders; unclaimed tickets;
17 breaks.--

18 (1) All money or other property represented by any
19 unclaimed, uncashed, or abandoned pari-mutuel ticket which has
20 remained in the custody of or under the control of any
21 permitholder authorized to conduct greyhound racing
22 pari-mutuel pools in this state for a period of 1 year after
23 the date the pari-mutuel ticket was issued, if the rightful
24 owner or owners thereof have made no claim or demand for such
25 money or other property within that period of time, shall,
26 with respect to live races conducted by the permitholder and
27 with respect to simulcast greyhound races received by the
28 permitholder, be remitted to the state pursuant to s.
29 550.1645; however, such permitholder shall be entitled to a
30 credit that may be applied against any taxes imposed pursuant
31 to this chapter in the amount of the money or property so

1 remitted. In addition, each permitholder shall pay, from any
2 source, including the proceeds from performances conducted
3 pursuant to s. 550.0351, an amount not less than 10 percent of
4 the amount of the credit provided by this section to any
5 bonafide organization that promotes or encourages the adoption
6 of greyhounds.

7 (2) With respect to live greyhound races, the breaks
8 shall be retained by the permitholder conducting the race,
9 and, with respect to simulcast greyhound races, the breaks
10 shall be retained by the permitholder who receives the
11 simulcast.

12 Section 11. Section 550.615, Florida Statutes, is
13 amended to read:

14 550.615 Intertrack wagering.--

15 (1) Any horserace permitholder licensed under this
16 chapter which has conducted a full schedule of live racing
17 may, at any time, receive broadcasts of horseraces and accept
18 wagers on horseraces conducted by horserace permitholders
19 licensed under this chapter at its facility.

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

26 (3) If a permitholder elects to broadcast its signal
27 to any permitholder in this state, any permitholder that is
28 eligible to conduct intertrack wagering under the provisions
29 of ss. 550.615-550.6345 is entitled to receive the broadcast
30 and conduct intertrack wagering under this section; provided,
31 however, that the host track may require a guest track within

1 25 miles of another permitholder to receive in any week at
2 least 60 percent of the live races that the host track is
3 making available on the days that the guest track is otherwise
4 operating live races or games. A host track may require a
5 guest track not operating live races or games and within 25
6 miles of another permitholder to accept within any week at
7 least 60 percent of the live races that the host track is
8 making available. A person may not restrain or attempt to
9 restrain any permitholder that is otherwise authorized to
10 conduct intertrack wagering from receiving the signal of any
11 other permitholder or sending its signal to any permitholder.

12 (4) In no event shall any intertrack wager be accepted
13 on the same class of live races or games of any permitholder
14 without the written consent of such operating permitholders
15 conducting the same class of live races or games if the guest
16 track is within the market area of such operating
17 permitholder.

18 (5) No permitholder within the market area of the host
19 track shall take an intertrack wager on the host track without
20 the consent of the host track.

21 (6) Notwithstanding the provisions of subsection (3),
22 in any area of the state where there are three or more
23 horserace permitholders within 25 miles of each other,
24 intertrack wagering between permitholders in said area of the
25 state shall only be authorized under the following conditions:
26 Any permitholder, other than a thoroughbred permitholder, may
27 accept intertrack wagers on races or games conducted live by a
28 permitholder of the same class or any harness permitholder
29 located within such area and any harness permitholder may
30 accept wagers on games conducted live by any jai alai
31 permitholder located within its market area and from a jai

1 alai permitholder located within the area specified in this
2 subsection when no jai alai permitholder located within its
3 market area is conducting live jai alai performances; any
4 greyhound or jai alai permitholder may receive broadcasts of
5 and accept wagers on any permitholder of the other class
6 provided that a permitholder, other than the host track, of
7 such other class is not operating a contemporaneous live
8 performance within the market area.

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

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

31

1 (9)~~(8)~~ In any two contiguous counties of the state in
2 which there are located only four active permits, one for
3 thoroughbred horse racing, two for greyhound dogracing, and
4 one for jai alai games, no intertrack wager may be accepted on
5 the same class of live races or games of any permitholder
6 without the written consent of such operating permitholders
7 conducting the same class of live races or games if the guest
8 track is within the market area of such operating
9 permitholder.

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

31

1 (b) If more than one permitholder applies, the
2 division shall determine which permitholder shall be granted
3 the license. In making its determination, the division shall
4 consider the length of time the permitholder has been
5 conducting thoroughbred horse sales in this state, the length
6 of time the applicant has had a permanent location in this
7 state, and the volume of sales of thoroughbred horses in this
8 state, giving the greater weight to the applicant that meets
9 these criteria.

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

12 (d) Intertrack wagering under this subsection may not
13 be conducted within 50 miles of any greyhound racetrack that
14 conducted a full schedule of live racing prior to June 1,
15 1990.

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

20 (f) Intertrack wagering under this subsection may only
21 be conducted on thoroughbred horse racing, and intertrack
22 wagering under this subsection may not be conducted on evening
23 performances.

24 (11)~~(10)~~ All costs of receiving the transmission of
25 the broadcasts shall be borne by the guest track; and all
26 costs of sending the broadcasts shall be borne by the host
27 track.

28 (12)~~(11)~~ Notwithstanding any other provision of this
29 section, any thoroughbred permitholder that conducts
30 performances during the period beginning May 23 and ending
31 January 2 must make available any live pari-mutuel event

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

14 Section 12. Section 550.0555, Florida Statutes, is
15 amended to read:

16 550.0555 Greyhound dogracing and jai alai permits;
17 relocation within a county; conditions.--

18 (1) It is the finding of the Legislature that
19 pari-mutuel wagering on greyhound dogracing and jai alai
20 provides substantial revenues to the state. It is the further
21 finding that, in some cases, this revenue-producing ability is
22 hindered due to the lack of provisions allowing the relocation
23 of existing dogracing and jai alai operations. It is
24 therefore declared that state revenues derived from greyhound
25 dogracing and jai alai will continue to be jeopardized if
26 provisions allowing the relocation of such greyhound racing
27 and jai alai permits are not implemented. This enactment is
28 made pursuant to, and for the purpose of, implementing such
29 provisions.

30 (2) Any holder of a valid outstanding permit for
31 greyhound dogracing in a county in which there is only one

1 dogracing permit issued, as well as any holder of a valid
2 outstanding permit for jai alai in a county where only one jai
3 alai permit is issued,is authorized, without the necessity of
4 an additional county referendum required under s. 550.0651, to
5 move the location for which the permit has been issued to
6 another location within a 30-mile radius of the location fixed
7 in the permit issued in that county, provided the move does
8 not cross the county boundary, that such relocation is
9 approved under the zoning regulations of the county or
10 municipality in which the permit is to be located as a planned
11 development use, consistent with the comprehensive plan, and
12 that such move is approved by the department after it is
13 determined at a proceeding pursuant to chapter 120 in the
14 county affected that the move is necessary to ensure the
15 revenue-producing capability of the permittee without
16 deteriorating the revenue-producing capability of any other
17 pari-mutuel permittee within 50 miles; the distance shall be
18 measured on a straight line from the nearest property line of
19 one racing plant or jai alai fronton to the nearest property
20 line of the other.

