

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 176

SPONSOR: Regulated Industries Committee and Senator Wasserman Schultz

SUBJECT: Greyhound Adoption

DATE: February 6, 2004      REVISED: \_\_\_\_\_

|    | ANALYST        | STAFF DIRECTOR  | REFERENCE  | ACTION           |
|----|----------------|-----------------|------------|------------------|
| 1. | <u>Sumner</u>  | <u>Imhof</u>    | <u>RI</u>  | <u>Fav/CS</u>    |
| 2. | <u>Keating</u> | <u>Johansen</u> | <u>FT</u>  | <u>Favorable</u> |
| 3. | <u>DeLoach</u> | <u>Hayes</u>    | <u>AGG</u> | <u>Favorable</u> |
| 4. | _____          | _____           | <u>AP</u>  | _____            |
| 5. | _____          | _____           | _____      | _____            |
| 6. | _____          | _____           | _____      | _____            |

**I. Summary:**

The bill requires and specifies the criteria by which greyhound-racing permit holders are to provide information at each dogracing facility concerning the adoption of a greyhound. Each dogracing permitholder operating a facility in this state must provide for a greyhound adoption booth at the facility to be operated on weekends. The bill requires that the racing program contain adoption information and identify greyhounds in a race that will become available for adoption. The permitholder is authorized to hold an additional charity day, designated as “Greyhound Adopt-A-Pet Day,” and use the profits from the charity day to fund activities promoting greyhound adoptions. It provides for penalties for violating the section. The bill defines the term “bona fide organization that promotes or encourages the adoption of greyhounds” and requires as a condition of adoption that such organization provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter.

This bill creates an unnumbered section of the Florida Statutes and amends ss. 550.1647, of the Florida Statutes.

**II. Present Situation:**

Section 550.1647, F.S., provides that all money or property from unclaimed, uncashed, or abandoned pari-mutuel tickets in the custody of a greyhound permitholder shall be remitted to the state after one year if no claim has been made for the money or property. The permitholder is allowed a state tax credit in each fiscal year in the amount remitted in the prior state fiscal year. The permitholder is also required to pay from any sources, including the proceeds from performances for charity racing days outlined in s. 550.0351, F.S., an amount not less than ten

percent of the amount of the tax credit provided under this section to any bona fide organization that promotes or encourages the adoption of greyhounds. This provision took effect July 1, 2000.

The Greyhound Pets of America (GPA) is a nationwide organization of volunteers that finds responsible, loving homes for professional racing greyhounds that no longer qualify to compete at the racetrack. The GPA has six chapters in Florida including Central Florida, Daytona Beach, Southeast Coast, Largo, Greater Orlando, and Emerald Coast.

Section 550.0351, F.S., provides for charity racing days. The Division of Pari-mutuel Wagering (division) is required to authorize for each horseracing, dogracing, and jai alai permitholder up to five charity racing or scholarship days in addition to the regular racing days authorized by law upon request of the permitholder. The proceeds of charity performances shall be paid to qualified beneficiaries selected by the permitholder from an authorized list of charities on file with the department. (Chapter 496, F.S., governs charitable organizations.) The total profits derived from the conduct of charity day performances must include all revenues derived from the conduct of that racing performance, including all state taxes that would otherwise be due to the state, except that the daily license fee as provided in s. 550.0951(1), F.S., and the breaks for the promotional trust funds as provided in s. 550.2625(3), (4), (5), (7), and (8), F.S., shall be paid to the division.

Section 550.0251(10), F.S., authorizes the division to impose an administrative fine of not more than \$1,000 for each count or separate offense, except as otherwise provided, and may suspend or revoke a permit, a pari-mutuel license, or an occupational license for a violation of ch. 550, F.S. All fines must be deposited into the General Revenue Fund.

### **III. Effect of Proposed Changes:**

The bill requires each permit holder operating a dogracing facility to provide for a greyhound-adoption booth to be located at the facility. The booth must be operated on weekends and must be operated by personnel or volunteers from a bona fide organization that promotes or encourages the adoption of greyhounds pursuant to s. 550.1647, F.S. The term “weekends” includes the hours during which live greyhound racing is conducted on Friday, Saturday, or Sunday. The bill requires that information pamphlets and adoption applications be provided to the public upon request. The bill further requires kennel operators and greyhound owners to provide to the permit holders, information that a greyhound is available for adoption and that the racing program contains specific adoption information. Permit holders are required to post adoption information at conspicuous locations throughout the dogracing facility and must allow greyhounds to be walked through the facility to publicize greyhound adoption.

In addition to the charity days authorized under section 550.0351, F.S., a greyhound permit holder may fund the greyhound-adoption program by holding a charity racing day designated as “Greyhound Adopt-A-Pet Day.” The profits must be used to fund activities at the facility that promote adoption of greyhounds. The division is authorized to adopt rules for administering the fund. The bill specifies that the proceeds for the charity day may not be used as a source of funds for the purposes set forth in s. 550.1647, F.S. Upon violation of these provisions by a permit holder or licensee, the division may impose a penalty as provided in s. 550.0521(10), F.S. A penalty imposed under this subsection does not exclude a prosecution for cruelty to animals for any other criminal act.

The bill amends s. 550.1647, F.S., defining that the term “bona fide organization that promotes or encourages the adoption of greyhounds” means any organization that provides evidence of compliance with ch. 496, F.S., and possesses a valid exemption from federal income tax issued by the Internal Revenue Service. The bill also amends s. 550.1647, F.S., to require that such organization, prior to the adoption of any greyhound, must provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of the adoption.

The bill takes effect July 1, 2004.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

This bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. Other Constitutional Issues:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

This bill has not been reviewed by the Revenue Estimating Conference. According to the Division of Pari-mutuel Wagering, if each permit holder maintains their scheduled number of regular and charity performances, and simply provides for one additional greyhound adoption charity performance, there will be no fiscal impact. However, if each permit holder were to reduce one scheduled regular performance in order to accommodate an additional greyhound adoption charity day, the estimated fiscal impact would be a maximum reduction in revenues to the General Revenue Fund of one day's receipts, which would equal approximately \$150,000. The bill does not require such reduction.

**B. Private Sector Impact:**

Permitholders will incur costs associated with the setup and operation of the greyhound adoption booths. Last year the division estimated that proceeds from the “Greyhound Adopt-A-Pet-Day” could raise as much as \$250,000 industry wide and consequently would defray such costs.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.