

CHAMBER ACTION

1 The Committee on Business Regulation recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to jai alai; amending s. 550.002, F.S.;  
7 revising the definition of the term "full schedule of live  
8 racing or games" for certain jai alai permitholders;  
9 amending s. 550.09511, F.S.; revising provisions for  
10 payment of taxes by certain jai alai permitholders;  
11 providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Subsection (11) of section 550.002, Florida  
16 Statutes, is amended to read:

17 550.002 Definitions.--As used in this chapter, the term:

18 (11) "Full schedule of live racing or games" means, for a  
19 greyhound or jai alai permitholder, the conduct of a combination  
20 of at least 100 live evening or matinee performances during the  
21 preceding year; for a jai alai permitholder under whose permit a  
22 minimum of 100 live performances per year were conducted for at  
23 least 10 years after December 31, 1992, the conduct of a

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24 | combination of at least 40 live evening or matinee performances  
25 | during the preceding year; for a permit holder who has a  
26 | converted permit or filed an application on or before June 1,  
27 | 1990, for a converted permit, the conduct of a combination of at  
28 | least 100 live evening and matinee wagering performances during  
29 | either of the 2 preceding years; for a harness permit holder, the  
30 | conduct of at least 100 live regular wagering performances  
31 | during the preceding year; for a quarter horse permit holder, the  
32 | conduct of at least 40 live regular wagering performances during  
33 | the preceding year; and for a thoroughbred permit holder, the  
34 | conduct of at least 40 live regular wagering performances during  
35 | the preceding year. For a permit holder which is restricted by  
36 | statute to certain operating periods within the year when other  
37 | members of its same class of permit are authorized to operate  
38 | throughout the year, the specified number of live performances  
39 | which constitute a full schedule of live racing or games shall  
40 | be adjusted pro rata in accordance with the relationship between  
41 | its authorized operating period and the full calendar year and  
42 | the resulting specified number of live performances shall  
43 | constitute the full schedule of live games for such permit holder  
44 | and all other permit holders of the same class within 100 air  
45 | miles of such permit holder. A live performance must consist of  
46 | no fewer than eight races or games conducted live for each of a  
47 | minimum of three performances each week at the permit holder's  
48 | licensed facility under a single admission charge.

49 | Section 2. Subsection (4) of section 550.09511, Florida  
50 | Statutes, is renumbered as subsection (5) and a new subsection  
51 | (4) is added to said section to read:

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52 550.09511 Jai alai taxes; abandoned interest in a permit  
53 for nonpayment of taxes.--

54 (4) A jai alai permitholder conducting fewer than 100 live  
55 performances in any calendar year shall pay to the state the  
56 same aggregate amount of daily license fees on live jai alai  
57 games, admissions tax, and tax on live handle as that  
58 permitholder paid to the state during the most recent prior  
59 calendar year in which the jai alai permitholder conducted at  
60 least 100 live performances.

61 (5)~~(4)~~ In the event that a court of competent jurisdiction  
62 determines any of the provisions of this section to be  
63 unconstitutional, it is the intent of the Legislature that the  
64 provisions contained in this section shall be null and void and  
65 that the provisions of s. 550.0951 shall apply to all jai alai  
66 permitholders beginning on the date of such judicial  
67 determination. To this end, the Legislature declares that it  
68 would not have enacted any of the provisions of this section  
69 individually and, to that end, expressly finds them not to be  
70 severable.

71 Section 3. This act shall take effect July 1, 2004.