

CHAMBER ACTION

1 The Finance & Tax Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to pari-mutuel permitholders; amending s.
7 550.002, F.S.; revising the definition of "full schedule
8 of live racing or games" for certain jai alai
9 permitholders; amending s. 550.09511, F.S.; providing for
10 license fees and taxes for certain jai alai permitholders;
11 assessing a fee for a jai alai permitholder who fails to
12 apply for and be issued an annual license to conduct
13 performances; providing for disposition of the fee by rule
14 of the division; providing for escheat of the permit under
15 specified circumstances; amending s. 849.086, F.S.;
16 removing a prohibition on transfer of cardroom licenses;
17 providing for transfer of the cardroom license when a
18 permit is relocated within a county under certain
19 conditions; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Subsection (11) of section 550.002, Florida
 24 Statutes, is amended to read:
 25 550.002 Definitions.--As used in this chapter, the term:
 26 (11) "Full schedule of live racing or games" means, for a
 27 greyhound or jai alai permitholder, the conduct of a combination
 28 of at least 100 live evening or matinee performances during the
 29 preceding year; for a permitholder who has a converted permit or
 30 filed an application on or before June 1, 1990, for a converted
 31 permit, the conduct of a combination of at least 100 live
 32 evening and matinee wagering performances during either of the 2
 33 preceding years; for a jai alai permitholder who does not
 34 operate slot machines in its pari-mutuel facility, who has
 35 conducted at least 100 live performances per year for at least
 36 10 years after December 31, 1992, and whose handle on live jai
 37 alai games conducted at its pari-mutuel facility has been less
 38 than \$4 million per state fiscal year for at least 2 consecutive
 39 years after June 30, 1992, the conduct of a combination of at
 40 least 40 live evening or matinee performances during the
 41 preceding year; for a jai alai permitholder who operates slot
 42 machines in its pari-mutuel facility, the conduct of a
 43 combination of at least 150 days of performances during the
 44 preceding year; for a harness permitholder, the conduct of at
 45 least 100 live regular wagering performances during the
 46 preceding year; for a quarter horse permitholder, the conduct of
 47 at least 40 live regular wagering performances during the
 48 preceding year; and for a thoroughbred permitholder, the conduct
 49 of at least 40 live regular wagering performances during the
 50 preceding year. For a permitholder which is restricted by

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51 statute to certain operating periods within the year when other
 52 members of its same class of permit are authorized to operate
 53 throughout the year, the specified number of live performances
 54 which constitute a full schedule of live racing or games shall
 55 be adjusted pro rata in accordance with the relationship between
 56 its authorized operating period and the full calendar year and
 57 the resulting specified number of live performances shall
 58 constitute the full schedule of live games for such permitholder
 59 and all other permitholders of the same class within 100 air
 60 miles of such permitholder. A live performance must consist of
 61 no fewer than eight races or games conducted live for each of a
 62 minimum of three performances each week at the permitholder's
 63 licensed facility under a single admission charge.

64 Section 2. Subsection (4) of section 550.09511, Florida
 65 Statutes, is renumbered as subsection (6), and new subsections
 66 (4) and (5) are added to said section to read:

67 550.09511 Jai alai taxes; abandoned interest in a permit
 68 for nonpayment of taxes.--

69 (4) A jai alai permitholder conducting fewer than 100 live
 70 performances in any calendar year shall pay to the state the
 71 same aggregate amount of daily license fees on live jai alai
 72 games, admissions tax, and tax on live handle as that
 73 permitholder paid to the state during the most recent prior
 74 calendar year in which the jai alai permitholder conducted at
 75 least 100 live performances.

76 (5) Beginning July 1, 2005, any jai alai permitholder who
 77 has not applied for and been issued a license pursuant to s.
 78 550.01215 to conduct performances during the next fiscal year

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79 | shall be assessed a fee of \$10,000 annually to be deposited into
 80 | the Pari-mutuel Wagering Trust Fund. The division may adopt
 81 | rules necessary for the orderly distribution of the fees. Upon
 82 | the permitholder's failure to pay the annual fee by June 30 of
 83 | each year, the permit shall become void and escheat to the
 84 | state.

85 | Section 3. Paragraph (a) of subsection (5) and paragraph
 86 | (a) of subsection (17) of section 849.086, Florida Statutes, are
 87 | amended to read:

88 | 849.086 Cardrooms authorized.--

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

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

99 | (17) CHANGE OF LOCATION; REFERENDUM.--

100 | (a) Notwithstanding any provisions of this section, no
 101 | cardroom gaming license issued under this section shall be
 102 | transferred, or reissued when such reissuance is in the nature
 103 | of a transfer, so as to permit or authorize a licensee to change
 104 | the location of the cardroom except upon proof in such form as
 105 | the division may prescribe that a referendum election has been
 106 | held:

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107 | 1. If the proposed new location is within the same county
108 | as the already licensed location, in the county where the
109 | licensee desires to conduct cardroom gaming and that a majority
110 | of the electors voting on the question in such election voted in
111 | favor of the transfer of such license. However, the division
112 | shall transfer, without requirement of a referendum election,
113 | the cardroom license of any permitholder that relocated its
114 | permit pursuant to s. 550.0555.

115 | 2. If the proposed new location is not within the same
116 | county as the already licensed location, in the county where the
117 | licensee desires to conduct cardroom gaming and that a majority
118 | of the electors voting on that question in each such election
119 | voted in favor of the transfer of such license.

120 | Section 4. This act shall take effect July 1, 2005.