21 Section 13. Paragraph (a) of subsection (2) of section
22 550.09512, Florida Statutes, is amended to read:

23 550.09512 Harness horse taxes; abandoned interest in a
24 permit for nonpayment of taxes.--

25 (2)(a) Notwithstanding the provisions of s.
26 550.0951(3)(a), the tax on handle for live harness horse
27 performances is 0.5 ± percent of handle per performance.

28 Section 14. Section 550.475, Florida Statutes, is
29 amended to read:

30 550.475 Lease of pari-mutuel facilities by pari-mutuel
31 permitholders.--Holders of valid pari-mutuel permits for the

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

9 Section 15. Subsection (1) of section 550.625, Florida
10 Statutes, is amended to read:

11 550.625 Intertrack wagering; purses; breeders'
12 awards.--If a host track is a horse track:

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

28 Section 16. Subsection (2) of section 550.155, Florida
29 Statutes, is amended to read:

30
31

1 550.155 Pari-mutuel pool within track enclosure;
2 takeouts; breaks; penalty for purchasing part of a pari-mutuel
3 pool for or through another in specified circumstances.--

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

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

28 (b) The improvement is contiguous to or within the
29 existing pari-mutuel facility site. To be contiguous, the
30 site of the improvement must share a sufficient common
31 boundary with the present pari-mutuel facility to allow full

1 and free access without crossing a public roadway, public
2 waterway, or similar barrier.

3 Section 17. Subsections (3), (5), (6), (8), and (10)
4 of section 550.26352, Florida Statutes, are amended to read:

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

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

31

1 (5) The permitholder conducting the Breeders' Cup Meet
2 shall receive a credit against the taxes otherwise due and
3 payable to the state under ss. 550.0951 and 550.09515
4 generated during said permitholder's next ensuing regular
5 thoroughbred race meet. This credit shall be in an amount not
6 to exceed\$950,000~~\$800,000~~ and shall be utilized by the
7 permitholder to pay the purses offered by the permitholder
8 during the Breeders' Cup Meet in excess of the purses which
9 the permitholder is otherwise required by law to pay. The
10 amount to be credited shall be determined by the division upon
11 application of the permitholder which is subject to audit by
12 the division.

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

24 (8)(a) Pursuant to s. 550.3551(2), the permitholder
25 conducting the Breeders' Cup Meet is authorized to transmit
26 broadcasts of the races conducted during the Breeders' Cup
27 Meet to locations outside of this state for wagering purposes.
28 The division may approve broadcasts to pari-mutuel
29 permitholders and other betting systems authorized under the
30 laws of any other state or country. Wagers accepted by any
31 out-of-state pari-mutuel permitholder or betting system on any

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

22 (b) The permitholder conducting the Breeders' Cup Meet
23 is authorized to transmit broadcasts of the races conducted
24 during the Breeders' Cup Meet to other pari-mutuel facilities
25 located in this state for wagering purposes; however, the
26 permitholder conducting the Breeders' Cup Meet shall not be
27 required to transmit broadcasts to any pari-mutuel facility
28 located within 25 miles of the facility at which the Breeders'
29 Cup Meet is conducted ~~and, further, shall not transmit~~
30 ~~broadcasts to any pari-mutuel facility located within 25 miles~~
31 ~~of the facility at which the Breeders' Cup Meet is conducted~~

1 ~~without the consent of all operating permitholders in the~~
2 ~~market area. Wagers accepted by all pari-mutuel facilities~~
3 ~~located in the state on any races broadcast under this section~~
4 ~~shall be included in the pari-mutuel pools of the permitholder~~
5 ~~conducting the Breeders' Cup Meet.~~

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

16 Section 18. Paragraph (a) of subsection (9) of section
17 550.6305, Florida Statutes, is amended to read:

18 550.6305 Intertrack wagering; guest track payments;
19 accounting rules.--

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

26 (a) For purposes of this section, "net proceeds" means
27 the amount of takeout remaining after the payment of state
28 taxes, purses required pursuant to s. 550.0951(3)(c)1., the
29 cost to the permitholder required to be paid to the
30 out-of-state horse track, breeders' awards paid to the Florida
31 Thoroughbred Breeders' Association and the Florida

1 Standardbred Breeders and Owners Association, to be used as
2 set forth in s. 550.625(2)(a) and (b), and the deduction of
3 any amount retained pursuant to s. 550.615(12)~~(11)~~.

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

6 550.002 Definitions.--As used in this chapter, the
7 term:

8 (31) "Same class of races, games, ~~race~~ or permit"
9 means, with respect to a jai alai permitholder, jai alai games
10 or other jai alai permitholders; with respect to a greyhound
11 permitholder, greyhound races or other greyhound
12 permitholders; with respect to a thoroughbred permitholder,
13 thoroughbred races or other thoroughbred permitholders; with
14 respect to a harness permitholder, harness races or other
15 harness permitholders; with respect to a quarter horse
16 permitholder, quarter horse races or other quarter horse
17 permitholders.

18 Section 20. Subsection (3) of section 550.0251,
19 Florida Statutes, is amended to read:

20 550.0251 The powers and duties of the Division of
21 Pari-mutuel Wagering of the Department of Business and
22 Professional Regulation.--The division shall administer this
23 chapter and regulate the pari-mutuel industry under this
24 chapter and the rules adopted pursuant thereto, and:

25 (3) The division shall adopt reasonable rules for the
26 control, supervision, and direction of all applicants,
27 permittees, and licensees;~~and~~ and for the holding, conducting,
28 and operating of all racetracks, race meets, and races held in
29 this state; and for wagering through a pari-mutuel wagering
30 pool. Such rules must be uniform in their application and
31

1 effect, and the duty of exercising this control and power is
2 made mandatory upon the division.

3 Section 21. Subsections (8) and (9) of section
4 550.0351, Florida Statutes, are amended to read:

5 550.0351 Charity racing days.--

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

14 ~~(9) Notwithstanding the limitations set forth in~~
15 ~~subsection (8), any jai alai permitholder who has not~~
16 ~~conducted one "Retired Jai Alai Players Charity Day"~~
17 ~~performance per year since the 1992-1993 fiscal year is~~
18 ~~authorized to conduct up to two performances per fiscal year~~
19 ~~until the time when the total number of such performances is~~
20 ~~equivalent to the total number of fiscal years. This~~
21 ~~subsection shall be repealed on July 1, 2000.~~

22 Section 22. Section 550.105, Florida Statutes, is
23 amended to read:

24 550.105 Occupational licenses of racetrack employees;
25 fees; denial, suspension, and revocation of license; penalties
26 and fines.--

27 (1) Each person connected with a racetrack or jai alai
28 fronton, as specified in paragraph (2)(a), shall purchase from
29 the division an annual occupational license, which license is
30 valid from May 1 until June 30 of the following year. All
31 moneys collected pursuant to this section each fiscal year

1 shall be deposited into the Pari-mutuel Wagering Trust Fund.
2 ~~If the division determines that it is in the best interest of~~
3 ~~the division and persons connected with racetracks, the~~
4 ~~division may issue a license valid for one season at one~~
5 ~~racetrack but may not make that determination apply to any~~
6 ~~person who objects to such determination. In any event, the~~
7 ~~season license fee must be equal to the annual occupational~~
8 ~~license fee. Any person may, at her or his option and~~
9 pursuant to the rules adopted by the division, purchase an
10 occupational license valid for a period of 3 years if the
11 purchaser of the license pays the full occupational license
12 fee for each of the years for which the license is purchased
13 at the time the 3-year license is requested. The occupational
14 license shall be valid during its specified term at any
15 pari-mutuel facility.

