

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ritter offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 550.26165, Florida Statutes, are amended to read:

550.26165 Breeders' awards.--

(1) The purpose of this section is to encourage the agricultural activity of breeding and training racehorses in this state. Moneys dedicated in this chapter for use as breeders' awards and stallion awards are to be used for awards to breeders of registered Florida-bred horses winning horseraces and for similar awards to the owners of stallions who sired Florida-bred horses winning stakes races, if the stallions are registered as Florida stallions standing in this state. Such awards shall be given at a uniform rate to all winners of the awards, shall not be greater than 20 percent of the announced

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28 gross purse, and shall not be less than 15 percent of the  
29 announced gross purse if funds are available. In addition, no  
30 less than 17 percent nor more than 40 percent, as determined by  
31 the Florida Thoroughbred Breeders' Association, of the moneys  
32 dedicated in this chapter for use as breeders' awards and  
33 stallion awards for thoroughbreds shall be returned pro rata to  
34 the permitholders that generated the moneys for special racing  
35 awards to be distributed by the permitholders to owners of  
36 ~~registered Florida-bred~~ thoroughbred horses participating  
37 ~~winning~~ in prescribed thoroughbred stakes races, nonstakes  
38 racess, or both ~~and winning or placing in thoroughbred stakes~~  
39 ~~racess,~~ all in accordance with a written agreement establishing  
40 the rate, procedure, and eligibility requirements for such  
41 awards entered into ~~plan established annually no later than 120~~  
42 ~~days before the first day of the permitholders' racing meet and~~  
43 ~~agreed upon~~ by the permitholder, the Florida Thoroughbred  
44 Breeders' Association, and the Florida Horsemen's Benevolent and  
45 Protective Association, Inc., except that the plan for the  
46 distribution by any permitholder located in the area described  
47 in s. 550.615(9) shall be agreed upon by that permitholder, the  
48 Florida Thoroughbred Breeders' Association, and the association  
49 representing a majority of the thoroughbred racehorse owners and  
50 trainers at that location. Awards for thoroughbred races are to  
51 be paid through the Florida Thoroughbred Breeders' Association,  
52 and awards for standardbred races are to be paid through the  
53 Florida Standardbred Breeders and Owners Association. Among  
54 other sources specified in this chapter, moneys for thoroughbred  
55 breeders' awards will come from the 0.955 percent of handle for  
56 thoroughbred races conducted, received, broadcast, or simulcast

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57 under this chapter as provided in s. 550.2625(3). The moneys  
58 for quarter horse and harness breeders' awards will come from  
59 the breaks and uncashed tickets on live quarter horse and  
60 harness racing performances and 1 percent of handle on  
61 intertrack wagering. The funds for these breeders' awards shall  
62 be paid to the respective breeders' associations by the  
63 permitholders conducting the races.

64 (2) Each breeders' association shall develop a plan each  
65 year that will provide for a uniform rate of payment and  
66 procedure for breeders' and stallion awards ~~payment~~. The plan  
67 for payment of breeders' and stallion awards may set a cap on  
68 winnings and may limit, exclude, or defer payments on ~~to~~ certain  
69 classes of races, such as the Florida stallion stakes races, in  
70 order to assure that there are adequate revenues to meet the  
71 proposed uniform rate. Priority shall be placed on imposing such  
72 restrictions in lieu of allowing the uniform rate for breeders'  
73 and stallion awards to be less than 15 percent of the total  
74 purse payment. The plan must provide for the maximum possible  
75 payments within revenues.

