

Bill No. SB 956

Barcode 164192

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (Jones) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (17) of section 550.002, Florida Statutes is amended to read:

(17) "Intertrack wager" means a particular form of pari-mutuel wagering in which wagers are accepted at a permitted, in-state track, fronton, or pari-mutuel facility on a race or game transmitted from and performed live at, ~~or simulcast signal rebroadcast from,~~ another in-state or out-of-state pari-mutuel facility.

Section 2. Subsection (3) of section 550.0951, Florida Statutes, is amended to read:

(3) TAX ON HANDLE.--Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on races or games conducted by the permitholder. The tax is imposed daily and is

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1 based on the total contributions to all pari-mutuel pools
 2 conducted during the daily performance. If a permitholder
 3 conducts more than one performance daily, the tax is imposed
 4 on each performance separately.

5 (a) The tax on handle for quarter horse racing is 1.0
 6 percent of the handle.

7 (b)1. The tax on handle for dogracing is 5.5 percent
 8 of the handle, except that for live charity performances held
 9 pursuant to s. 550.0351, and for intertrack wagering on such
 10 charity performances at a guest greyhound track within the
 11 market area of the host, the tax is 7.6 percent of the handle.

12 2. The tax on handle for jai alai is 7.1 percent of
 13 the handle.

14 (c)1. The tax on handle for intertrack wagering is 2.0
 15 percent of the handle if the host track is a horse track, 3.3
 16 percent if the host track is a harness track, 5.5 percent if
 17 the host track is a dog track, and 7.1 percent if the host
 18 track is a jai alai fronton. The tax on handle for intertrack
 19 wagering is 0.5 percent if the host track and the guest track
 20 are thoroughbred permitholders or if the guest track is
 21 located outside the market area of the host track and within
 22 the market area of a thoroughbred permitholder currently
 23 conducting a live race meet. ~~The tax on handle for intertrack~~
 24 ~~wagering on rebroadcasts of simulcast thoroughbred horseraces~~
 25 ~~is 2.4 percent of the handle and 1.5 percent of the handle for~~
 26 ~~intertrack wagering on rebroadcasts of simulcast harness~~
 27 ~~horseraces.~~ The tax shall be deposited into the Pari-mutuel
 28 Wagering Trust Fund.

29 2. The tax on handle for intertrack wagers accepted by
 30 any dog track located in an area of the state in which there
 31 are only three permitholders, all of which are greyhound

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1 | permitholders, located in three contiguous counties, from any
 2 | greyhound permitholder also located within such area or any
 3 | dog track or jai alai fronton located as specified in s.
 4 | 550.615(6) or (9), on races or games received from the same
 5 | class of permitholder located within the same market area is
 6 | 3.9 percent if the host facility is a greyhound permitholder
 7 | and, if the host facility is a jai alai permitholder, the rate
 8 | shall be 6.1 percent except that it shall be 2.3 percent on
 9 | handle at such time as the total tax on intertrack handle paid
 10 | to the division by the permitholder during the current state
 11 | fiscal year exceeds the total tax on intertrack handle paid to
 12 | the division by the permitholder during the 1992-1993 state
 13 | fiscal year.

14 | Section 3. Subsection (5) of section 550.09515,
 15 | Florida Statutes, is amended to read:

16 | (5) Notwithstanding the provisions of s.
 17 | 550.0951(3)(c), the tax on handle for intertrack wagering ~~on~~
 18 | ~~rebroadcasts of simulcast horseraces~~ conducted out of state is
 19 | 2.0 ~~2.4~~ percent of the handle; provided however, that if the
 20 | guest track is a thoroughbred track located more than 35 miles
 21 | from the another thoroughbred track, ~~host track,~~ the guest ~~host~~
 22 | track shall pay a tax of .3-5 percent of the handle, and
 23 | additionally ~~the host track shall pay to the guest track~~ 1.7
 24 | ~~1.9~~ percent of the handle to be used by the guest track solely
 25 | for purses. The tax shall be deposited into the Pari-mutuel
 26 | Wagering Trust Fund.

27 | Section 4. Section 550.3551, Florida Statutes is
 28 | amended to read:

29 | 1)
 30 | (a) It is unlawful for any person to transmit, by any
 31 | means, racing information to any person or to relay the same

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1 to any person by word of mouth, by signal, or by use of
 2 telephone, telegraph, radio, or any other means when the
 3 information is knowingly used or intended to be used for
 4 illegal gambling purposes or in furtherance of illegal
 5 gambling.

