

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

Amendment No.     

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

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

Amendment No. \_\_\_\_

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

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

9 561.121 Deposit of revenue.--

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

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

1 Convention Development Tax Clearing Trust Fund.

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

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

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

5           5. Of the remaining proceeds:

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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



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

Amendment No. \_\_\_\_

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

31           (5) PAYMENT AND DISPOSITION OF FEES AND

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

Amendment No. \_\_\_\_

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

21 (6) PENALTIES.--

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

31

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

Amendment No. \_\_\_\_

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

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

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

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

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

Amendment No. \_\_\_\_

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

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



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

Amendment No. \_\_\_\_

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

10           (2)

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

31           550.1647 Greyhound permitholders; unclaimed tickets;

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

Amendment No. \_\_\_\_

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

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

22 550.615 Intertrack wagering.--

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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



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

Amendment No. \_\_\_\_

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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



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

Amendment No. \_\_\_\_

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

11 550.0351 Charity racing days.--

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

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

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

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

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

Amendment No. \_\_\_\_

1 and fines.--

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

Amendment No. \_\_\_\_

1 Federal Bureau of Investigation criminal records check.

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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



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

Amendment No. \_\_\_\_

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

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

Amendment No. \_\_\_\_

1 division.

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

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

Amendment No. \_\_\_\_

1 from the fingerprinting requirements.

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

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

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

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

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

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

Amendment No. \_\_\_\_

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

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

13

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

22 Section 25. Subsection (6) of section 563.06, Florida  
23 Statutes, is amended to read:

24 563.06 Malt beverages; imprint on individual  
25 container; size of containers; exemptions.--

26 (6) All malt beverages packaged in individual  
27 containers sold or offered for sale by vendors at retail in  
28 this state shall be in individual containers containing no  
29 more than ~~only 8, 12, 16, or 32~~ ounces of such malt beverages;  
30 provided, however, that nothing contained in this section  
31 shall affect malt beverages packaged in bulk or in kegs or in

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

Amendment No. \_\_\_\_

1 barrels or in any individual container containing 1 gallon or  
2 more of such malt beverage regardless of individual container  
3 type.

4 Section 26. Subsection (1) of section 550.26165,  
5 Florida Statutes, is amended to read:

6 550.26165 Breeders' awards.--

7 (1) The purpose of this section is to encourage the  
8 agricultural activity of breeding and training racehorses in  
9 this state. Moneys dedicated in this chapter for use as  
10 breeders' awards and stallion awards ~~from breaks and uncashed~~  
11 ~~tickets from pari-mutuel wagering and horseraces~~ are to be  
12 used for awards ~~of up to 20 percent of the announced gross~~  
13 ~~purse at any race~~ to breeders of registered Florida-bred  
14 horses winning horseraces and for similar awards to the owners  
15 of stallions who sired Florida-bred horses winning stakes  
16 races, if the stallions are registered as Florida stallions  
17 standing in this state. Such awards shall be given at a  
18 uniform rate to all winners of the awards, shall not be  
19 greater than 20 percent of the announced gross purse, and  
20 shall not be less than 15 percent of the announced gross purse  
21 if funds are available. In addition, no less than 17 percent  
22 nor more than 40 percent, as determined by the Florida  
23 Thoroughbred Breeders' Association, of the moneys dedicated in  
24 this chapter for use as breeders' awards and stallion awards  
25 for thoroughbreds shall be returned prorata to the  
26 permitholders that generated the moneys for awards to be  
27 distributed by the permitholders to owners of registered  
28 Florida-bred thoroughbred horses winning in thoroughbred races  
29 and winning or placing in thoroughbred stakes races, all in  
30 accordance with a plan established annually no later than 120  
31 days before the first day of the permitholders' racing meet

