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 the adoption of a greyhound be made available 8 9 to the public at the facility; requiring the permitholder to provide adoption information in 10 racing programs and to identify greyhounds that 11 12 will become available for adoption; authorizing the permitholder to hold an additional charity 13 14 day that is designated as "Greyhound 15 Adopt-A-Pet Day"; requiring that profits derived from the charity day be used to fund 16 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; defining the term "bona fide organization that 24 promotes or encourages the adoption of 25 greyhounds"; amending s. 550.26165, F.S.; 26 revising criteria for making breeders' awards 27 28 for racehorses; amending s. 550.2625, F.S.; 29 providing for payment of special racing awards; 30 amending s. 550.5251, F.S.; authorizing a thoroughbred racing permitholder to operate a 31

cardroom; amending s. 849.086, F.S.; redefining the term "authorized game"; providing for certain permitholders to amend the annual application to include operation of a cardroom; providing requirements for a harness permitholder to operate a cardroom; clarifying requirements for the license fee; revising certain restrictions on the hours that a cardroom may be operated; authorizing the cardroom operator to limit the amount wagered; providing certain restrictions with respect to the amount of bets and the number of raises in a round of betting; providing an effective date.

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

Section 1. Greyhound adoptions. --

(1) Each dogracing permitholder operating a dogracing facility in this state shall provide for a greyhound-adoption booth to be located at the facility. The greyhound-adoption booth must be operated on weekends by personnel or volunteers from a bona fide organization that promotes or encourages the adoption of greyhounds pursuant to section 550.1647, Florida Statutes. As used in this section, the term "weekend" includes the hours during which live greyhound racing is conducted on Friday, Saturday, or Sunday. Information pamphlets and application forms shall be provided to the public upon request. In addition, the kennel operator or owner shall notify the permitholder that a greyhound is available for adoption and the permitholder shall provide information

concerning the adoption of a greyhound in each race program and shall post adoption information at conspicuous locations throughout the dogracing facility. Any greyhound that is participating in a race and that will be available for future adoption must be noted in the race program. The permitholder shall allow greyhounds to be walked through the track facility to publicize the greyhound-adoption program.

- (2) In addition to the charity days authorized under section 550.0351, Florida Statutes, a greyhound permitholder may fund the greyhound-adoption program by holding a charity racing day designated as "Greyhound Adopt-A-Pet Day." All profits derived from the operation of the charity day must be placed into a fund used to support activities at the racing facility which promote the adoption of greyhounds. The division may adopt rules for administering the fund. Proceeds from the charity day authorized in this subsection may not be used as a source of funds for the purposes set forth in section 550.1647, Florida Statutes.
- (3)(a) Upon a violation of this section by a permitholder or licensee, the division may impose a penalty as provided in section 550.0251(10), Florida Statutes, and require the permitholder to take corrective action.
- (b) A penalty imposed under section 550.0251(10), Florida Statutes, does not exclude a prosecution for cruelty to animals or for any other criminal act.
- Section 2. Section 550.1647, Florida Statutes, is amended to read:
- 550.1647 Greyhound permitholders; unclaimed tickets; breaks.--All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any

permitholder authorized to conduct greyhound racing pari-mutuel pools in this state for a period of 1 year after 2 3 the date the pari-mutuel ticket was issued, if the rightful 4 owner or owners thereof have made no claim or demand for such 5 money or other property within that period of time, shall, with respect to live races conducted by the permitholder, be 6 7 remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state 8 9 fiscal year in an amount equal to the actual amount remitted in the prior state fiscal year which may be applied against 10 any taxes imposed pursuant to this chapter. In addition, each 11 12 permitholder shall pay, from any source, including the 13 proceeds from performances conducted pursuant to s. 550.0351, 14 an amount not less than 10 percent of the amount of the credit 15 provided by this section to any bona fide organization that 16 promotes or encourages the adoption of greyhounds. As used in 17 this section, the term "bona fide organization that promotes or encourages the adoption of greyhounds" means any 18 19 organization that provides evidence of compliance with chapter 20 496 and possesses a valid exemption from federal taxation issued by the Internal Revenue Service. Such bona fide 21 organization, as a condition of adoption, must provide 22 23 sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adoptor. The fee 24 for sterilization may be included in the cost of adoption. 25 26 Section 3. Subsections (1) and (2) of section 27 550.26165, Florida Statutes, are amended to read: 28 550.26165 Breeders' awards.--29 (1) The purpose of this section is to encourage the agricultural activity of breeding and training racehorses in 30 this state. Moneys dedicated in this chapter for use as 31