16 (2)(a) The following ~~Unrestricted~~ licenses shall be
17 issued to persons or entities with access to the backside,
18 racing animals, jai alai players' room, jockeys' room,
19 drivers' room, totalisator room, the mutuels, or money room,
20 or to persons who, by virtue of the position they hold, might
21 be granted access to these areas or to any other person or
22 entity in one of the following categories and with scheduled
23 annual fees as follows:-

24 1. Business licenses: any business such as a vendor,
25 contractual concessionaire, contract kennel, business owning
26 racing animals, trust or estate, totalisator company, stable
27 name, or other fictitious name: \$50.

28 2. Professional occupational licenses: professional
29 persons with access to the backside of a racetrack or players'
30 quarters in jai alai such as trainers, officials,
31 veterinarians, doctors, nurses, EMT's, jockeys and

1 apprentices, drivers, jai alai players, owners, trustees, or
2 any management or officer or director or shareholder or any
3 other professional-level person who might have access to the
4 jockeys' room, the drivers' room, the backside, racing
5 animals, kennel compound, or managers or supervisors requiring
6 access to mutuels machines, the money room, or totalisator
7 equipment: \$40.

8 3. General occupational licenses: general employees
9 with access to the jockeys' room, the drivers' room, racing
10 animals, the backside of a racetrack or players' quarters in
11 jai alai, such as grooms, kennel helpers, leadouts, pelota
12 makers, cesta makers, or ball boys, or a practitioner of any
13 other occupation who would have access to the animals, the
14 backside, or the kennel compound, or who would provide the
15 security or maintenance of these areas, or mutuel employees,
16 totalisator employees, money-room employees, or any employee
17 with access to mutuels machines, the money room, or
18 totalisator equipment or who would provide the security or
19 maintenance of these areas: \$10.

20
21 The individuals and entities that are licensed under this
22 paragraph ~~Persons issued an unrestricted license~~ require
23 heightened ~~the most~~ state scrutiny, including the submission
24 by the individual licensees or persons associated with the
25 entities described in this chapter of fingerprints for a
26 Federal Bureau of Investigation criminal records check.

27 ~~(b) Restricted licenses shall be issued to persons~~
28 ~~without access to the backside, racing animals, jai alai~~
29 ~~players' room, jockeys' room, drivers' room, totalisator room,~~
30 ~~the mutuels, or money room. Persons issued a restricted~~
31 ~~license require the less state scrutiny and will not require~~

1 ~~routine criminal records check. The division may require~~
2 ~~persons issued the restricted license to submit fingerprints~~
3 ~~for a criminal records check as needed for investigations.~~

4 (b)(c) The division shall adopt promulgate rules
5 pertaining to pari-mutuel regarding unrestricted and
6 restricted occupational licenses.

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

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

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

21 3. ~~Unrestricted licenses: general employees with~~
22 ~~access to the jockeys' room, drivers' room, racing animals,~~
23 ~~the backside of a racetrack or players' quarters in jai alai~~
24 ~~such as grooms, kennel helpers, leadouts, pelota makers, cesta~~
25 ~~makers, ball boys, vendor representatives, or any other~~
26 ~~occupation who would have access to the animals, the backside,~~
27 ~~or the kennel compound, or the security or maintenance of~~
28 ~~these areas: \$10.~~

29 4. ~~Unrestricted licenses: managers or supervisors~~
30 ~~requiring access to mutuels machines, the money room, or~~
31

1 ~~totalisator equipment but not requiring access to the~~
2 ~~backside: \$40.~~

3 5. ~~Unrestricted licenses: mutuel employees,~~
4 ~~totalisator employees, money room employees, and any employee~~
5 ~~with access to mutuels machines, the money room, or~~
6 ~~totalisator equipment or the security or maintenance of these~~
7 ~~areas: \$10.~~

8 6. ~~Restricted licenses: managers, supervisors, and~~
9 ~~other professionals who do not require access to the jockeys'~~
10 ~~room, drivers' room, racing animals, the backside, the kennel~~
11 ~~compound, mutuels areas, or money room or totalisator~~
12 ~~equipment: \$40.~~

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

17 (3) Certified public accountants and attorneys
18 licensed to practice in this state shall not be required to
19 hold an occupational license under this section while
20 providing accounting or legal services to a permitholder if
21 the certified public accountant's or attorney's primary place
22 of employment is not on the permitholder premises.

23 (4)~~(3)~~ It is unlawful ~~for any person~~ to take part in
24 or officiate in any way ~~or to serve in any capacity~~ at any
25 pari-mutuel facility without first having secured a license
26 and paid the occupational license fee.

27 (5)~~(4)~~(a) The division may:

28 1. Deny a license to or revoke, suspend, or place
29 conditions upon or restrictions on a license of any person who
30 has been refused a license by any other state racing
31 commission or racing authority;

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

4
5 if the state racing commission or racing authority of such
6 other state or jurisdiction extends to the division reciprocal
7 courtesy to maintain the disciplinary control.

8 (b) The division may deny, suspend, revoke, or declare
9 ineligible any occupational license if the applicant for or
10 holder thereof has violated the provisions of this chapter or
11 the rules of the division governing the conduct of persons
12 connected with racetracks and frontons. In addition, the
13 division may deny, suspend, revoke, or declare ineligible any
14 occupational license if the applicant for such license has
15 been convicted in this state, in any other state, or under the
16 laws of the United States of a capital felony, a felony, or an
17 offense in any other state which would be a felony under the
18 laws of this state involving arson; trafficking in, conspiracy
19 to traffic in, smuggling, importing, conspiracy to smuggle or
20 import, or delivery, sale, or distribution of a controlled
21 substance; or a crime involving a lack of good moral
22 character, or has had a pari-mutuel license revoked by this
23 state or any other jurisdiction for an offense related to
24 pari-mutuel wagering.

25 (c) The division may deny, declare ineligible, or
26 revoke any occupational license if the applicant for such
27 license has been convicted of a felony or misdemeanor in this
28 state, in any other state, or under the laws of the United
29 States, if such felony or misdemeanor is related to gambling
30 or bookmaking, as contemplated in s. 849.25, or involves
31 cruelty to animals. If the applicant establishes that she or

1 he is of good moral character, that she or he has been
2 rehabilitated, and that the crime she or he was convicted of
3 is not related to pari-mutuel wagering and is not a capital
4 offense, the restrictions excluding offenders may be waived by
5 the director of the division.

6 (d) If an occupational license will expire by division
7 rule during the period of a suspension the division intends to
8 impose, or if a license would have expired but for pending
9 administrative charges and the occupational licensee is found
10 to be in violation of any of the charges, the license may be
11 revoked and a time period of license ineligibility may be
12 declared. The division may bring administrative charges
13 against any person not holding a current license for
14 violations of statutes or rules which occurred while such
15 person held an occupational license, and the division may
16 declare such person ineligible to hold a license for a period
17 of time. The division may impose a civil fine of up to \$1,000
18 for each violation of the rules of the division in addition to
19 or in lieu of any other penalty provided for in this section.
20 In addition to any other penalty provided by law, the division
21 may exclude from all pari-mutuel facilities in this state, for
22 a period not to exceed the period of suspension, revocation,
23 or ineligibility, any person whose occupational license
24 application has been denied by the division, who has been
25 declared ineligible to hold an occupational license, or whose
26 occupational license has been suspended or revoked by the
27 division.

