

hbd-05 Bill No. CS for CS for SB 770 & SB 286
Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Albright offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

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

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

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

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

(c) Proceeds from the tax imposed pursuant to s. 212.06(5)(a)2. shall be reallocated to the Mail Order Sales

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1 Tax Clearing Trust Fund.

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

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

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

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

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

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

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

30 5. Of the remaining proceeds:

31 a. Beginning July 1, 2000, and in each fiscal year

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

24 b.a. Beginning July 1, 1992, \$166,667 shall be
25 distributed monthly by the department to each applicant that
26 has been certified as a "facility for a new professional
27 sports franchise" or a "facility for a retained professional
28 sports franchise" pursuant to s. 288.1162 and \$41,667 shall be
29 distributed monthly by the department to each applicant that
30 has been certified as a "new spring training franchise
31 facility" pursuant to s. 288.1162. Distributions shall begin

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1 60 days following such certification and shall continue for 30
2 years. Nothing contained herein shall be construed to allow an
3 applicant certified pursuant to s. 288.1162 to receive more in
4 distributions than actually expended by the applicant for the
5 public purposes provided for in s. 288.1162(7). However, a
6 certified applicant shall receive distributions up to the
7 maximum amount allowable and undistributed under this section
8 for additional renovations and improvements to the facility
9 for the franchise without additional certification.

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

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

23 6. All other proceeds shall remain with the General
24 Revenue Fund.

25 Section 2. Subsection (8) of section 550.01215,
26 Florida Statutes, is repealed.

27 Section 3. Section 550.135, Florida Statutes, is
28 amended to read:

29 550.135 Division of moneys derived under this
30 law.--All moneys that are deposited with the Treasurer to the
31 credit of the Pari-mutuel Wagering Trust Fund shall be

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1 distributed as follows in the following proportions, in the
2 manner and at the times specified in this section:

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

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

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

11 ~~(2)(4)~~ After payments to the counties have been
 12 completed as provided in subsections (1) and (2), All
 13 unappropriated funds in excess of \$3.5 million in the
 14 Pari-mutuel Wagering Trust Fund shall be deposited to the
 15 Treasurer to the credit of the General Revenue Fund ~~as~~
 16 ~~provided in subsection (1).~~

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

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

26 550.0951 Payment of daily license fee and taxes.--

27 (1)(a) DAILY LICENSE FEE.--Each person engaged in the
 28 business of conducting race meetings or jai alai games under
 29 this chapter, hereinafter referred to as the "permitholder,"
 30 "licensee," or "permittee," shall pay to the division, for the
 31 use of the division, a daily license fee on each live or

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

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

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

29 (3) TAX ON HANDLE.--Each permitholder shall pay a tax
 30 on contributions to pari-mutuel pools, the aggregate of which
 31 is hereinafter referred to as "handle," on races or games

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1 conducted by the permitholder. The tax is imposed daily and is
 2 based on the total contributions to all pari-mutuel pools
 3 conducted during the daily performance. If a permitholder
 4 conducts more than one performance daily, the tax is imposed
 5 on each performance separately.

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

9 (b)1. The tax on handle for dogracing is 5.1 ~~7.6~~
 10 percent of the handle, except that for live charity
 11 performances held pursuant to s. 550.0351, and for intertrack
 12 wagering on such charity performances at a guest greyhound
 13 track within the market area of the host, the tax is 7.6
 14 percent of the handle.and

15 2. The tax on handle for jai alai is 7.1 percent of
 16 the handle.

17 (c)1. The tax on handle for intertrack wagering is 2.7
 18 ~~3.3~~ percent of the handle if the host track is a horse track,
 19 3.3 percent if the host track is a harness track, 5.1 ~~7.6~~
 20 percent if the host track is a dog track, and 7.1 percent if
 21 the host track is a jai alai fronton. The tax on handle for
 22 intertrack wagering is 0.5 percent if the host track and the
 23 guest track are thoroughbred permitholders or if the guest
 24 track is located outside the market area of the host track and
 25 within the market area of a thoroughbred permitholder
 26 currently conducting a live race meet.The tax on handle for
 27 intertrack wagering on rebroadcasts of simulcast horseraces is
 28 2.4 percent of the handle. The tax shall be deposited into
 29 the Pari-mutuel Wagering Trust ~~General Revenue~~ Fund.

30 2. ~~Effective October 1, 1996,~~The tax on handle for
 31 intertrack wagers accepted by any dog track located in an area

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1 of the state in which there are only three permitholders, all
 2 of which are greyhound permitholders, located in three
 3 contiguous counties, from any greyhound permitholder also
 4 located within such area or any dog track or jai alai fronton
 5 located as specified in s. 550.615(6) or (9)~~(8)~~, on races or
 6 games received from the same class of permitholder located
 7 within the same market area is 3.5 ~~6~~ percent if the host
 8 facility is a greyhound permitholder and, if the host facility
 9 is a jai alai permitholder, the rate shall be 6.1 percent
 10 except that it shall be 2.3 percent on handle at such time as
 11 the total tax on intertrack handle paid to the division by the
 12 permitholder during the current state fiscal year exceeds the
 13 total tax on intertrack handle paid to the division by the
 14 permitholder during the 1992-1993 state fiscal year.

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

20 (5) PAYMENT AND DISPOSITION OF FEES AND
 21 TAXES.--Payment for the admission tax, tax on handle, and the
 22 breaks tax imposed by this section shall be paid to the
 23 division. The division shall deposit these sums with the
 24 Treasurer, to the credit of ~~one-half being credited to the~~
 25 ~~Pari-mutuel Wagering Trust Fund, hereby established, and~~
 26 ~~one-half being credited to the General Revenue Fund.~~ The
 27 permitholder shall remit to the division payment for the daily
 28 license fee, the admission tax, the tax on handle, and the
 29 breaks tax. Such payments shall be remitted by ~~3 p.m. Friday~~
 30 ~~of each week for taxes and fees imposed and collected for the~~
 31 ~~preceding Sunday, Monday, and Tuesday, and by 3 p.m. Wednesday~~

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

10 (6) PENALTIES.--

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

19 Section 5. Any double-sum tax liability that accrued
 20 under section 550.09515(2)(a)2., Florida Statutes, between
 21 January 1, 2000, and July 1, 2000, is forgiven, and the
 22 Department of Business and Professional Regulation may not
 23 maintain an action to collect such taxes.

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

26 550.09514 Greyhound dogracing taxes; purse
 27 requirements.--

28 (1) ~~Notwithstanding the provisions of s.~~
 29 ~~550.0951(3)(b),~~ Wagering on greyhound racing is subject to a
 30 tax on handle for live greyhound racing as specified in s.
 31 550.0951(3) at the rate of 7.6 percent of handle. However,

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

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

29 (b)1. Except as otherwise provided herein, in addition
30 to the minimum purse percentage required by paragraph (a),
31 each permitholder shall pay as purses, for fiscal year

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1 1996-1997, an amount equal to 75 percent of the permitholder's
2 tax credit pursuant to s. 550.0951(1).

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

20
21 The additional purses provided by this paragraph must be used
22 exclusively for purses other than stakes. The division shall
23 conduct audits necessary to ensure compliance with this
24 section.

25 (c)1. Each greyhound permitholder when conducting at
26 least three live performances during any week shall pay purses
27 in that week on wagers it accepts as a guest track on
28 intertrack and simulcast greyhound races at the same rate as
29 it pays on live races. Each greyhound permitholder when
30 conducting at least three live performances during any week
31 shall pay purses in that week, at the same rate as it pays on

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1 live races, on wagers accepted on greyhound races at a guest
2 track which is not conducting live racing and is located
3 within the same market area as the greyhound permitholder
4 conducting at least three live performances during any week.

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

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

26 (e) In addition to the purse requirements of
27 paragraphs (a)-(c), each greyhound permitholder shall pay as
28 purses an amount equal to one-third of the amount of the tax
29 reduction on live and simulcast handle applicable to such
30 permitholder as a result of the reductions in tax rates
31 provided by this act through the amendments to s. 550.0951(3).