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

Amendment No. \_\_\_\_

1 and agreed upon by the permitholder, the Florida Thoroughbred  
2 Breeders' Association, and the Florida Horsemen's Benevolent  
3 and Protective Association, Inc., except that the plan for the  
4 distribution by any permitholder located in the area described  
5 in s. 550.615(9) shall be agreed upon by that permitholder,  
6 the Florida Thoroughbred Breeders' Association, and the  
7 association representing a majority of the thoroughbred  
8 racehorse owners and trainers at that location. Awards for  
9 thoroughbred races are to be paid through the Florida  
10 Thoroughbred Breeders' Association, and awards for  
11 standardbred races are to be paid through the Florida  
12 Standardbred Breeders and Owners Association. Among other  
13 sources specified in this chapter, ~~The~~ moneys for thoroughbred  
14 breeders' awards will come from the 0.955 ~~0.75~~ percent of  
15 handle for thoroughbred races conducted, received, broadcast,  
16 or simulcast under this chapter as provided in s. 550.2625(3).  
17 The moneys for quarter horse and harness breeders' awards will  
18 come from the breaks and uncashed tickets on live quarter  
19 horse and harness racing performances and 1 percent of handle  
20 on intertrack wagering. The funds for these breeders' awards  
21 shall be paid to the respective breeders' associations by the  
22 permitholders conducting the races. ~~The awards are to be given~~  
23 ~~at a uniform rate to all winners of the awards and may not be~~  
24 ~~less than 15 percent of the announced gross purse if funds are~~  
25 ~~available.~~

26 Section 27. Subsections (2) and (3) of section  
27 550.2625, Florida Statutes, are amended to read:

28 550.2625 Horseracing; minimum purse requirement,  
29 Florida breeders' and owners' awards.--

30 (2) Each permitholder conducting a horserace meet is  
31 required to pay from the takeout withheld on pari-mutuel pools



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

Amendment No. \_\_\_\_

1 a sum for purses in accordance with the type of race  
2 performed.

3 (a) A permitholder conducting a thoroughbred horse  
4 race meet under this chapter must pay from the takeout  
5 withheld a sum not less than 7.75 ~~7.5~~ percent of all  
6 contributions to pari-mutuel pools conducted during the race  
7 meet as purses. In addition to the 7.75 ~~7.5~~ percent minimum  
8 purse payment, permitholders conducting live thoroughbred  
9 performances shall be required to pay as additional purses  
10 .625 percent of live handle for performances conducted during  
11 the period beginning on January 3 and ending March 16; .225  
12 percent for performances conducted during the period beginning  
13 March 17 and ending May 22; and .85 percent for performances  
14 conducted during the period beginning May 23 and ending  
15 January 2. Except that any thoroughbred permitholder whose  
16 total handle on live performances during the 1991-1992 state  
17 fiscal year was not greater than \$34 million is not subject to  
18 this additional purse payment. A permitholder authorized to  
19 conduct thoroughbred racing may withhold from the handle an  
20 additional amount equal to 1 percent on exotic wagering for  
21 use as owners' awards, and may withhold from the handle an  
22 amount equal to 2 percent on exotic wagering for use as  
23 overnight purses. No permitholder may withhold in excess of  
24 20 percent from the handle without withholding the amounts set  
25 forth in this subsection.

26 (b)1. A permitholder conducting a harness horse race  
27 meet under this chapter must pay to the purse pool from the  
28 takeout withheld a purse requirement that totals an amount not  
29 less than 8.25 ~~8~~ percent of all contributions to pari-mutuel  
30 pools conducted during the race meet. An amount not less than  
31 7.75 ~~7.5~~ percent of the total handle shall be paid from this

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

Amendment No. \_\_\_\_

1 | purse pool as purses.

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

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

30 |           (d) The division shall adopt reasonable rules to  
31 | ensure the timely and accurate payment of all amounts withheld

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

Amendment No. \_\_\_\_

1 by horserace permitholders regarding the distribution of  
2 purses, owners' awards, and other amounts collected for  
3 payment to owners and breeders. Each permitholder that fails  
4 to pay out all moneys collected for payment to owners and  
5 breeders shall, within 10 days after the end of the meet  
6 during which the permitholder underpaid purses, deposit an  
7 amount equal to the underpayment into a separate  
8 interest-bearing account to be distributed to owners and  
9 breeders in accordance with division rules.