6 (b) Paragraph (a) shall be deemed an exercise of the
 7 police power of the state for the protection of the public
 8 welfare, health, peace, safety, and morals of the people of
 9 the state, and this section shall be liberally construed for
 10 the accomplishment of this purpose.

11 (c) A person who violates paragraph (a) is guilty of a
 12 felony of the third degree, punishable as provided in s.
 13 775.082, s. 775.083, or s. 775.084.

14 (2) Any horse track, dog track, or fronton licensed
 15 under this chapter may transmit broadcasts of races or games
 16 conducted at the enclosure of the licensee to locations
 17 outside this state.

18 (a) All broadcasts of horseraces transmitted to
 19 locations outside this state must comply with the provisions
 20 of the Interstate Horseracing Act of 1978, 92 Stat. 1811, 15
 21 U.S.C. ss. 3001 et seq.

22 (b) Wagers accepted by any out-of-state pari-mutuel
 23 permitholder or licensed betting system on a race broadcasted
 24 under this subsection may be, but are not required to be,
 25 included in the pari-mutuel pools of the horse track in this
 26 state that broadcasts the race upon which wagers are accepted.
 27 The handle, as referred to in s. 550.0951(3), does not include
 28 any wagers accepted by an out-of-state pari-mutuel
 29 permitholder or licensed betting system, irrespective of
 30 whether such wagers are included in the pari-mutuel pools of
 31 the Florida permitholder as authorized by this subsection.

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1 (3) Any horse track, dogtrack or fronton licensed
 2 under this chapter may receive broadcasts of horseraces
 3 conducted at ~~other~~ horse racetracks located outside this state
 4 at the racetrack or fronton enclosure of the licensee during
 5 its racing meet.

6 (a) All broadcasts of horseraces received from
 7 locations outside this state must comply with the provisions
 8 of the Interstate Horseracing Act of 1978, 92 Stat. 1811, 15
 9 U.S.C. ss. 3001 et seq.

10 (b) Wagers accepted at the ~~horse~~ track or fronton in
 11 this state may be, but are not required to be, included in the
 12 pari-mutuel pools of the out-of-state horse track that
 13 broadcasts the race. Notwithstanding any contrary provisions
 14 of this chapter, if the ~~horse~~ track or fronton in this state
 15 elects to include wagers accepted on such races in the
 16 pari-mutuel pools of the out-of-state horse track that
 17 broadcasts the race, from the amount wagered by patrons at the
 18 ~~horse~~ track or fronton in this state and included in the
 19 pari-mutuel pools of the out-of-state horse track, the ~~horse~~
 20 track or fronton in this state shall deduct as the takeout
 21 from the amount wagered by patrons at the ~~horse~~ track or
 22 fronton in this state and included in the pari-mutuel pools of
 23 the out-of-state horse track a percentage equal to the
 24 percentage deducted from the amount wagered at the
 25 out-of-state racetrack as is authorized by the laws of the
 26 jurisdiction exercising regulatory authority over the
 27 out-of-state horse track.

28 (c) All forms of pari-mutuel wagering are allowed on
 29 races broadcast under this section, and all money wagered by
 30 patrons on such races shall be computed as part of the total
 31 amount of money wagered at each racing performance for

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1 purposes of taxation under ss. 550.0951, 550.09512, and
2 550.09515. Section 550.2625(2)(a), (b), and (c) does not
3 apply to any money wagered on races broadcast under this
4 section. Similarly, the takeout shall be increased by breaks
5 and uncashed tickets for wagers on races broadcast under this
6 section, notwithstanding any contrary provision of this
7 chapter.

8 (d) Notwithstanding any provision of law to the
9 contrary, as a condition precedent to any permitholder
10 receiving and wagering on broadcasts of horseraces conducted
11 at horse tracks located outside the state, any permitholder
12 eligible to conduct intertrack wagering, regardless of the
13 permitholder's location, shall be entitled to receive on the
14 same terms and conditions and to wager on such broadcasts.
15 Any horsetrack permitholder by receiving a broadcast of an out
16 of state horserace shall be deemed to have granted its
17 approval to any permitholder eligible to conduct intertrack
18 wagering, regardless of such permitholder's location, to
19 receive and wager on broadcasts of horseraces conducted at
20 horse tracks located outside of the state. No permitholder
21 may take any action to prevent or restrain another
22 permitholder, regardless of the permitholder's location, from
23 receiving the signal or broadcast of horseraces conducted at
24 horse tracks located outside the state.