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

25 (f)(e) Each greyhound permitholder shall, during the
26 permitholder's race meet, supply kennel operators and the
27 Division of Pari-Mutuel Wagering with a weekly report showing
28 purses paid on live greyhound races and all greyhound
29 intertrack and simulcast broadcasts, including both as a guest
30 and a host together with the handle or commission calculations
31 on which such purses were paid and the transmission costs of

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1 sending the simulcast or intertrack broadcasts, so that the
2 kennel operators may determine statutory and contractual
3 compliance.

4 ~~(g)(f)~~ Each greyhound permitholder shall make direct
5 payment of purses to the greyhound owners who have filed with
6 such permitholder appropriate federal taxpayer identification
7 information based on the percentage amount agreed upon between
8 the kennel operator and the greyhound owner.

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

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

25 Section 7. Subsections (2), (5), and (6) of section
26 550.09515, Florida Statutes, are amended, and subsection (7)
27 is added to that section, to read:

28 550.09515 Thoroughbred horse taxes; abandoned interest
29 in a permit for nonpayment of taxes.--

30 (2)

31 (a) Notwithstanding the provisions of s.

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1 550.0951(3)(a), the tax on handle for live thoroughbred
2 horserace ~~horse~~ performances shall be subject to the
3 following:

4 1. The tax on handle per performance for live
5 thoroughbred performances is 1 ~~2.0~~ percent of handle for
6 performances conducted during the period beginning on January
7 3 and ending March 16; 0.2 ~~20~~ percent of handle for
8 performances conducted during the period beginning March 17
9 and ending May 22; and 0.75 ~~1.25~~ percent of handle for
10 performances conducted during the period beginning May 23 and
11 ending January 2.

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

18 a. Pursuant to s. 550.01215, two permitholders, by
19 mutual written agreement, may agree to the operation by one of
20 them in the other permitholder's tax period for up to 3 days,
21 if the 3 days are either the first 3 days or the last 3 days
22 of the racing period in which the permitholders intend to
23 operate.

24 b. If, on March 31 of any year, there is no
25 permitholder holding a license for operating any one of the
26 three race periods set forth in this section or if the
27 permitholder who is licensed to operate in any period fails to
28 operate for 10 consecutive days, a permitholder already
29 licensed to operate in another period may apply for and be
30 issued a license to operate the period in question, in
31 addition to the period already licensed.

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1 c. Two permitholders who operated in different periods
2 in the preceding fiscal year may, by mutual written agreement,
3 switch periods for the current racing season, even if it
4 results in either permitholder or the facility of a
5 permitholder being operated in two different periods.

6
7 However, any thoroughbred permitholder whose total handle on
8 live performances during the 1991-1992 state fiscal year was
9 not greater than \$34 million is authorized to conduct live
10 performances at any time of the year and shall pay 0.5 percent
11 on live handle per performance.

12 ~~3. For the period beginning on April 1 and ending May~~
13 ~~23 during the state fiscal year 1992-1993, any permitholder~~
14 ~~which has operated less than 51 racing days in the last 18~~
15 ~~months may operate said period and pay 1.25 percent tax on~~
16 ~~live handle per performance. In the event this provision~~
17 ~~takes effect after April 1, 1993, it shall be construed to~~
18 ~~apply retroactively from April 1, 1993, through May 23, 1993.~~

19 ~~4. In the event any licenses have been issued to any~~
20 ~~thoroughbred permitholders for racing dates prior to April 26,~~
21 ~~1993, then, notwithstanding the provisions of s. 550.525(2),~~
22 ~~amendments may be filed to the racing dates up to May 1, 1993.~~

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

26 (5) Notwithstanding the provisions of s.
27 550.0951(3)(c), the tax on handle for intertrack wagering on
28 rebroadcasts of simulcast horseraces is 2.4 percent of the
29 handle; provided however, that if the guest track is a
30 thoroughbred track located more than 35 miles from the host
31 track, the host track shall pay a tax of .5 percent of the

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1 handle, and additionally the host track shall pay to the guest
2 track 1.9 percent of the handle to be used by the guest track
3 solely for purses. The tax shall be deposited into the
4 Pari-mutuel Wagering Trust ~~General Revenue~~ Fund.

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

16 (7) A credit equal to the amount of contributions made
17 by a thoroughbred permitholder during the taxable year
18 directly to the Jockeys Guild or its Health and Welfare Fund
19 to be used to provide health and welfare benefits for active,
20 disabled, and retired Florida jockeys and their dependents
21 pursuant to reasonable rules of eligibility established by the
22 Jockeys Guild is allowed against taxes on live handle due for
23 a taxable year under this section. A thoroughbred
24 permitholder may not receive a credit greater than the amount
25 equal to 1 percent of its paid taxes for the previous taxable
26 year.

27 Section 8. Effective July 1, 2001, paragraph (a) of
28 subsection (2) of section 550.09515, Florida Statutes, as
29 amended by section 4 of chapter 98-190, Laws of Florida, is
30 amended to read:

31 550.09515 Thoroughbred horse taxes; abandoned interest

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1 in a permit for nonpayment of taxes.--

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

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

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

18 Section 9. Section 550.1645, Florida Statutes, is
19 amended to read:

20 550.1645 Escheat to state of abandoned interest in or
21 contribution to pari-mutuel pools.--

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

29 (2) Except as otherwise provided in this chapter,all
30 money or other property represented by any unclaimed,
31 uncashed, or abandoned pari-mutuel ticket which has remained

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1 in the custody of or under the control of any licensee
2 authorized to conduct pari-mutuel pools in this state for a
3 period of 1 year after the date the pari-mutuel ticket was
4 issued, if the rightful owner or owners thereof have made no
5 claim or demand for such money or other property within the
6 aforesaid period of time, is hereby declared to have escheated
7 to or to escheat to, and to have become the property of, the
8 state.

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

19 Section 10. Section 550.1647, Florida Statutes, is
20 created to read:

21 550.1647 Greyhound permitholders; unclaimed
22 tickets.--All money or other property represented by any
23 unclaimed, uncashed, or abandoned pari-mutuel ticket which has
24 remained in the custody of or under the control of any
25 permitholder authorized to conduct greyhound racing
26 pari-mutuel pools in this state for a period of 1 year after
27 the date the pari-mutuel ticket was issued, if the rightful
28 owner or owners thereof have made no claim or demand for such
29 money or other property within that period of time, shall,
30 with respect to live races conducted by the permitholder be
31 remitted to the state pursuant to s. 550.1645; however, such

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1 permitholder shall be entitled to a credit in each state
2 fiscal year in an amount equivalent to the actual amount
3 remitted in the prior state fiscal year that may be applied
4 against any taxes imposed pursuant to this chapter. In
5 addition, each permitholder shall pay, from any source,
6 including the proceeds from performances conducted pursuant to
7 s. 550.0351, an amount not less than 10 percent of the amount
8 of the credit provided by this section to any bonafide
9 organization that promotes or encourages the adoption of
10 greyhounds.

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

13 550.615 Intertrack wagering.--

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

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

25 (3) If a permitholder elects to broadcast its signal
26 to any permitholder in this state, any permitholder that is
27 eligible to conduct intertrack wagering under the provisions
28 of ss. 550.615-550.6345 is entitled to receive the broadcast
29 and conduct intertrack wagering under this section; provided,
30 however, that the host track may require a guest track within
31 25 miles of another permitholder to receive in any week at

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

11 (4) In no event shall any intertrack wager be accepted
12 on 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 (5) No permitholder within the market area of the host
18 track shall take an intertrack wager on the host track without
19 the consent of the host track.

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

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

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

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

30 (9)+(8) In any two contiguous counties of the state in
31 which there are located only four active permits, one for

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1 thoroughbred horse racing, two for greyhound dogracing, and
2 one for jai alai games, no intertrack wager may be accepted on
3 the same class of live races or games of any permitholder
4 without the written consent of such operating permitholders
5 conducting the same class of live races or games if the guest
6 track is within the market area of such operating
7 permitholder.

