

Bill No. CS for CS for SB 770 & SB 286

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Latvala moved the following amendment to amendment		
12	(263483):		
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14	Senate Amendment (with title amendment)		
15	On page 1, line 17, through		
16	page 72, line 16, delete those lines		
17			
18	and insert:		
19	Section 1. Subsection (1) of section 561.501, Florida		
20	Statutes, is amended to read:		
21	561.501 Surcharge on sale of alcoholic beverages for		
22	consumption on the premises; penalty.--		
23	(1) Notwithstanding s. 561.50 or any other provision		
24	of the Beverage Law, a surcharge of <u>3.34</u> 6.67 cents is imposed		
25	upon each ounce of liquor and each 4 ounces of wine, a		
26	surcharge of <u>2</u> 4 cents is imposed on each 12 ounces of cider,		
27	and a surcharge of <u>1.34</u> 2.67 cents is imposed on each 12		
28	ounces of beer sold at retail for consumption on premises		
29	licensed by the division as an alcoholic beverage vendor.		
30	<u>However, the surcharges imposed under this subsection need not</u>		
31	<u>be paid upon such beverages when they are sold by an</u>		

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 organization that is licensed by the division under s.
2 565.02(4) or s. 561.422 as an alcoholic beverage vendor and
3 that is determined by the Internal Revenue Service to be
4 currently exempt from federal income tax under s. 501(c)(3),
5 (4), (5), (6), (7), (8), or (19) of the Internal Revenue Code
6 of 1986, as amended.

7 Section 2. Subsection (4) of section 561.121, Florida
8 Statutes, is amended to read:

9 561.121 Deposit of revenue.--

10 (4) State funds collected pursuant to s. 561.501 shall
11 be paid into the State Treasury and credited to the following
12 accounts:

13 (a) Twenty-seven and two-tenths ~~Thirteen and~~
14 ~~six-tenths~~ percent of the surcharge on the sale of alcoholic
15 beverages for consumption on premises shall be transferred to
16 the Children and Adolescents Substance Abuse Trust Fund, which
17 shall remain with the Department of Children and Family
18 Services for the purpose of funding programs directed at
19 reducing and eliminating substance abuse problems among
20 children and adolescents.

21 (b) The remainder of collections shall be credited to
22 the General Revenue Fund.

23 Section 3. Subsection (6) of section 212.20, Florida
24 Statutes, is amended to read:

25 212.20 Funds collected, disposition; additional powers
26 of department; operational expense; refund of taxes
27 adjudicated unconstitutionally collected.--

28 (6) Distribution of all proceeds under this chapter
29 shall be as follows:

30 (a) Proceeds from the convention development taxes
31 authorized under s. 212.0305 shall be reallocated to the

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 Convention Development Tax Clearing Trust Fund.

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

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

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

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

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

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

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

5 5. Of the remaining proceeds:

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

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

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

30 Section 4. Subsection (8) of section 550.01215 is
31 repealed.

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 Section 5. Section 550.135, Florida Statutes, is
2 amended to read:

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

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

16 ~~(2)(4)~~ ~~After payments to the counties have been~~
17 ~~completed as provided in subsections (1) and (2),~~ All
18 unappropriated funds in excess of \$3.5 million in the
19 Pari-mutuel Wagering Trust Fund shall be deposited to the
20 Treasurer to the credit of the General Revenue Fund ~~as~~
21 ~~provided in subsection (1).~~

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

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

31 550.0951 Payment of daily license fee and taxes.--

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

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

14 (b)1. The tax on handle for dogracing is 5.5 ~~7.6~~
15 percent of the handle, except that for live charity
16 performances held pursuant to s. 550.0351, and for intertrack
17 wagering on such charity performances at a guest greyhound
18 track within the market area of the host, the tax is 7.6
19 percent of the handle.~~and~~

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

22 (c)1. The tax on handle for intertrack wagering is 2.0
23 ~~3.3~~ percent of the handle if the host track is a horse track,
24 3.3 percent if the host track is a harness track, 5.5 ~~7.6~~
25 percent if the host track is a dog track, and 7.1 percent if
26 the host track is a jai alai fronton. The tax on handle for
27 intertrack wagering is 0.5 percent if the host track and the
28 guest track are thoroughbred permitholders or if the guest
29 track is located outside the market area of the host track and
30 within the market area of a throughbred permitholder currently
31 conducting a live race meet.The tax on handle for intertrack

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 wagering on rebroadcasts of simulcast thoroughbred horseraces
2 is 2.4 percent of the handle and 1.5 percent of the handle for
3 intertrack wagering on rebroadcasts of simulcast harness
4 horseraces. The tax shall be deposited into the Pari-mutuel
5 Wagering Trust ~~General Revenue~~ Fund.

6 2. ~~Effective October 1, 1996,~~The tax on handle for
7 intertrack wagers accepted by any dog track located in an area
8 of the state in which there are only three permitholders, all
9 of which are greyhound permitholders, located in three
10 contiguous counties, from any greyhound permitholder also
11 located within such area or any dog track or jai alai fronton
12 located as specified in s. 550.615(6) or (9)(8), on races or
13 games received from the same class of permitholder located
14 within the same market area is 3.9 ~~6~~ percent if the host
15 facility is a greyhound permitholder and, if the host facility
16 is a jai alai permitholder, the rate shall be 6.1 percent
17 except that it shall be 2.3 percent on handle at such time as
18 the total tax on intertrack handle paid to the division by the
19 permitholder during the current state fiscal year exceeds the
20 total tax on intertrack handle paid to the division by the
21 permitholder during the 1992-1993 state fiscal year.

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

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

31 (5) PAYMENT AND DISPOSITION OF FEES AND

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

21 (6) PENALTIES.--

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

30 Section 7. Any double-sum tax liability that accrued
31 under section 550.09515(2)(a)2., Florida Statutes, between

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 January 1, 2000, and the effective date of this act is
2 forgiven, and the Department of Business and Professional
3 Regulation may not maintain an action to collect such taxes.

4 Section 8. Section 550.09514, Florida Statutes, is
5 amended to read:

6 550.09514 Greyhound dogracing taxes; purse
7 requirements.--

8 (1) ~~Notwithstanding the provisions of s.~~
9 ~~550.0951(3)(b),~~ Wagering on greyhound racing is subject to a
10 tax on handle for live greyhound racing as specified in s.
11 550.0951(3)~~at the rate of 7.6 percent of handle. However,~~
12 each permitholder shall pay no ~~the~~ tax on ~~live~~ handle ~~in~~
13 ~~excess of \$100,000 per performance~~ until such time as this
14 subsection has resulted in a tax savings per state fiscal year
15 of \$360,000. Thereafter, each permitholder shall pay the tax
16 as specified in s. 550.0951(3)~~provided in this subsection~~ on
17 all handle for the remainder of the permitholder's current
18 race meet, and the tax must be calculated and commence
19 beginning the day after the biweekly period in which the
20 permitholder reaches the maximum tax savings per state fiscal
21 year provided in this section. For the three permitholders
22 that ~~which~~ conducted a full schedule of live racing in 1995,
23 and are closest to another state that ~~which~~ authorizes
24 greyhound pari-mutuel wagering, the maximum tax savings per
25 state fiscal year shall be \$500,000. The provisions of this
26 subsection relating to tax exemptions shall not apply to any
27 charity or scholarship performances conducted pursuant to s.
28 550.0351.