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

18 (3) Each horseracing permitholder conducting any  
19 thoroughbred race under this chapter, including any intertrack  
20 race taken pursuant to ss. 550.615-550.6305 or any interstate  
21 simulcast taken pursuant to s. 550.3551(3) shall pay a sum  
22 equal to 0.955 ~~0.75~~ percent on all pari-mutuel pools conducted  
23 during any such race for the payment of breeders' and stallion  
24 awards as authorized in this section. This subsection also  
25 applies to all Breeder's Cup races conducted outside this  
26 state taken pursuant to s. 550.3551(3). On any race  
27 originating live in this state which is broadcast out-of-state  
28 to any location at which wagers are accepted pursuant to s.  
29 550.3551(2), the host track is required to pay 3.475 ~~3.3~~  
30 percent of the gross revenue derived from such out-of-state  
31 broadcasts as breeders' and stallion awards. The Florida

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

Amendment No. \_\_\_\_

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

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

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

29 (c) The owners of registered Florida-bred thoroughbred  
30 horses winning or placing in thoroughbred stakes races may  
31 receive an award in accordance with a plan established in s.

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

Amendment No. \_\_\_\_

1 550.26165(1).

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

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

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

Amendment No. \_\_\_\_

1 for offspring sired prior to removal; however, if a removed  
2 stallion is returned to this state, all offspring sired  
3 subsequent to the return make the owner or owners of the  
4 stallion eligible for the stallion award but only for those  
5 offspring sired subsequent to such return to this state. The  
6 Florida Thoroughbred Breeders' Association shall maintain  
7 complete records showing the date the stallion arrived in this  
8 state for the first time, whether or not the stallion remained  
9 in the state permanently, the location of the stallion, and  
10 whether the stallion is still standing in this state and  
11 complete records showing awards earned, received, and  
12 distributed. The association may charge the owner, owners, or  
13 breeder a reasonable fee for this service.

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

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

28 (h)~~(g)~~ The Florida Thoroughbred Breeders' Association  
29 shall annually establish a uniform rate and procedure for the  
30 payment of breeders' and stallion awards and shall make  
31 breeders' and stallion award payments in strict compliance

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

Amendment No. \_\_\_\_

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

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

30 (j)~~(i)~~ If the division finds that the Florida  
31 Thoroughbred Breeders' Association has not complied with any

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

Amendment No. \_\_\_\_

1 provision of this section, the division may order the  
2 association to cease and desist from receiving funds and  
3 administering funds received under this section. If the  
4 division enters such an order, the permitholder shall make the  
5 payments authorized in this section to the division for  
6 deposit into the Pari-mutuel Wagering Trust Fund; and any  
7 funds in the Florida Thoroughbred Breeders' Association  
8 account shall be immediately paid to the Division of  
9 Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering  
10 Trust Fund. The division shall authorize payment from these  
11 funds to any breeder or stallion owner entitled to an award  
12 that has not been previously paid by the Florida Thoroughbred  
13 Breeders' Association in accordance with the applicable rate.

14 Section 28. Paragraph (a) of subsection (6) of section  
15 550.3551, Florida Statutes, is amended to read:

16 550.3551 Transmission of racing and jai alai  
17 information; commingling of pari-mutuel pools.--

18 (6)(a) A maximum of 20 percent of the total number of  
19 races on which wagers are accepted by a greyhound permitholder  
20 not located as specified in s. 550.615(6) may be received from  
21 locations outside this state. A permitholder may not conduct  
22 fewer than eight live races or games on any authorized race  
23 day except as provided in this subsection. A thoroughbred  
24 permitholder may not conduct fewer than eight live races on  
25 any race day without the written approval of the Florida  
26 Thoroughbred Breeders' Association and the Florida Horsemen's  
27 Benevolent and Protective Association, Inc., unless it is  
28 determined by the department that another entity represents a  
29 majority of the thoroughbred racehorse owners and trainers in  
30 the state.~~horsemen's group representing the majority of~~  
31 ~~thoroughbred racehorse owners and trainers in this state. A~~



