

Bill No. SB 228

Amendment No. ____ Barcode 055226

CHAMBER ACTION

Senate

House

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Senator Lee moved the following amendment:

Senate Amendment (with title amendment)

On page 4, between lines 7 and 8,

insert:

Section 3. 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 gross purse, and shall not be less than 15 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, nonstakes 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, nonstakes 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 Section 5. Subsection (4) of section 550.5251, Florida
21 Statutes, is amended to read:

22 550.5251 Florida thoroughbred racing; certain permits;
23 operating days.--

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

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

7 Section 6. Paragraph (a) of subsection (2),
 8 subsections (5), (7), and (8), and paragraphs (a) and (d) of
 9 subsection (13) of section 849.086, Florida Statutes, are
 10 amended to read:

11 849.086 Cardrooms authorized.--

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

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

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

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

27 (b) After the initial cardroom license is granted, the
 28 application for the annual license renewal shall be made in
 29 conjunction with the applicant's annual application for its
 30 pari-mutuel license. If a permitholder has operated a cardroom
 31 during any of the 3 previous fiscal years and fails to include

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

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

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

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

28 (a) A cardroom may ~~only~~ be operated only at the
29 location specified on the cardroom license issued by the
30 division, and such location may only be the location at which
31 the pari-mutuel permitholder is authorized to conduct

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1 pari-mutuel wagering activities pursuant to such
2 permitholder's valid pari-mutuel permit or as otherwise
3 authorized by law ~~and current license.~~

4 (b) A cardroom may be operated at the facility only
5 when the facility is authorized to accept wagers on
6 pari-mutuel events during its authorized meet. A cardroom may
7 operate between the hours of 12 noon and 12 midnight on any
8 day a pari-mutuel event is conducted live as a part of its
9 authorized meet. However, a permitholder who holds a valid
10 cardroom license may operate a cardroom between the hours of
11 12 noon and 12 midnight on any day that live racing of the
12 same class of permit is occurring within 35 miles of its
13 facility if no other holder of that same class of permit
14 within 35 miles is operating a cardroom at such time and if
15 all holders of the same class of permit within the 35-mile
16 area have given their permission in writing to the
17 permitholder to operate the cardroom during the designated
18 period. Application to operate a cardroom under this paragraph
19 must be made to the division as part of the annual license
20 application. ~~begin operations within 2 hours prior to the post~~
21 ~~time of the first pari-mutuel event conducted live at the~~
22 ~~pari-mutuel facility on which wagers are accepted and must~~
23 ~~cease operations within 2 hours after the conclusion of the~~
24 ~~last pari-mutuel event conducted live at the pari-mutuel~~
25 ~~facility on which wagers are accepted.~~

26 (c) A cardroom operator must at all times employ and
27 provide a nonplaying dealer for each table on which authorized
28 card games which traditionally utilize a dealer are conducted
29 at the cardroom. Such dealers may not have any participatory
30 interest in any game other than the dealing of cards and may
31 not have an interest in the outcome of the game. The

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1 providing of such dealers by a licensee shall not be construed
2 as constituting the conducting of a banking game by the
3 cardroom operator.

4 (d) Each cardroom operator shall conspicuously post
5 upon the premises of the cardroom a notice which contains a
6 copy of the cardroom license; a list of authorized games
7 offered by the cardroom; the wagering limits imposed by the
8 house, if any; any additional house rules regarding operation
9 of the cardroom or the playing of any game; and all costs to
10 players to participate, including any rake by the house. In
11 addition, each cardroom operator shall post at each table a
12 notice of the minimum and maximum bets authorized at such
13 table and the fee for participation in the game conducted.

14 (e) The cardroom facility shall be subject to
15 inspection by the division or any law enforcement agency
16 during the licensee's regular business hours. The inspection
17 will specifically encompass the permitholder internal control
18 procedures approved by the division.

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

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

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

31 (b) The cardroom operator may limit the amount wagered

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1 ~~in any game or series of games, but the maximum bet winnings~~
 2 ~~of any player in a single round, hand, or game~~ may not exceed
 3 ~~\$2\$10~~ in value. There may not be more than three raises in
 4 any round of betting. The fee charged by the cardroom for
 5 participation in the game shall not be included in the
 6 calculation of the limitation on the bet amount ~~pot size~~
 7 provided in this paragraph.

8 (13) TAXES AND OTHER PAYMENTS.--

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

12 (d) Each greyhound and jai alai permitholder that
 13 ~~which~~ operates a cardroom facility shall use ~~utilize~~ at least
 14 4 percent of such permitholder's cardroom monthly gross
 15 receipts to supplement greyhound purses or jai alai prize
 16 money, respectively, during the permitholder's next ensuing
 17 pari-mutuel meet. Each thoroughbred and harness horse racing
 18 permitholder that ~~which~~ operates a cardroom facility shall use
 19 ~~utilize~~ at least 50 percent of such permitholder's cardroom
 20 monthly net proceeds as follows: 47 percent to supplement
 21 purses and 3 percent to supplement breeders' awards during the
 22 permitholder's next ensuing racing meet.

23 and redesignate subsequent section.

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26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, line 26, after the semicolon,

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30 insert:

31 amending s. 550.26165, F.S.; revising criteria

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1 for making breeders' awards for racehorses;
2 amending s. 550.2625, F.S.; providing for
3 payment of special racing awards; amending s.
4 550.5251, F.S.; authorizing a thoroughbred
5 racing permitholder to operate a cardroom;
6 amending s. 849.086, F.S.; redefining the term
7 "authorized game"; providing for certain
8 permitholders to amend the annual application
9 to include operation of a cardroom; providing
10 requirements for a harness permitholder to
11 operate a cardroom; clarifying requirements for
12 the license fee; revising certain restrictions
13 on the hours that a cardroom may be operated;
14 authorizing the cardroom operator to limit the
15 amount wagered; providing certain restrictions
16 with respect to the amount of bets and the
17 number of raises in a round of betting;

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