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

30 (6)~~(5)~~ In order to promote the orderly presentation of
31 pari-mutuel meets authorized in this chapter, the division may

1 issue a temporary occupational license. The division shall
2 adopt rules to implement this subsection. However, no
3 temporary occupational license shall be valid for more than 30
4 days, and no more than one temporary license may be issued for
5 any person in any year.

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

14 (8)~~(7)~~ The division may fine, or suspend or revoke, or
15 place conditions upon, the license of any licensee who under
16 oath knowingly provides false information regarding an
17 investigation by the division.

18 (9)~~(8)~~ The tax imposed by this section is in lieu of
19 all license, excise, or occupational taxes to the state or any
20 county, municipality, or other political subdivision, except
21 that, if a race meeting or game is held or conducted in a
22 municipality, the municipality may assess and collect an
23 additional tax against any person conducting live racing or
24 games within its corporate limits, which tax may not exceed
25 \$150 per day for horseracing or \$50 per day for dogracing or
26 jai alai. Except as provided in this chapter, a municipality
27 may not assess or collect any additional excise or revenue tax
28 against any person conducting race meetings within the
29 corporate limits of the municipality or against any patron of
30 any such person.

31

1 (10)~~(9)~~ Upon application for an occupational license,
2 the division may require the applicant's full legal name; any
3 nickname, alias, or maiden name for the applicant; name of the
4 applicant's spouse; the applicant's date of birth, residence
5 address, mailing address, residence address and business phone
6 number, and social security number; disclosure of any felony
7 or any conviction involving bookmaking, illegal gambling, or
8 cruelty to animals; disclosure of any past or present
9 enforcement or actions by any racing or gaming agency against
10 the applicant; and any information the division determines is
11 necessary to establish the identity of the applicant or to
12 establish that the applicant is of good moral character.
13 Fingerprints shall be taken in a manner approved by the
14 division and then shall be submitted to the Federal Bureau of
15 Investigation, or to the association of state officials
16 regulating pari-mutuel wagering pursuant to the Federal
17 Pari-mutuel Licensing Simplification Act of 1988. The cost of
18 processing fingerprints shall be borne by the applicant and
19 paid to the association of state officials regulating
20 pari-mutuel wagering from the trust fund to which the
21 processing fees are deposited. The division shall require
22 each applicant for an occupational license to have the
23 applicant's signature witnessed and notarized or signed in the
24 presence of a division official. The division, by rule, may
25 require additional information from licensees which is
26 reasonably necessary to regulate the industry. The division
27 may, by rule, exempt certain occupations or groups of persons
28 from the fingerprinting requirements.

29 Section 23. Subsection (2) of section 550.24055,
30 Florida Statutes, is amended to read:

31

1 550.24055 Use of controlled substances or alcohol
2 prohibited; testing of certain occupational licensees;
3 penalty; evidence of test or action taken and admissibility
4 for criminal prosecution limited.--

5 (2) The occupational licensees, by applying for and
6 holding such licenses, are deemed to have given their consents
7 to submit to an approved chemical test of their breath for the
8 purpose of determining the alcoholic content of their blood
9 and to a urine or blood test for the purpose of detecting the
10 presence of controlled substances. Such tests shall only be
11 conducted upon reasonable cause that a violation has occurred
12 as shall be determined solely by the stewards at a horseracing
13 meeting or the judges or board of judges at a dogtrack or jai
14 alai meet. The failure to submit to such test may result in a
15 suspension of the person's occupational license for a period
16 of 10 days or until this section has been complied with,
17 whichever is longer.

18 (a) If there was at the time of the test 0.05 percent
19 or less by weight of alcohol in the person's blood, the person
20 is presumed not to have been under the influence of alcoholic
21 beverages to the extent that the person's normal faculties
22 were impaired, and no action of any sort may be taken by the
23 stewards, judges, or board of judges or the division.

24 (b) If there was at the time of the test an excess of
25 0.05 percent but less than 0.08 ~~0.10~~ percent by weight of
26 alcohol in the person's blood, that fact does not give rise to
27 any presumption that the person was or was not under the
28 influence of alcoholic beverages to the extent that the
29 person's faculties were impaired, but the stewards, judges, or
30 board of judges may consider that fact in determining whether
31

1 or not the person will be allowed to officiate or participate
2 in any given race or jai alai game.

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

11
12 All tests relating to alcohol must be performed in a manner
13 substantially similar, or identical, to the provisions of s.
14 316.1934 and rules adopted pursuant to that section.

15 Following a test of the urine or blood to determine the
16 presence of a controlled substance as defined in chapter 893,
17 if a controlled substance is found to exist, the stewards,
18 judges, or board of judges may take such action as is
19 permitted in this section.

20 Section 24. Section 550.2614, Florida Statutes, is
21 amended to read:

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

24 550.2614 Horsemen's association; membership;
25 responsibilities.--

26 (1) Upon receiving a license or renewal thereof, each
27 thoroughbred owner and trainer shall receive automatic
28 membership in the Florida Horsemen's Benevolent and Protective
29 Association, Inc., or another association designated by the
30 licensee which represents the majority of the thoroughbred
31 racehorse owners and trainers at the permitholder located in

1 Hillsborough County, and shall be counted on the membership
2 rolls of that association, unless, within 30 calendar days
3 after receiving a license from the division, the individual
4 declines such membership in writing. The division shall
5 monitor the membership rolls of each association to ensure
6 that complete, accurate, and timely listings are maintained
7 for the purposes specified in this section and s. 550.3551.

8 (2) Each licensee that holds a permit for thoroughbred
9 horse racing in this state shall deduct from the total purse
10 pool an amount of money equal to 1 percent of the total purse
11 pool and shall pay that amount to the Florida Horsemen's
12 Benevolent and Protective Association, Inc., or to another
13 association representing a majority of the thoroughbred
14 racehorse owners and trainers at the permittee located in
15 Hillsborough County. These funds must be used for the purpose
16 of providing for the benefit, aid, assistance, or relief of
17 thoroughbred owners, trainers, exercise riders, grooms, stable
18 attendants, and other thoroughbred racing personnel employed
19 in connection with racing, and their spouses and children, who
20 demonstrate a need for financial assistance connected with
21 death, illness, or off-the-job injury and who are not
22 otherwise covered by health and welfare plans, workers'
23 compensation, social security, public assistance, or any other
24 type of health, medical, death, or accident insurance.

25 (3) The division shall audit the collection and
26 distribution of funds as authorized in this section to assure
27 that the funds are being used for the charitable and
28 beneficial purposes set forth in this section. The division
29 may take action to assure that such funds are being used as
30 authorized by subsection (2). Such actions may include seeking
31 an injunction against distribution, or seeking recovery, of

1 funds that are being distributed in a manner inconsistent with
2 the requirements of subsection (2). The division may adopt
3 rules to facilitate the orderly transfer of funds authorized
4 by subsection (2) or to carry out its responsibilities as
5 provided in this section.

