

hbd-06

Bill No. CS for SB 1692, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Ryan offered the following:

Amendment (with title amendment)

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

Section 1. Paragraph (4) of section 550.5251, Florida Statutes, is amended to read:

550.5251 Florida thoroughbred racing; certain permits; operating days.--

(4) A thoroughbred racing permitholder may not begin any race later than 7 p.m. ~~However, a~~ Any thoroughbred permitholder in a county in which the authority for cardrooms has been approved by the board of county commissioners may ~~elect not to operate a cardroom and,~~ when conducting live races during its current race meet, may ~~and instead to~~ receive and rebroadcast out-of-state races after the hour of 7 p.m. on any day during which the permitholder conducts live races. ~~However, such permitholder may not engage in both operating a cardroom and receiving or rebroadcasting out-of-state races after 7 p.m. Permitholders shall be required to elect between~~

hbd-06

Bill No. CS for SB 1692, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 ~~either operating a cardroom or engaging in simulcasting after~~
2 ~~7 p.m. at the time of submitting its application for its~~
3 ~~annual license pursuant to this section.~~

4 Section 2. Greyhound adoptions.--

5 (1) Each dogracing permitholder operating a dogracing
6 facility in this state shall provide for a greyhound-adoption
7 booth to be located at the facility. The greyhound-adoption
8 booth must be operated on weekends by personnel or volunteers
9 from a bon fide organization that promotes or encourages the
10 adoption of greyhounds pursuant to s. 550.1647. As used in
11 this section, the term "weekend" includes the hours during
12 which live greyhound racing is conducted on Friday, Saturday,
13 or Sunday. Information pamphlets and application forms shall
14 be provided to the public upon request. In addition, the
15 kennel operator or owner shall notify the permitholder that a
16 greyhound is available for adoption and the permitholder shall
17 provide information concerning the adoption of a greyhound in
18 each race program and shall post adoption information at
19 conspicuous locations throughout the dogracing facility. Any
20 greyhound that is participating in a race and that will be
21 available for future adoption must be noted in the race
22 program. The permitholder shall allow greyhounds to be walked
23 through the track facility to publicize the greyhound-adoption
24 program.

25 (2) In addition to the charity days authorized under
26 section 550.0351, Florida Statutes, a greyhound permitholder
27 may fund the greyhound-adoption program by holding a charity
28 racing day designated as "Greyhound Adopt-A-Pet Day." All
29 profits derived from the operation of the charity day must be
30 placed into a fund used to support activities at the racing
31 facility which promote the adoption of greyhounds. The

hbd-06

Bill No. CS for SB 1692, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 division may adopt rules for administering the fund. Proceeds
2 from the charity day authorized in this subsection may not be
3 used as a source of funds for the purposes set forth in s.
4 550.1647.

5 (3)(a) Upon a violation of this section by a
6 permitholder or licensee, the division may impose a penalty as
7 set forth in s. 550.0251(10) and require the permitholder to
8 take corrective action.

9 (3)(b) A penalty imposed under 550.0201(10) does not
10 exclude a prosecution for cruelty to animals or for any other
11 criminal act.

12 Section 3. Section 550.1647, Florida Statutes, is
13 amended to read.

14 550.1647 Greyhound permitholders; unclaimed tickets;
15 breaks.--All money or other property represented by any
16 unclaimed, uncashed, or abandoned pari-mutuel ticket which has
17 remained in the custody of or under the control of any
18 permitholder authorized to conduct greyhound racing
19 pari-mutuel pools in this state for a period of 1 year after
20 the date the pari-mutuel ticket was issued, if the rightful
21 owner or owners thereof have made no claim or demand for such
22 money or other property within that period of time, shall,
23 with respect to live races conducted by the permitholder, be
24 remitted to the state pursuant to s. 550.1645; however, such
25 permitholder shall be entitled to a credit in each state
26 fiscal year in an amount equal to the actual amount remitted
27 in the prior state fiscal year which may be applied against
28 any taxes imposed pursuant to this chapter. In addition, each
29 permitholder shall pay, from any source, including the
30 proceeds from performances conducted pursuant to s. 550.0351,
31 an amount not less than 10 percent of the amount of the credit

hbd-06

Bill No. CS for SB 1692, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 provided by this section to any bona fide organization that
 2 promotes or encourages the adoption of greyhounds. As used in
 3 this section, the term "bona fide organization that promotes
 4 or encourages the adoption of greyhounds" means any
 5 organization that provides evidence of compliance with chapter
 6 496 and possesses a valid exemption from federal taxation
 7 issued by the Internal Revenue Service. Such bona fide
 8 organization, as a condition of adoption, must provide
 9 sterilization of greyhounds by a licensed veterinarian before
 10 relinquishing custody of the greyhound to the adoptor. The
 11 fee for sterilization may be included in the cost of adoption.

