

Bill No. CS for SB 160

Amendment No.      Barcode 251452

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Smith moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 4, between lines 20 and 21,		
15			
16	insert:		
17	Section 3. Subsections (1) and (2) of section		
18	550.26165, Florida Statutes, are amended to read:		
19	550.26165 Breeders' awards.--		
20	(1) The purpose of this section is to encourage the		
21	agricultural activity of breeding and training racehorses in		
22	this state. Moneys dedicated in this chapter for use as		
23	breeders' awards and stallion awards are to be used for awards		
24	to breeders of registered Florida-bred horses winning		
25	horseraces and for similar awards to the owners of stallions		
26	who sired Florida-bred horses winning stakes races, if the		
27	stallions are registered as Florida stallions standing in this		
28	state. Such awards shall be given at a uniform rate to all		
29	winners of the awards, shall not be greater than 20 percent of		
30	the announced gross purse, and shall not be less than 15		
31	percent of the announced gross purse if funds are available.		

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1 In addition, no less than 17 percent nor more than 40 percent,  
2 as determined by the Florida Thoroughbred Breeders'  
3 Association, of the moneys dedicated in this chapter for use  
4 as breeders' awards and stallion awards for thoroughbreds  
5 shall be returned pro rata to the permitholders that generated  
6 the moneys for special racing awards to be distributed by the  
7 permitholders to owners of ~~registered Florida-bred~~  
8 thoroughbred horses participating winning in prescribed  
9 thoroughbred stakes races, non-stakes races, or both ~~and~~  
10 ~~winning or placing in thoroughbred stakes races~~, all in  
11 accordance with a written agreement establishing the rate,  
12 procedure, and eligibility requirements for such awards  
13 entered into ~~plan established annually no later than 120 days~~  
14 ~~before the first day of the permitholders' racing meet and~~  
15 ~~agreed upon~~ by the permitholder, the Florida Thoroughbred  
16 Breeders' Association, and the Florida Horsemen's Benevolent  
17 and Protective Association, Inc., except that the plan for the  
18 distribution by any permitholder located in the area described  
19 in s. 550.615(9) shall be agreed upon by that permitholder,  
20 the Florida Thoroughbred Breeders' Association, and the  
21 association representing a majority of the thoroughbred  
22 racehorse owners and trainers at that location. Awards for  
23 thoroughbred races are to be paid through the Florida  
24 Thoroughbred Breeders' Association, and awards for  
25 standardbred races are to be paid through the Florida  
26 Standardbred Breeders and Owners Association. Among other  
27 sources specified in this chapter, moneys for thoroughbred  
28 breeders' awards will come from the 0.955 percent of handle  
29 for thoroughbred races conducted, received, broadcast, or  
30 simulcast under this chapter as provided in s. 550.2625(3).  
31 The moneys for quarter horse and harness breeders' awards will

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1 come from the breaks and uncashed tickets on live quarter  
2 horse and harness racing performances and 1 percent of handle  
3 on intertrack wagering. The funds for these breeders' awards  
4 shall be paid to the respective breeders' associations by the  
5 permitholders conducting the races.

6 (2) Each breeders' association shall develop a plan  
7 each year that will provide for a uniform rate of payment and  
8 procedure for breeders' and stallion awards ~~payment~~. The plan  
9 for payment of breeders' and stallion awards may set a cap on  
10 winnings and may limit, exclude, or defer payments on to  
11 certain classes of races, such as the Florida stallion stakes  
12 races, in order to assure that there are adequate revenues to  
13 meet the proposed uniform rate. Priority shall be placed on  
14 imposing such restrictions in lieu of allowing the uniform  
15 rate for breeders' and stallion awards to be less than 15  
16 percent of the total purse payment. The plan must provide for  
17 the maximum possible payments within revenues.