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

Amendment No. \_\_\_\_

1 harness permitholder may conduct fewer than eight live races  
2 on any authorized race day, except that such permitholder must  
3 conduct a full schedule of live racing during its race meet  
4 consisting of at least eight live races per authorized race  
5 day for at least 100 days. Any harness horse permitholder  
6 that during the preceding racing season conducted a full  
7 schedule of live racing may, at any time during its current  
8 race meet, receive full-card broadcasts of harness horse races  
9 conducted at harness racetracks outside this state at the  
10 harness track of the permitholder and accept wagers on such  
11 harness races. With specific authorization from the division  
12 for special racing events, a permitholder may conduct fewer  
13 than eight live races or games when the permitholder also  
14 broadcasts out-of-state races or games. The division may not  
15 grant more than two such exceptions a year for a permitholder  
16 in any 12-month period, and those two exceptions may not be  
17 consecutive.

18 Section 29. Subsections (1) and (4) of section  
19 550.6308, Florida Statutes, are amended, and subsection (5) is  
20 added to that section, to read:

21 550.6308 Limited intertrack wagering license.--In  
22 recognition of the economic importance of the thoroughbred  
23 breeding industry to this state, its positive impact on  
24 tourism, and of the importance of a permanent thoroughbred  
25 sales facility as a key focal point for the activities of the  
26 industry, a limited license to conduct intertrack wagering is  
27 established to ensure the continued viability and public  
28 interest in thoroughbred breeding in Florida.

29 (1) Upon application to the division on or before  
30 January 31 of each year, any person that is licensed to  
31 conduct public sales of thoroughbred horses pursuant to s.

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

Amendment No. \_\_\_\_

1 535.01, that has conducted at least 15 days of thoroughbred  
2 horse sales at a permanent sales facility in this state for at  
3 least 3 consecutive years, and that has conducted at least 1  
4 day of nonwagering thoroughbred racing in this state, with a  
5 purse structure of at least \$250,000 per year for 2  
6 consecutive years before such application, shall be issued a  
7 license, subject to the conditions set forth in this section,  
8 to conduct intertrack wagering at such a permanent sales  
9 facility during the following periods:~~for thoroughbred racing~~  
10 ~~for~~

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

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

16 (c) Between May 9 and October 31 at such times and on  
17 such days as any thoroughbred, jai alai, or a greyhound  
18 permitholder in the same county is not conducting live  
19 performances; provided that any such permitholder may waive  
20 this requirement, in whole or in part, and allow the licensee  
21 under this section to conduct intertrack wagering during one  
22 or more of the permitholder's live performances; and,~~and to~~  
23 ~~conduct intertrack wagering under the provisions of this~~  
24 ~~subsection~~

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

29  
30 No more than one such license may be issued, and no such  
31 license may be issued for a facility located within 50 miles

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

Amendment No. \_\_\_\_

1 of any thoroughbred permitholder's track.

2 (4) Intertrack wagering under this section may be  
 3 conducted only on thoroughbred horse racing, except that  
 4 intertrack wagering may be conducted on any class of  
 5 pari-mutuel race or game conducted by any class of  
 6 permitholders licensed under this chapter if all thoroughbred,  
 7 jai alai, and greyhound permitholders in the same county as  
 8 the licensee under this section give their consent.

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

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

23 773.01 Definitions.--As used in ss. 773.01-773.05:

24 (7) "Participant" means any person, whether amateur or  
 25 professional, who engages in or any equine that participates  
 26 in an equine activity, whether or not a fee is paid to  
 27 participate in the equine activity.

