

By Representative Garcia

1 A bill to be entitled
 2 An act relating to thoroughbred racing
 3 permitholders; amending s. 550.01215, F.S.;
 4 deleting certain provisions relating to periods
 5 of operation, failure to operate; amending s.
 6 550.09515, F.S.; deleting certain provisions
 7 relating to abandoned interest in a permit for
 8 nonpayment of taxes; amending s. 550.5251,
 9 F.S.; deleting certain provisions relating to
 10 certain permits, operating days; amending ss.
 11 550.01215, 550.09515, and 550.5251, F.S.;
 12 reenacting provisions deleted by this act at a
 13 certain time; providing effective dates.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 550.01215, Florida Statutes, is
 18 amended to read:

19 550.01215 License application; periods of operation;
 20 bond, conversion of permit.--

21 (1) Each permitholder shall annually, during the
 22 period between December 15 and January 4, file in writing with
 23 the division its application for a license to conduct
 24 performances during the next state fiscal year. Each
 25 application shall specify the number, dates, and starting
 26 times of all performances which the permitholder intends to
 27 conduct. It shall also specify which performances will be
 28 conducted as charity or scholarship performances. In addition,
 29 each application for a license shall include, for each
 30 permitholder which elects to operate a cardroom, the dates and
 31 periods of operation the permitholder intends to operate the

1 cardroom or, for each thoroughbred permitholder which elects
2 to receive or rebroadcast out-of-state races after 7 p.m., the
3 dates for all performances which the permitholder intends to
4 conduct. Permitholders shall be entitled to amend their
5 applications through February 28.

6 (2) After the first license has been issued to a
7 permitholder, all subsequent annual applications for a license
8 shall be accompanied by proof, in such form as the division
9 may by rule require, that the permitholder continues to
10 possess the qualifications prescribed by this chapter, and
11 that the permit has not been disapproved at a later election.

12 (3) Except as provided in s. 550.5251 for thoroughbred
13 racing, the division shall issue each license no later than
14 March 15. Each permitholder shall operate all performances at
15 the date and time specified on its license. The division shall
16 have the authority to approve minor changes in racing dates
17 after a license has been issued. The division may approve
18 changes in racing dates after a license has been issued when
19 there is no objection from any operating permitholder located
20 within 50 miles of the permitholder requesting the changes in
21 operating dates. In the event of an objection, the division
22 shall approve or disapprove the change in operating dates
23 based upon the impact on operating permitholders located
24 within 50 miles of the permitholder requesting the change in
25 operating dates. In making the determination to change racing
26 dates, the division shall take into consideration the impact
27 of such changes on state revenues.

28 ~~(4) In the event that a permitholder fails to operate~~
29 ~~all performances specified on its license at the date and time~~
30 ~~specified, the division shall hold a hearing to determine~~
31 ~~whether to fine or suspend the permitholder's license, unless~~

1 ~~such failure was the direct result of fire, strike, war, or~~
2 ~~other disaster or event beyond the ability of the permitholder~~
3 ~~to control. Financial hardship to the permitholder shall not,~~
4 ~~in and of itself, constitute just cause for failure to operate~~
5 ~~all performances on the dates and at the times specified.~~

6 (4)~~(5)~~ In the event that performances licensed to be
7 operated by a permitholder are vacated, abandoned, or will not
8 be used for any reason, any permitholder shall be entitled,
9 pursuant to rules adopted by the division, to apply to conduct
10 performances on the dates for which the performances have been
11 abandoned. The division shall issue an amended license for all
12 such replacement performances which have been requested in
13 compliance with the provisions of this chapter and division
14 rules.

15 (5)~~(6)~~ Any permit which was converted from a jai alai
16 permit to a greyhound permit may be converted to a jai alai
17 permit at any time if the permitholder never conducted
18 greyhound racing or if the permitholder has not conducted
19 greyhound racing for a period of 12 consecutive months.