76 Section 2. Subsection (3) of section 550.2625, Florida  
77 Statutes, is amended to read:

78 550.2625 Horseracing; minimum purse requirement, Florida  
79 breeders' and owners' awards.--

80 (3) Each horseracing permitholder conducting any  
81 thoroughbred race under this chapter, including any intertrack  
82 race taken pursuant to ss. 550.615-550.6305 or any interstate  
83 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal  
84 to 0.955 percent on all pari-mutuel pools conducted during any  
85 such race for the payment of breeders', and stallion, or special

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86 racing awards as authorized in this chapter section. This  
87 subsection also applies to all Breeder's Cup races conducted  
88 outside this state taken pursuant to s. 550.3551(3). On any  
89 race originating live in this state which is broadcast out-of-  
90 state to any location at which wagers are accepted pursuant to  
91 s. 550.3551(2), the host track is required to pay 3.475 percent  
92 of the gross revenue derived from such out-of-state broadcasts  
93 as breeders', ~~and~~ stallion, or special racing awards. The  
94 Florida Thoroughbred Breeders' Association is authorized to  
95 receive these payments from the permitholders and make payments  
96 of awards earned. The Florida Thoroughbred Breeders'  
97 Association has the right to withhold up to 10 percent of the  
98 permitholder's payments under this section as a fee for  
99 administering the payments of awards and for general promotion  
100 of the industry. The permitholder shall remit these payments to  
101 the Florida Thoroughbred Breeders' Association by the 5th day of  
102 each calendar month for such sums accruing during the preceding  
103 calendar month and shall report such payments to the division as  
104 prescribed by the division. With the exception of the 10-  
105 percent fee, the moneys paid by the permitholders shall be  
106 maintained in a separate, interest-bearing account, and such  
107 payments together with any interest earned shall be used  
108 exclusively for the payment of breeders', ~~awards and~~ stallion,  
109 or special racing awards in accordance with the following  
110 provisions:

111 (a) The breeder of each Florida-bred thoroughbred horse  
112 winning a thoroughbred horse race is entitled to an award of up  
113 to, but not exceeding, 20 percent of the announced gross purse,

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114 including nomination fees, eligibility fees, starting fees,  
115 supplementary fees, and moneys added by the sponsor of the race.

116 (b) The owner or owners of the sire of a Florida-bred  
117 thoroughbred horse that wins a stakes race is entitled to a  
118 stallion award of up to, but not exceeding, 20 percent of the  
119 announced gross purse, including nomination fees, eligibility  
120 fees, starting fees, supplementary fees, and moneys added by the  
121 sponsor of the race.

122 (c) The owners of ~~registered Florida-bred~~ thoroughbred  
123 horses participating winning or placing in thoroughbred stakes  
124 races, nonstakes races, or both may receive a special racing an  
125 award in accordance with the agreement a plan established  
126 pursuant to in s. 550.26165(1).

127 (d) In order for a breeder of a Florida-bred thoroughbred  
128 horse to be eligible to receive a breeder's award, ~~or for the~~  
129 ~~owners of a registered Florida-bred thoroughbred horse to be~~  
130 ~~eligible to receive an award under paragraph (c),~~ the horse must  
131 have been registered as a Florida-bred horse with the Florida  
132 Thoroughbred Breeders' Association, and the Jockey Club  
133 certificate for the horse must show that it has been duly  
134 registered as a Florida-bred horse as evidenced by the seal and  
135 proper serial number of the Florida Thoroughbred Breeders'  
136 Association registry. The Florida Thoroughbred Breeders'  
137 Association shall be permitted to charge the registrant a  
138 reasonable fee for this verification and registration.

139 (e) In order for an owner of the sire of a thoroughbred  
140 horse winning a stakes race to be eligible to receive a stallion  
141 award, the stallion must have been registered with the Florida  
142 Thoroughbred Breeders' Association, and the breeding of the

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143 registered Florida-bred horse must have occurred in this state.  
144 The stallion must be standing permanently in this state during  
145 the period of time between February 1 and June 15 of each year  
146 or, if the stallion is dead, must have stood permanently in this  
147 state for a period of not less than 1 year immediately prior to  
148 its death. The removal of a stallion from this state during the  
149 period of time between February 1 and June 15 of any year for  
150 any reason, other than exclusively for prescribed medical  
151 treatment, as approved by the Florida Thoroughbred Breeders'  
152 Association, renders the owner or owners of the stallion  
153 ineligible to receive a stallion award under any circumstances  
154 for offspring sired prior to removal; however, if a removed  
155 stallion is returned to this state, all offspring sired  
156 subsequent to the return make the owner or owners of the  
157 stallion eligible for the stallion award but only for those  
158 offspring sired subsequent to such return to this state. The  
159 Florida Thoroughbred Breeders' Association shall maintain  
160 complete records showing the date the stallion arrived in this  
161 state for the first time, whether or not the stallion remained  
162 in the state permanently, the location of the stallion, and  
163 whether the stallion is still standing in this state and  
164 complete records showing awards earned, received, and  
165 distributed. The association may charge the owner, owners, or  
166 breeder a reasonable fee for this service.