breeders' awards and stallion awards are to be used for awards to breeders of registered Florida-bred horses winning 2 3 horseraces and for similar awards to the owners of stallions 4 who sired Florida-bred horses winning stakes races, if the 5 stallions are registered as Florida stallions standing in this state. Such awards shall be given at a uniform rate to all 6 7 winners of the awards, shall not be greater than 20 percent of the announced gross purse, and shall not be less than 15 8 9 percent of the announced gross purse if funds are available. In addition, no less than 17 percent nor more than 40 percent, 10 as determined by the Florida Thoroughbred Breeders' 11 12 Association, of the moneys dedicated in this chapter for use as breeders' awards and stallion awards for thoroughbreds 13 14 shall be returned pro rata to the permitholders that generated the moneys for special racing awards to be distributed by the 15 permitholders to owners of registered Florida-bred 16 17 thoroughbred horses participating winning in prescribed thoroughbred stakes races, nonstakes races, or both and 18 19 winning or placing in thoroughbred stakes races, all in 20 accordance with a written agreement establishing the rate, 21 procedure, and eligibility requirements for such awards 22 entered into plan established annually no later than 120 days 23 before the first day of the permitholders' racing meet and agreed upon by the permitholder, the Florida Thoroughbred 24 Breeders' Association, and the Florida Horsemen's Benevolent 25 26 and Protective Association, Inc., except that the plan for the distribution by any permitholder located in the area described 27 in s. 550.615(9) shall be agreed upon by that permitholder, 28 29 the Florida Thoroughbred Breeders' Association, and the association representing a majority of the thoroughbred 30 racehorse owners and trainers at that location. Awards for 31

thoroughbred races are to be paid through the Florida
Thoroughbred Breeders' Association, and awards for
standardbred races are to be paid through the Florida
Standardbred Breeders and Owners Association. Among other
sources specified in this chapter, moneys for thoroughbred
breeders' awards will come from the 0.955 percent of handle
for thoroughbred races conducted, received, broadcast, or
simulcast under this chapter as provided in s. 550.2625(3).
The moneys for quarter horse and harness breeders' awards will
come from the breaks and uncashed tickets on live quarter
horse and harness racing performances and 1 percent of handle
on intertrack wagering. The funds for these breeders' awards
shall be paid to the respective breeders' associations by the
permitholders conducting the races.

each year that will provide for a uniform rate of payment and procedure for <u>breeders'</u> and stallion awards payment. The plan for payment of breeders' and stallion awards may set a cap on winnings and may limit, exclude, or defer payments on to certain classes of races, such as the Florida stallion stakes races, in order to assure that there are adequate revenues to meet the proposed uniform rate. Priority shall be placed on imposing such restrictions in lieu of allowing the uniform rate for breeders' and stallion awards to be less than 15 percent of the total purse payment. The plan must provide for the maximum possible payments within revenues.

Section 4. Subsection (3) of section 550.2625, Florida Statutes, is amended to read:

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

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(3) Each horseracing permitholder conducting any thoroughbred race under this chapter, including any intertrack race taken pursuant to ss. 550.615-550.6305 or any interstate simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal to 0.955 percent on all pari-mutuel pools conducted during any such race for the payment of breeders', and stallion, or special racing awards as authorized in this chapter section. This subsection also applies to all Breeder's Cup races conducted outside this state taken pursuant to s. 550.3551(3). On any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 550.3551(2), the host track is required to pay 3.475 percent of the gross revenue derived from such out-of-state broadcasts as breeders', and stallion, or special racing awards. The Florida Thoroughbred Breeders' Association is authorized to receive these payments from the permitholders and make payments of awards earned. The Florida Thoroughbred Breeders' Association has the right to withhold up to 10 percent of the permitholder's payments under this section as a fee for administering the payments of awards and for general promotion of the industry. permitholder shall remit these payments to the Florida Thoroughbred Breeders' Association by the 5th day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the division as prescribed by the division. With the exception of the 10-percent fee, the moneys paid by the permitholders shall be maintained in a separate, interest-bearing account, and such payments together with any interest earned shall be used exclusively for the payment of breeders', awards and stallion,

or special racing awards in accordance with the following provisions:

- (a) The breeder of each Florida-bred thoroughbred horse winning a thoroughbred horse race is entitled to an award of up to, but not exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.
- (b) The owner or owners of the sire of a Florida-bred thoroughbred horse that wins a stakes race is entitled to a stallion award of up to, but not exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.
- (c) The owners of registered Florida-bred thoroughbred horses participating winning or placing in thoroughbred stakes races, nonstakes races, or both may receive a special racing an award in accordance with the agreement a plan established pursuant to in s. 550.26165(1).
- (d) In order for a breeder of a Florida-bred thoroughbred horse to be eligible to receive a breeder's award, or for the owners of a registered Florida-bred thoroughbred horse to be eligible to receive an award under paragraph (c), the horse must have been registered as a Florida-bred horse with the Florida Thoroughbred Breeders' Association, and the Jockey Club certificate for the horse must show that it has been duly registered as a Florida-bred horse as evidenced by the seal and proper serial number of the Florida Thoroughbred Breeders' Association registry. The Florida Thoroughbred Breeders' Association shall be permitted

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to charge the registrant a reasonable fee for this verification and registration.