20 Section 2. Subsection (3) of section 550.09515,
21 Florida Statutes, is amended to read:

22 550.09515 Thoroughbred horse taxes; abandoned interest
23 in a permit for nonpayment of taxes.--

24 ~~(3)(a) The permit of a thoroughbred horse permitholder~~
25 ~~who does not pay tax on handle for live thoroughbred horse~~
26 ~~performances for a full schedule of live races during any 2~~
27 ~~consecutive state fiscal years shall be void and shall escheat~~
28 ~~to and become the property of the state unless such failure to~~
29 ~~operate and pay tax on handle was the direct result of fire,~~
30 ~~strike, war, or other disaster or event beyond the ability of~~
31 ~~the permitholder to control. Financial hardship to the~~

1 ~~permitholder shall not, in and of itself, constitute just~~
2 ~~cause for failure to operate and pay tax on handle.~~

3 **(b)** In order to maximize the tax revenues to the
4 state, the division shall reissue an escheated thoroughbred
5 horse permit to a qualified applicant pursuant to the
6 provisions of this chapter as for the issuance of an initial
7 permit. However, the provisions of this chapter relating to
8 referendum requirements for a pari-mutuel permit shall not
9 apply to the reissuance of an escheated thoroughbred horse
10 permit. As specified in the application and upon approval by
11 the division of an application for the permit, the new
12 permitholder shall be authorized to operate a thoroughbred
13 horse facility anywhere in the same county in which the
14 escheated permit was authorized to be operated,
15 notwithstanding the provisions of s. 550.054(2) relating to
16 mileage limitations.

17 Section 3. Section 550.5251, Florida Statutes, is
18 amended to read:

19 550.5251 Florida thoroughbred racing; certain permits;
20 operating days.--

21 (1) Each thoroughbred permitholder under whose permit
22 thoroughbred racing was conducted in this state at any time
23 between January 1, 1987, and January 1, 1988, shall annually
24 be entitled to apply for and annually receive thoroughbred
25 racing days and dates as set forth in this section. As regards
26 such permitholders, the annual thoroughbred racing season
27 shall be from June 1 of any year through May 31 of the
28 following year and shall be known as the "Florida Thoroughbred
29 Racing Season."

30 ~~(2) Each permitholder referred to in subsection (1)~~
31 ~~shall annually, during the period commencing December 15 of~~

1 ~~each year and ending January 4 of the following year, file in~~
2 ~~writing with the division its application to conduct one or~~
3 ~~more thoroughbred racing meetings during the thoroughbred~~
4 ~~racing season commencing on the following June 1. Each~~
5 ~~application shall specify the number and dates of all~~
6 ~~performances that the permitholder intends to conduct during~~
7 ~~that thoroughbred racing season. On or before February 15 of~~
8 ~~each year, the division shall issue a license authorizing each~~
9 ~~permitholder to conduct performances on the dates specified in~~
10 ~~its application. Up to March 31 of each year, each~~
11 ~~permitholder may request and shall be granted changes in its~~
12 ~~authorized performances; but thereafter, as a condition~~
13 ~~precedent to the validity of its license and its right to~~
14 ~~retain its permit, each permitholder must operate the full~~
15 ~~number of days authorized on each of the dates set forth in~~
16 ~~its license.~~

17 (2)~~(3)~~ Each thoroughbred permit referred to in
18 subsection (1), including, but not limited to, any permit
19 originally issued as a summer thoroughbred horse racing
20 permit, is hereby validated and shall continue in full force
21 and effect.

22 (3)~~(4)~~ A thoroughbred racing permitholder may not
23 begin any race later than 7 p.m. However, any thoroughbred
24 permitholder in a county in which the authority for cardrooms
25 has been approved by the board of county commissioners may
26 elect not to operate a cardroom when conducting live races
27 during its current race meet and instead to receive and
28 rebroadcast out-of-state races after the hour of 7 p.m. on any
29 day during which the permitholder conducts live races.
30 However, such permitholder may not engage in both operating a
31 cardroom and receiving or rebroadcasting out-of-state races

1 after 7 p.m. Permitholders shall be required to elect between
2 either operating a cardroom or engaging in simulcasting after
3 7 p.m. at the time of submitting its application for its
4 annual license pursuant to this section.

5 (4)~~(5)~~(a) Each licensed thoroughbred permitholder in
6 this state must run an average of one race per racing day in
7 which horses bred in this state and duly registered with the
8 Florida Thoroughbred Breeders' Association have preference as
9 entries over non-Florida-bred horses. All licensed
10 thoroughbred racetracks shall write the conditions for such
11 races in which Florida-bred horses are preferred so as to
12 assure that all Florida-bred horses available for racing at
13 such tracks are given full opportunity to run in the class of
14 races for which they are qualified. The opportunity of running
15 must be afforded to each class of horses in the proportion
16 that the number of horses in this class bears to the total
17 number of Florida-bred horses available. A track is not
18 required to write conditions for a race to accommodate a class
19 of horses for which a race would otherwise not be run at the
20 track during its meeting.