167 (f) A permitholder conducting a thoroughbred horse race  
168 under the provisions of this chapter shall, within 30 days after  
169 the end of the race meet during which the race is conducted,  
170 certify to the Florida Thoroughbred Breeders' Association such  
171 information relating to the thoroughbred horses winning a stakes

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172 or other horserace at the meet as may be required to determine  
173 the eligibility for payment of breeders', ~~awards and stallion,~~  
174 and special racing awards.

175 (g) The Florida Thoroughbred Breeders' Association shall  
176 maintain complete records showing the starters and winners in  
177 all races conducted at thoroughbred tracks in this state; shall  
178 maintain complete records showing awards earned, received, and  
179 distributed; and may charge the owner, owners, or breeder a  
180 reasonable fee for this service.

181 (h) The Florida Thoroughbred Breeders' Association shall  
182 annually establish a uniform rate and procedure for the payment  
183 of breeders' and stallion awards and shall make breeders' and  
184 stallion award payments in strict compliance with the  
185 established uniform rate and procedure plan. The plan may set a  
186 cap on winnings and may limit, exclude, or defer payments to  
187 certain classes of races, such as the Florida stallion stakes  
188 races, in order to assure that there are adequate revenues to  
189 meet the proposed uniform rate. Such plan must include proposals  
190 for the general promotion of the industry. Priority shall be  
191 placed upon imposing such restrictions in lieu of allowing the  
192 uniform rate to be less than 15 percent of the total purse  
193 payment. The uniform rate and procedure plan must be approved  
194 by the division before implementation. In the absence of an  
195 approved plan and procedure, the authorized rate for breeders'  
196 and stallion awards is 15 percent of the announced gross purse  
197 for each race. Such purse must include nomination fees,  
198 eligibility fees, starting fees, supplementary fees, and moneys  
199 added by the sponsor of the race. If the funds in the account  
200 for payment of breeders' and stallion awards are not sufficient

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201 to meet all earned breeders' and stallion awards, those breeders  
202 and stallion owners not receiving payments have first call on  
203 any subsequent receipts in that or any subsequent year.

204 (i) The Florida Thoroughbred Breeders' Association shall  
205 keep accurate records showing receipts and disbursements of such  
206 payments and shall annually file a full and complete report to  
207 the division showing such receipts and disbursements and the  
208 sums withheld for administration. The division may audit the  
209 records and accounts of the Florida Thoroughbred Breeders'  
210 Association to determine that payments have been made to  
211 eligible breeders and stallion owners in accordance with this  
212 section.

213 (j) If the division finds that the Florida Thoroughbred  
214 Breeders' Association has not complied with any provision of  
215 this section, the division may order the association to cease  
216 and desist from receiving funds and administering funds received  
217 under this section. If the division enters such an order, the  
218 permitholder shall make the payments authorized in this section  
219 to the division for deposit into the Pari-mutuel Wagering Trust  
220 Fund; and any funds in the Florida Thoroughbred Breeders'  
221 Association account shall be immediately paid to the Division of  
222 Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering  
223 Trust Fund. The division shall authorize payment from these  
224 funds to any breeder or stallion owner entitled to an award that  
225 has not been previously paid by the Florida Thoroughbred  
226 Breeders' Association in accordance with the applicable rate.