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

29 (b) If more than one permitholder applies, the
30 division shall determine which permitholder shall be granted
31 the license. In making its determination, the division shall

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1 consider the length of time the permitholder has been
2 conducting thoroughbred horse sales in this state, the length
3 of time the applicant has had a permanent location in this
4 state, and the volume of sales of thoroughbred horses in this
5 state, giving the greater weight to the applicant that meets
6 these criteria.

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

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

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

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

21 (11)~~(10)~~ All costs of receiving the transmission of
22 the broadcasts shall be borne by the guest track; and all
23 costs of sending the broadcasts shall be borne by the host
24 track.

25 (12)~~(11)~~ Notwithstanding any other provision of this
26 section, any thoroughbred permitholder that conducts
27 performances during the period beginning May 23 and ending
28 January 2 must make available any live pari-mutuel event
29 conducted and any simulcast pari-mutuel event received by such
30 permitholder to any thoroughbred permitholder that conducts
31 performances during the period beginning March 17 and ending

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

11 Section 12. Subsection (2) of section 550.0555,
12 Florida Statutes, is amended to read:

13 550.0555 Greyhound dogracing and jai alai permits;
14 relocation within a county; conditions.--

15 (2) Any holder of a valid outstanding permit for
16 greyhound dogracing in a county in which there is only one
17 dogracing permit issued, as well as any holder of a valid
18 outstanding permit for jai alai in a county where only one jai
19 alai permit is issued, is authorized, without the necessity of
20 an additional county referendum required under s. 550.0651, to
21 move the location for which the permit has been issued to
22 another location within a 30-mile radius of the location fixed
23 in the permit issued in that county, provided the move does
24 not cross the county boundary, that such relocation is
25 approved under the zoning regulations of the county or
26 municipality in which the permit is to be located as a planned
27 development use, consistent with the comprehensive plan, and
28 that such move is approved by the department after it is
29 determined at a proceeding pursuant to chapter 120 in the
30 county affected that the move is necessary to ensure the
31 revenue-producing capability of the permittee without

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1 deteriorating the revenue-producing capability of any other
 2 pari-mutuel permittee within 50 miles; the distance shall be
 3 measured on a straight line from the nearest property line of
 4 one racing plant or jai alai fronton to the nearest property
 5 line of the other.

6 Section 13. Paragraph (a) of subsection (2) of section
 7 550.09512, Florida Statutes, is amended to read:

8 550.09512 Harness horse taxes; abandoned interest in a
 9 permit for nonpayment of taxes.--

10 (2)(a) ~~Notwithstanding the provisions of s.~~
 11 ~~550.0951(3)(a), the~~ The tax on handle for live harness horse
 12 performances is 0.5 ± percent of handle per performance.

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

15 550.475 Lease of pari-mutuel facilities by pari-mutuel
 16 permit holders.--Holders of valid pari-mutuel permits for the
 17 conduct of any jai alai games, dogracing, or thoroughbred and
 18 standardbred horse racing in this state are ~~shall be~~ entitled
 19 to lease any and all of their facilities to any other holder
 20 of a same class valid pari-mutuel permit for jai alai games,
 21 dogracing, or thoroughbred or standardbred horse racing, when
 22 located within a 35-mile radius of each other; and such lessee
 23 is ~~shall be~~ entitled to a permit and license to operate its
 24 race meet or jai-alai games at the leased premises.

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

27 550.625 Intertrack wagering; purses; breeders'
 28 awards.--If a host track is a horse track:

29 (1) A host track racing under either a thoroughbred or
 30 quarter horse permit shall pay an amount equal to 6.555 ~~6.125~~
 31 percent of all wagers placed pursuant to the provisions of s.

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1 550.615, as purses during its current race meet. However, up
2 to 0.50 percent of all wagers placed pursuant to s. 550.615
3 may, at the option of the host track, be deducted from the
4 amount retained by the host track for purses to supplement the
5 awards program for owners of Florida-bred horses as set forth
6 in s. 550.2625(6). A host track racing under a harness permit
7 shall pay an amount equal to 7 percent of all wagers placed
8 pursuant to the provisions of s. 550.615, as purses during its
9 current race meet. If a host track underpays or overpays
10 purses required by this section and s. 550.2625, the
11 provisions of s. 550.2625 apply to the overpayment or
12 underpayment.

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

15 550.155 Pari-mutuel pool within track enclosure;
16 takeouts; breaks; penalty for purchasing part of a pari-mutuel
17 pool for or through another in specified circumstances.--

18 (2) The permitholder's share of the takeout is that
19 portion of the takeout that remains after the pari-mutuel tax
20 imposed upon the contributions to the pari-mutuel pool is
21 deducted from the takeout and paid by the permitholder. The
22 takeout is deducted from all pari-mutuel pools but may be
23 different depending on the type of pari-mutuel pool. The
24 permitholder shall inform the patrons, either through the
25 official program or via the posting of signs at conspicuous
26 locations, as to the takeout currently being applied to handle
27 at the facility. A capital improvement proposed by a
28 permitholder licensed under this chapter to a pari-mutuel
29 facility existing on June 23, 1981, which capital improvement
30 requires, pursuant to any municipal or county ordinance,
31 resolution, or regulation, the qualification or approval of

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1 the municipality or county wherein the permitholder conducts
2 its business operations, shall receive approval unless the
3 municipality or county is able to show that the proposed
4 improvement presents a justifiable and immediate hazard to the
5 health and safety of municipal or county residents, provided
6 the permitholder pays to the municipality or county the cost
7 of a building permit and provided the capital improvement
8 meets the following criteria:

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

11 (b) The improvement is contiguous to or within the
12 existing pari-mutuel facility site. To be contiguous, the
13 site of the improvement must share a sufficient common
14 boundary with the present pari-mutuel facility to allow full
15 and free access without crossing a public roadway, public
16 waterway, or similar barrier.

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

19 550.26352 Breeders' Cup Meet; pools authorized;
20 conflicts; taxes; credits; transmission of races; rules;
21 application.--

22 (3) If the permitholder conducting the Breeders' Cup
23 Meet is located within 35 miles of one or more permitholders
24 scheduled to conduct a thoroughbred race meet on any of the 3
25 days of the Breeders' Cup Meet, then operation on any of those
26 3 days by the other permitholders is prohibited. As
27 compensation for the loss of racing days caused thereby, such
28 operating permitholders shall receive a credit against the
29 taxes otherwise due and payable to the state under ss.
30 550.0951 and 550.09515. This credit shall be in an amount
31 equal to the operating loss determined to have been suffered

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1 by the operating permitholders as a result of not operating on
2 the prohibited racing days, but shall not exceed a total of
3 ~~\$950,000~~~~\$500,000~~. The determination of the amount to be
4 credited shall be made by the division upon application by the
5 operating permitholder. The tax credits provided in this
6 subsection shall not be available unless an operating
7 permitholder is required to close a bona fide meet consisting
8 in part of no fewer than 10 scheduled performances in the 15
9 days immediately preceding or 10 scheduled performances in the
10 15 days immediately following the Breeders' Cup Meet. Such
11 tax credit shall be in lieu of any other compensation or
12 consideration for the loss of racing days. There shall be no
13 replacement or makeup of any lost racing days.

14 (5) The permitholder conducting the Breeders' Cup Meet
15 shall receive a credit against the taxes otherwise due and
16 payable to the state under ss. 550.0951 and 550.09515
17 generated during said permitholder's next ensuing regular
18 thoroughbred race meet. This credit shall be in an amount not
19 to exceed~~\$950,000~~~~\$800,000~~ and shall be utilized by the
20 permitholder to pay the purses offered by the permitholder
21 during the Breeders' Cup Meet in excess of the purses which
22 the permitholder is otherwise required by law to pay. The
23 amount to be credited shall be determined by the division upon
24 application of the permitholder which is subject to audit by
25 the division.