29 (2)(a) The division shall determine for each greyhound
30 permitholder the annual purse percentage rate of live handle
31 for the state fiscal year 1993-1994 by dividing total purses

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 paid on live handle by the permitholder, exclusive of payments
2 made from outside sources, during the 1993-1994 state fiscal
3 year by the permitholder's live handle for the 1993-1994 state
4 fiscal year. Each permitholder shall pay as purses for live
5 races conducted during its current race meet a percentage of
6 its live handle not less than the percentage determined under
7 this paragraph, exclusive of payments made by outside sources,
8 for its 1993-1994 state fiscal year.

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

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

31

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

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

27 (d) The division shall require sufficient
28 documentation from each greyhound permitholder regarding
29 purses paid on live racing to assure that the annual purse
30 percentage rates paid by each permitholder on the live races
31 are not reduced below those paid during the 1993-1994 state

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 fiscal year. The division shall require sufficient
2 documentation from each greyhound permitholder to assure that
3 the purses paid by each permitholder on the greyhound
4 intertrack and simulcast broadcasts are in compliance with the
5 requirements of paragraph (c).

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 to its annual license, and multiplying that amount by the
2 number of performances conducted each week. The division shall
3 conduct audits necessary to ensure compliance with this
4 paragraph.

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

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

8 550.09515 Thoroughbred horse taxes; abandoned interest
9 in a permit for nonpayment of taxes.--

10 (2)

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

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

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

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

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

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

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

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

27 (7) A credit equal to the amount of contributions made
28 by a thoroughbred permitholder during the taxable year
29 directly to the Jockeys' Guild or its health and welfare fund
30 to be used to provide health and welfare benefits for active,
31 disabled, and retired Florida jockeys and their dependents

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 pursuant to reasonable rules of eligibility established by the
 2 Jockeys' Guild is allowed against taxes on live handle due for
 3 a taxable year under this section. A thoroughbred permitholder
 4 may not receive a credit greater than an amount equal to 1
 5 percent of its paid taxes for the previous taxable year.

6 Section 10. Effective July 1, 2001, paragraph (a) of
 7 subsection (2) of section 550.09515, Florida Statutes, as
 8 amended by section 4 of chapter 98-190, Laws of Florida, is
 9 reenacted to read:

10 550.09515 Thoroughbred horse taxes; abandoned interest
 11 in a permit for nonpayment of taxes.--

12 (2)(a) ~~Notwithstanding the provisions of s.~~
 13 ~~550.0951(3)(a),~~The tax on handle for live thoroughbred
 14 ~~horserace horse~~ performances shall be 0.5 percent.~~subject to~~
 15 ~~the following:~~

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

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

28 Section 11. Section 550.1645, Florida Statutes, is
 29 amended to read:

30 550.1645 Escheat to state of abandoned interest in or
 31 contribution to pari-mutuel pools.--

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

19 (3) All money or other property that has escheated to
20 and become the property of the state as provided herein, and
21 which is held by such licensee authorized to conduct
22 pari-mutuel pools in this state, shall be paid by such
23 licensee to the Treasurer annually within 60 days after the
24 close of the race meeting of the licensee. Such moneys so
25 paid by the licensee to the Treasurer shall be deposited in
26 the State School Fund to be used for the support and
27 maintenance of public free schools as required by s. 6, Art.
28 IX of the State Constitution.

29 Section 12. Section 550.1647, Florida Statutes, is
30 created to read:

31 550.1647 Greyhound permitholders; unclaimed tickets;

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 breaks.--All money or other property represented by any
2 unclaimed, uncashed, or abandoned pari-mutuel ticket which has
3 remained in the custody of or under the control of any
4 permitholder authorized to conduct greyhound racing
5 pari-mutuel pools in this state for a period of 1 year after
6 the date the pari-mutuel ticket was issued, if the rightful
7 owner or owners thereof have made no claim or demand for such
8 money or other property within that period of time, shall,
9 with respect to live races conducted by the permitholder, be
10 remitted to the state pursuant to s. 550.1645; however, such
11 permitholder shall be entitled to a credit in each state
12 fiscal year in an amount equal to the actual amount remitted
13 in the prior state fiscal year which may be applied against
14 any taxes imposed pursuant to this chapter. In addition, each
15 permitholder shall pay, from any source, including the
16 proceeds from performances conducted pursuant to s. 550.0351,
17 an amount not less than 10 percent of the amount of the credit
18 provided by this section to any bonafide organization that
19 promotes or encourages the adoption of greyhounds.

20 Section 13. Section 550.615, Florida Statutes, is
21 amended to read:

22 550.615 Intertrack wagering.--

23 (1) Any horserace permitholder licensed under this
24 chapter which has conducted a full schedule of live racing
25 may, at any time, receive broadcasts of horseraces and accept
26 wagers on horseraces conducted by horserace permitholders
27 licensed under this chapter at its facility.

28 (2) Any track or fronton licensed under this chapter
29 which in the preceding year conducted a full schedule of live
30 racing is qualified to, at any time, receive broadcasts of any
31 class of pari-mutuel race or game and accept wagers on such

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 races or games conducted by any class of permitholders
2 licensed under this chapter.

3 (3) If a permitholder elects to broadcast its signal
4 to any permitholder in this state, any permitholder that is
5 eligible to conduct intertrack wagering under the provisions
6 of ss. 550.615-550.6345 is entitled to receive the broadcast
7 and conduct intertrack wagering under this section; provided,
8 however, that the host track may require a guest track within
9 25 miles of another permitholder to receive in any week at
10 least 60 percent of the live races that the host track is
11 making available on the days that the guest track is otherwise
12 operating live races or games. A host track may require a
13 guest track not operating live races or games and within 25
14 miles of another permitholder to accept within any week at
15 least 60 percent of the live races that the host track is
16 making available. A person may not restrain or attempt to
17 restrain any permitholder that is otherwise authorized to
18 conduct intertrack wagering from receiving the signal of any
19 other permitholder or sending its signal to any permitholder.

20 (4) In no event shall any intertrack wager be accepted
21 on the same class of live races or games of any permitholder
22 without the written consent of such operating permitholders
23 conducting the same class of live races or games if the guest
24 track is within the market area of such operating
25 permitholder.

26 (5) No permitholder within the market area of the host
27 track shall take an intertrack wager on the host track without
28 the consent of the host track.

29 (6) Notwithstanding the provisions of subsection (3),
30 in any area of the state where there are three or more
31 horserace permitholders within 25 miles of each other,

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 intertrack wagering between permitholders in said area of the
2 state shall only be authorized under the following conditions:
3 Any permitholder, other than a thoroughbred permitholder, may
4 accept intertrack wagers on races or games conducted live by a
5 permitholder of the same class or any harness permitholder
6 located within such area and any harness permitholder may
7 accept wagers on games conducted live by any jai alai
8 permitholder located within its market area and from a jai
9 alai permitholder located within the area specified in this
10 subsection when no jai alai permitholder located within its
11 market area is conducting live jai alai performances; any
12 greyhound or jai alai permitholder may receive broadcasts of
13 and accept wagers on any permitholder of the other class
14 provided that a permitholder, other than the host track, of
15 such other class is not operating a contemporaneous live
16 performance within the market area.

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

28 (8) In any three contiguous counties of the state
29 where there are only three permitholders, all of which are
30 greyhound permitholders, if any permitholder leases the
31 facility of another permitholder for all or any portion of the

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 conduct of its live race meet pursuant to s. 550.475, such
2 lessee may conduct intertrack wagering at its pre-lease
3 permitted facility throughout the entire year, including while
4 its live meet is being conducted at the leased facility, if
5 such permitholder has conducted a full schedule of live racing
6 during the preceding fiscal year at its pre-lease permitted
7 facility or at a leased facility, or combination thereof.