21 (b) Each licensed thoroughbred permitholder in this
22 state may run one additional race per racing day composed
23 exclusively of Arabian horses registered with the Arabian
24 Horse Registry of America. Any licensed thoroughbred
25 permitholder that elects to run one additional race per racing
26 day composed exclusively of Arabian horses registered with the
27 Arabian Horse Registry of America is not required to provide
28 stables for the Arabian horses racing under this paragraph.

29 (c) Each licensed thoroughbred permitholder in this
30 state may run up to three additional races per racing day
31

1 composed exclusively of quarter horses registered with the
2 American Quarter Horse Association.

3 Section 4. Effective July 1, 2004, section 550.01215,
4 Florida Statutes, as amended by this act, is amended to read:

5 550.01215 License application; periods of operation;
6 bond, conversion of permit.--

7 (1) Each permitholder shall annually, during the
8 period between December 15 and January 4, file in writing with
9 the division its application for a license to conduct
10 performances during the next state fiscal year. Each
11 application shall specify the number, dates, and starting
12 times of all performances which the permitholder intends to
13 conduct. It shall also specify which performances will be
14 conducted as charity or scholarship performances. In addition,
15 each application for a license shall include, for each
16 permitholder which elects to operate a cardroom, the dates and
17 periods of operation the permitholder intends to operate the
18 cardroom or, for each thoroughbred permitholder which elects
19 to receive or rebroadcast out-of-state races after 7 p.m., the
20 dates for all performances which the permitholder intends to
21 conduct. Permitholders shall be entitled to amend their
22 applications through February 28.

23 (2) After the first license has been issued to a
24 permitholder, all subsequent annual applications for a license
25 shall be accompanied by proof, in such form as the division
26 may by rule require, that the permitholder continues to
27 possess the qualifications prescribed by this chapter, and
28 that the permit has not been disapproved at a later election.

29 (3) Except as provided in s. 550.5251 for thoroughbred
30 racing, the division shall issue each license no later than
31 March 15. Each permitholder shall operate all performances at

1 the date and time specified on its license. The division shall
2 have the authority to approve minor changes in racing dates
3 after a license has been issued. The division may approve
4 changes in racing dates after a license has been issued when
5 there is no objection from any operating permitholder located
6 within 50 miles of the permitholder requesting the changes in
7 operating dates. In the event of an objection, the division
8 shall approve or disapprove the change in operating dates
9 based upon the impact on operating permitholders located
10 within 50 miles of the permitholder requesting the change in
11 operating dates. In making the determination to change racing
12 dates, the division shall take into consideration the impact
13 of such changes on state revenues.

14 (4) In the event that a permitholder fails to operate
15 all performances specified on its license at the date and time
16 specified, the division shall hold a hearing to determine
17 whether to fine or suspend the permitholder's license, unless
18 such failure was the direct result of fire, strike, war, or
19 other disaster or event beyond the ability of the permitholder
20 to control. Financial hardship to the permitholder shall not,
21 in and of itself, constitute just cause for failure to operate
22 all performances on the dates and at the times specified.

23 ~~(5)~~(4) In the event that performances licensed to be
24 operated by a permitholder are vacated, abandoned, or will not
25 be used for any reason, any permitholder shall be entitled,
26 pursuant to rules adopted by the division, to apply to conduct
27 performances on the dates for which the performances have been
28 abandoned. The division shall issue an amended license for all
29 such replacement performances which have been requested in
30 compliance with the provisions of this chapter and division
31 rules.

1 ~~(6)~~⁽⁵⁾ Any permit which was converted from a jai alai
2 permit to a greyhound permit may be converted to a jai alai
3 permit at any time if the permitholder never conducted
4 greyhound racing or if the permitholder has not conducted
5 greyhound racing for a period of 12 consecutive months.

6 Section 5. Effective July 1, 2004, subsection (3) of
7 section 550.09515, Florida Statutes, as amended by this act,
8 is amended to read:

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

11 (3)(a) The permit of a thoroughbred horse permitholder
12 who does not pay tax on handle for live thoroughbred horse
13 performances for a full schedule of live races during any 2
14 consecutive state fiscal years shall be void and shall escheat
15 to and become the property of the state unless such failure to
16 operate and pay tax on handle was the direct result of fire,
17 strike, war, or other disaster or event beyond the ability of
18 the permitholder to control. Financial hardship to the
19 permitholder shall not, in and of itself, constitute just
20 cause for failure to operate and pay tax on handle.