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



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229 550.5251 Florida thoroughbred racing; certain permits;  
230 operating days.--

231 (4) A thoroughbred racing permitholder may not begin any  
232 race later than 7 p.m. ~~However,~~ Any thoroughbred permitholder in  
233 a county in which the authority for cardrooms has been approved  
234 by the board of county commissioners may ~~elect not to~~ operate a  
235 cardroom and, when conducting live races during its current race  
236 meet, may ~~and instead to~~ receive and rebroadcast out-of-state  
237 races after the hour of 7 p.m. on any day during which the  
238 permitholder conducts live races. ~~However, such permitholder may~~  
239 ~~not engage in both operating a cardroom and receiving or~~  
240 ~~rebroadcasting out-of-state races after 7 p.m. Permitholders~~  
241 ~~shall be required to elect between either operating a cardroom~~  
242 ~~or engaging in simulcasting after 7 p.m. at the time of~~  
243 ~~submitting its application for its annual license pursuant to~~  
244 ~~this section.~~

245 Section 4. Paragraph (a) of subsection (2), subsections  
246 (5), (7), and (8), and paragraphs(a) and (d) of subsection (13)  
247 of section 849.086, Florida Statutes, are amended to read:

248 849.086 Cardrooms authorized.--

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

250 (a) "Authorized game games" means a game or series of  
251 games of poker ~~only those games authorized by s. 849.085(2)(a)~~  
252 ~~and~~ which are played in a nonbanking manner.

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

256 (a) Only those persons holding a valid cardroom license  
257 issued by the division may operate a cardroom. A cardroom

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258 license may only be issued to a licensed pari-mutuel  
259 permitholder and an authorized cardroom may only be operated at  
260 the same facility at which the permitholder is authorized under  
261 its valid pari-mutuel wagering permit to conduct pari-mutuel  
262 wagering activities. Cardroom licenses are not transferable.

263 (b) After the initial cardroom license is granted, the  
264 application for the annual license renewal shall be made in  
265 conjunction with the applicant's annual application for its  
266 pari-mutuel license. If a permitholder has operated a cardroom  
267 during any of the 3 previous fiscal years and fails to include a  
268 renewal request for the operation of the cardroom in its annual  
269 application for license renewal, the permitholder may amend its  
270 annual application to include operation of the cardroom. In  
271 order for a cardroom license to be renewed the applicant must  
272 have requested, as part of its pari-mutuel annual license  
273 application, to conduct at least 90 percent of the total number  
274 of live performances conducted by such permitholder during  
275 either the state fiscal year in which its initial cardroom  
276 license was issued or the state fiscal year immediately prior  
277 thereto. If the application is for a harness permitholder  
278 cardroom, the applicant must have requested authorization to  
279 conduct a minimum of 140 live performances during the state  
280 fiscal year immediately prior thereto. If more than one  
281 permitholder is operating at a facility, each permitholder must  
282 have applied for a license to conduct a full schedule of live  
283 racing.

284 (c) Persons seeking a license or a renewal thereof to  
285 operate a cardroom shall make application on forms prescribed by  
286 the division. Applications for cardroom licenses shall contain

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287 all of the information the division, by rule, may determine is  
288 required to ensure eligibility.

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

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

295 (a) A cardroom may ~~only~~ be operated only at the location  
296 specified on the cardroom license issued by the division, and  
297 such location may only be the location at which the pari-mutuel  
298 permitholder is authorized to conduct pari-mutuel wagering  
299 activities pursuant to such permitholder's valid pari-mutuel  
300 permit or as otherwise authorized by law ~~and current license.~~

301 (b) A cardroom may be operated at the facility only when  
302 the facility is authorized to accept wagers on pari-mutuel  
303 events during its authorized meet. ~~A cardroom may begin~~  
304 ~~operations within 2 hours prior to the post time of the first~~  
305 ~~pari-mutuel event conducted live at the pari-mutuel facility on~~  
306 ~~which wagers are accepted and must cease operations within 2~~  
307 ~~hours after the conclusion of the last pari-mutuel event~~  
308 ~~conducted live at the pari-mutuel facility on which wagers are~~  
309 ~~accepted.~~

310 (c) A cardroom operator must at all times employ and  
311 provide a nonplaying dealer for each table on which authorized  
312 card games which traditionally utilize a dealer are conducted at  
313 the cardroom. Such dealers may not have any participatory  
314 interest in any game other than the dealing of cards and may not  
315 have an interest in the outcome of the game. The providing of

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316 such dealers by a licensee shall not be construed as  
317 constituting the conducting of a banking game by the cardroom  
318 operator.