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

17 (10)(9)(a) Upon application to the division on or
18 before January 31 of each year, any quarter horse permitholder
19 that has conducted at least 15 days of thoroughbred horse
20 sales at a permanent sales facility for at least 3 consecutive
21 years, and conducted at least one day of nonwagering
22 thoroughbred racing, with a purse structure of at least
23 \$250,000 per year for 2 consecutive years prior to such
24 application, shall be issued a license to conduct intertrack
25 wagering for thoroughbred racing for up to 21 days in
26 connection with thoroughbred sales, to conduct intertrack
27 wagering at such permanent sales facility between November 1
28 and May 8 of the following year, to conduct intertrack
29 wagering at such permanent sales facility between May 9 and
30 October 31 at such times and on such days as any jai alai
31 permitholder in the same county is not conducting live

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 performances, and to conduct intertrack wagering under the
2 provisions of this subsection during the weekend of the
3 Kentucky Derby, the Preakness, the Belmont, and a Breeders'
4 Cup Meet that is conducted before November 1 and after May 8,
5 subject to conditions set forth in this subsection, provided
6 that no more than one such license may be issued.

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

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

18 (d) Intertrack wagering under this subsection may not
19 be conducted within 50 miles of any greyhound racetrack that
20 conducted a full schedule of live racing prior to June 1,
21 1990.

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

26 (f) Intertrack wagering under this subsection may only
27 be conducted on thoroughbred horse racing, and intertrack
28 wagering under this subsection may not be conducted on evening
29 performances.

30 (11)~~(10)~~ All costs of receiving the transmission of
31 the broadcasts shall be borne by the guest track; and all

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 costs of sending the broadcasts shall be borne by the host
2 track.

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

20 Section 14. Subsection (2) of section 550.0555,
21 Florida Statutes, is amended to read:

22 550.0555 Greyhound dogracing permits; relocation
23 within a county; conditions.--

24 (2) Any holder of a valid outstanding permit for
25 greyhound dogracing in a county in which there is only one
26 dogracing permit issued, as well as any holder of a valid
27 outstanding permit for jai alai in a county where only one jai
28 alai permit is issued, is authorized, without the necessity of
29 an additional county referendum required under s. 550.0651, to
30 move the location for which the permit has been issued to
31 another location within a 30-mile radius of the location fixed

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 in the permit issued in that county, provided the move does
 2 not cross the county boundary, that such relocation is
 3 approved under the zoning regulations of the county or
 4 municipality in which the permit is to be located as a planned
 5 development use, consistent with the comprehensive plan, and
 6 that such move is approved by the department after it is
 7 determined at a proceeding pursuant to chapter 120 in the
 8 county affected that the move is necessary to ensure the
 9 revenue-producing capability of the permittee without
 10 deteriorating the revenue-producing capability of any other
 11 pari-mutuel permittee within 50 miles; the distance shall be
 12 measured on a straight line from the nearest property line of
 13 one racing plant or jai alai fronton to the nearest property
 14 line of the other.

15 Section 15. Paragraph (a) of subsection (2) of section
 16 550.09512, Florida Statutes, is amended to read:

17 550.09512 Harness horse taxes; abandoned interest in a
 18 permit for nonpayment of taxes.--

19 (2)(a) ~~Notwithstanding the provisions of s.~~
 20 ~~550.0951(3)(a),~~The tax on handle for live harness horse
 21 performances is 0.5 ± percent of handle per performance.

22 Section 16. Section 550.475, Florida Statutes, is
 23 amended to read:

24 550.475 Lease of pari-mutuel facilities by pari-mutuel
 25 permit holders.--Holders of valid pari-mutuel permits for the
 26 conduct of any jai alai games, dogracing, or thoroughbred and
 27 standardbred horse racing in this state are ~~shall be~~ entitled
 28 to lease any and all of their facilities to any other holder
 29 of a same class valid pari-mutuel permit for jai alai games,
 30 dogracing, or thoroughbred or standardbred horse racing, when
 31 located within a 35-mile radius of each other; and such lessee

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 ~~is shall be~~ entitled to a permit and license to operate its
2 race meet or jai-alai games at the leased premises.

3 Section 17. Subsection (1) of section 550.625, Florida
4 Statutes, is amended to read:

5 550.625 Intertrack wagering; purses; breeders'
6 awards.--If a host track is a horse track:

7 (1) A host track racing under either a thoroughbred or
8 quarter horse permit shall pay an amount equal to 7.0 ~~6.125~~
9 percent of all wagers placed pursuant to the provisions of s.
10 550.615, as purses during its current race meet. However, up
11 to 0.50 percent of all wagers placed pursuant to s. 550.615
12 may, at the option of the host track, be deducted from the
13 amount retained by the host track for purses to supplement the
14 awards program for owners of Florida-bred horses as set forth
15 in s. 550.2625(6). A host track racing under a harness permit
16 shall pay an amount equal to 7 percent of all wagers placed
17 pursuant to the provisions of s. 550.615, as purses during its
18 current race meet. If a host track underpays or overpays
19 purses required by this section and s. 550.2625, the
20 provisions of s. 550.2625 apply to the overpayment or
21 underpayment.

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

24 550.155 Pari-mutuel pool within track enclosure;
25 takeouts; breaks; penalty for purchasing part of a pari-mutuel
26 pool for or through another in specified circumstances.--

27 (2) The permitholder's share of the takeout is that
28 portion of the takeout that remains after the pari-mutuel tax
29 imposed upon the contributions to the pari-mutuel pool is
30 deducted from the takeout and paid by the permitholder. The
31 takeout is deducted from all pari-mutuel pools but may be

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

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

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

28 550.26352 Breeders' Cup Meet; pools authorized;
29 conflicts; taxes; credits; transmission of races; rules;
30 application.--

31 (3) If the permitholder conducting the Breeders' Cup

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 Meet is located within 35 miles of one or more permitholders
2 scheduled to conduct a thoroughbred race meet on any of the 3
3 days of the Breeders' Cup Meet, then operation on any of those
4 3 days by the other permitholders is prohibited. As
5 compensation for the loss of racing days caused thereby, such
6 operating permitholders shall receive a credit against the
7 taxes otherwise due and payable to the state under ss.
8 550.0951 and 550.09515. This credit shall be in an amount
9 equal to the operating loss determined to have been suffered
10 by the operating permitholders as a result of not operating on
11 the prohibited racing days, but shall not exceed a total of
12 ~~\$950,000~~~~\$500,000~~. The determination of the amount to be
13 credited shall be made by the division upon application by the
14 operating permitholder. The tax credits provided in this
15 subsection shall not be available unless an operating
16 permitholder is required to close a bona fide meet consisting
17 in part of no fewer than 10 scheduled performances in the 15
18 days immediately preceding or 10 scheduled performances in the
19 15 days immediately following the Breeders' Cup Meet. Such
20 tax credit shall be in lieu of any other compensation or
21 consideration for the loss of racing days. There shall be no
22 replacement or makeup of any lost racing days.

