

By the Committee on Finance and Taxation; and Senator
Wasserman Schultz

314-1961-02

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

1 cardroom; providing restrictions relating to
2 harness permitholder cardrooms; revising
3 standards relating to when cardrooms may be
4 operated and relating to bets; authorizing
5 facilities to award prizes; revising the rate
6 of the gross receipts tax on admissions;
7 providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Greyhound adoptions.--

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

1 through the track facility to publicize the greyhound-adoption
2 program.

3 (2) In addition to the charity days authorized under
4 section 550.0351, Florida Statutes, a greyhound permitholder
5 may fund the greyhound-adoption program by holding a charity
6 racing day designated as "Greyhound Adopt-A-Pet Day." All
7 profits derived from the operation of the charity day must be
8 placed into a fund used to support activities at the racing
9 facility which promote the adoption of greyhounds. The
10 division may adopt rules for administering the fund. Proceeds
11 from the charity day authorized in this subsection may not be
12 used as a source of funds for the purposes set forth in
13 section 550.1647, Florida Statutes.

14 (3)(a) Upon a violation of this section by a
15 permitholder or licensee, the division may impose a penalty as
16 provided in section 550.0251(10), Florida Statutes, and
17 require the permitholder to take corrective action.

18 (b) A penalty imposed under section 550.0251(10),
19 Florida Statutes, does not exclude a prosecution for cruelty
20 to animals or for any other criminal act.

21 Section 2. Section 550.1647, Florida Statutes, is
22 amended to read:

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

1 with respect to live races conducted by the permitholder, be
2 remitted to the state pursuant to s. 550.1645; however, such
3 permitholder shall be entitled to a credit in each state
4 fiscal year in an amount equal to the actual amount remitted
5 in the prior state fiscal year which may be applied against
6 any taxes imposed pursuant to this chapter. In addition, each
7 permitholder shall pay, from any source, including the
8 proceeds from performances conducted pursuant to s. 550.0351,
9 an amount not less than 10 percent of the amount of the credit
10 provided by this section to any bona fide organization that
11 promotes or encourages the adoption of greyhounds. As used in
12 this section, the term "bona fide organization that promotes
13 or encourages the adoption of greyhounds" means any
14 organization that provides evidence of compliance with chapter
15 496 and possesses a valid exemption from federal taxation
16 issued by the Internal Revenue Service. Such bona fide
17 organization, as a condition of adoption, must provide
18 sterilization of greyhounds by a licensed veterinarian before
19 relinquishing custody of the greyhound to the adoptor. The fee
20 for sterilization may be included in the cost of adoption.

21 Section 3. Subsection (4) of section 550.5251, Florida
22 Statutes, is amended to read:

23 550.5251 Florida thoroughbred racing; certain permits;
24 operating days.--

25 (4) A thoroughbred racing permitholder may not begin
26 any race later than 7 p.m. ~~However,~~ Any thoroughbred
27 permitholder in a county in which the authority for cardrooms
28 has been approved by the board of county commissioners may
29 ~~elect not to operate a cardroom and,~~ when conducting live
30 races during its current race meet, may ~~and instead to~~ receive
31 and rebroadcast out-of-state races after the hour of 7 p.m. on

1 any day during which the permitholder conducts live races.
2 ~~However, such permitholder may not engage in both operating a~~
3 ~~cardroom and receiving or rebroadcasting out-of-state races~~
4 ~~after 7 p.m. Permitholders shall be required to elect between~~
5 ~~either operating a cardroom or engaging in simulcasting after~~
6 ~~7 p.m. at the time of submitting its application for its~~
7 ~~annual license pursuant to this section.~~

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

12 849.086 Cardrooms authorized.--

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

14 (a) "Authorized game games" means a game or series of
15 games of poker, pinochle, bridge, rummy, canasta, hearts,
16 dominoes, or mah-jongg ~~only those games authorized by s.~~
17 ~~849.085(2)(a) and~~ which are played in a nonbanking manner.

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

21 (a) Only those persons holding a valid cardroom
22 license issued by the division may operate a cardroom. A
23 cardroom license may only be issued to a licensed pari-mutuel
24 permitholder and an authorized cardroom may only be operated
25 at the same facility at which the permitholder is authorized
26 under its valid pari-mutuel wagering permit to conduct
27 pari-mutuel wagering activities. Cardroom licenses are not
28 transferable.

29 (b) After the initial cardroom license is granted, the
30 application for the annual license renewal shall be made in
31 conjunction with the applicant's annual application for its

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

19 (c) Persons seeking a license or a renewal thereof to
20 operate a cardroom shall make application on forms prescribed
21 by the division. Applications for cardroom licenses shall
22 contain all of the information the division, by rule, may
23 determine is required to ensure eligibility.

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

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

30 (a) A cardroom may ~~only~~ be operated only at the
31 location specified on the cardroom license issued by the

1 division, and such location may only be the location at which
2 the pari-mutuel permitholder is authorized to conduct
3 pari-mutuel wagering activities pursuant to such
4 permitholder's valid pari-mutuel permit or as otherwise
5 authorized by law ~~and current license~~.

