

HB 1555

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A bill to be entitled

An act relating to thoroughbred horse race permitholders; amending s. 550.6305, F.S.; limiting the amount a thoroughbred permitholder that receives a simulcast horserace from an out-of-state track may pay the out-of-state track from the pari-mutuel pool; requiring that all Florida thoroughbred permitholders that are eligible to receive an out-of-state signal must have the opportunity to receive such signal under the same terms and conditions before any thoroughbred permitholder may receive the signal; providing an effective date.

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

Section 1. Paragraph (g) of subsection (9) of section 550.6305, Florida Statutes, is amended, subsections (10) and (11) are renumbered as subsections (11) and (12), respectively, and a new subsection (10) is added to said section, to read:

550.6305 Intertrack wagering; guest track payments; accounting rules.--

(9) A host track that has contracted with an out-of-state horse track to broadcast live races conducted at such out-of-state horse track pursuant to s. 550.3551(5) may broadcast such out-of-state races to any guest track and accept wagers thereon in the same manner as is provided in s. 550.3551.

(g)1. Any thoroughbred permitholder which accepts wagers on a simulcast signal must make the signal available to any permitholder that is eligible to conduct intertrack wagering under the provisions of ss. 550.615-550.6345.

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30 2. Any thoroughbred permitholder that receives a simulcast
 31 horserace from an out-of-state track shall not pay the out-of-
 32 state track for the transmission an amount equal to more than 3
 33 percent of the pari-mutuel pool, including the pool at all
 34 Florida tracks that take the out-of-state signal through that
 35 particular in-state Florida thoroughbred track, on each race.
 36 With respect to no more than 18 races per calendar year, a
 37 thoroughbred track in Florida may not pay an out-of-state
 38 sending track an amount more than the percentage of the pari-
 39 mutuel pool charged by the out-of-state sending track during the
 40 2003-2004 state fiscal year.

41 ~~3.2.~~ Any thoroughbred permitholder which accepts wagers on
 42 a simulcast signal received after 6 p.m. must make such signal
 43 available to any permitholder that is eligible to conduct
 44 intertrack wagering under the provisions of ss. 550.615-
 45 550.6345, including any permitholder located as specified in s.
 46 550.615(6). Such guest permitholders are authorized to accept
 47 wagers on such simulcast signal, notwithstanding any other
 48 provision of this chapter to the contrary.

49 ~~4.3.~~ Any thoroughbred permitholder which accepts wagers on
 50 a simulcast signal received after 6 p.m. must make such signal
 51 available to any permitholder that is eligible to conduct
 52 intertrack wagering under the provisions of ss. 550.615-
 53 550.6345, including any permitholder located as specified in s.
 54 550.615(9). Such guest permitholders are authorized to accept
 55 wagers on such simulcast signals for a number of performances
 56 not to exceed that which constitutes a full schedule of live
 57 races for a quarter horse permitholder pursuant to s.
 58 550.002(11), notwithstanding any other provision of this chapter

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59 to the contrary, except that the restrictions provided in s.
60 550.615(9)(a) apply to wagers on such simulcast signals.

61
62 No thoroughbred permitholder shall be required to continue to
63 rebroadcast a simulcast signal to any in-state permitholder if
64 the average per performance gross receipts returned to the host
65 permitholder over the preceding 30-day period were less than
66 \$100. Subject to the provisions of s. 550.615(4), as a condition
67 of receiving rebroadcasts of thoroughbred simulcast signals
68 under this paragraph, a guest permitholder must accept
69 intertrack wagers on all live races conducted by all then-
70 operating thoroughbred permitholders.

71 (10) Before any thoroughbred permitholder in this state
72 may receive a signal from an out-of-state broadcast, all other
73 Florida thoroughbred permitholders that are eligible to receive
74 such out-of-state signal must have the opportunity to receive
75 that signal under the same terms and conditions as the in-state
76 permitholder that is to receive the signal.

77 (11)~~(10)~~ All races or games conducted at a permitholder's
78 facility, all broadcasts of such races or games, and all
79 broadcast rights relating thereto are owned by the permitholder
80 at whose facility such races or games are conducted and
81 constitute the permitholder's property as defined in s.
82 812.012(4). Transmission, reception of a transmission,
83 exhibition, use, or other appropriation of such races or games,
84 broadcasts of such races or games, or broadcast rights relating
85 thereto without the written consent of the permitholder
86 constitutes a theft of such property under s. 812.014; and in
87 addition to the penal sanctions contained in s. 812.014, the

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88 permitholder has the right to avail itself of the civil remedies
89 specified in ss. 772.104, 772.11, and 812.035 in addition to any
90 other remedies available under applicable state or federal law.

91 (12)~~(11)~~ To the extent that any rights, privileges, or
92 immunities granted to pari-mutuel permitholders in this section
93 conflict with any provision of any other law or affect any order
94 or rule of the Florida Public Service Commission relating to the
95 regulation of public utilities and the furnishing to others of
96 any communication, wire service, or other similar service or
97 equipment, the rights, privileges, and immunities granted under
98 this section prevail over such conflicting provision.

99 Section 2. This act shall take effect July 1, 2004.