28 Section 31. Subsection (1) of section 773.03, Florida  
 29 Statutes, is amended to read:

30 773.03 Limitation on liability for equine activity;  
 31 exceptions.--

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

Amendment No. \_\_\_\_

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

3           Section 32. Interstate Compact on Licensure of  
4 Participants in Pari-mutuel Wagering.--There is created the  
5 Interstate Compact on Licensure of Participants in Pari-mutuel  
6 Wagering.

7           Section 33. Purposes.--The purposes of this compact  
8 are to:

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

13           (2) Facilitate the growth of the pari-mutuel wagering  
14 industry in each party state and nationwide by simplifying the  
15 process for licensing participants in pari-mutuel wagering,  
16 and reduce the duplicative and costly process of separate  
17 licensing by the regulatory agency in each state that conducts  
18 pari-mutuel wagering.

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

21           (4) Provide for participation in this compact by  
22 officials of the party states, and permit those officials,  
23 through the compact committee established by this compact, to  
24 enter into contracts with governmental agencies and  
25 nongovernmental persons to carry out the purposes of this  
26 compact.

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

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

Amendment No. \_\_\_\_

1           Section 34. Definitions.--As used in this compact, the  
2 term:

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

6           (2) "Official" means the appointed, elected,  
7 designated, or otherwise duly selected member of a racing  
8 commission, or the equivalent thereof, in a party state who  
9 represents that party state as a member of the compact  
10 committee.

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

14           (4) "Party state" means each state that has enacted  
15 this compact.

16           (5) "State" means each of the several states of the  
17 United States, the District of Columbia, the Commonwealth of  
18 Puerto Rico, and each territory or possession of the United  
19 States.

20           Section 35. Entry into force.--This compact shall come  
21 into force when enacted by any four states. Thereafter, this  
22 compact shall become effective in any other state upon that  
23 state's enactment of this compact and upon the affirmative  
24 vote of a majority of the officials on the compact committee  
25 as provided in section 41.

26           Section 36. States eligible to join compact.--Any  
27 state that has adopted or authorized pari-mutuel wagering  
28 shall be eligible to become a party to this compact.

29           Section 37. Withdrawal from compact; impact on force  
30 and effect.--

31           (1) Any party state may withdraw from this compact by

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

Amendment No. \_\_\_\_

1 enacting a statute repealing this compact, but such a  
2 withdrawal becomes effective only when the head of the  
3 executive branch of the withdrawing party state has given  
4 written notice of the withdrawal to the heads of the executive  
5 branch of all other party states.

6 (2) If, as a result of withdrawals, participation in  
7 this compact decreases to fewer than three party states, this  
8 compact shall no longer be in force and effect until  
9 participation in this compact increases to three or more party  
10 states.

11 Section 38. Compact committee.--

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

26 (2) If an official is unable to perform any of her or  
27 his duties as a member of the compact committee, the racing  
28 commission, or the equivalent thereof, from her or his state  
29 shall designate another of its members as an alternate who  
30 shall serve in her or his place and represent the party state  
31 as its official on the compact committee, until that racing

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

Amendment No. \_\_\_\_

1 commission, or the equivalent thereof, determines that the  
2 original representative official is once again able to perform  
3 her or his duties as that party state's representative  
4 official on the compact committee. The designation of an  
5 alternate shall be communicated by the affected state's racing  
6 commission, or the equivalent thereof, to the compact  
7 committee as the committee's bylaws provide.

8           Section 39. Powers and duties of compact  
9 committee.--In order to carry out the purposes of this  
10 compact, the compact committee has the power and duty to:

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

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

29           (2) Investigate applicants for licensure by the  
30 compact committee and, as permitted by federal and state law,  
31 gather information on such applicants, including

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

Amendment No. \_\_\_\_

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

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



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

Amendment No. \_\_\_\_

1 made by the compact committee using the requirements  
2 established under subsection (1).