(e) In order for an owner of the sire of a thoroughbred horse winning a stakes race to be eligible to receive a stallion award, the stallion must have been registered with the Florida Thoroughbred Breeders' Association, and the breeding of the registered Florida-bred horse must have occurred in this state. The stallion must be standing permanently in this state during the period of time between February 1 and June 15 of each year or, if the stallion is dead, must have stood permanently in this state for a period of not less than 1 year immediately prior to its death. The removal of a stallion from this state during the period of time between February 1 and June 15 of any year for any reason, other than exclusively for prescribed medical treatment, as approved by the Florida Thoroughbred Breeders' Association, renders the owner or owners of the stallion ineligible to receive a stallion award under any circumstances for offspring sired prior to removal; however, if a removed stallion is returned to this state, all offspring sired subsequent to the return make the owner or owners of the stallion eligible for the stallion award but only for those offspring sired subsequent to such return to this state. The Florida Thoroughbred Breeders' Association shall maintain complete records showing the date the stallion arrived in this state for the first time, whether or not the stallion remained in the state permanently, the location of the stallion, and whether the stallion is still standing in this state and complete records showing awards earned, received, and distributed. The association may charge the owner, owners, or breeder a reasonable fee for this service.

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- (f) A permitholder conducting a thoroughbred horse race under the provisions of this chapter shall, within 30 days after the end of the race meet during which the race is conducted, certify to the Florida Thoroughbred Breeders' Association such information relating to the thoroughbred horses winning a stakes or other horserace at the meet as may be required to determine the eligibility for payment of breeders', awards and stallion, and special racing awards.
- (g) The Florida Thoroughbred Breeders' Association shall maintain complete records showing the starters and winners in all races conducted at thoroughbred tracks in this state; shall maintain complete records showing awards earned, received, and distributed; and may charge the owner, owners, or breeder a reasonable fee for this service.
- (h) The Florida Thoroughbred Breeders' Association shall annually establish a uniform rate and procedure for the payment of breeders' and stallion awards and shall make breeders' and stallion award payments in strict compliance with the established uniform rate and procedure plan. plan may set a cap on winnings and may limit, exclude, or defer payments to certain classes of races, such as the Florida stallion stakes races, in order to assure that there are adequate revenues to meet the proposed uniform rate. Such plan must include proposals for the general promotion of the industry. Priority shall be placed upon imposing such restrictions in lieu of allowing the uniform rate to be less than 15 percent of the total purse payment. The uniform rate and procedure plan must be approved by the division before implementation. In the absence of an approved plan and procedure, the authorized rate for breeders' and stallion awards is 15 percent of the announced gross purse for each

race. Such purse must include nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race. If the funds in the account for payment of breeders' and stallion awards are not sufficient to meet all earned breeders' and stallion awards, those breeders and stallion owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

- (i) The Florida Thoroughbred Breeders' Association shall keep accurate records showing receipts and disbursements of such payments and shall annually file a full and complete report to the division showing such receipts and disbursements and the sums withheld for administration. The division may audit the records and accounts of the Florida Thoroughbred Breeders' Association to determine that payments have been made to eligible breeders and stallion owners in accordance with this section.
- Thoroughbred Breeders' Association has not complied with any provision of this section, the division may order the association to cease and desist from receiving funds and administering funds received under this section. If the division enters such an order, the permitholder shall make the payments authorized in this section to the division for deposit into the Pari-mutuel Wagering Trust Fund; and any funds in the Florida Thoroughbred Breeders' Association account shall be immediately paid to the Division of Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering Trust Fund. The division shall authorize payment from these funds to any breeder or stallion owner entitled to an award that has not been previously paid by the Florida Thoroughbred Breeders' Association in accordance with the applicable rate.

Section 5. Subsection (4) of section 550.5251, Florida Statutes, is amended to read:

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

any race later than 7 p.m. However, Any thoroughbred permitholder in a county in which the authority for cardrooms has been approved by the board of county commissioners may elect not to operate a cardroom and, when conducting live races during its current race meet, may and instead to receive and rebroadcast out-of-state races after the hour of 7 p.m. on any day during which the permitholder conducts live races. However, such permitholder may not engage in both operating a cardroom and receiving or rebroadcasting out-of-state races after 7 p.m. Permitholders shall be required to elect between either operating a cardroom or engaging in simulcasting after 7 p.m. at the time of submitting its application for its annual license pursuant to this section.