23 (5) The permitholder conducting the Breeders' Cup Meet
24 shall receive a credit against the taxes otherwise due and
25 payable to the state under ss. 550.0951 and 550.09515
26 generated during said permitholder's next ensuing regular
27 thoroughbred race meet. This credit shall be in an amount not
28 to exceed~~\$950,000~~~~\$800,000~~ and shall be utilized by the
29 permitholder to pay the purses offered by the permitholder
30 during the Breeders' Cup Meet in excess of the purses which
31 the permitholder is otherwise required by law to pay. The

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 amount to be credited shall be determined by the division upon
2 application of the permitholder which is subject to audit by
3 the division.

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

15 (8)(a) Pursuant to s. 550.3551(2), the permitholder
16 conducting the Breeders' Cup Meet is authorized to transmit
17 broadcasts of the races conducted during the Breeders' Cup
18 Meet to locations outside of this state for wagering purposes.
19 The division may approve broadcasts to pari-mutuel
20 permitholders and other betting systems authorized under the
21 laws of any other state or country. Wagers accepted by any
22 out-of-state pari-mutuel permitholder or betting system on any
23 races broadcast under this section may be, but are not
24 required to be, commingled with the pari-mutuel pools of the
25 permitholder conducting the Breeders' Cup Meet. The
26 calculation of any payoff on national pari-mutuel pools with
27 commingled wagers may be performed by the permitholder's
28 totalisator contractor at a location outside of this state.
29 Pool amounts from wagers placed at pari-mutuel facilities or
30 other betting systems in foreign countries before being
31 commingled with the pari-mutuel pool of the Florida

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

28 (10) The division is authorized to adopt such rules as
29 are necessary to facilitate the conduct of the Breeders' Cup
30 Meet as authorized in this section. Included within this
31 grant of authority shall be the adoption or waiver of rules

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 regarding the overall conduct of racing during the Breeders'
2 Cup Meet so as to ensure the integrity of the races, licensing
3 for all participants, special stabling and training
4 requirements for foreign horses, commingling of pari-mutuel
5 pools, and audit requirements for tax credits and other
6 benefits.

7 Section 20. Paragraph (a) of subsection (9) of section
8 550.6305, Florida Statutes, is amended to read:

9 550.6305 Intertrack wagering; guest track payments;
10 accounting rules.--

11 (9) A host track that has contracted with an
12 out-of-state horse track to broadcast live races conducted at
13 such out-of-state horse track pursuant to s. 550.3551(5) may
14 broadcast such out-of-state races to any guest track and
15 accept wagers thereon in the same manner as is provided in s.
16 550.3551.

17 (a) For purposes of this section, "net proceeds" means
18 the amount of takeout remaining after the payment of state
19 taxes, purses required pursuant to s. 550.0951(3)(c)1., the
20 cost to the permitholder required to be paid to the
21 out-of-state horse track, breeders' awards paid to the Florida
22 Thoroughbred Breeders' Association and the Florida
23 Standardbred Breeders and Owners Association, to be used as
24 set forth in s. 550.625(2)(a) and (b), and the deduction of
25 any amount retained pursuant to s. 550.615(12)~~(11)~~.

26 Section 21. Subsection (31) of section 550.002,
27 Florida Statutes, is amended to read:

28 550.002 Definitions.--As used in this chapter, the
29 term:

30 (31) "Same class of races, games, ~~race~~ or permit"
31 means, with respect to a jai alai permitholder, jai alai games

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 or other jai alai permitholders; with respect to a greyhound
2 permitholder, greyhound races or other greyhound
3 permitholders; with respect to a thoroughbred permitholder,
4 thoroughbred races or other thoroughbred permitholders; with
5 respect to a harness permitholder, harness races or other
6 harness permitholders; with respect to a quarter horse
7 permitholder, quarter horse races or other quarter horse
8 permitholders.

9 Section 22. Subsections (8) and (9) of section
10 550.0351, Florida Statutes, are amended to read:

11 550.0351 Charity racing days.--

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

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

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

30 550.105 Occupational licenses of racetrack employees;
31 fees; denial, suspension, and revocation of license; penalties

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 and fines.--

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

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

30 1. Business licenses: any business such as a vendor,
31 contractual concessionaire, contract kennel, business owning

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 racing animals, trust or estate, totalisator company, stable
2 name, or other fictitious name: \$50.

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

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

26
27 The individuals and entities that are licensed under this
28 paragraph ~~Persons issued an unrestricted license~~ require
29 heightened ~~the most~~ state scrutiny, including the submission
30 by the individual licensees or persons associated with the
31 entities described in this chapter of fingerprints for a

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 Federal Bureau of Investigation criminal records check.

2 ~~(b) Restricted licenses shall be issued to persons~~
3 ~~without access to the backside, racing animals, jai alai~~
4 ~~players' room, jockeys' room, drivers' room, totalisator room,~~
5 ~~the mutuels, or money room. Persons issued a restricted~~
6 ~~license require the less state scrutiny and will not require~~
7 ~~routine criminal records check. The division may require~~
8 ~~persons issued the restricted license to submit fingerprints~~
9 ~~for a criminal records check as needed for investigations.~~

10 ~~(b)(c) The division shall adopt promulgate rules~~
11 ~~pertaining to pari-mutuel regarding unrestricted and~~
12 ~~restricted occupational licenses.~~

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

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

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

27 ~~3. Unrestricted licenses: general employees with~~
28 ~~access to the jockeys' room, drivers' room, racing animals,~~
29 ~~the backside of a racetrack or players' quarters in jai alai~~
30 ~~such as grooms, kennel helpers, leadouts, pelota makers, cesta~~
31 ~~makers, ball boys, vendor representatives, or any other~~

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 ~~occupation who would have access to the animals, the backside,~~
2 ~~or the kennel compound, or the security or maintenance of~~
3 ~~these areas: \$10.~~

4 ~~4. Unrestricted licenses: managers or supervisors~~
5 ~~requiring access to mutuels machines, the money room, or~~
6 ~~totalisator equipment but not requiring access to the~~
7 ~~backside: \$40.~~

8 ~~5. Unrestricted licenses: mutuel employees,~~
9 ~~totalisator employees, money room employees, and any employee~~
10 ~~with access to mutuels machines, the money room, or~~
11 ~~totalisator equipment or the security or maintenance of these~~
12 ~~areas: \$10.~~

13 ~~6. Restricted licenses: managers, supervisors, and~~
14 ~~other professionals who do not require access to the jockeys'~~
15 ~~room, drivers' room, racing animals, the backside, the kennel~~
16 ~~compound, mutuels areas, or money room or totalisator~~
17 ~~equipment: \$40.~~

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

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

28 ~~(4)(3)~~ It is unlawful for any person to take part in
29 or officiate in any way or to serve in any capacity at any
30 pari-mutuel facility without first having secured a license
31 and paid the occupational license fee.

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 ~~(5)~~(4)(a) The division may:

2 1. Deny a license to or revoke, suspend, or place
3 conditions upon or restrictions on a license of any person who
4 has been refused a license by any other state racing
5 commission or racing authority;

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

9
10 if the state racing commission or racing authority of such
11 other state or jurisdiction extends to the division reciprocal
12 courtesy to maintain the disciplinary control.

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

30 (c) The division may deny, declare ineligible, or
31 revoke any occupational license if the applicant for such

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 license has been convicted of a felony or misdemeanor in this
2 state, in any other state, or under the laws of the United
3 States, if such felony or misdemeanor is related to gambling
4 or bookmaking, as contemplated in s. 849.25, or involves
5 cruelty to animals. If the applicant establishes that she or
6 he is of good moral character, that she or he has been
7 rehabilitated, and that the crime she or he was convicted of
8 is not related to pari-mutuel wagering and is not a capital
9 offense, the restrictions excluding offenders may be waived by
10 the director of the division.