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

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1 permitholder for such capital improvements and extraordinary
2 expenses as may be necessary for operation of the Breeders'
3 Cup Meet. The amount to be credited shall be determined by
4 the division upon application of the permitholder which is
5 subject to audit by the division.

6 (8)(a) Pursuant to s. 550.3551(2), the permitholder
7 conducting the Breeders' Cup Meet is authorized to transmit
8 broadcasts of the races conducted during the Breeders' Cup
9 Meet to locations outside of this state for wagering purposes.
10 The division may approve broadcasts to pari-mutuel
11 permitholders and other betting systems authorized under the
12 laws of any other state or country. Wagers accepted by any
13 out-of-state pari-mutuel permitholder or betting system on any
14 races broadcast under this section may be, but are not
15 required to be, commingled with the pari-mutuel pools of the
16 permitholder conducting the Breeders' Cup Meet. The
17 calculation of any payoff on national pari-mutuel pools with
18 commingled wagers may be performed by the permitholder's
19 totalisator contractor at a location outside of this state.
20 Pool amounts from wagers placed at pari-mutuel facilities or
21 other betting systems in foreign countries before being
22 commingled with the pari-mutuel pool of the Florida
23 permitholder conducting the Breeders' Cup Meet shall be
24 calculated by the totalisator contractor and transferred to
25 the commingled pool in United States currency in cycles
26 customarily used by the permitholder. Pool amounts from wagers
27 placed at any foreign pari-mutuel facility or other betting
28 system shall not be commingled with a Florida pool until a
29 determination is made by the division that the technology
30 utilized by the totalisator contractor is adequate to assure
31 commingled pools will result in the calculation of accurate

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1 payoffs to Florida bettors. Any totalisator contractor at a
2 location outside of this state shall comply with the
3 provisions of s. 550.495 relating to totalisator licensing.

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

19 (10) The division is authorized to adopt such rules as
20 are necessary to facilitate the conduct of the Breeders' Cup
21 Meet as authorized in this section. Included within this
22 grant of authority shall be the adoption or waiver of rules
23 regarding the overall conduct of racing during the Breeders'
24 Cup Meet so as to ensure the integrity of the races, licensing
25 for all participants, special stabling and training
26 requirements for foreign horses, commingling of pari-mutuel
27 pools, and audit requirements for tax credits and other
28 benefits.

29 Section 18. Paragraph (a) of subsection (9) of section
30 550.6305, Florida Statutes, is amended to read:

31 550.6305 Intertrack wagering; guest track payments;

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1 accounting rules.--

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

8 (a) For purposes of this section, "net proceeds" means
9 the amount of takeout remaining after the payment of state
10 taxes, purses required pursuant to s. 550.0951(3)(c)1., the
11 cost to the permitholder required to be paid to the
12 out-of-state horse track, breeders' awards paid to the Florida
13 Thoroughbred Breeders' Association and the Florida
14 Standardbred Breeders and Owners Association, to be used as
15 set forth in s. 550.625(2)(a) and (b), and the deduction of
16 any amount retained pursuant to s. 550.615(12)(11).

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

19 550.002 Definitions.--As used in this chapter, the
20 term:

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

31 Section 20. Subsections (8) and (9) of section

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1 550.0351, Florida Statutes, are amended to read:

2 550.0351 Charity racing days.--

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

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

19 Section 21. Section 550.105, Florida Statutes, is
20 amended to read:

21 550.105 Occupational licenses of racetrack employees;
22 fees; denial, suspension, and revocation of license; penalties
23 and fines.--

24 (1) Each person connected with a racetrack or jai alai
25 fronton, as specified in paragraph (2)(a), shall purchase from
26 the division an annual occupational license, which license is
27 valid from May 1 until June 30 of the following year. All
28 moneys collected pursuant to this section each fiscal year
29 shall be deposited into the Pari-mutuel Wagering Trust Fund.
30 ~~If the division determines that it is in the best interest of~~
31 ~~the division and persons connected with racetracks, the~~

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

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

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

25 2. Professional occupational licenses: professional
26 persons with access to the backside of a racetrack or players'
27 quarters in jai alai such as trainers, officials,
28 veterinarians, doctors, nurses, EMT's, jockeys and
29 apprentices, drivers, jai alai players, owners, trustees, or
30 any management or officer or director or shareholder or any
31 other professional-level person who might have access to the

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1 jockeys' room, the drivers' room, the backside, racing
2 animals, kennel compound, or managers or supervisors requiring
3 access to mutuels machines, the money room, or totalisator
4 equipment: \$40.

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

17
18 The individuals and entities that are licensed under this
19 paragraph ~~Persons issued an unrestricted license~~ require
20 heightened ~~the most~~ state scrutiny, including the submission
21 by the individual licensees or persons associated with the
22 entities described in this chapter of fingerprints for a
23 Federal Bureau of Investigation criminal records check.

24 ~~(b) Restricted licenses shall be issued to persons~~
25 ~~without access to the backside, racing animals, jai alai~~
26 ~~players' room, jockeys' room, drivers' room, totalisator room,~~
27 ~~the mutuels, or money room. Persons issued a restricted~~
28 ~~license require the less state scrutiny and will not require~~
29 ~~routine criminal records check. The division may require~~
30 ~~persons issued the restricted license to submit fingerprints~~
31 ~~for a criminal records check as needed for investigations.~~

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1 ~~(b)(c)~~ The division shall adopt ~~promulgate~~ rules
2 pertaining to pari-mutuel ~~regarding unrestricted and~~
3 ~~restricted occupational licenses.~~

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

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

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

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

26 4. ~~Unrestricted licenses: managers or supervisors~~
27 ~~requiring access to mutuels machines, the money room, or~~
28 ~~totalisator equipment but not requiring access to the~~
29 ~~backside: \$40.~~

30 5. ~~Unrestricted licenses: mutuel employees,~~
31 ~~totalisator employees, money room employees, and any employee~~

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1 ~~with access to mutuels machines, the money room, or~~
2 ~~totalisator equipment or the security or maintenance of these~~
3 ~~areas: \$10.~~

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

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

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

19 ~~(4)(3)~~ It is unlawful for any person to take part in
20 or officiate in any way or to serve in any capacity at any
21 pari-mutuel facility without first having secured a license
22 and paid the occupational license fee.

23 (5)(4)(a) The division may:

24 1. Deny a license to or revoke, suspend, or place
25 conditions upon or restrictions on a license of any person who
26 has been refused a license by any other state racing
27 commission or racing authority;

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

31

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1 if the state racing commission or racing authority of such
2 other state or jurisdiction extends to the division reciprocal
3 courtesy to maintain the disciplinary control.

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

21 (c) The division may deny, declare ineligible, or
22 revoke any occupational license if the applicant for such
23 license has been convicted of a felony or misdemeanor in this
24 state, in any other state, or under the laws of the United
25 States, if such felony or misdemeanor is related to gambling
26 or bookmaking, as contemplated in s. 849.25, or involves
27 cruelty to animals. If the applicant establishes that she or
28 he is of good moral character, that she or he has been
29 rehabilitated, and that the crime she or he was convicted of
30 is not related to pari-mutuel wagering and is not a capital
31 offense, the restrictions excluding offenders may be waived by

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1 the director of the division.

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

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

26 ~~(6)~~(5) In order to promote the orderly presentation of
27 pari-mutuel meets authorized in this chapter, the division may
28 issue a temporary occupational license. The division shall
29 adopt rules to implement this subsection. However, no
30 temporary occupational license shall be valid for more than 30
31 days, and no more than one temporary license may be issued for

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1 any person in any year.

2 ~~(7)(6)~~ The division may deny, revoke, or suspend any
3 occupational license if the applicant therefor or holder
4 thereof accumulates unpaid obligations or defaults in
5 obligations, or issues drafts or checks that are dishonored or
6 for which payment is refused without reasonable cause, if such
7 unpaid obligations, defaults, or dishonored or refused drafts
8 or checks directly relate to the sport of jai alai or racing
9 being conducted at a pari-mutuel facility within this state.