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

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

16 (6) Borrow, accept, or contract for the services of  
17 personnel from any state, the United States, or any other  
18 governmental agency, or from any person, firm, association,  
19 corporation, or other entity.

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

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

26 (9) Receive other funds through gifts, grants, and  
27 appropriations.

28 Section 40. Voting requirements.--

29 (1) Each member of the compact committee is entitled  
30 to one vote.

31 (2) All action taken by the compact committee with

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

Amendment No. \_\_\_\_

1 regard to the addition of party states, the licensure of  
2 participants in pari-mutuel wagering, and the receipt and  
3 disbursement of funds requires a majority vote of the members  
4 of the compact committee or their alternates. All other action  
5 by the compact committee requires a majority vote of the  
6 members present or their alternates.

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

10 Section 41. Administration and management.--

11 (1) The compact committee shall elect annually from  
12 among its members a chairperson, a vice chairperson, and a  
13 secretary/treasurer.

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

22 (3) The compact committee may delegate the day-to-day  
23 management and administration of its duties and  
24 responsibilities to an executive director and her or his  
25 support staff.

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

28 Section 42. Immunity from liability for performance of  
29 official responsibilities and duties.--A member or employee of  
30 the compact committee may not be held personally liable for  
31 any good-faith act or omission that occurs during the

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

Amendment No. \_\_\_\_

1 performance and within the scope of her or his  
2 responsibilities and duties under this compact.

3 Section 43. Rights and responsibilities of each party  
4 state.--

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

6 (a) Agrees to:

7 1. Accept the decisions of the compact committee  
8 regarding the issuance of compact committee licenses to  
9 participants in pari-mutuel wagering pursuant to the  
10 committee's licensure requirements.

11 2. Reimburse or otherwise pay the expenses of its  
12 official representative on the compact committee or her or his  
13 alternate.

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

19 (c) Reserves the right to:

20 1. Apply its own standards in determining whether, on  
21 the facts of a particular case, a compact committee license  
22 should be suspended or revoked. Any party state that suspends  
23 or revokes a compact committee license shall, through its  
24 racing commission or the equivalent thereof, or otherwise,  
25 promptly notify the compact committee of that suspension or  
26 revocation.

27 2. Apply its own standards in determining licensure  
28 eligibility, under the laws of that party state, for  
29 categories of participants in pari-mutuel wagering which the  
30 compact committee decides not to license and for individual  
31 participants in pari-mutuel wagering who do not meet the

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

Amendment No. \_\_\_\_

1 licensure requirements of the compact committee.

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

4 (2) A party state may not be held liable for the debts  
5 or other financial obligations incurred by the compact  
6 committee.

7 Section 44. Construction and severability.--

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

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

23 Section 45. Subsection (9) of section 550.615, Florida  
24 Statutes, is repealed.

25 Section 46. All money or other property represented by  
26 any unclaimed, uncashed, or abandoned pari-mutuel ticket that  
27 has remained in the custody of or under the control of any  
28 permitholder authorized to conduct jai alai pari-mutuel pools  
29 in this state for a period of 1 year after the date the  
30 pari-mutuel ticket was issued, if the rightful owners thereof  
31 have made no claim or demand for such money or other property

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

Amendment No. \_\_\_\_

1 within that period of time, shall, with respect to live games  
2 conducted by the permitholder, be remitted to the state  
3 pursuant to s. 550.1645; however, such permitholder shall be  
4 entitled to a credit in each state fiscal year in an amount  
5 equal to 25 percent of the actual amount remitted in the prior  
6 state fiscal year which may be applied against any taxes  
7 imposed under this chapter. Funds equal to such credit from  
8 any live jai alai games shall be paid by the permitholder to  
9 the National Association of Jai Alai Frontons, to be used for  
10 the general promotion of the sport of jai alai in the state,  
11 including professional tournaments and amateur jai alai youth  
12 programs. These youth programs shall focus on benefiting  
13 children in after-school and anti-drug programs with special  
14 attention to inner-city areas.