6 Section 25. Subsection (1) of section 550.26165,
7 Florida Statutes, is amended to read:

8 550.26165 Breeders' awards.--

9 (1) The purpose of this section is to encourage the
10 agricultural activity of breeding and training racehorses in
11 this state. Moneys dedicated in this chapter for use as
12 breeders' awards and stallion awards ~~from breaks and uncashed~~
13 ~~tickets from pari-mutuel wagering and horseraces~~ are to be
14 used for awards ~~of up to 20 percent of the announced gross~~
15 ~~purse at any race~~ to breeders of registered Florida-bred
16 horses winning horseraces and for similar awards to the owners
17 of stallions who sired Florida-bred horses winning stakes
18 races, if the stallions are registered as Florida stallions
19 standing in this state. Such awards shall be given at a
20 uniform rate to all winners of the awards, shall not be
21 greater than 20 percent of the announced gross purse, and
22 shall not be less than 15 percent of the announced gross purse
23 if funds are available. In addition, no less than 25 percent
24 nor more than 45 percent, as determined by the Florida
25 Thoroughbred Breeders' Association, of the moneys dedicated in
26 this chapter for use as breeders' awards and stallion awards
27 for thoroughbreds shall be returned prorata to the
28 permitholders that generated the moneys for awards to be
29 distributed by the permitholders to owners of registered
30 Florida-bred thoroughbred horses winning in thoroughbred races
31 and winning or placing in thoroughbred stakes races, all in

1 accordance with a plan established annually no later than 120
2 days before the first day of the permitholders' racing meet
3 and agreed upon by the permitholder, the Florida Thoroughbred
4 Breeders' Association, and the Florida Horsemen's Benevolent
5 and Protective Association, Inc.Awards for thoroughbred races
6 are to be paid through the Florida Thoroughbred Breeders'
7 Association, and awards for standardbred races are to be paid
8 through the Florida Standardbred Breeders and Owners
9 Association. Among other sources specified in this chapter,
10 ~~The~~ moneys for thoroughbred breeders' awards will come from
11 the 0.975 ~~0.75~~ percent of handle for thoroughbred races
12 conducted, received, broadcast, or simulcast under this
13 chapter as provided in s. 550.2625(3). The moneys for quarter
14 horse and harness breeders' awards will come from the breaks
15 and uncashed tickets on live quarter horse and harness racing
16 performances and 1 percent of handle on intertrack wagering.
17 The funds for these breeders' awards shall be paid to the
18 respective breeders' associations by the permitholders
19 conducting the races. ~~The awards are to be given at a uniform~~
20 ~~rate to all winners of the awards and may not be less than 15~~
21 ~~percent of the announced gross purse if funds are available.~~

22 Section 26. Subsections (2) and (3) of section
23 550.2625, Florida Statutes, are amended to read:

24 550.2625 Horseracing; minimum purse requirement,
25 Florida breeders' and owners' awards.--

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

30 (a) A permitholder conducting a thoroughbred horse
31 race meet under this chapter must pay from the takeout

1 withheld a sum not less than 7.75 ~~7.5~~ percent of all
2 contributions to pari-mutuel pools conducted during the race
3 meet as purses. In addition to the 7.75 ~~7.5~~ percent minimum
4 purse payment, permitholders conducting live thoroughbred
5 performances shall be required to pay as additional purses
6 .625 percent of live handle for performances conducted during
7 the period beginning on January 3 and ending March 16; .225
8 percent for performances conducted during the period beginning
9 March 17 and ending May 22; and .85 percent for performances
10 conducted during the period beginning May 23 and ending
11 January 2. Except that any thoroughbred permitholder whose
12 total handle on live performances during the 1991-1992 state
13 fiscal year was not greater than \$34 million is not subject to
14 this additional purse payment. A permitholder authorized to
15 conduct thoroughbred racing may withhold from the handle an
16 additional amount equal to 1 percent on exotic wagering for
17 use as owners' awards, and may withhold from the handle an
18 amount equal to 2 percent on exotic wagering for use as
19 overnight purses. No permitholder may withhold in excess of
20 20 percent from the handle without withholding the amounts set
21 forth in this subsection.

22 (b)1. A permitholder conducting a harness horse race
23 meet under this chapter must pay to the purse pool from the
24 takeout withheld a purse requirement that totals an amount not
25 less than 8.25 ~~8~~ percent of all contributions to pari-mutuel
26 pools conducted during the race meet. An amount not less than
27 7.75 ~~7.5~~ percent of the total handle shall be paid from this
28 purse pool as purses.

29 2. An amount not to exceed 0.5 percent of the total
30 handle on all harness horse races that are subject to the
31 purse requirement of subparagraph 1., must be available for

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

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

26 (d) The division shall adopt reasonable rules to
27 ensure the timely and accurate payment of all amounts withheld
28 by horserace permitholders regarding the distribution of
29 purses, owners' awards, and other amounts collected for
30 payment to owners and breeders. Each permitholder that fails
31 to pay out all moneys collected for payment to owners and

1 breeders shall, within 10 days after the end of the meet
2 during which the permitholder underpaid purses, deposit an
3 amount equal to the underpayment into a separate
4 interest-bearing account to be distributed to owners and
5 breeders in accordance with division rules.

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

14 (3) Each horseracing permitholder conducting any
15 thoroughbred race under this chapter, including any intertrack
16 race taken pursuant to ss. 550.615-550.6305 or any interstate
17 simulcast taken pursuant to s. 550.3551(3) shall pay a sum
18 equal to 0.975 ~~0.75~~ percent on all pari-mutuel pools conducted
19 during any such race for the payment of breeders' and stallion
20 awards as authorized in this section. This subsection also
21 applies to all Breeder's Cup races conducted outside this
22 state taken pursuant to s. 550.3551(3). On any race
23 originating live in this state which is broadcast out-of-state
24 to any location at which wagers are accepted pursuant to s.
25 550.3551(2), the host track is required to pay 3.65 ~~3.3~~
26 percent of the gross revenue derived from such out-of-state
27 broadcasts as breeders' and stallion awards. The Florida
28 Thoroughbred Breeders' Association is authorized to receive
29 these payments from the permitholders and make payments of
30 awards earned. The Florida Thoroughbred Breeders' Association
31 has the right to withhold up to 10 percent of the

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

13 (a) The breeder of each Florida-bred thoroughbred
14 horse winning a thoroughbred horse race is entitled to an
15 award of up to, but not exceeding, 20 percent of the announced
16 gross purse, including nomination fees, eligibility fees,
17 starting fees, supplementary fees, and moneys added by the
18 sponsor of the race.

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

25 (c) The owners of registered Florida-bred thoroughbred
26 horses winning or placing in thoroughbred stakes races may
27 receive an award in accordance with a plan established in s.
28 550.26165(1).