21 (b) In order to maximize the tax revenues to the
22 state, the division shall reissue an escheated thoroughbred
23 horse permit to a qualified applicant pursuant to the
24 provisions of this chapter as for the issuance of an initial
25 permit. However, the provisions of this chapter relating to
26 referendum requirements for a pari-mutuel permit shall not
27 apply to the reissuance of an escheated thoroughbred horse
28 permit. As specified in the application and upon approval by
29 the division of an application for the permit, the new
30 permitholder shall be authorized to operate a thoroughbred
31 horse facility anywhere in the same county in which the

1 escheated permit was authorized to be operated,
2 notwithstanding the provisions of s. 550.054(2) relating to
3 mileage limitations.

4 Section 6. Effective July 1, 2004, section 550.5251,
5 Florida Statutes, as amended by this act, is amended to read:
6 550.5251 Florida thoroughbred racing; certain permits;
7 operating days.--

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9 thoroughbred racing was conducted in this state at any time
10 between January 1, 1987, and January 1, 1988, shall annually
11 be entitled to apply for and annually receive thoroughbred
12 racing days and dates as set forth in this section. As regards
13 such permitholders, the annual thoroughbred racing season
14 shall be from June 1 of any year through May 31 of the
15 following year and shall be known as the "Florida Thoroughbred
16 Racing Season."

17 (2) Each permitholder referred to in subsection (1)
18 shall annually, during the period commencing December 15 of
19 each year and ending January 4 of the following year, file in
20 writing with the division its application to conduct one or
21 more thoroughbred racing meetings during the thoroughbred
22 racing season commencing on the following June 1. Each
23 application shall specify the number and dates of all
24 performances that the permitholder intends to conduct during
25 that thoroughbred racing season. On or before February 15 of
26 each year, the division shall issue a license authorizing each
27 permitholder to conduct performances on the dates specified in
28 its application. Up to March 31 of each year, each
29 permitholder may request and shall be granted changes in its
30 authorized performances; but thereafter, as a condition
31 precedent to the validity of its license and its right to

1 retain its permit, each permitholder must operate the full
2 number of days authorized on each of the dates set forth in
3 its license.

4 (3)~~(2)~~ Each thoroughbred permit referred to in
5 subsection (1), including, but not limited to, any permit
6 originally issued as a summer thoroughbred horse racing
7 permit, is hereby validated and shall continue in full force
8 and effect.

9 (4)~~(3)~~ A thoroughbred racing permitholder may not
10 begin any race later than 7 p.m. However, any thoroughbred
11 permitholder in a county in which the authority for cardrooms
12 has been approved by the board of county commissioners may
13 elect not to operate a cardroom when conducting live races
14 during its current race meet and instead to receive and
15 rebroadcast out-of-state races after the hour of 7 p.m. on any
16 day during which the permitholder conducts live races.
17 However, such permitholder may not engage in both operating a
18 cardroom and receiving or rebroadcasting out-of-state races
19 after 7 p.m. Permitholders shall be required to elect between
20 either operating a cardroom or engaging in simulcasting after
21 7 p.m. at the time of submitting its application for its
22 annual license pursuant to this section.

23 (5)~~(4)~~(a) Each licensed thoroughbred permitholder in
24 this state must run an average of one race per racing day in
25 which horses bred in this state and duly registered with the
26 Florida Thoroughbred Breeders' Association have preference as
27 entries over non-Florida-bred horses. All licensed
28 thoroughbred racetracks shall write the conditions for such
29 races in which Florida-bred horses are preferred so as to
30 assure that all Florida-bred horses available for racing at
31 such tracks are given full opportunity to run in the class of

1 races for which they are qualified. The opportunity of running
2 must be afforded to each class of horses in the proportion
3 that the number of horses in this class bears to the total
4 number of Florida-bred horses available. A track is not
5 required to write conditions for a race to accommodate a class
6 of horses for which a race would otherwise not be run at the
7 track during its meeting.

8 (b) Each licensed thoroughbred permitholder in this
9 state may run one additional race per racing day composed
10 exclusively of Arabian horses registered with the Arabian
11 Horse Registry of America. Any licensed thoroughbred
12 permitholder that elects to run one additional race per racing
13 day composed exclusively of Arabian horses registered with the
14 Arabian Horse Registry of America is not required to provide
15 stables for the Arabian horses racing under this paragraph.

16 (c) Each licensed thoroughbred permitholder in this
17 state may run up to three additional races per racing day
18 composed exclusively of quarter horses registered with the
19 American Quarter Horse Association.

20 Section 7. Except as otherwise provided herein, this
21 act shall take effect July 1, 2002.

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23
24 HOUSE SUMMARY

25 Repeals, for 2 years, provisions of the Pari-mutuel
26 Wagering Act relating to periods of operation of and
27 failure to operate by certain thoroughbred racing
28 permitholders.
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31