319 (d) Each cardroom operator shall conspicuously post upon  
320 the premises of the cardroom a notice which contains a copy of  
321 the cardroom license; a list of authorized games offered by the  
322 cardroom; the wagering limits imposed by the house, if any; any  
323 additional house rules regarding operation of the cardroom or  
324 the playing of any game; and all costs to players to  
325 participate, including any rake by the house. In addition, each  
326 cardroom operator shall post at each table a notice of the  
327 minimum and maximum bets authorized at such table and the fee  
328 for participation in the game conducted.

329 (e) The cardroom facility shall be subject to inspection  
330 by the division or any law enforcement agency during the  
331 licensee's regular business hours. The inspection will  
332 specifically encompass the permitholder internal control  
333 procedures approved by the division.

334 (f) A cardroom operator may refuse entry to or refuse to  
335 allow to play any person who is objectionable, undesirable, or  
336 disruptive, but such refusal shall not be on the basis of race,  
337 creed, color, religion, sex, national origin, marital status,  
338 physical handicap, or age, except as provided in this section.

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

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

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345           (b) The cardroom operator may limit the amount wagered in  
 346 any game or series of games, but the maximum bet winnings of any  
 347 player in a single round, hand, or game may not exceed \$2 \$10 in  
 348 value. There may not be more than three raises in any round of  
 349 betting. The fee charged by the cardroom for participation in  
 350 the game shall not be included in the calculation of the  
 351 limitation on the bet amount ~~pot-size~~ provided in this  
 352 paragraph.

353           (13) TAXES AND OTHER PAYMENTS.--

354           (a) Each cardroom operator shall pay a tax to the state of  
 355 10 percent of the cardroom operation's monthly gross receipts.

356           (d) Each greyhound permitholder that operates a cardroom  
 357 facility shall use at least 10 percent of such permitholder's  
 358 cardroom monthly gross receipts to supplement greyhound purses  
 359 and each and jai alai permitholder that which operates a  
 360 cardroom facility shall use utilize at least 4 percent of such  
 361 permitholder's cardroom monthly gross receipts to supplement  
 362 ~~greyhound purses or jai alai prize money, respectively,~~ during  
 363 the permitholder's next ensuing pari-mutuel meet. Each  
 364 thoroughbred and harness horse racing permitholder that which  
 365 operates a cardroom facility shall use utilize at least 50  
 366 percent of such permitholder's cardroom monthly net proceeds as  
 367 follows: 47 percent to supplement purses and 3 percent to  
 368 supplement breeders' awards during the permitholder's next  
 369 ensuing racing meet.

370           Section 5. This act shall take effect July 1, 2003.

371  
 372 ===== T I T L E   A M E N D M E N T =====

373           Remove the entire title and insert:

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374                   A bill to be entitled  
375           An act relating to pari-mutuel wagering; amending s.  
376           550.26165, F.S.; revising criteria for making breeders'  
377           awards for racehorses; amending s. 550.2625, F.S.;  
378           providing for payment of special racing awards; amending  
379           s. 550.5251, F.S.; authorizing a thoroughbred racing  
380           permitholder to operate a cardroom; amending s. 849.086,  
381           F.S.; redefining the term "authorized game"; providing for  
382           certain permitholders to amend the annual application to  
383           include operation of a cardroom; providing requirements  
384           for a harness permitholder to operate a cardroom;  
385           clarifying requirements for the license fee; revising  
386           certain restrictions on the hours that a cardroom may be  
387           operated; authorizing the cardroom operator to limit the  
388           amount wagered; providing certain restrictions with  
389           respect to the amount of bets and the number of raises in  
390           a round of betting; providing an effective date.