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 division.

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

4 ~~(6)(5)~~ In order to promote the orderly presentation of
5 pari-mutuel meets authorized in this chapter, the division may
6 issue a temporary occupational license. The division shall
7 adopt rules to implement this subsection. However, no
8 temporary occupational license shall be valid for more than 30
9 days, and no more than one temporary license may be issued for
10 any person in any year.

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

19 ~~(8)(7)~~ The division may fine, or suspend or revoke, or
20 place conditions upon, the license of any licensee who under
21 oath knowingly provides false information regarding an
22 investigation by the division.

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 may not assess or collect any additional excise or revenue tax
2 against any person conducting race meetings within the
3 corporate limits of the municipality or against any patron of
4 any such person.

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 from the fingerprinting requirements.

2 Section 24. Subsection (2) of section 550.24055,
3 Florida Statutes, is amended to read:

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

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

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

27 (b) If there was at the time of the test an excess of
28 0.05 percent but less than 0.08 ~~0.10~~ percent by weight of
29 alcohol in the person's blood, that fact does not give rise to
30 any presumption that the person was or was not under the
31 influence of alcoholic beverages to the extent that the

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 person's faculties were impaired, but the stewards, judges, or
2 board of judges may consider that fact in determining whether
3 or not the person will be allowed to officiate or participate
4 in any given race or jai alai game.

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

13

14 All tests relating to alcohol must be performed in a manner
15 substantially similar, or identical, to the provisions of s.
16 316.1934 and rules adopted pursuant to that section.
17 Following a test of the urine or blood to determine the
18 presence of a controlled substance as defined in chapter 893,
19 if a controlled substance is found to exist, the stewards,
20 judges, or board of judges may take such action as is
21 permitted in this section.

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

24 550.26165 Breeders' awards.--

25 (1) The purpose of this section is to encourage the
26 agricultural activity of breeding and training racehorses in
27 this state. Moneys dedicated in this chapter for use as
28 breeders' awards and stallion awards ~~from breaks and uncashed~~
29 ~~tickets from pari-mutuel wagering and horseraces~~ are to be
30 used for awards ~~of up to 20 percent of the announced gross~~
31 ~~purse at any race~~ to breeders of registered Florida-bred

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 horses winning horseraces and for similar awards to the owners
2 of stallions who sired Florida-bred horses winning stakes
3 races, if the stallions are registered as Florida stallions
4 standing in this state. Such awards shall be given at a
5 uniform rate to all winners of the awards, shall not be
6 greater than 20 percent of the announced gross purse, and
7 shall not be less than 15 percent of the announced gross purse
8 if funds are available. In addition, no less than 17 percent
9 nor more than 40 percent, as determined by the Florida
10 Thoroughbred Breeders' Association, of the moneys dedicated in
11 this chapter for use as breeders' awards and stallion awards
12 for thoroughbreds shall be returned prorata to the
13 permitholders that generated the moneys for awards to be
14 distributed by the permitholders to owners of registered
15 Florida-bred thoroughbred horses winning in thoroughbred races
16 and winning or placing in thoroughbred stakes races, all in
17 accordance with a plan established annually no later than 120
18 days before the first day of the permitholders' racing meet
19 and agreed upon by the permitholder, the Florida Thoroughbred
20 Breeders' Association, and the Florida Horsemen's Benevolent
21 and Protective Association, Inc., except that the plan for the
22 distribution by any permitholder located in the area described
23 in s. 550.615(9) shall be agreed upon by that permitholder,
24 the Florida Thoroughbred Breeders' Association, and the
25 association representing a majority of the thoroughbred
26 racehorse owners and trainers at that location. Awards for
27 thoroughbred races are to be paid through the Florida
28 Thoroughbred Breeders' Association, and awards for
29 standardbred races are to be paid through the Florida
30 Standardbred Breeders and Owners Association. Among other
31 sources specified in this chapter, ~~The~~ moneys for thoroughbred

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 breeders' awards will come from the 0.955 ~~0.75~~ percent of
2 handle for thoroughbred races conducted, received, broadcast,
3 or simulcast under this chapter as provided in s. 550.2625(3).
4 The moneys for quarter horse and harness breeders' awards will
5 come from the breaks and uncashed tickets on live quarter
6 horse and harness racing performances and 1 percent of handle
7 on intertrack wagering. The funds for these breeders' awards
8 shall be paid to the respective breeders' associations by the
9 permitholders conducting the races. ~~The awards are to be given~~
10 ~~at a uniform rate to all winners of the awards and may not be~~
11 ~~less than 15 percent of the announced gross purse if funds are~~
12 ~~available.~~

13 Section 26. Subsections (2) and (3) of section
14 550.2625, Florida Statutes, are amended to read:

15 550.2625 Horseracing; minimum purse requirement,
16 Florida breeders' and owners' awards.--

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

21 (a) A permitholder conducting a thoroughbred horse
22 race meet under this chapter must pay from the takeout
23 withheld a sum not less than 7.75 ~~7.5~~ percent of all
24 contributions to pari-mutuel pools conducted during the race
25 meet as purses. In addition to the 7.75 ~~7.5~~ percent minimum
26 purse payment, permitholders conducting live thoroughbred
27 performances shall be required to pay as additional purses
28 .625 percent of live handle for performances conducted during
29 the period beginning on January 3 and ending March 16; .225
30 percent for performances conducted during the period beginning
31 March 17 and ending May 22; and .85 percent for performances

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

13 (b)1. A permitholder conducting a harness horse race
14 meet under this chapter must pay to the purse pool from the
15 takeout withheld a purse requirement that totals an amount not
16 less than 8.25 8 percent of all contributions to pari-mutuel
17 pools conducted during the race meet. An amount not less than
18 7.75 7.5 percent of the total handle shall be paid from this
19 purse pool as purses.

20 2. An amount not to exceed 0.5 percent of the total
21 handle on all harness horse races that are subject to the
22 purse requirement of subparagraph 1., must be available for
23 use to provide medical, dental, surgical, life, funeral, or
24 disability insurance benefits for occupational licensees who
25 work at tracks in this state at which harness horse races are
26 conducted. Such insurance benefits must be paid from the
27 purse pool specified in subparagraph 1. An annual plan for
28 payment of insurance benefits from the purse pool, including
29 qualifications for eligibility, must be submitted by the
30 Florida Standardbred Breeders and Owners Association for
31 approval to the division. An annual report of the implemented

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 plan shall be submitted to the division. All records of the
2 Florida Standardbred Breeders and Owners Association
3 concerning the administration of the plan must be available
4 for audit at the discretion of the division to determine that
5 the plan has been implemented and administered as authorized.
6 If the division finds that the Florida Standardbred Breeders
7 and Owners Association has not complied with the provisions of
8 this section, the division may order the association to cease
9 and desist from administering the plan and shall appoint the
10 division as temporary administrator of the plan until the
11 division reestablishes administration of the plan with the
12 association.

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

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

28 (e) An amount equal to 8.5 percent of the purse
29 account generated through intertrack wagering and interstate
30 simulcasting will be used for Florida Owners' Awards as set
31 forth in subsection (3). Any thoroughbred permitholder with

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 an average blended takeout which does not exceed 20 percent
2 and with an average daily purse distribution excluding
3 sponsorship, entry fees, and nominations exceeding \$225,000 is
4 exempt from the provisions of this paragraph.