10 ~~(8)(7)~~ The division may fine, or suspend or revoke, or
11 place conditions upon, the license of any licensee who under
12 oath knowingly provides false information regarding an
13 investigation by the division.

14 ~~(9)(8)~~ The tax imposed by this section is in lieu of
15 all license, excise, or occupational taxes to the state or any
16 county, municipality, or other political subdivision, except
17 that, if a race meeting or game is held or conducted in a
18 municipality, the municipality may assess and collect an
19 additional tax against any person conducting live racing or
20 games within its corporate limits, which tax may not exceed
21 \$150 per day for horseracing or \$50 per day for dogracing or
22 jai alai. Except as provided in this chapter, a municipality
23 may not assess or collect any additional excise or revenue tax
24 against any person conducting race meetings within the
25 corporate limits of the municipality or against any patron of
26 any such person.

27 ~~(10)(9)~~ Upon application for an occupational license,
28 the division may require the applicant's full legal name; any
29 nickname, alias, or maiden name for the applicant; name of the
30 applicant's spouse; the applicant's date of birth, residence
31 address, mailing address, residence address and business phone

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

24 Section 22. Subsection (2) of section 550.24055,
25 Florida Statutes, is amended to read:

26 550.24055 Use of controlled substances or alcohol
27 prohibited; testing of certain occupational licensees;
28 penalty; evidence of test or action taken and admissibility
29 for criminal prosecution limited.--

30 (2) The occupational licensees, by applying for and
31 holding such licenses, are deemed to have given their consents

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

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

18 (b) If there was at the time of the test an excess of
19 0.05 percent but less than 0.08 ~~0.10~~ percent by weight of
20 alcohol in the person's blood, that fact does not give rise to
21 any presumption that the person was or was not under the
22 influence of alcoholic beverages to the extent that the
23 person's faculties were impaired, but the stewards, judges, or
24 board of judges may consider that fact in determining whether
25 or not the person will be allowed to officiate or participate
26 in any given race or jai alai game.

27 (c) If there was at the time of the test 0.08 ~~0.10~~
28 percent or more by weight of alcohol in the person's blood,
29 that fact is prima facie evidence that the person was under
30 the influence of alcoholic beverages to the extent that the
31 person's normal faculties were impaired, and the stewards or

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1 judges may take action as set forth in this section, but the
2 person may not officiate at or participate in any race or jai
3 alai game on the day of such test.

4
5 All tests relating to alcohol must be performed in a manner
6 substantially similar, or identical, to the provisions of s.
7 316.1934 and rules adopted pursuant to that section.

8 Following a test of the urine or blood to determine the
9 presence of a controlled substance as defined in chapter 893,
10 if a controlled substance is found to exist, the stewards,
11 judges, or board of judges may take such action as is
12 permitted in this section.

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

15 550.26165 Breeders' awards.--

16 (1) The purpose of this section is to encourage the
17 agricultural activity of breeding and training racehorses in
18 this state. Moneys dedicated in this chapter for use as
19 breeders' awards and stallion awards ~~from breaks and uncashed~~
20 ~~tickets from pari-mutuel wagering and horseraces~~ are to be
21 used for awards of up to 20 percent of the announced gross
22 ~~purse at any race~~ to breeders of registered Florida-bred
23 horses winning horseraces and for similar awards to the owners
24 of stallions who sired Florida-bred horses winning stakes
25 races, if the stallions are registered as Florida stallions
26 standing in this state. Such awards shall be given at a
27 uniform rate to all winners of the awards, shall not be
28 greater than 20 percent of the announced gross purse, and
29 shall not be less than 15 percent of the announced gross purse
30 if funds are available. In addition, no less than 11 percent
31 nor more than 35 percent, as determined by the Florida

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1 Thoroughbred Breeders' Association, of the moneys dedicated in
2 this chapter for use as breeders' awards and stallion awards
3 for thoroughbreds shall be returned prorata to the
4 permitholders that generated the moneys for awards to be
5 distributed by the permitholders to owners of registered
6 Florida-bred thoroughbred horses winning in thoroughbred races
7 and winning or placing in thoroughbred stakes races, all in
8 accordance with a plan established annually no later than 120
9 days before the first day of the permitholders' racing meet
10 and agreed upon by the permitholder, the Florida Thoroughbred
11 Breeders' Association, and the Florida Horsemen's Benevolent
12 and Protective Association, Inc., except that the plan for the
13 distribution by any permitholder located in the area described
14 in s. 550.615(9) shall be agreed upon by that permitholder,
15 the Florida Thoroughbred Breeders' Association, and the
16 association representing a majority of the thoroughbred
17 racehorse owners and trainers at that location. Awards for
18 thoroughbred races are to be paid through the Florida
19 Thoroughbred Breeders' Association, and awards for
20 standardbred races are to be paid through the Florida
21 Standardbred Breeders and Owners Association. Among other
22 sources specified in this chapter, the moneys for thoroughbred
23 breeders' awards will come from the 0.885 ~~0.75~~ percent of
24 handle for thoroughbred races conducted, received, broadcast,
25 or simulcast under this chapter as provided in s. 550.2625(3).
26 The moneys for quarter horse and harness breeders' awards will
27 come from the breaks and uncashed tickets on live quarter
28 horse and harness racing performances and 1 percent of handle
29 on intertrack wagering. The funds for these breeders' awards
30 shall be paid to the respective breeders' associations by the
31 permitholders conducting the races. ~~The awards are to be given~~

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

4 Section 24. Subsections (2) and (3) of section
5 550.2625, Florida Statutes, are amended to read:

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

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

12 (a) A permitholder conducting a thoroughbred horse
13 race meet under this chapter must pay from the takeout
14 withheld a sum not less than 7.65 ~~7.5~~ percent of all
15 contributions to pari-mutuel pools conducted during the race
16 meet as purses. In addition to the 7.65 ~~7.5~~ percent minimum
17 purse payment, permitholders conducting live thoroughbred
18 performances shall be required to pay as additional purses
19 .625 percent of live handle for performances conducted during
20 the period beginning on January 3 and ending March 16; .225
21 percent for performances conducted during the period beginning
22 March 17 and ending May 22; and .85 percent for performances
23 conducted during the period beginning May 23 and ending
24 January 2. Except that any thoroughbred permitholder whose
25 total handle on live performances during the 1991-1992 state
26 fiscal year was not greater than \$34 million is not subject to
27 this additional purse payment. A permitholder authorized to
28 conduct thoroughbred racing may withhold from the handle an
29 additional amount equal to 1 percent on exotic wagering for
30 use as owners' awards, and may withhold from the handle an
31 amount equal to 2 percent on exotic wagering for use as

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1 overnight purses. No permitholder may withhold in excess of
2 20 percent from the handle without withholding the amounts set
3 forth in this subsection.

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

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

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1 division as temporary administrator of the plan until the
2 division reestablishes administration of the plan with the
3 association.

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

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

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

27 (3) Each horseracing permitholder conducting any
28 thoroughbred race under this chapter, including any intertrack
29 race taken pursuant to ss. 550.615-550.6305 or any interstate
30 simulcast taken pursuant to s. 550.3551(3) shall pay a sum
31 equal to 0.885 ~~0.75~~ percent on all pari-mutuel pools conducted

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1 during any such race for the payment of breeders' and stallion
2 awards as authorized in this section. This subsection also
3 applies to all Breeder's Cup races conducted outside this
4 state taken pursuant to s. 550.3551(3). On any race
5 originating live in this state which is broadcast out-of-state
6 to any location at which wagers are accepted pursuant to s.
7 550.3551(2), the host track is required to pay 3.41 ~~3.3~~
8 percent of the gross revenue derived from such out-of-state
9 broadcasts as breeders' and stallion awards. The Florida
10 Thoroughbred Breeders' Association is authorized to receive
11 these payments from the permitholders and make payments of
12 awards earned. The Florida Thoroughbred Breeders' Association
13 has the right to withhold up to 10 percent of the
14 permitholder's payments under this section as a fee for
15 administering the payments of awards and for general promotion
16 of the industry. The permitholder shall remit these payments
17 to the Florida Thoroughbred Breeders' Association by the 5th
18 day of each calendar month for such sums accruing during the
19 preceding calendar month and shall report such payments to the
20 division as prescribed by the division. With the exception of
21 the 10-percent fee, the moneys paid by the permitholders shall
22 be maintained in a separate, interest-bearing account, and
23 such payments together with any interest earned shall be used
24 exclusively for the payment of breeders' awards and stallion
25 awards in accordance with the following provisions:

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

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

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

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

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

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

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

31 (g)~~(f)~~ The Florida Thoroughbred Breeders' Association

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1 shall maintain complete records showing the starters and
2 winners in all races conducted at thoroughbred tracks in this
3 state; shall maintain complete records showing awards earned,
4 received, and distributed; and may charge the owner, owners,
5 or breeder a reasonable fee for this service.