29 (d)(c) In order for a breeder of a Florida-bred
30 thoroughbred horse to be eligible to receive a breeder's
31 award, or for the owners of a registered Florida-bred

1 thoroughbred horse to be eligible to receive an award under
2 paragraph (c), the horse ~~winning the race~~ must have been
3 registered as a Florida-bred horse with the Florida
4 Thoroughbred Breeders' Association, and the Jockey Club
5 certificate for the ~~winning~~ horse must show that it ~~the winner~~
6 has been duly registered as a Florida-bred horse as evidenced
7 by the seal and proper serial number of the Florida
8 Thoroughbred Breeders' Association registry. The Florida
9 Thoroughbred Breeders' Association shall be permitted to
10 charge the registrant a reasonable fee for this verification
11 and registration.

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

1 offspring sired subsequent to such return to this state. The
2 Florida Thoroughbred Breeders' Association shall maintain
3 complete records showing the date the stallion arrived in this
4 state for the first time, whether or not the stallion remained
5 in the state permanently, the location of the stallion, and
6 whether the stallion is still standing in this state and
7 complete records showing awards earned, received, and
8 distributed. The association may charge the owner, owners, or
9 breeder a reasonable fee for this service.

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

18 (g)~~(f)~~ The Florida Thoroughbred Breeders' Association
19 shall maintain complete records showing the starters and
20 winners in all races conducted at thoroughbred tracks in this
21 state; shall maintain complete records showing awards earned,
22 received, and distributed; and may charge the owner, owners,
23 or breeder a reasonable fee for this service.

24 (h)~~(g)~~ The Florida Thoroughbred Breeders' Association
25 shall annually establish a uniform rate and procedure for the
26 payment of breeders' and stallion awards and shall make
27 breeders' and stallion award payments in strict compliance
28 with the established uniform rate and procedure plan. The
29 plan may set a cap on winnings and may limit, exclude, or
30 defer payments to certain classes of races, such as the
31 Florida stallion stakes races, in order to assure that there

1 are adequate revenues to meet the proposed uniform rate. Such
2 plan must include proposals for the general promotion of the
3 industry. Priority shall be placed upon imposing such
4 restrictions in lieu of allowing the uniform rate to be less
5 than 15 percent of the total purse payment. The uniform rate
6 and procedure plan must be approved by the division before
7 implementation. In the absence of an approved plan and
8 procedure, the authorized rate for breeders' and stallion
9 awards is 15 percent of the announced gross purse for each
10 race. Such purse must include nomination fees, eligibility
11 fees, starting fees, supplementary fees, and moneys added by
12 the sponsor of the race. If the funds in the account for
13 payment of breeders' and stallion awards are not sufficient to
14 meet all earned breeders' and stallion awards, those breeders
15 and stallion owners not receiving payments have first call on
16 any subsequent receipts in that or any subsequent year.

17 (i)~~(h)~~ The Florida Thoroughbred Breeders' Association
18 shall keep accurate records showing receipts and disbursements
19 of such payments and shall annually file a full and complete
20 report to the division showing such receipts and disbursements
21 and the sums withheld for administration. The division may
22 audit the records and accounts of the Florida Thoroughbred
23 Breeders' Association to determine that payments have been
24 made to eligible breeders and stallion owners in accordance
25 with this section.

26 (j)~~(i)~~ If the division finds that the Florida
27 Thoroughbred Breeders' Association has not complied with any
28 provision of this section, the division may order the
29 association to cease and desist from receiving funds and
30 administering funds received under this section. If the
31 division enters such an order, the permitholder shall make the

1 payments authorized in this section to the division for
2 deposit into the Pari-mutuel Wagering Trust Fund; and any
3 funds in the Florida Thoroughbred Breeders' Association
4 account shall be immediately paid to the Division of
5 Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering
6 Trust Fund. The division shall authorize payment from these
7 funds to any breeder or stallion owner entitled to an award
8 that has not been previously paid by the Florida Thoroughbred
9 Breeders' Association in accordance with the applicable rate.

10 Section 27. Paragraph (a) of subsection (6) of section
11 550.3551, Florida Statutes, is amended to read:

12 550.3551 Transmission of racing and jai alai
13 information; commingling of pari-mutuel pools.--

14 (6)(a) A maximum of 20 percent of the total number of
15 races on which wagers are accepted by a greyhound permitholder
16 not located as specified in s. 550.615(6) may be received from
17 locations outside this state. A permitholder may not conduct
18 fewer than eight live races or games on any authorized race
19 day except as provided in this subsection. A thoroughbred
20 permitholder may not conduct fewer than eight live races on
21 any race day without the written approval of the Florida
22 Thoroughbred Breeders' Association and the Florida Horsemen's
23 Benevolent and Protective Association, Inc. ~~horsemen's group~~
24 ~~representing the majority of thoroughbred racehorse owners and~~
25 ~~trainers in this state.~~ A harness permitholder may conduct
26 fewer than eight live races on any authorized race day, except
27 that such permitholder must conduct a full schedule of live
28 racing during its race meet consisting of at least eight live
29 races per authorized race day for at least 100 days. Any
30 harness horse permitholder that during the preceding racing
31 season conducted a full schedule of live racing may, at any

1 time during its current race meet, receive full-card
2 broadcasts of harness horse races conducted at harness
3 racetracks outside this state at the harness track of the
4 permitholder and accept wagers on such harness races. With
5 specific authorization from the division for special racing
6 events, a permitholder may conduct fewer than eight live races
7 or games when the permitholder also broadcasts out-of-state
8 races or games. The division may not grant more than two such
9 exceptions a year for a permitholder in any 12-month period,
10 and those two exceptions may not be consecutive.

11 Section 28. Subsections (1) and (4) of section
12 550.6308, Florida Statutes, are amended, and subsection (5) is
13 added to that section, to read:

14 550.6308 Limited intertrack wagering license.--In
15 recognition of the economic importance of the thoroughbred
16 breeding industry to this state, its positive impact on
17 tourism, and of the importance of a permanent thoroughbred
18 sales facility as a key focal point for the activities of the
19 industry, a limited license to conduct intertrack wagering is
20 established to ensure the continued viability and public
21 interest in thoroughbred breeding in Florida.

22 (1) Upon application to the division on or before
23 January 31 of each year, any person that is licensed to
24 conduct public sales of thoroughbred horses pursuant to s.
25 535.01, that has conducted at least 15 days of thoroughbred
26 horse sales at a permanent sales facility in this state for at
27 least 3 consecutive years, and that has conducted at least 1
28 day of nonwagering thoroughbred racing in this state, with a
29 purse structure of at least \$250,000 per year for 2
30 consecutive years before such application, shall be issued a
31 license, subject to the conditions set forth in this section,

1 to conduct intertrack wagering at such a permanent sales
2 facility during the following periods:~~for thoroughbred racing~~
3 ~~for~~
4 (a) Up to 21 days in connection with thoroughbred
5 sales; ~~to conduct intertrack wagering at such permanent sales~~
6 ~~facility~~
7 (b) Between November 1 and May 8; ~~to conduct~~
8 ~~intertrack wagering at such permanent sales facility~~
9 (c) Between May 9 and October 31 at such times and on
10 such days as any thoroughbred, jai alai, or a greyhound
11 permitholder in the same county is not conducting live
12 performances; provided that any such permitholder may waive
13 this requirement, in whole or in part, and allow the licensee
14 under this section to conduct intertrack wagering during one
15 or more of the permitholder's live performances; and, ~~and to~~
16 ~~conduct intertrack wagering under the provisions of this~~
17 ~~subsection~~
18 (d) During the weekend of the Kentucky Derby, the
19 Preakness, the Belmont, and a Breeders' Cup Meet that is
20 conducted before November 1 and after May 8, ~~subject to~~
21 ~~conditions set forth in this section but~~
22
23 No more than one such license may be issued,and no such
24 license may be issued for a facility located within 50 miles
25 of any thoroughbred permitholder's track.
26 (4) Intertrack wagering under this section may be
27 conducted only on thoroughbred horse racing, except that
28 intertrack wagering may be conducted on any class of
29 pari-mutuel race or game conducted by any class of
30 permitholders licensed under this chapter if all thoroughbred,
31

1 jai alai, and greyhound permitholders in the same county as
2 the licensee under this section give their consent.