5 (3) Each horseracing permitholder conducting any
6 thoroughbred race under this chapter, including any intertrack
7 race taken pursuant to ss. 550.615-550.6305 or any interstate
8 simulcast taken pursuant to s. 550.3551(3) shall pay a sum
9 equal to 0.955 ~~0.75~~ percent on all pari-mutuel pools conducted
10 during any such race for the payment of breeders' and stallion
11 awards as authorized in this section. This subsection also
12 applies to all Breeder's Cup races conducted outside this
13 state taken pursuant to s. 550.3551(3). On any race
14 originating live in this state which is broadcast out-of-state
15 to any location at which wagers are accepted pursuant to s.
16 550.3551(2), the host track is required to pay 3.475 ~~3.3~~
17 percent of the gross revenue derived from such out-of-state
18 broadcasts as breeders' and stallion awards. The Florida
19 Thoroughbred Breeders' Association is authorized to receive
20 these payments from the permitholders and make payments of
21 awards earned. The Florida Thoroughbred Breeders' Association
22 has the right to withhold up to 10 percent of the
23 permitholder's payments under this section as a fee for
24 administering the payments of awards and for general promotion
25 of the industry. The permitholder shall remit these payments
26 to the Florida Thoroughbred Breeders' Association by the 5th
27 day of each calendar month for such sums accruing during the
28 preceding calendar month and shall report such payments to the
29 division as prescribed by the division. With the exception of
30 the 10-percent fee, the moneys paid by the permitholders shall
31 be maintained in a separate, interest-bearing account, and

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 such payments together with any interest earned shall be used
2 exclusively for the payment of breeders' awards and stallion
3 awards in accordance with the following provisions:

4 (a) The breeder of each Florida-bred thoroughbred
5 horse winning a thoroughbred horse race is entitled to an
6 award of up to, but not exceeding, 20 percent of the announced
7 gross purse, including nomination fees, eligibility fees,
8 starting fees, supplementary fees, and moneys added by the
9 sponsor of the race.

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

16 (c) The owners of registered Florida-bred thoroughbred
17 horses winning or placing in thoroughbred stakes races may
18 receive an award in accordance with a plan established in s.
19 550.26165(1).

20 (d)(e) In order for a breeder of a Florida-bred
21 thoroughbred horse to be eligible to receive a breeder's
22 award, or for the owners of a registered Florida-bred
23 thoroughbred horse to be eligible to receive an award under
24 paragraph (c), the horse ~~winning the race~~ must have been
25 registered as a Florida-bred horse with the Florida
26 Thoroughbred Breeders' Association, and the Jockey Club
27 certificate for the ~~winning~~ horse must show that it ~~the winner~~
28 has been duly registered as a Florida-bred horse as evidenced
29 by the seal and proper serial number of the Florida
30 Thoroughbred Breeders' Association registry. The Florida
31 Thoroughbred Breeders' Association shall be permitted to

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 charge the registrant a reasonable fee for this verification
2 and registration.

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

9 ~~(g)~~(f) The Florida Thoroughbred Breeders' Association
10 shall maintain complete records showing the starters and
11 winners in all races conducted at thoroughbred tracks in this
12 state; shall maintain complete records showing awards earned,
13 received, and distributed; and may charge the owner, owners,
14 or breeder a reasonable fee for this service.

15 ~~(h)~~(g) The Florida Thoroughbred Breeders' Association
16 shall annually establish a uniform rate and procedure for the
17 payment of breeders' and stallion awards and shall make
18 breeders' and stallion award payments in strict compliance
19 with the established uniform rate and procedure plan. The
20 plan may set a cap on winnings and may limit, exclude, or
21 defer payments to certain classes of races, such as the
22 Florida stallion stakes races, in order to assure that there
23 are adequate revenues to meet the proposed uniform rate. Such
24 plan must include proposals for the general promotion of the
25 industry. Priority shall be placed upon imposing such
26 restrictions in lieu of allowing the uniform rate to be less
27 than 15 percent of the total purse payment. The uniform rate
28 and procedure plan must be approved by the division before
29 implementation. In the absence of an approved plan and
30 procedure, the authorized rate for breeders' and stallion
31 awards is 15 percent of the announced gross purse for each

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 race. Such purse must include nomination fees, eligibility
2 fees, starting fees, supplementary fees, and moneys added by
3 the sponsor of the race. If the funds in the account for
4 payment of breeders' and stallion awards are not sufficient to
5 meet all earned breeders' and stallion awards, those breeders
6 and stallion owners not receiving payments have first call on
7 any subsequent receipts in that or any subsequent year.

8 (i)~~(h)~~ The Florida Thoroughbred Breeders' Association
9 shall keep accurate records showing receipts and disbursements
10 of such payments and shall annually file a full and complete
11 report to the division showing such receipts and disbursements
12 and the sums withheld for administration. The division may
13 audit the records and accounts of the Florida Thoroughbred
14 Breeders' Association to determine that payments have been
15 made to eligible breeders and stallion owners in accordance
16 with this section.

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 Section 27. Paragraph (a) of subsection (6) of section
2 550.3551, Florida Statutes, is amended to read:

3 550.3551 Transmission of racing and jai alai
4 information; commingling of pari-mutuel pools.--

5 (6)(a) A maximum of 20 percent of the total number of
6 races on which wagers are accepted by a greyhound permitholder
7 not located as specified in s. 550.615(6) may be received from
8 locations outside this state. A permitholder may not conduct
9 fewer than eight live races or games on any authorized race
10 day except as provided in this subsection. A thoroughbred
11 permitholder may not conduct fewer than eight live races on
12 any race day without the written approval of the Florida
13 Thoroughbred Breeders' Association and the Florida Horsemen's
14 Benevolent and Protective Association, Inc., unless it is
15 determined by the department that another entity represents a
16 majority of the thoroughbred racehorse owners and trainers in
17 the state.~~horsemen's group representing the majority of~~
18 ~~thoroughbred racehorse owners and trainers in this state.~~ A
19 harness permitholder may conduct fewer than eight live races
20 on any authorized race day, except that such permitholder must
21 conduct a full schedule of live racing during its race meet
22 consisting of at least eight live races per authorized race
23 day for at least 100 days. Any harness horse permitholder
24 that during the preceding racing season conducted a full
25 schedule of live racing may, at any time during its current
26 race meet, receive full-card broadcasts of harness horse races
27 conducted at harness racetracks outside this state at the
28 harness track of the permitholder and accept wagers on such
29 harness races. With specific authorization from the division
30 for special racing events, a permitholder may conduct fewer
31 than eight live races or games when the permitholder also

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 broadcasts out-of-state races or games. The division may not
2 grant more than two such exceptions a year for a permitholder
3 in any 12-month period, and those two exceptions may not be
4 consecutive.

5 Section 28. Subsections (1) and (4) of section
6 550.6308, Florida Statutes, are amended, and subsection (5) is
7 added to that section, to read:

8 550.6308 Limited intertrack wagering license.--In
9 recognition of the economic importance of the thoroughbred
10 breeding industry to this state, its positive impact on
11 tourism, and of the importance of a permanent thoroughbred
12 sales facility as a key focal point for the activities of the
13 industry, a limited license to conduct intertrack wagering is
14 established to ensure the continued viability and public
15 interest in thoroughbred breeding in Florida.