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

30 (i)~~(h)~~ The Florida Thoroughbred Breeders' Association
31 shall keep accurate records showing receipts and disbursements

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

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

23 Section 25. Paragraph (a) of subsection (6) of section
24 550.3551, Florida Statutes, is amended to read:

25 550.3551 Transmission of racing and jai alai
26 information; commingling of pari-mutuel pools.--

27 (6)(a) A maximum of 20 percent of the total number of
28 races on which wagers are accepted by a greyhound permitholder
29 not located as specified in s. 550.615(6) may be received from
30 locations outside this state. A permitholder may not conduct
31 fewer than eight live races or games on any authorized race

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

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

30 550.6308 Limited intertrack wagering license.--In
31 recognition of the economic importance of the thoroughbred

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

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

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

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

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

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

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

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

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

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

30 Section 27. Subsection (7) of section 773.01, Florida
31 Statutes, is amended to read:

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1 773.01 Definitions.--As used in ss. 773.01-773.05:

2 (7) "Participant" means any person, whether amateur or
3 professional, who engages in or any equine that participates
4 in an equine activity, whether or not a fee is paid to
5 participate in the equine activity.

6 Section 28. Subsection (1) of section 773.03, Florida
7 Statutes, is amended to read:

8 773.03 Limitation on liability for equine activity;
9 exceptions.--

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

12 Section 29. Interstate Compact on Licensure of
13 Participants in Pari-mutuel Wagering.--There is created the
14 Interstate Compact on Licensure of Participants in Pari-mutuel
15 Wagering.

16 Section 30. Purposes.--The purposes of this compact
17 are to:

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

22 (2) Facilitate the growth of the pari-mutuel wagering
23 industry in each party state and nationwide by simplifying the
24 process for licensing participants in pari-mutuel wagering,
25 and reduce the duplicative and costly process of separate
26 licensing by the regulatory agency in each state that conducts
27 pari-mutuel wagering.

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

30 (4) Provide for participation in this compact by
31 officials of the party states, and permit those officials,

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1 through the compact committee established by this compact, to
2 enter into contracts with governmental agencies and
3 nongovernmental persons to carry out the purposes of this
4 compact.

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

10 Section 31. Definitions.--As used in this compact, the
11 term:

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

15 (2) "Official" means the appointed, elected,
16 designated, or otherwise duly selected member of a racing
17 commission, or the equivalent thereof, in a party state who
18 represents that party state as a member of the compact
19 committee.

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

23 (4) "Party state" means each state that has enacted
24 this compact.

25 (5) "State" means each of the several states of the
26 United States, the District of Columbia, the Commonwealth of
27 Puerto Rico, and each territory or possession of the United
28 States.

29 Section 32. Entry into force.--This compact shall come
30 into force when enacted by any four states. Thereafter, this
31 compact shall become effective in any other state upon that

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1 state's enactment of this compact and upon the affirmative
2 vote of a majority of the officials on the compact committee
3 as provided in section 43.

4 Section 33. States eligible to join compact.--Any
5 state that has adopted or authorized pari-mutuel wagering
6 shall be eligible to become a party to this compact.

7 Section 34. Withdrawal from compact; impact on force
8 and effect.--

9 (1) Any party state may withdraw from this compact by
10 enacting a statute repealing this compact, but such a
11 withdrawal becomes effective only when the head of the
12 executive branch of the withdrawing party state has given
13 written notice of the withdrawal to the heads of the executive
14 branch of all other party states.

15 (2) If, as a result of withdrawals, participation in
16 this compact decreases to fewer than three party states, this
17 compact shall no longer be in force and effect until
18 participation in this compact increases to three or more party
19 states.

20 Section 35. Compact committee.--

21 (1) There is created an interstate governmental entity
22 to be known as the "compact committee," which shall be
23 composed of one official from the racing commission, or the
24 equivalent thereof, in each party state who shall be
25 appointed, serve, and be subject to removal in accordance with
26 the laws of the party state that she or he represents. The
27 official from Florida shall be appointed by the Secretary of
28 Business and Professional Regulation. Pursuant to the laws of
29 her or his party state, each official shall have the
30 assistance of her or his state's racing commission, or the
31 equivalent thereof, in considering issues related to licensing

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1 of participants in pari-mutuel wagering and in fulfilling her
2 or his responsibilities as the representative from her or his
3 state to the compact committee.

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

17 Section 36. Powers and duties of compact
18 committee.--In order to carry out the purposes of this
19 compact, the compact committee has the power and duty to:

20 (1)(a) Determine which categories of participants in
21 pari-mutuel wagering, including, but not limited to, owners,
22 trainers, jockeys, jai alai players, drivers, grooms, mutuel
23 clerks, racing officials, veterinarians, and farriers, should
24 be licensed by the committee, and to establish the
25 requirements for the initial licensure of applicants in each
26 category, the term of the license for each category, and the
27 requirements for renewal of licenses in each category.

28 (b) With regard to requests for criminal-history
29 record information on each applicant for a license, and with
30 regard to the effect of a criminal record on the issuance or
31 renewal of a license, determine for each category of

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1 participants in pari-mutuel wagering which licensure
2 requirements for that category are, in its judgment, the
3 most-restrictive licensure requirements of any party state for
4 that category and to adopt licensure requirements for that
5 category which are, in its judgment, comparable to those
6 most-restrictive requirements.

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

27 (3) Issue licenses to, and renew the licenses of,
28 participants in pari-mutuel wagering who are found by the
29 committee to have met the licensure and renewal requirements
30 established by the committee under subsection (1). The compact
31 committee shall not have the power or authority to deny a

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1 license. If the compact committee determines that an
2 applicant is not eligible for the issuance or renewal of a
3 compact committee license, the compact committee shall notify
4 the applicant that her or his application will not be
5 processed further. Such notification does not constitute and
6 shall not be considered to be the denial of a license. Any
7 such applicant shall have the right to present additional
8 evidence to, and be heard by, the compact committee, but the
9 final decision on issuance or renewal of the license shall be
10 made by the compact committee using the requirements
11 established under subsection (1).

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

16 (5) Create, appoint, and abolish those offices,
17 employments, and positions, including that of executive
18 director, that it considers necessary for the purposes of this
19 compact; prescribe the powers, duties, and qualifications of,
20 and hire persons to fill, such offices, employments, and
21 positions; and provide for the removal, term, tenure,
22 compensation, fringe benefits, retirement benefits, and other
23 conditions of employment of persons filling such offices,
24 employments, and positions.

25 (6) Borrow, accept, or contract for the services of
26 personnel from any state, the United States, or any other
27 governmental agency, or from any person, firm, association,
28 corporation, or other entity.

29 (7) Acquire, hold, and dispose of real and personal
30 property by gift, purchase, lease, or license, or in other
31 similar manner, in furtherance of the purposes of this

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1 compact.

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

4 (9) Receive other funds through gifts, grants, and
5 appropriations.

6 Section 37. Voting requirements.--

7 (1) Each member of the compact committee is entitled
8 to one vote.