3 (5) The licensee shall be considered a guest track
4 under this chapter. The licensee shall pay 2.5 percent of the
5 total contributions to the daily pari-mutuel pool on wagers
6 accepted at the licensee's facility on greyhound races or jai
7 alai games to the thoroughbred permitholder that is conducting
8 live races for purses to be paid during its current racing
9 meet. If more than one thoroughbred permitholder is conducting
10 live races on a day during which the licensee is conducting
11 intertrack wagering on greyhound races or jai alai games, the
12 licensee shall allocate these funds between the operating
13 thoroughbred permitholders on a prorata basis based on the
14 total live handle at the operating permitholders' facilities.

15 Section 29. Subsection (7) of section 773.01, Florida
16 Statutes, is amended to read:

17 773.01 Definitions.--As used in ss. 773.01-773.05:

18 (7) "Participant" means any person, whether amateur or
19 professional, who engages in or any equine that participates
20 in an equine activity, whether or not a fee is paid to
21 participate in the equine activity.

22 Section 30. Subsection (1) of section 773.03, Florida
23 Statutes, is amended to read:

24 773.03 Limitation on liability for equine activity;
25 exceptions.--

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

28 Section 31. Interstate Compact on Licensure of
29 Participants in Pari-mutuel Wagering.--There is created the
30 Interstate Compact on Licensure of Participants in Pari-mutuel
31 Wagering.

1 Section 32. Purposes.--The purposes of this compact
2 are to:

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

7 (2) Facilitate the growth of the pari-mutuel wagering
8 industry in each party state and nationwide by simplifying the
9 process for licensing participants in pari-mutuel wagering,
10 and reduce the duplicative and costly process of separate
11 licensing by the regulatory agency in each state that conducts
12 pari-mutuel wagering.

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

15 (4) Provide for participation in this compact by
16 officials of the party states, and permit those officials,
17 through the compact committee established by this compact, to
18 enter into contracts with governmental agencies and
19 nongovernmental persons to carry out the purposes of this
20 compact.

21 (5) Establish the compact committee created by this
22 compact as an interstate governmental entity duly authorized
23 to request and receive criminal-history record information
24 from the Federal Bureau of Investigation and other state and
25 local law enforcement agencies.

26 Section 33. Definitions.--As used in this compact, the
27 term:

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

31

1 (2) "Official" means the appointed, elected,
2 designated, or otherwise duly selected member of a racing
3 commission, or the equivalent thereof, in a party state who
4 represents that party state as a member of the compact
5 committee.

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

9 (4) "Party state" means each state that has enacted
10 this compact.

11 (5) "State" means each of the several states of the
12 United States, the District of Columbia, the Commonwealth of
13 Puerto Rico, and each territory or possession of the United
14 States.

15 Section 34. Entry into force.--This compact shall come
16 into force when enacted by any four states. Thereafter, this
17 compact shall become effective in any other state upon that
18 state's enactment of this compact and upon the affirmative
19 vote of a majority of the officials on the compact committee
20 as provided in section 43.

21 Section 35. States eligible to join compact.--Any
22 state that has adopted or authorized pari-mutuel wagering
23 shall be eligible to become a party to this compact.

24 Section 36. Withdrawal from compact; impact on force
25 and effect.--

26 (1) Any party state may withdraw from this compact by
27 enacting a statute repealing this compact, but such a
28 withdrawal becomes effective only when the head of the
29 executive branch of the withdrawing party state has given
30 written notice of the withdrawal to the heads of the executive
31 branch of all other party states.

1 (2) If, as a result of withdrawals, participation in
2 this compact decreases to fewer than three party states, this
3 compact shall no longer be in force and effect until
4 participation in this compact increases to three or more party
5 states.

6 Section 37. Compact committee.--

7 (1) There is created an interstate governmental entity
8 to be known as the "compact committee," which shall be
9 composed of one official from the racing commission, or the
10 equivalent thereof, in each party state who shall be
11 appointed, serve, and be subject to removal in accordance with
12 the laws of the party state that she or he represents. The
13 official from Florida shall be appointed by the Secretary of
14 Business and Professional Regulation. Pursuant to the laws of
15 her or his party state, each official shall have the
16 assistance of her or his state's racing commission, or the
17 equivalent thereof, in considering issues related to licensing
18 of participants in pari-mutuel wagering and in fulfilling her
19 or his responsibilities as the representative from her or his
20 state to the compact committee.

21 (2) If an official is unable to perform any of her or
22 his duties as a member of the compact committee, the racing
23 commission, or the equivalent thereof, from her or his state
24 shall designate another of its members as an alternate who
25 shall serve in her or his place and represent the party state
26 as its official on the compact committee, until that racing
27 commission, or the equivalent thereof, determines that the
28 original representative official is once again able to perform
29 her or his duties as that party state's representative
30 official on the compact committee. The designation of an
31 alternate shall be communicated by the affected state's racing

1 commission, or the equivalent thereof, to the compact
2 committee as the committee's bylaws provide.

3 Section 38. Powers and duties of compact
4 committee.--In order to carry out the purposes of this
5 compact, the compact committee has the power and duty to:

6 (1)(a) Determine which categories of participants in
7 pari-mutuel wagering, including, but not limited to, owners,
8 trainers, jockeys, jai alai players, drivers, grooms, mutuel
9 clerks, racing officials, veterinarians, and farriers, should
10 be licensed by the committee, and to establish the
11 requirements for the initial licensure of applicants in each
12 category, the term of the license for each category, and the
13 requirements for renewal of licenses in each category.

14 (b) With regard to requests for criminal-history
15 record information on each applicant for a license, and with
16 regard to the effect of a criminal record on the issuance or
17 renewal of a license, determine for each category of
18 participants in pari-mutuel wagering which licensure
19 requirements for that category are, in its judgment, the
20 most-restrictive licensure requirements of any party state for
21 that category and to adopt licensure requirements for that
22 category which are, in its judgment, comparable to those
23 most-restrictive requirements.

24 (2) Investigate applicants for licensure by the
25 compact committee and, as permitted by federal and state law,
26 gather information on such applicants, including
27 criminal-history record information from the Federal Bureau of
28 Investigation and relevant state and local law enforcement
29 agencies, and, where appropriate, from the Royal Canadian
30 Mounted Police and law enforcement agencies of other
31 countries, which is necessary to determine whether a license

1 should be issued under the licensure requirements established
2 by the committee under subsection (1). The fingerprints of
3 each applicant for licensure by the compact committee shall be
4 taken by the compact committee, its employees, or its
5 designee, and, pursuant to Pub. L. No. 92-544 or Pub. L. No.
6 100-413, shall be forwarded to a state identification bureau
7 or to the Association of Racing Commissioners International,
8 Inc., for submission to the Federal Bureau of Investigation
9 for a criminal-history record check. Such fingerprints may be
10 submitted on a fingerprint card or by electronic or other
11 means authorized by the Federal Bureau of Investigation or
12 other receiving law enforcement agency.