12 Section 4. Paragraph (a) of subsection (2), paragraphs
 13 (b) and (d) of subsection (5), subsections (7) and (8), and
 14 paragraphs (a) and (d) of subsection (13) of section 849.086,
 15 Florida Statutes, are amended to read:

16 849.086 Cardrooms authorized.--

17 (2) DEFINITIONS.--As used in this section:

18 (a) "Authorized game"~~Authorized games~~means a game
 19 or series of games of poker, pinochle, bridge, rummy, canasta,
 20 hearts, dominoes, or mah-jongg only those games authorized by
 21 ~~s.849.085(2)(a) and~~ which is are played in a nonbanking manner.

22 (5) LICENSE REQUIRED; APPLICATION; FEES.--No person
 23 may operate a cardroom in this state unless such person holds
 24 a valid cardroom license issued pursuant to this section.

25 (b) After the initial cardroom license is granted, the
 26 application for the annual license renewal shall be made in
 27 conjunction with the applicant's annual application for its
 28 pari-mutuel license. If a permitholder operated a cardroom
 29 during the previous fiscal year and fails to include a renewal
 30 request for the operation of the cardroom in its annual
 31 application for license renewal, the permitholder may amend

hbd-06

Bill No. CS for SB 1692, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 its annual application to include operation of the cardroom.
2 In order for a cardroom license to be renewed the applicant
3 must have requested, as part of its pari-mutuel annual license
4 application, to conduct at least 90 percent of the total
5 number of live performances conducted by such permitholder
6 during either the state fiscal year in which its initial
7 cardroom license was issued or the state fiscal year
8 immediately prior thereto. If the application is for a
9 harness permitholder cardroom, the applicant must have
10 requested authorization to conduct a minimum of 140 live
11 performances during the state fiscal year immediately prior
12 thereto. If more than one permitholder is operating at a
13 facility, each permitholder must have applied for a license to
14 conduct a full schedule of live racing or games.

15 (d) The annual cardroom license fee for each facility
16 shall be \$1,000 for the first table and \$500 for each
17 additional table to be operated at the cardroom. This license
18 fee shall be deposited by the division with the Treasurer to
19 the credit of the Pari-mutuel Wagering Trust Fund.

20 (7) CONDITIONS FOR OPERATING A CARDROOM.--

21 (a) A cardroom may ~~only~~ be operated only at the
22 location specified on the cardroom license issued by the
23 division, and such location may only be the location at which
24 the pari-mutuel permitholder is authorized to conduct
25 pari-mutuel wagering activities pursuant to such
26 permitholder's valid pari-mutuel permit or as otherwise
27 authorized by law ~~and current license.~~

28 (b) A cardroom may be operated at the facility only
29 when the facility is authorized to accept wagers on
30 pari-mutuel events ~~during its authorized meet.~~ A cardroom may
31 begin operations within 2 hours prior to the post time of the

hbd-06

Bill No. CS for SB 1692, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 first pari-mutuel event ~~conducted live at the pari-mutuel~~
2 ~~facility~~ on which wagers are accepted by the facility and must
3 cease operations by 2 a.m. on the following day ~~within 2 hours~~
4 ~~after the conclusion of the last pari-mutuel event conducted~~
5 ~~live at the pari-mutuel facility on which wagers are accepted.~~

6 (c) A cardroom operator must at all times employ and
7 provide a nonplaying dealer for each table on which authorized
8 card games which traditionally utilize a dealer are conducted
9 at the cardroom. Such dealers may not have any participatory
10 interest in any game other than the dealing of cards and may
11 not have an interest in the outcome of the game. The
12 providing of such dealers by a licensee shall not be construed
13 as constituting the conducting of a banking game by the
14 cardroom operator.

15 (d) A facility that operates a cardroom may award
16 giveaways or prizes to players who hold combinations of cards
17 specified by the cardroom operator.

18 (e)(d) Each cardroom operator shall conspicuously
19 post upon the premises of the cardroom a notice which contains
20 a copy of the cardroom license; a list of authorized games
21 offered by the cardroom; the wagering limits imposed by the
22 house, if any; any additional house rules regarding operation
23 of the cardroom or the playing of any game; and all costs to
24 players to participate, including any rake by the house. In
25 addition, each cardroom operator shall post at each table a
26 notice of the minimum and maximum bets authorized at such
27 table and the fee for participation in the game conducted.

28 (f)(e) The cardroom facility shall be subject to
29 inspection by the division or any law enforcement agency
30 during the licensee's regular business hours. The inspection
31 will specifically encompass the permitholder internal control

hbd-06

Bill No. CS for SB 1692, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 procedures approved by the division.

2 ~~(g)~~(f) A cardroom operator may refuse entry to or
3 refuse to allow to play any person who is objectionable,
4 undesirable, or disruptive, but such refusal shall not be on
5 the basis of race, creed, color, religion, sex, national
6 origin, marital status, physical handicap, or age, except as
7 provided in this section.