18 Section 4. Subsection (3) of section 550.2625, Florida  
19 Statutes, is amended to read:

20 550.2625 Horseracing; minimum purse requirement,  
21 Florida breeders' and owners' awards.--

22 (3) Each horseracing permitholder conducting any  
23 thoroughbred race under this chapter, including any intertrack  
24 race taken pursuant to ss. 550.615-550.6305 or any interstate  
25 simulcast taken pursuant to s. 550.3551(3) shall pay a sum  
26 equal to 0.955 percent on all pari-mutuel pools conducted  
27 during any such race for the payment of breeders', and  
28 stallion, or special racing awards as authorized in this  
29 chapter ~~section~~. This subsection also applies to all  
30 Breeder's Cup races conducted outside this state taken  
31 pursuant to s. 550.3551(3). On any race originating live in

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1 this state which is broadcast out-of-state to any location at  
2 which wagers are accepted pursuant to s. 550.3551(2), the host  
3 track is required to pay 3.475 percent of the gross revenue  
4 derived from such out-of-state broadcasts as breeders', ~~and~~  
5 stallion, or special racing awards. The Florida Thoroughbred  
6 Breeders' Association is authorized to receive these payments  
7 from the permitholders and make payments of awards earned.  
8 The Florida Thoroughbred Breeders' Association has the right  
9 to withhold up to 10 percent of the permitholder's payments  
10 under this section as a fee for administering the payments of  
11 awards and for general promotion of the industry. The  
12 permitholder shall remit these payments to the Florida  
13 Thoroughbred Breeders' Association by the 5th day of each  
14 calendar month for such sums accruing during the preceding  
15 calendar month and shall report such payments to the division  
16 as prescribed by the division. With the exception of the  
17 10-percent fee, the moneys paid by the permitholders shall be  
18 maintained in a separate, interest-bearing account, and such  
19 payments together with any interest earned shall be used  
20 exclusively for the payment of breeders', ~~awards and stallion,~~  
21 or special racing awards in accordance with the following  
22 provisions:

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

29 (b) The owner or owners of the sire of a Florida-bred  
30 thoroughbred horse that wins a stakes race is entitled to a  
31 stallion award of up to, but not exceeding, 20 percent of the

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1 announced gross purse, including nomination fees, eligibility  
2 fees, starting fees, supplementary fees, and moneys added by  
3 the sponsor of the race.

4 (c) The owners of ~~registered Florida-bred~~ thoroughbred  
5 horses participating winning or placing in thoroughbred stakes  
6 races, non-stakes races, or both may receive a special racing  
7 ~~an~~ award in accordance with the agreement a plan established  
8 pursuant to in s. 550.26165(1).

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

22 (e) In order for an owner of the sire of a  
23 thoroughbred horse winning a stakes race to be eligible to  
24 receive a stallion award, the stallion must have been  
25 registered with the Florida Thoroughbred Breeders'  
26 Association, and the breeding of the registered Florida-bred  
27 horse must have occurred in this state. The stallion must be  
28 standing permanently in this state during the period of time  
29 between February 1 and June 15 of each year or, if the  
30 stallion is dead, must have stood permanently in this state  
31 for a period of not less than 1 year immediately prior to its

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

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

28 (g) The Florida Thoroughbred Breeders' Association  
29 shall maintain complete records showing the starters and  
30 winners in all races conducted at thoroughbred tracks in this  
31 state; shall maintain complete records showing awards earned,

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1 received, and distributed; and may charge the owner, owners,  
2 or breeder a reasonable fee for this service.

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

27 (i) The Florida Thoroughbred Breeders' Association  
28 shall keep accurate records showing receipts and disbursements  
29 of such payments and shall annually file a full and complete  
30 report to the division showing such receipts and disbursements  
31 and the sums withheld for administration. The division may

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1 audit the records and accounts of the Florida Thoroughbred  
2 Breeders' Association to determine that payments have been  
3 made to eligible breeders and stallion owners in accordance  
4 with this section.

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

20  
21 (Redesignate subsequent sections.)

22  
23  
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, line 26, following the first semicolon

27  
28 insert:

- 29 amending s. 550.26165, F.S.; revising criteria
- 30 for making breeders' awards for racehorses;
- 31 amending s. 550.2625, F.S.; providing for



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1            payment of special racing awards;  
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