9 (2) All action taken by the compact committee with
10 regard to the addition of party states, the licensure of
11 participants in pari-mutuel wagering, and the receipt and
12 disbursement of funds requires a majority vote of the members
13 of the compact committee or their alternates. All other action
14 by the compact committee requires a majority vote of the
15 members present or their alternates.

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

19 Section 38. Administration and management.--

20 (1) The compact committee shall elect annually from
21 among its members a chairperson, a vice chairperson, and a
22 secretary/treasurer.

23 (2) The compact committee shall adopt bylaws for the
24 conduct of its business by a two-thirds vote of the members of
25 the committee or their alternates and may, by the same vote,
26 amend and rescind these bylaws. The compact committee shall
27 publish its bylaws in convenient form and shall file a copy
28 thereof and a copy of any amendments thereto with the
29 Secretary of State or equivalent agency of each of the party
30 states.

31 (3) The compact committee may delegate the day-to-day

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1 management and administration of its duties and
2 responsibilities to an executive director and her or his
3 support staff.

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

6 Section 39. Immunity from liability for performance of
7 official responsibilities and duties.--A member or employee of
8 the compact committee may not be held personally liable for
9 any good-faith act or omission that occurs during the
10 performance and within the scope of her or his
11 responsibilities and duties under this compact.

12 Section 40. Rights and responsibilities of each party
13 state.--

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

15 (a) Agrees to:

16 1. Accept the decisions of the compact committee
17 regarding the issuance of compact committee licenses to
18 participants in pari-mutuel wagering pursuant to the
19 committee's licensure requirements.

20 2. Reimburse or otherwise pay the expenses of its
21 official representative on the compact committee or her or his
22 alternate.

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

28 (c) Reserves the right to:

29 1. Apply its own standards in determining whether, on
30 the facts of a particular case, a compact committee license
31 should be suspended or revoked. Any party state that suspends

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1 or revokes a compact committee license shall, through its
2 racing commission or the equivalent thereof, or otherwise,
3 promptly notify the compact committee of that suspension or
4 revocation.

5 2. Apply its own standards in determining licensure
6 eligibility, under the laws of that party state, for
7 categories of participants in pari-mutuel wagering which the
8 compact committee decides not to license and for individual
9 participants in pari-mutuel wagering who do not meet the
10 licensure requirements of the compact committee.

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

13 (2) A party state may not be held liable for the debts
14 or other financial obligations incurred by the compact
15 committee.

16 Section 41. Construction and severability.--

17 (1) This compact shall be liberally construed so as to
18 effectuate its purposes. The provisions of this compact shall
19 be severable, and, if any phrase, clause, sentence, or
20 provision of this compact is declared to be contrary to the
21 Constitution of the United States or of any party state, or if
22 the applicability of this compact to any government, agency,
23 person, or circumstance is held invalid, the validity of the
24 remainder of this compact and the applicability thereof to any
25 government, agency, person, or circumstance shall not be
26 affected thereby.

27 (2) If all or some portion of this compact is held to
28 be contrary to the constitution of any party state, the
29 compact shall remain in full force and effect as to the
30 remaining party states and in full force and effect as to the
31 state affected as to all severable matters.

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1 Section 42. Subsection (9) of section 550.615, Florida
2 Statutes, is repealed.

3 Section 43. Effective September 1, 2000, subsection
4 (1) of section 561.501, Florida Statutes, is amended to read:

5 561.501 Surcharge on sale of alcoholic beverages for
6 consumption on the premises; penalty.--

7 (1) Notwithstanding s. 561.50 or any other provision
8 of the Beverage Law, a surcharge of 5 ~~6.67~~ cents is imposed
9 upon each ounce of liquor and each 4 ounces of wine, a
10 surcharge of 3 ~~4~~ cents is imposed on each 12 ounces of cider,
11 and a surcharge of 3 ~~2.67~~ cents is imposed on each 12 ounces
12 of beer sold at retail for consumption on premises licensed by
13 the division as an alcoholic beverage vendor.

14 Section 44. Effective September 1, 2000, subsection
15 (4) of section 561.121, Florida Statutes, is amended to read:

16 561.121 Deposit of revenue.--

17 (4) State funds collected pursuant to s. 561.501 shall
18 be paid into the State Treasury and credited to the following
19 accounts:

20 (a) Twenty and four-tenths ~~Thirteen and six-tenths~~
21 percent of the surcharge on the sale of alcoholic beverages
22 for consumption on premises shall be transferred to the
23 Children and Adolescents Substance Abuse Trust Fund, which
24 shall remain with the Department of Children and Family
25 Services for the purpose of funding programs directed at
26 reducing and eliminating substance abuse problems among
27 children and adolescents.

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

30 Section 45. Paragraph (b) of subsection (5) of section
31 212.08, Florida Statutes, is amended to read:

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1 212.08 Sales, rental, use, consumption, distribution,
2 and storage tax; specified exemptions.--The sale at retail,
3 the rental, the use, the consumption, the distribution, and
4 the storage to be used or consumed in this state of the
5 following are hereby specifically exempt from the tax imposed
6 by this chapter.

7 (5) EXEMPTIONS; ACCOUNT OF USE.--

8 (b) Machinery and equipment used to increase
9 productive output.--

10 1. Industrial machinery and equipment purchased for
11 exclusive use by a new business in spaceport activities as
12 defined by s. 212.02 or for use in new businesses which
13 manufacture, process, compound, or produce for sale items of
14 tangible personal property at fixed locations are exempt from
15 the tax imposed by this chapter upon an affirmative showing by
16 the taxpayer to the satisfaction of the department that such
17 items are used in a new business in this state. Such purchases
18 must be made prior to the date the business first begins its
19 productive operations, and delivery of the purchased item must
20 be made within 12 months of that date.

21 2.a. Industrial machinery and equipment purchased for
22 exclusive use by an expanding facility which is engaged in
23 spaceport activities as defined by s. 212.02 or for use in
24 expanding manufacturing facilities or plant units which
25 manufacture, process, compound, or produce for sale items of
26 tangible personal property at fixed locations in this state
27 are exempt from any amount of tax imposed by this chapter in
28 excess of ~~\$15,000~~^{\$50,000} per calendar year upon an
29 affirmative showing by the taxpayer to the satisfaction of the
30 department that such items are used to increase the productive
31 output of such expanded facility or business by not less than

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1 10 percent.

2 b. Notwithstanding any other provision of this
3 section, industrial machinery and equipment purchased for use
4 in expanding printing manufacturing facilities or plant units
5 that manufacture, process, compound, or produce for sale items
6 of tangible personal property at fixed locations in this state
7 are exempt from any amount of tax imposed by this chapter upon
8 an affirmative showing by the taxpayer to the satisfaction of
9 the department that such items are used to increase the
10 productive output of such an expanded business by not less
11 than 10 percent.

12 3.a. To receive an exemption provided by subparagraph
13 1. or subparagraph 2., a qualifying business entity shall
14 apply to the department for a temporary tax exemption permit.
15 The application shall state that a new business exemption or
16 expanded business exemption is being sought. Upon a tentative
17 affirmative determination by the department pursuant to
18 subparagraph 1. or subparagraph 2., the department shall issue
19 such permit.

20 b. The applicant shall be required to maintain all
21 necessary books and records to support the exemption. Upon
22 completion of purchases of qualified machinery and equipment
23 pursuant to subparagraph 1. or subparagraph 2., the temporary
24 tax permit shall be delivered to the department or returned to
25 the department by certified or registered mail.

26 c. If, in a subsequent audit conducted by the
27 department, it is determined that the machinery and equipment
28 purchased as exempt under subparagraph 1. or subparagraph 2.
29 did not meet the criteria mandated by this paragraph or if
30 commencement of production did not occur, the amount of taxes
31 exempted at the time of purchase shall immediately be due and

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1 payable to the department by the business entity, together
2 with the appropriate interest and penalty, computed from the
3 date of purchase, in the manner prescribed by this chapter.