16 (1) Upon application to the division on or before
17 January 31 of each year, any person that is licensed to
18 conduct public sales of thoroughbred horses pursuant to s.
19 535.01, that has conducted at least 15 days of thoroughbred
20 horse sales at a permanent sales facility in this state for at
21 least 3 consecutive years, and that has conducted at least 1
22 day of nonwagering thoroughbred racing in this state, with a
23 purse structure of at least \$250,000 per year for 2
24 consecutive years before such application, shall be issued a
25 license, subject to the conditions set forth in this section,
26 to conduct intertrack wagering at such a permanent sales
27 facility during the following periods:~~for thoroughbred racing~~
28 ~~for~~

29 (a) Up to 21 days in connection with thoroughbred
30 sales; ~~to conduct intertrack wagering at such permanent sales~~
31 ~~facility~~

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

3 (c) Between May 9 and October 31 at such times and on
4 such days as any thoroughbred, jai alai, or a greyhound
5 permitholder in the same county is not conducting live
6 performances; provided that any such permitholder may waive
7 this requirement, in whole or in part, and allow the licensee
8 under this section to conduct intertrack wagering during one
9 or more of the permitholder's live performances; and, ~~and to~~
10 ~~conduct intertrack wagering under the provisions of this~~
11 ~~subsection~~

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

16
17 No more than one such license may be issued,and no such
18 license may be issued for a facility located within 50 miles
19 of any thoroughbred permitholder's track.

20 (4) Intertrack wagering under this section may be
21 conducted only on thoroughbred horse racing,except that
22 intertrack wagering may be conducted on any class of
23 pari-mutuel race or game conducted by any class of
24 permitholders licensed under this chapter if all thoroughbred,
25 jai alai, and greyhound permitholders in the same county as
26 the licensee under this section give their consent.

27 (5) The licensee shall be considered a guest track
28 under this chapter. The licensee shall pay 2.5 percent of the
29 total contributions to the daily pari-mutuel pool on wagers
30 accepted at the licensee's facility on greyhound races or jai
31 alai games to the thoroughbred permitholder that is conducting

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 live races for purses to be paid during its current racing
2 meet. If more than one thoroughbred permitholder is conducting
3 live races on a day during which the licensee is conducting
4 intertrack wagering on greyhound races or jai alai games, the
5 licensee shall allocate these funds between the operating
6 thoroughbred permitholders on a prorata basis based on the
7 total live handle at the operating permitholders' facilities.

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

10 773.01 Definitions.--As used in ss. 773.01-773.05:

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

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

17 773.03 Limitation on liability for equine activity;
18 exceptions.--

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

21 Section 31. Interstate Compact on Licensure of
22 Participants in Pari-mutuel Wagering.--There is created the
23 Interstate Compact on Licensure of Participants in Pari-mutuel
24 Wagering.

25 Section 32. Purposes.--The purposes of this compact
26 are to:

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

31 (2) Facilitate the growth of the pari-mutuel wagering

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 industry in each party state and nationwide by simplifying the
2 process for licensing participants in pari-mutuel wagering,
3 and reduce the duplicative and costly process of separate
4 licensing by the regulatory agency in each state that conducts
5 pari-mutuel wagering.

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

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

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

19 Section 33. Definitions.--As used in this compact, the
20 term:

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

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 (4) "Party state" means each state that has enacted
2 this compact.

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

7 Section 34. Entry into force.--This compact shall come
8 into force when enacted by any four states. Thereafter, this
9 compact shall become effective in any other state upon that
10 state's enactment of this compact and upon the affirmative
11 vote of a majority of the officials on the compact committee
12 as provided in section 41.

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

16 Section 36. Withdrawal from compact; impact on force
17 and effect.--

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

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

29 Section 37. Compact committee.--

30 (1) There is created an interstate governmental entity
31 to be known as the "compact committee," which shall be

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

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

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

26 Section 38. Powers and duties of compact
27 committee.--In order to carry out the purposes of this
28 compact, the compact committee has the power and duty to:

29 (1)(a) Determine which categories of participants in
30 pari-mutuel wagering, including, but not limited to, owners,
31 trainers, jockeys, jai alai players, drivers, grooms, mutuel

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 clerks, racing officials, veterinarians, and farriers, should
2 be licensed by the committee, and to establish the
3 requirements for the initial licensure of applicants in each
4 category, the term of the license for each category, and the
5 requirements for renewal of licenses in each category.

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 for a criminal-history record check. Such fingerprints may be
2 submitted on a fingerprint card or by electronic or other
3 means authorized by the Federal Bureau of Investigation or
4 other receiving law enforcement agency.

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

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 conditions of employment of persons filling such offices,
 2 employments, and positions.

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

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

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

13 (9) Receive other funds through gifts, grants, and
 14 appropriations.

15 Section 39. Voting requirements.--

16 (1) Each member of the compact committee is entitled
 17 to one vote.

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

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

28 Section 40. Administration and management.--

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 (2) The compact committee shall adopt bylaws for the
2 conduct of its business by a two-thirds vote of the members of
3 the committee or their alternates and may, by the same vote,
4 amend and rescind these bylaws. The compact committee shall
5 publish its bylaws in convenient form and shall file a copy
6 thereof and a copy of any amendments thereto with the
7 Secretary of State or equivalent agency of each of the party
8 states.

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

13 (4) Employees of the compact committee shall be
14 considered governmental employees.

15 Section 41. Immunity from liability for performance of
16 official responsibilities and duties.--A member or employee of
17 the compact committee may not be held personally liable for
18 any good-faith act or omission that occurs during the
19 performance and within the scope of her or his
20 responsibilities and duties under this compact.

21 Section 42. Rights and responsibilities of each party
22 state.--

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

24 (a) Agrees to:

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

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 (b) Agrees not to treat a notification to an applicant
2 by the compact committee described in subsection (3) of
3 section 42 as the denial of a license, or to penalize such an
4 applicant in any other way based solely on such a decision by
5 the compact committee.

6 (c) Reserves the right to:

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

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

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

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

25 Section 43. Construction and severability.--

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

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 person, or circumstance is held invalid, the validity of the
2 remainder of this compact and the applicability thereof to any
3 government, agency, person, or circumstance shall not be
4 affected thereby.

5 (2) If all or some portion of this compact is held to
6 be contrary to the constitution of any party state, the
7 compact shall remain in full force and effect as to the
8 remaining party states and in full force and effect as to the
9 state affected as to all severable matters.

10 Section 44. Subsection (9) of section 550.615, Florida
11 Statutes, is repealed.

12 Section 45. All money or other property represented by
13 any unclaimed, uncashed, or abandoned pari-mutuel ticket that
14 has remained in the custody of or under the control of any
15 permitholder authorized to conduct jai alai pari-mutuel pools
16 in this state for a period of 1 year after the date the
17 pari-mutuel ticket was issued, if the rightful owners thereof
18 have made no claim or demand for such money or other property
19 within that period of time, shall, with respect to live games
20 conducted by the permitholder, be remitted to the state
21 pursuant to s. 550.1645; however, such permitholder shall be
22 entitled to a credit in each state fiscal year in an amount
23 equal to 25 percent of the actual amount remitted in the prior
24 state fiscal year which may be applied against any taxes
25 imposed under this chapter. Funds equal to such credit from
26 any live jai alai games shall be paid by the permitholder to
27 the National Association of Jai Alai Frontons, to be used for
28 the general promotion of the sport of jai alai in the state,
29 including professional tournaments and amateur jai alai youth
30 programs. These youth programs shall focus on benefiting
31 children in after-school and anti-drug programs with special

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 attention to inner-city areas.