6 (b) A cardroom may be operated at the facility only
7 when the facility is authorized to accept wagers on
8 pari-mutuel events ~~during its authorized meet~~. A cardroom may
9 begin operations within 2 hours prior to the post time of the
10 first pari-mutuel event ~~conducted live at the pari-mutuel~~
11 ~~facility~~ on which wagers are accepted by the facility and must
12 cease operations by 2 a.m. on the following day ~~within 2 hours~~
13 ~~after the conclusion of the last pari-mutuel event conducted~~
14 ~~live at the pari-mutuel facility on which wagers are accepted~~.

15 (c) A cardroom operator must at all times employ and
16 provide a nonplaying dealer for each table on which authorized
17 card games which traditionally utilize a dealer are conducted
18 at the cardroom. Such dealers may not have any participatory
19 interest in any game other than the dealing of cards and may
20 not have an interest in the outcome of the game. The
21 providing of such dealers by a licensee shall not be construed
22 as constituting the conducting of a banking game by the
23 cardroom operator.

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

27 (e)~~(d)~~ Each cardroom operator shall conspicuously post
28 upon the premises of the cardroom a notice which contains a
29 copy of the cardroom license; a list of authorized games
30 offered by the cardroom; the wagering limits imposed by the
31 house, if any; any additional house rules regarding operation

1 of the cardroom or the playing of any game; and all costs to
2 players to participate, including any rake by the house. In
3 addition, each cardroom operator shall post at each table a
4 notice of the minimum and maximum bets authorized at such
5 table and the fee for participation in the game conducted.

6 (f)~~(e)~~ The cardroom facility shall be subject to
7 inspection by the division or any law enforcement agency
8 during the licensee's regular business hours. The inspection
9 will specifically encompass the permitholder internal control
10 procedures approved by the division.

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

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

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

23 (b) The cardroom operator may limit the amount wagered
24 in any game or series of games, but the maximum bet winnings
25 of any player in a single round, hand, or game may not exceed
26 \$2510 in value. There may not be more than three raises in
27 any round of betting.The fee charged by the cardroom for
28 participation in the game shall not be included in the
29 calculation of the limitation on the bet amount ~~pot size~~
30 provided in this paragraph.

31 (13) TAXES AND OTHER PAYMENTS.--

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

4 (d) Each greyhound and jai alai permit holder that
5 ~~which~~ operates a cardroom facility shall use ~~utilize~~ at least
6 10 ~~4~~ percent of such permit holder's cardroom monthly gross
7 receipts to supplement greyhound purses or jai alai prize
8 money, respectively, during the permit holder's next ensuing
9 pari-mutuel meet. Each thoroughbred and harness horse racing
10 permit holder that ~~which~~ operates a cardroom facility shall use
11 ~~utilize~~ at least 50 percent of such permit holder's cardroom
12 monthly net proceeds as follows: 47 percent to supplement
13 purses and 3 percent to supplement breeders' awards during the
14 permit holder's next ensuing racing meet.

15 Section 5. This act shall take effect July 1, 2002.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 160

- 4 1. The bill clarifies that the greyhound-adoption booths
5 may be operated on days other than weekends, and that,
6 regardless of the day of operation, the booths must be
7 operated by personnel or volunteers from a bona fide
8 organization that promotes or encourages the adoption of
9 greyhounds pursuant to s. 550.1647, F.S.
- 10 2. The bill revises the conditions under which card rooms
11 may be operated at pari-mutuel wagering facilities in
12 the state.
- 13 a. The bill authorizes thoroughbred racing permit
14 holders to operate card rooms during both live
15 racing and simulcast.
- 16 b. The bill defines an "authorized game" to mean a
17 game or series of games of poker, pinochle,
18 bridge, rummy, canasta, hearts, dominoes, or
19 mah-jongg, eliminating the requirement that the
20 winnings of any player in a single round, hand, or
21 game may not exceed \$10 in value.
- 22 c. The bill eliminates the \$10 pot limit and replaces
23 it with a \$2 bet limit with a maximum of three
24 raises per round of betting.
- 25 d. The bill increases the hours of operation by
26 allowing a card room to begin operations two hours
27 before any pari-mutuel event begins and to
28 continue business until 2:00 a.m. the following
29 day.
- 30 e. The bill authorizes card room operators to give
31 away prizes to players who hold certain
combinations of cards.
- f. The bill decreases the gross receipts tax paid by
the card room operator to the state from 10% to 2%
of monthly gross receipts.
- g. The bill increases the amount paid from card room
receipts as supplemental purses and prize money.
- h. The bill requires each permit holder operating at
a facility to have applied for a license to
conduct a full schedule of live performances in
order to receive a renewed card room license.
- i. The bill requires the annual card room license fee
to apply to each facility rather than each permit
holder at a facility.