

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 160

SPONSOR: Senator Wasserman Schultz

SUBJECT: Greyhound Adoption

DATE: November 15, 2001 REVISED: 1/8/02 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaccaro</u>	<u>Caldwell</u>	<u>RI</u>	<u>Fav/1 amendment</u>
2.	<u> </u>	<u> </u>	<u>FT</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

The bill requires and specifies the criteria by which greyhound-racing permitholders are to provide information at each dogracing facility concerning the adoption of a greyhound. The bill requires that the racing program contain adoption information and identify greyhounds in a race that will become available for adoption. The permitholder is authorized to hold an additional charity day, designated as "Greyhound Adopt-A-Pet Day," and use the profits from the charity day to fund activities promoting greyhound adoptions. The bill clarifies the term "bona fide organization that promotes or encourages the adoption of greyhounds" and requires that such organization provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter.

This bill creates an unnumbered section of the Florida Statutes and amends s. 550.1647 of the Florida Statutes.

I. Present Situation:

Section 550.1647, F.S., requires each permitholder to pay from any sources, including the proceeds from performances for charity racing days outlined in s. 550.0351, F.S., an amount not less than ten percent of the amount of the tax credit provided under s. 550.1647, F.S., for any unclaimed, uncashed or abandoned pari-mutuel ticket for a period of one year after the date the ticket was issued to any bona fide organization that promotes or encourages the adoption of greyhounds. This provision took effect July 1, 2000.

The Greyhound Pets of America (GPA) is a nationwide organization of volunteers that finds responsible, loving homes for professional racing greyhounds that no longer qualify to compete

at the racetrack. The GPA has six chapters in Florida including Central Florida, Daytona Beach, Southeast Coast, Largo, Greater Orlando, and Emerald Coast.

Section 550.0351, F.S., provides for charity racing days. The Division of Pari-mutuel Wagering (division) may authorize each horseracing, dogracing, and jai alai permitholder up to five charity racing or scholarship days in addition to the regular racing days authorized by law. The proceeds of charity performances shall be paid to qualified beneficiaries selected by the permitholder from an authorized list of charities on file with the department. The total profits derived from the conduct of charity day performances must include all revenues derived from the conduct of that racing performance, including all state taxes that would otherwise be due to the state, except that the daily license fee as provided in s. 550.0951(1), F.S., and the breaks for the promotional trust funds as provided in s. 550.2625(3), (4), (5), (7), and (8), F.S., shall be paid to the division.

II. Effect of Proposed Changes:

The bill requires each permitholder operating a dogracing facility to provide for a greyhound-adoption booth to be located at the facility and operated on weekends by personnel or volunteers from a bona fide organization that promotes or encourages the adoption of greyhounds pursuant to s. 550.1647, F.S. The term “weekends” includes the hours during which live greyhound racing is conducted on Friday, Saturday, or Sunday. The bill requires that information pamphlets and adoption applications be provided to the public upon request. The bill further requires kennel operators and greyhound owners to provide to the permitholders information that a greyhound is available for adoption and that the racing program contain specific adoption information. Permitholders are required to post adoption information at conspicuous locations throughout the dogracing facility and must allow greyhounds to be walked through the facility to publicize greyhound adoption.

In addition to the charity days authorized under section 550.0351, F.S., a greyhound permitholder may fund the greyhound-adoption program by holding a charity racing day designated as “Greyhound Adopt-A-Pet Day.” The profits must be used to fund activities at the facility that promote adoption of greyhounds. The division is authorized to adopt rules for administering the fund. The bill specifies that the proceeds for the charity day may not be used as a source for the purposes set forth in s. 550.1647, F.S. Upon violation of these provisions by a permitholder or licensee, the division may impose a penalty as provided in s. 550.0251(10), F.S. A penalty imposed under this subsection does not exclude a prosecution for cruelty to animals for any other criminal act.

The bill amends s. 550.1647, F.S., clarifying that the term “bona fide organization that promotes or encourages the adoption of greyhounds” means any organization that provides evidence of compliance with ch. 496, F.S., and possesses a valid exemption from federal income tax issued by the Internal Revenue Service. The bill also amends s. 550.1647, F.S., to require that such organization provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of the adoption.

The bill takes effect July 1, 2002.

III. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

IV. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

According to the division, the “Greyhound Adopt-A-Pet-Day” could possibly reduce revenues to the Pari-Mutuel Wagering Trust Fund by one day’s receipts, which would equal approximately \$150,000. Further, all trust funds pay 7.3% of total receipts into the General Revenue Trust Fund as service charges. Therefore, the \$150,000 reduction would decrease deposits to the General Revenue Trust Fund by \$10,950. The division notes, however, that such reduction would only occur in the event that each facility reduced one regularly scheduled racing day to accommodate the “Greyhound Adopt-A-Pet-Day.” The bill does not require such reduction.

B. Private Sector Impact:

Permitholders will incur costs associated with the setup and operation of the greyhound adoption booths. The division estimates, however, that proceeds from the “Greyhound Adopt-A-Pet-Day” will defray such costs.

C. Government Sector Impact:

None.

V. Technical Deficiencies:

None.

VI. Related Issues:

None.

VII. Amendments:

#1 by Regulated Industries:

Clarifies that the greyhound-adoption booths may be operated on days other than weekends, and that, regardless of the day of operation, the booths must be operated by personnel or volunteers from a bona fide organization that promotes or encourages the adoption of greyhounds pursuant to s. 550.1647, F.S. (WITH TITLE AMENDMENT)

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