2 Section 46. Except as otherwise expressly provided in
3 this act, this act shall take effect July 1, 2000.

4
5

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

7 And the title is amended as follows:

8 On page 72, line 24, through
9 page 77, line 30, delete those lines

10

11 and insert:

12 A bill to be entitled
13 An act relating to regulated industries;
14 amending s. 561.501, F.S.; reducing the
15 surcharges on liquor, wine, cider, and beer
16 sold for consumption on the premises; providing
17 an exemption from the surcharge to certain
18 nonprofit organizations; amending s. 561.121,
19 F.S.; increasing the portion of the surcharge
20 which is transferred to the Children and
21 Adolescents Substance Abuse Trust Fund;
22 amending s. 212.20, F.S.; authorizing a
23 distribution of sales and use tax revenues to
24 county governments; repealing s. 550.01215(8),
25 F.S., relating to the use of permitted
26 facilities; amending s. 550.135, F.S.;
27 eliminating the annual distribution of
28 pari-mutuel tax revenues to county governments;
29 amending s. 550.0951, F.S.; providing that the
30 daily license fee tax credit provided by said
31 section and the \$360,000 or \$500,000 tax

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 exemption provided by s. 550.09514(1), F.S.,
2 may be applied to any tax and daily license
3 fees imposed under ch. 550, F.S.; removing
4 restrictions on the transfer of the daily
5 license fee tax credit by greyhound
6 permitholders; authorizing transfer of the
7 \$360,000 or \$500,000 tax exemption by a
8 greyhound permitholder to a greyhound
9 permitholder that acts as host track to such
10 permitholder for intertrack wagering; providing
11 for repayment; providing for rules; reducing
12 the taxes on handle for greyhound dogracing,
13 for intertrack wagering when the host track is
14 a dog track, for intertrack wagers accepted by
15 certain dog tracks, for intertrack wagers when
16 both the host and guest are thoroughbred tracks
17 or other guest tracks within the market area;
18 providing exceptions; removing the additional
19 tax on the surcharge on winning tickets;
20 providing a reduced tax rate to live handle on
21 jai alai; redirecting deposits from the General
22 Revenue Fund to the Pari-mutuel Wagering Trust
23 Fund; revising the time period for remittance
24 of certain fees and taxes; forgiving certain
25 taxes; amending s. 550.09514, F.S.; revising
26 application and administration of the \$360,000
27 or \$500,000 tax exemption provided by said
28 section; providing for payment of additional
29 purses by greyhound permitholders in an amount
30 equal to a percentage of the tax reduction
31 resulting from the reduction of the taxes on

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 handle; providing requirements with respect
2 thereto; providing for audits; amending s.
3 550.09515, F.S.; modifying the tax on handle
4 for thoroughbred performances; removing a
5 penalty for operating in more than one
6 facility; redirecting deposits from the General
7 Revenue Fund to the Pari-mutuel Wagering Trust
8 Fund; providing a credit against taxes on live
9 handle equal to a percentage of the tax paid in
10 prior year; providing for contributions for the
11 health and welfare of jockeys; amending s.
12 550.1645, F.S., to conform; creating s.
13 550.1647, F.S.; providing for payments and
14 credits concerning unclaimed pari-mutuel
15 tickets by greyhound permit holders; amending s.
16 550.615, F.S., relating to intertrack wagering
17 and leased greyhound facilities; authorizing
18 certain permit holders to conduct intertrack
19 wagering at certain additional facilities;
20 amending s. 550.0555, F.S.; providing
21 legislative intent; providing for the
22 relocation of jai alai permittees within a
23 county in the same manner as is currently
24 provided for the relocation of greyhound
25 dogracing permittees within a county; providing
26 that relocation of permittees be consistent
27 with local government comprehensive plan;
28 amending s. 550.09512, F.S.; reducing the tax
29 on handle for live harness performances;
30 amending s. 550.475, F.S.; providing for
31 leasing of jai alai facilities; amending s.

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 550.625, F.S.; increasing the percentage of
2 purses for thoroughbred and quarter horse
3 racing; amending s. 550.155, F.S.; requiring
4 counties to approve certain capital
5 improvements by permitholders in certain
6 situations; amending s. 550.26352, F.S.,
7 relating to the Breeders' Cup Meet; increasing
8 the amount of certain tax credits allowed to
9 permitholders; deleting certain limitations on
10 broadcasts to pari-mutuel facilities;
11 authorizing the Division of Pari-mutuel
12 Wagering of the Department of Business and
13 Professional Regulation to waive certain rules;
14 amending s. 550.6305, F.S.; conforming
15 cross-references; amending s. 550.002, F.S.;
16 substituting the term "same class of races,
17 games, or permit" for the term "same class of
18 race or permit"; amending s. 550.0251, F.S.;
19 providing for the Division of Pari-mutuel
20 Wagering to adopt rules for wagering through a
21 pari-mutuel wagering pool; amending s.
22 550.0351, F.S.; increasing the number of
23 charity performances per fiscal year which a
24 jai alai permitholder may conduct; amending s.
25 550.105, F.S.; revising provisions relating to
26 licenses for persons or entities with access to
27 certain areas of racetracks and frontons;
28 amending s. 550.24055, F.S.; amending standards
29 used in testing certain licensees to determine
30 whether they have abused alcoholic beverages;
31 amending s. 550.26165, F.S.; providing for

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 breeders' awards and stallion awards; providing
2 for certain moneys to be returned to the
3 permitholders that generated the money, in
4 accordance with a plan to be established
5 annually by specified entities; providing an
6 exception; amending s. 550.2625, F.S.; amending
7 minimum purse requirements for thoroughbred and
8 harness horse racing permitholders; amending
9 criteria for the payment of breeders' awards
10 and stallion awards; amending s. 550.3551,
11 F.S.; requiring the written approval of the
12 Florida Horsemen's Benevolent and Protective
13 Association, Inc., before a thoroughbred
14 permitholder may conduct fewer than eight live
15 races on any race day; amending s. 550.6308,
16 F.S.; amending provisions relating to limited
17 intertrack wagering licenses; expanding the
18 types of pari-mutuel races or games on which
19 intertrack wagering may be conducted, subject
20 to certain conditions; requiring a licensee to
21 pay a specified amount to the daily pari-mutuel
22 pool on certain wagers to thoroughbred
23 permitholders conducting live races; amending
24 s. 773.01, F.S.; amending the definition of the
25 term "participant" as used in ss.
26 773.01-773.05, F.S.; amending ss. 773.03, F.S.,
27 relating to limitation on liability for equine
28 activity; providing that the section does apply
29 to the horseracing industry as defined in ch.
30 550, F.S.; creating the Interstate Compact on
31 Licensure of Participants in Pari-mutuel

Bill No. CS for CS for SB 770 & SB 286

Amendment No. ____

1 Wagering; providing purposes of the compact;
2 providing definitions; providing for the
3 effective date of the compact; providing
4 criteria for eligibility to join the compact;
5 providing procedures for withdrawing from the
6 compact; creating an interstate governmental
7 entity to be known as the compact committee;
8 providing the powers and duties of the compact
9 committee; providing voting requirements for
10 the committee; providing for the administration
11 and management of the committee; providing that
12 committee employees are governmental employees;
13 providing immunity from liability for
14 performance of official responsibilities and
15 duties of the compact committee; providing
16 rights and responsibilities of each state that
17 is a party to the compact; providing for
18 construction and severability of provisions of
19 the compact; repealing s. 550.615(9), F.S.,
20 relating to limited intertrack wagering
21 license; providing a credit for jai alai
22 permitholders; providing effective dates.

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