8 (8) METHOD OF WAGERS; LIMITATION.--

9 (a) No wagering may be conducted using money or other
10 negotiable currency. Games may only be played utilizing a
11 wagering system whereby all players' money is first converted
12 by the house to tokens or chips which shall be used for
13 wagering only at that specific cardroom.

14 (b) The cardroom operator may limit the amount wagered
15 in any game or series of games, but the maximum bet ~~The~~
16 ~~winnings of any player in a single round, hand, or game~~ may
17 not exceed \$25~~\$10~~ in value. There may not be more than three
18 raises in any round of betting. The fee charged by the
19 cardroom for participation in the game shall not be included
20 in the calculation of the limitation on the bet amount ~~pot~~
21 ~~size~~ provided in this paragraph.

22 (13) TAXES AND OTHER PAYMENTS.--

23 (a) Each cardroom operator shall pay a tax to the
24 state of 2 ~~10~~ percent of the cardroom operation's monthly
25 gross receipts.

26 (d) Each greyhound and jai alai permitholder that
27 ~~which~~ operates a cardroom facility shall use ~~utilize~~ at least
28 10 ~~4~~ percent of such permitholder's cardroom monthly gross
29 receipts to supplement greyhound purses or jai alai prize
30 money, respectively, during the permitholder's next ensuing
31 pari-mutuel meet. Each thoroughbred and harness horse racing

hbd-06

Bill No. CS for SB 1692, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 permitholder that ~~which~~ operates cardroom facility shall use
2 ~~utilize~~ at least 50 percent of such permitholder's cardroom
3 monthly net proceeds as follows: 47 percent to supplement
4 purses and 3 percent to supplement breeders' awards during the
5 permitholder's next ensuing racing meet.

6 Section 5. Subsection (2) of section 550.0351, Florida
7 Statutes, is amended to read:

8 550.0351 Charity racing days.--

9 (2) The proceeds of charity performances shall be paid
10 to qualified beneficiaries selected by the permitholders from
11 an authorized list of charities on file with the division.

12 Eligible charities include the Racing Scholarship Trust Fund,
13 the Historical Resources Operating Trust Fund, major state and
14 private institutions of higher learning in Florida, Florida
15 community colleges, and any charity that provides evidence of
16 compliance with the provisions of chapter 496 and evidence of
17 possession of a valid exemption from federal taxation issued
18 by the Internal Revenue Service. However, all proceeds
19 donated to a charity under the provisions of this statute must
20 be used to directly fund programs and operations within the
21 state of Florida and may not be used to fund, directly or
22 indirectly, any program or operation outside of the state of
23 Florida. In addition, the authorized list must include the
24 Racing Scholarship Trust Fund, the Historical Resources
25 Operating Trust Fund, major state and private institutions of
26 higher learning, and Florida community colleges.

27 Section 6. This act shall take effect July 1, 2001.

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

31 And the title is amended as follows:

hbd-06

Bill No. CS for SB 1692, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 remove from the title of the bill: the entire title
2
3 and insert in lieu thereof:
4 A bill to be entitled
5 An act relating to pari-mutuel wagering; requiring
6 dogracing permitholders to provide a
7 greyhound-adoption booth at each dogracing facility in
8 the state; requiring that information concerning the
9 adoption of a greyhound be made available to the
10 public at the facility; requiring the permitholder to
11 provide adoption information in racing programs and to
12 identify greyhounds that will become available for
13 adoption; authorizing the permitholder to hold an
14 additional charity day that is designated as
15 "Greyhound Adopt-A-Pet Day"; requiring that profits
16 derived from the charity day be used to fund
17 activities promoting the adoption of greyhounds;
18 authorizing the Division of Pari-mutuel Wagering
19 within the Department of Business and Professional
20 Regulation to adopt rules; providing penalties;
21 amending s. 550.1647, F.S.; relating to unclaimed
22 tickets and breaks with respect to greyhound racing;
23 defining the term "bona fide organization that
24 promotes or encourages the adoption of greyhounds";
25 amending s. 550.5251, F.S.; revising requirements for
26 the operation of cardrooms by thoroughbred racing
27 permitholders; amending s. 849.086, F.S.; revising
28 requirements for the operation of cardrooms;
29 redefining the term "authorized games"; authorizing a
30 permitholder to amend an application for license
31 renewal; providing requirements for licensure of

hbd-06

Bill No. CS for SB 1692, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 certain permitholders; providing for licensing fees;
 2 revision the conditions for operating a cardroom;
 3 authorizing cardrooms to award prizes; limiting the
 4 amount of a bet; revising the rate of the gross
 5 receipts tax on admissions; revising the percentage of
 6 the tax which must be used for specified purposes;
 7 amending s. 550.0351, F.S.; requiring charity day
 8 proceeds to be used to fund programs and operations
 9 within the state of Florida; providing an effective
 10 date.

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