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

29 (4) Enter into contracts or agreements with
30 governmental agencies and nongovernmental persons to provide
31

1 personal services for its activities and such other services
2 as are necessary to effectuate the purposes of this compact.

3 (5) Create, appoint, and abolish those offices,
4 employments, and positions, including that of executive
5 director, that it considers necessary for the purposes of this
6 compact; prescribe the powers, duties, and qualifications of,
7 and hire persons to fill, such offices, employments, and
8 positions; and provide for the removal, term, tenure,
9 compensation, fringe benefits, retirement benefits, and other
10 conditions of employment of persons filling such offices,
11 employments, and positions.

12 (6) Borrow, accept, or contract for the services of
13 personnel from any state, the United States, or any other
14 governmental agency, or from any person, firm, association,
15 corporation, or other entity.

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

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

22 (9) Receive other funds through gifts, grants, and
23 appropriations.

24 Section 39. Voting requirements.--

25 (1) Each member of the compact committee is entitled
26 to one vote.

27 (2) All action taken by the compact committee with
28 regard to the addition of party states, the licensure of
29 participants in pari-mutuel wagering, and the receipt and
30 disbursement of funds requires a majority vote of the members
31 of the compact committee or their alternates. All other action

1 by the compact committee requires a majority vote of the
2 members present or their alternates.

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

6 Section 40. Administration and management.--

7 (1) The compact committee shall elect annually from
8 among its members a chairperson, a vice chairperson, and a
9 secretary/treasurer.

10 (2) The compact committee shall adopt bylaws for the
11 conduct of its business by a two-thirds vote of the members of
12 the committee or their alternates and may, by the same vote,
13 amend and rescind these bylaws. The compact committee shall
14 publish its bylaws in convenient form and shall file a copy
15 thereof and a copy of any amendments thereto with the
16 Secretary of State or equivalent agency of each of the party
17 states.

18 (3) The compact committee may delegate the day-to-day
19 management and administration of its duties and
20 responsibilities to an executive director and her or his
21 support staff.

22 (4) Employees of the compact committee shall be
23 considered governmental employees.

24 Section 41. Immunity from liability for performance of
25 official responsibilities and duties.--A member or employee of
26 the compact committee may not be held personally liable for
27 any good-faith act or omission that occurs during the
28 performance and within the scope of her or his
29 responsibilities and duties under this compact.

30 Section 42. Rights and responsibilities of each party
31 state.--

- 1 (1) By enacting this compact, each party state:
2 (a) Agrees to:
3 1. Accept the decisions of the compact committee
4 regarding the issuance of compact committee licenses to
5 participants in pari-mutuel wagering pursuant to the
6 committee's licensure requirements.
7 2. Reimburse or otherwise pay the expenses of its
8 official representative on the compact committee or her or his
9 alternate.
10 (b) Agrees not to treat a notification to an applicant
11 by the compact committee described in subsection (3) of
12 section 42 as the denial of a license, or to penalize such an
13 applicant in any other way based solely on such a decision by
14 the compact committee.
15 (c) Reserves the right to:
16 1. Apply its own standards in determining whether, on
17 the facts of a particular case, a compact committee license
18 should be suspended or revoked. Any party state that suspends
19 or revokes a compact committee license shall, through its
20 racng commission or the equivalent thereof, or otherwise,
21 promptly notify the compact committee of that suspension or
22 revocation.
23 2. Apply its own standards in determining licensure
24 eligibility, under the laws of that party state, for
25 categories of participants in pari-mutuel wagering which the
26 compact committee decides not to license and for individual
27 participants in pari-mutuel wagering who do not meet the
28 licensure requirements of the compact committee.
29 3. Establish its own licensure standards for those who
30 are not covered by the compact committee license.
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1 (2) A party state may not be held liable for the debts
2 or other financial obligations incurred by the compact
3 committee.

4 Section 43. Construction and severability.--

5 (1) This compact shall be liberally construed so as to
6 effectuate its purposes. The provisions of this compact shall
7 be severable, and, if any phrase, clause, sentence, or
8 provision of this compact is declared to be contrary to the
9 Constitution of the United States or of any party state, or if
10 the applicability of this compact to any government, agency,
11 person, or circumstance is held invalid, the validity of the
12 remainder of this compact and the applicability thereof to any
13 government, agency, person, or circumstance shall not be
14 affected thereby.

15 (2) If all or some portion of this compact is held to
16 be contrary to the constitution of any party state, the
17 compact shall remain in full force and effect as to the
18 remaining party states and in full force and effect as to the
19 state affected as to all severable matters.

20 Section 44. Paragraph (a) of subsection (2) of section
21 550.0951, subsections (10), (11), and (12) of section
22 550.2415, and subsection (9) of section 550.615, Florida
23 Statutes, are repealed.

24 Section 45. Except as otherwise expressly provided in
25 this act, this act shall take effect July 1, 2000.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 2324

4 This committee substitute makes the following changes:

- 5 1) Provides that the Pari-mutuel Wagering Trust Fund will
6 retain \$2 million when the balance is transferred to
General Revenue.
- 7 2) Changes the tax on live and simulcast greyhound handle
8 to 5.6%, instead of the 7.6% rate in current law and the
3.6% rate in CS/SB 2324.
- 9 3) Keeps the tax rate on ITW harness handle at 3.3%,
10 instead of 1.6% in CS/SB 2324.
- 11 4) Keeps the tax rate on ITW simulcast thoroughbred handle
12 at 2.4%, instead of the 2.0% rate in CS/SB 2324; changes
tax on simulcast ITW harness handle to 1.25%, instead of
2.4% in current law and 1.2% in CS/SB 2324.
- 13 5) Changes the tax on simulcast greyhound handle in the
14 Jacksonville, Tampa Bay and South Florida market areas
to 4.0%, instead of the 6.0% rate in current law and the
15 2.0% rate in CS/SB 2324.
- 16 6) Keeps the tax on thoroughbred ITW simulcast handle at
2.4%, instead of the 2.0% rate in CS/SB 2324.
- 17 7) Deletes the 2% tax credit for contributions to the
18 Jockeys Guild.
- 19 8) Provides that a greyhound or jai alai facility being
20 relocated within a county must be consistent with local
government comprehensive plan.
- 21 9) Deletes the provision redirecting proceeds of unclaimed
22 winning jai alai tickets from the State School Fund to
the Jai Alai Association.
- 23 10) Keeps required purse payments for harness racing at 7%
24 of ITW handle, instead of 7.85% requirement in CS/SB
2324.
- 25 11) Deletes the provision that would have eliminated the tax
26 on admissions for all types of pari-mutuel performances
and would have exempted programs and parking from the
state sales tax.
- 27 12) Provides that the act will take effect July 1, 2000,
28 instead of "upon becoming a law."
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