4 d. In the event a qualifying business entity fails to
5 apply for a temporary exemption permit or if the tentative
6 determination by the department required to obtain a temporary
7 exemption permit is negative, a qualifying business entity
8 shall receive the exemption provided in subparagraph 1. or
9 subparagraph 2. through a refund of previously paid taxes. No
10 refund may be made for such taxes unless the criteria mandated
11 by subparagraph 1. or subparagraph 2. have been met and
12 commencement of production has occurred.

13 4. The department shall promulgate rules governing
14 applications for, issuance of, and the form of temporary tax
15 exemption permits; provisions for recapture of taxes; and the
16 manner and form of refund applications and may establish
17 guidelines as to the requisites for an affirmative showing of
18 increased productive output, commencement of production, and
19 qualification for exemption.

20 5. The exemptions provided in subparagraphs 1. and 2.
21 do not apply to machinery or equipment purchased or used by
22 electric utility companies, communications companies, oil or
23 gas exploration or production operations, publishing firms
24 that do not export at least 50 percent of their finished
25 product out of the state, any firm subject to regulation by
26 the Division of Hotels and Restaurants of the Department of
27 Business and Professional Regulation, or any firm which does
28 not manufacture, process, compound, or produce for sale items
29 of tangible personal property or which does not use such
30 machinery and equipment in spaceport activities as required by
31 this paragraph. The exemptions provided in subparagraphs 1.

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1 and 2. shall apply to machinery and equipment purchased for
2 use in phosphate or other solid minerals severance, mining, or
3 processing operations only by way of a prospective credit
4 against taxes due under chapter 211 for taxes paid under this
5 chapter on such machinery and equipment.

6 6. For the purposes of the exemptions provided in
7 subparagraphs 1. and 2., these terms have the following
8 meanings:

9 a. "Industrial machinery and equipment" means "section
10 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the
11 Internal Revenue Code, provided "industrial machinery and
12 equipment" shall be construed by regulations adopted by the
13 Department of Revenue to mean tangible property used as an
14 integral part of spaceport activities or of the manufacturing,
15 processing, compounding, or producing for sale of items of
16 tangible personal property. Such term includes parts and
17 accessories only to the extent that the exemption thereof is
18 consistent with the provisions of this paragraph.

19 b. "Productive output" means the number of units
20 actually produced by a single plant or operation in a single
21 continuous 12-month period, irrespective of sales. Increases
22 in productive output shall be measured by the output for 12
23 continuous months immediately following the completion of
24 installation of such machinery or equipment over the output
25 for the 12 continuous months immediately preceding such
26 installation. However, if a different 12-month continuous
27 period of time would more accurately reflect the increase in
28 productive output of machinery and equipment purchased to
29 facilitate an expansion, the increase in productive output may
30 be measured during that 12-month continuous period of time if
31 such time period is mutually agreed upon by the Department of

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1 Revenue and the expanding business prior to the commencement
2 of production; provided, however, in no case may such time
3 period begin later than 2 years following the completion of
4 installation of the new machinery and equipment. The units
5 used to measure productive output shall be physically
6 comparable between the two periods, irrespective of sales.

7 7. Notwithstanding any other provision in this
8 paragraph to the contrary, in order to receive the exemption
9 provided in this paragraph a taxpayer must register with the
10 WAGES Program Business Registry established by the local WAGES
11 coalition for the area in which the taxpayer is located. Such
12 registration establishes a commitment on the part of the
13 taxpayer to hire WAGES program participants to the maximum
14 extent possible consistent with the nature of their business.

15 Section 46. Except as otherwise provided herein, this
16 act shall take effect July 1, 2000.

17
18

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

20 And the title is amended as follows:

21 Remove from the title of the bill: the entire title

22

23 and insert in lieu thereof:

24 An act relating to taxation; amending s.
25 212.20, F.S.; authorizing a distribution of
26 sales and use tax revenues to county
27 governments; repealing s. 550.01215(8), F.S.,
28 relating to the use of permitted pari-mutuel
29 facilities; amending s. 550.135, F.S.;
30 eliminating the annual distribution of
31 pari-mutuel tax revenues to county governments;

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1 amending s. 550.0951, F.S.; providing that the
2 daily license fee tax credit provided by said
3 section and the \$360,000 or \$500,000 tax
4 exemption provided by s. 550.09514(1), F.S.,
5 may be applied to any tax and daily license
6 fees imposed under ch. 550, F.S.; removing
7 restrictions on the transfer of the daily
8 license fee tax credit by greyhound
9 permitholders; authorizing transfer of the
10 \$360,000 or \$500,000 tax exemption by a
11 greyhound permitholder to a greyhound
12 permitholder that acts as host track to such
13 permitholder for intertrack wagering; providing
14 for repayment; providing for rules; reducing
15 the taxes on handle for greyhound dogracing,
16 for intertrack wagering when the host track is
17 a dog track, for intertrack wagers accepted by
18 certain dog tracks, for intertrack wagers when
19 both the host and guest are thoroughbred tracks
20 or other guest tracks within the market area;
21 providing exceptions; removing the additional
22 tax on the surcharge on winning tickets;
23 redirecting deposits from the General Revenue
24 Fund to the Pari-mutuel Wagering Trust Fund;
25 revising the time period for remittance of
26 certain fees and taxes; forgiving certain
27 taxes; amending s. 550.09514, F.S.; revising
28 application and administration of the \$360,000
29 or \$500,000 tax exemption provided by said
30 section; providing for payment of additional
31 purses by greyhound permitholders in an amount

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

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1 facilities; amending s. 550.625, F.S.;

2 increasing the percentage of purses for

3 throughbred and quarter horse racing; amending

4 s. 550.155, F.S.; requiring counties to approve

5 certain capital improvements by permitholders

6 in certain situations; amending s. 550.26352,

7 F.S., relating to the Breeders' Cup Meet;

8 increasing the amount of certain tax credits

9 allowed to permitholders; deleting certain

10 limitations on broadcasts to pari-mutuel

11 facilities; authorizing the Division of

12 Pari-mutuel Wagering of the Department of

13 Business and Professional Regulation to waive

14 certain rules; amending s. 550.6305, F.S.;

15 conforming cross-references; amending s.

16 550.002, F.S.; substituting the term "same

17 class of races, games, or permit" for the term

18 "same class of race or permit"; amending s.

19 550.0351, F.S.; increasing the number of

20 charity performances per fiscal year which a

21 jai alai permitholder may conduct; amending s.

22 550.105, F.S.; revising provisions relating to

23 licenses for persons or entities with access to

24 certain areas of racetracks and frontons;

25 amending s. 550.24055, F.S.; amending standards

26 used in testing certain licensees to determine

27 whether they have abused alcoholic beverages;

28 amending s. 550.26165, F.S.; providing for

29 breeders' awards and stallion awards; providing

30 for certain moneys to be returned to the

31 permitholders that generated the money, in

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

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1 effective date of the compact; providing
2 criteria for eligibility to join the compact;
3 providing procedures for withdrawing from the
4 compact; creating an interstate governmental
5 entity to be known as the compact committee;
6 providing the powers and duties of the compact
7 committee; providing voting requirements for
8 the committee; providing for the administration
9 and management of the committee; providing that
10 committee employees are governmental employees;
11 providing immunity from liability for
12 performance of official responsibilities and
13 duties of the compact committee; providing
14 rights and responsibilities of each state that
15 is a party to the compact; providing for
16 construction and severability of provisions of
17 the compact; repealing s. 550.615(9), F.S.,
18 relating to limited intertrack wagering
19 license; amending s. 561.501, F.S.; reducing
20 the alcoholic beverage surcharges on liquor,
21 wine, cider, and beer sold for consumption on
22 the premises; amending s. 561.121, F.S.;
23 increasing the portion of the surcharge which
24 is transferred to the Children and Adolescents
25 Substance Abuse Trust Fund; amending s. 212.08,
26 F.S.; revising the amount of the exemption from
27 the tax on sales, use, and other transactions
28 for industrial machinery and equipment used in
29 an expanding business; providing effective
30 dates.
31