15 Section 47. Except as otherwise expressly provided in  
16 this act, this 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 On page 72, line 24, through  
22 page 77, line 30, delete those lines

23  
24 and insert:

25 A bill to be entitled  
26 An act relating to regulated industries;  
27 amending s. 561.501, F.S.; reducing the  
28 surcharges on liquor, wine, cider, and beer  
29 sold for consumption on the premises; providing  
30 an exemption from the surcharge to certain  
31 nonprofit organizations; amending s. 561.121,

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

Amendment No. \_\_\_\_

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

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

Amendment No. \_\_\_\_

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

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

Amendment No. \_\_\_\_

1           wagering at certain additional facilities;  
2           amending s. 550.0555, F.S.; providing  
3           legislative intent; providing for the  
4           relocation of jai alai permittees within a  
5           county in the same manner as is currently  
6           provided for the relocation of greyhound  
7           dogracing permittees within a county; providing  
8           that relocation of permittees be consistent  
9           with local government comprehensive plan;  
10          amending s. 550.09512, F.S.; reducing the tax  
11          on handle for live harness performances;  
12          amending s. 550.475, F.S.; providing for  
13          leasing of jai alai facilities; amending s.  
14          550.625, F.S.; increasing the percentage of  
15          purses for thoroughbred and quarter horse  
16          racing; amending s. 550.155, F.S.; requiring  
17          counties to approve certain capital  
18          improvements by permitholders in certain  
19          situations; amending s. 550.26352, F.S.,  
20          relating to the Breeders' Cup Meet; increasing  
21          the amount of certain tax credits allowed to  
22          permitholders; deleting certain limitations on  
23          broadcasts to pari-mutuel facilities;  
24          authorizing the Division of Pari-mutuel  
25          Wagering of the Department of Business and  
26          Professional Regulation to waive certain rules;  
27          amending s. 550.6305, F.S.; conforming  
28          cross-references; amending s. 550.002, F.S.;  
29          substituting the term "same class of races,  
30          games, or permit" for the term "same class of  
31          race or permit"; amending s. 550.0251, F.S.;



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

Amendment No. \_\_\_\_

1 providing for the Division of Pari-mutuel  
2 Wagering to adopt rules for wagering through a  
3 pari-mutuel wagering pool; amending s.  
4 550.0351, F.S.; increasing the number of  
5 charity performances per fiscal year which a  
6 jai alai permitholder may conduct; amending s.  
7 550.105, F.S.; revising provisions relating to  
8 licenses for persons or entities with access to  
9 certain areas of racetracks and frontons;  
10 amending s. 550.24055, F.S.; amending standards  
11 used in testing certain licensees to determine  
12 whether they have abused alcoholic beverages;  
13 amending s. 563.06, F.S.; removing current  
14 restrictions on containers under a specified  
15 size; amending s. 550.26165, F.S.; providing  
16 for breeders' awards and stallion awards;  
17 providing for certain moneys to be returned to  
18 the permitholders that generated the money, in  
19 accordance with a plan to be established  
20 annually by specified entities; providing an  
21 exception; amending s. 550.2625, F.S.; amending  
22 minimum purse requirements for thoroughbred and  
23 harness horseracing permitholders; amending  
24 criteria for the payment of breeders' awards  
25 and stallion awards; amending s. 550.3551,  
26 F.S.; requiring the written approval of the  
27 Florida Horsemen's Benevolent and Protective  
28 Association, Inc., before a thoroughbred  
29 permitholder may conduct fewer than eight live  
30 races on any race day; amending s. 550.6308,  
31 F.S.; amending provisions relating to limited

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

Amendment No. \_\_\_\_

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

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

Amendment No. \_\_\_\_

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is a party to the compact; providing for  
construction and severability of provisions of  
the compact; repealing s. 550.615(9), F.S.,  
relating to limited intertrack wagering  
license; providing a credit for jai alai  
permitholders; providing effective dates.