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

849.086 Cardrooms authorized.--

- (2) DEFINITIONS.--As used in this section:
- (a) "Authorized game games" means a game or series of games of poker only those games authorized by s. 849.085(2)(a) and which are played in a nonbanking manner.
- (5) LICENSE REQUIRED; APPLICATION; FEES.--No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

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

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

(c) Persons seeking a license or a renewal thereof to operate a cardroom shall make application on forms prescribed

by the division. Applications for cardroom licenses shall contain all of the information the division, by rule, may determine is required to ensure eligibility.

- (d) The annual cardroom license fee <u>for each facility</u> shall be \$1,000 for the first table and \$500 for each additional table to be operated at the cardroom. This license fee shall be deposited by the division with the Treasurer to the credit of the Pari-mutuel Wagering Trust Fund.
 - (7) CONDITIONS FOR OPERATING A CARDROOM. --
- (a) A cardroom may only be operated only at the location specified on the cardroom license issued by the division, and such location may only be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit or as otherwise authorized by law and current license.
- (b) A cardroom may be operated at the facility only when the facility is authorized to accept wagers on pari-mutuel events during its authorized meet. A cardroom may operate between the hours of 12 noon and 12 midnight on any day a pari-mutuel event is conducted live as a part of its authorized meet. However, a permitholder who holds a valid cardroom license may operate a cardroom between the hours of 12 noon and 12 midnight on any day that live racing of the same class of permit is occurring within 35 miles of its facility if no other holder of that same class of permit within 35 miles is operating a cardroom at such time and if all holders of the same class of permit within the 35-mile area have given their permission in writing to the permitholder to operate the cardroom during the designated period. Application to operate a cardroom under this paragraph

must be made to the division as part of the annual license application. begin operations within 2 hours prior to the post time of the first pari-mutuel event conducted live at the pari-mutuel facility on which wagers are accepted and must cease operations within 2 hours after the conclusion of the last pari-mutuel event conducted live at the pari-mutuel facility on which wagers are accepted.

- (c) A cardroom operator must at all times employ and provide a nonplaying dealer for each table on which authorized card games which traditionally utilize a dealer are conducted at the cardroom. Such dealers may not have any participatory interest in any game other than the dealing of cards and may not have an interest in the outcome of the game. The providing of such dealers by a licensee shall not be construed as constituting the conducting of a banking game by the cardroom operator.
- (d) Each cardroom operator shall conspicuously post upon the premises of the cardroom a notice which contains a copy of the cardroom license; a list of authorized games offered by the cardroom; the wagering limits imposed by the house, if any; any additional house rules regarding operation of the cardroom or the playing of any game; and all costs to players to participate, including any rake by the house. In addition, each cardroom operator shall post at each table a notice of the minimum and maximum bets authorized at such table and the fee for participation in the game conducted.
- (e) The cardroom facility shall be subject to inspection by the division or any law enforcement agency during the licensee's regular business hours. The inspection will specifically encompass the permitholder internal control procedures approved by the division.

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- (f) A cardroom operator may refuse entry to or refuse to allow to play any person who is objectionable, undesirable, or disruptive, but such refusal shall not be on the basis of race, creed, color, religion, sex, national origin, marital status, physical handicap, or age, except as provided in this section.
 - (8) METHOD OF WAGERS; LIMITATION. --
- (a) No wagering may be conducted using money or other negotiable currency. Games may only be played utilizing a wagering system whereby all players' money is first converted by the house to tokens or chips which shall be used for wagering only at that specific cardroom.
- (b) The cardroom operator may limit the amount wagered in any game or series of games, but the maximum bet winnings of any player in a single round, hand, or game may not exceed \$2\$10 in value. There may not be more than three raises in any round of betting. The fee charged by the cardroom for participation in the game shall not be included in the calculation of the limitation on the bet amount pot size provided in this paragraph.
 - (13) TAXES AND OTHER PAYMENTS. --
- (a) Each cardroom operator shall pay a tax to the state of 10 percent of the cardroom operation's monthly gross receipts.
- (d) Each greyhound and jai alai permitholder that which operates a cardroom facility shall use utilize at least 4 percent of such permitholder's cardroom monthly gross receipts to supplement greyhound purses or jai alai prize money, respectively, during the permitholder's next ensuing pari-mutuel meet. Each thoroughbred and harness horse racing permitholder that which operates a cardroom facility shall use

SB 228 First Engrossed

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utilize at least 50 percent of such permitholder's cardroom
   monthly net proceeds as follows: 47 percent to supplement
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   purses and 3 percent to supplement breeders' awards during the
   permitholder's next ensuing racing meet.
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           Section 7. This act shall take effect July 1, 2003.
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CODING: Words stricken are deletions; words underlined are additions.