25 (4) Any dog track or fronton licensed under this
26 chapter may receive broadcasts of dograces or jai alai games
27 conducted at other tracks or frontons located outside the
28 state at the track enclosure of the licensee during its
29 operational meeting. All forms of pari-mutuel wagering are
30 allowed on dograces or jai alai games broadcast under this
31 subsection. All money wagered by patrons on dograces

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1 broadcast under this subsection shall be computed in the
2 amount of money wagered each performance for purposes of
3 taxation under ss. 550.0951 and 550.09511.

4 ~~(5) A pari-mutuel permitholder licensed under this~~
5 ~~chapter may not receive broadcasts of races or games from~~
6 ~~outside this state except from an out-of-state pari-mutuel~~
7 ~~permitholder who holds the same type or class of pari-mutuel~~
8 ~~permit as the pari-mutuel permitholder licensed under this~~
9 ~~chapter who intends to receive the broadcast.~~

10 ~~(56)(a) A maximum of 20 percent of the total number of~~
11 ~~races on which wagers are accepted by a greyhound permitholder~~
12 ~~not located as specified in s. 550.615(6) may be received from~~
13 ~~locations outside this state. A permitholder may not conduct~~
14 fewer than eight live races or games on any authorized race
15 day except as provided in this subsection. A thoroughbred
16 permitholder may not conduct fewer than eight live races on
17 any race day without the written approval of the Florida
18 Thoroughbred Breeders' Association and the Florida Horsemen's
19 Benevolent and Protective Association, Inc., unless it is
20 determined by the department that another entity represents a
21 majority of the thoroughbred racehorse owners and trainers in
22 the state. A harness permitholder may conduct fewer than
23 eight live races on any authorized race day, except that such
24 permitholder must conduct a full schedule of live racing
25 during its race meet consisting of at least eight live races
26 per authorized race day for at least 100 days. Any harness
27 horse permitholder that during the preceding racing season
28 conducted a full schedule of live racing may, at any time
29 during its current race meet, receive full-card broadcasts of
30 harness horse races conducted at harness racetracks outside
31 this state at the harness track of the permitholder and accept

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1 wagers on such harness races. With specific authorization from
2 the division for special racing events, a permitholder may
3 conduct fewer than eight live races or games when the
4 permitholder also broadcasts out-of-state races or games. The
5 division may not grant more than two such exceptions a year
6 for a permitholder in any 12-month period, and those two
7 exceptions may not be consecutive.

8 ~~(b) Notwithstanding any other provision of this~~
9 ~~chapter, any harness horse permitholder accepting broadcasts~~
10 ~~of out of state harness horse races when such permitholder is~~
11 ~~not conducting live races must make the out of state signal~~
12 ~~available to all permitholders eligible to conduct intertrack~~
13 ~~wagering and shall pay to guest tracks located as specified in~~
14 ~~ss. 550.615(6) and 550.6305(9)(d) 50 percent of the net~~
15 ~~proceeds after taxes and fees to the out-of-state host track~~
16 ~~on harness race wagers which they accept. A harness horse~~
17 ~~permitholder shall be required to pay into its purse account~~
18 ~~50 percent of the net income retained by the permitholder on~~
19 ~~account of wagering on the out-of-state broadcasts received~~
20 ~~pursuant to this subsection. Nine-tenths of a percent of all~~
21 ~~harness wagering proceeds on the broadcasts received pursuant~~
22 ~~to this subsection shall be paid to the Florida Standardbred~~
23 ~~Breeders and Owners Association under the provisions of s.~~
24 ~~550.2625(4) for the purposes provided therein.~~

25 (67) A racetrack or fronton may not pay any patron for
26 any pari-mutuel ticket purchased on any race or game
27 transmitted pursuant to this section until the stewards,
28 judges, or panel of judges or other similarly constituted body
29 at the racetrack or fronton where the race or game originates
30 has confirmed the race or game as official.

31 (78) The entry and participation for a purse or any

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1 other prize of any racing animal by the owner of the animal
2 and the jockey or driver is tantamount to acceptance of such
3 purse or prize as full and complete remuneration and payment
4 for such entry and participation, including the broadcast of
5 such event, except as otherwise provided in this section.

6 (~~89~~) To the extent that any rights, privileges, or
7 immunities granted to pari-mutuel permitholders under this
8 section conflict with any other law or affect any order or
9 rule of the Florida Public Service Commission relating to the
10 regulation of public utilities and the furnishing to others of
11 any communication, wire service, or other similar service or
12 equipment, the rights, privileges, or immunities granted under
13 this section prevail over such conflicting provisions.

14 (~~910~~) The division may adopt rules necessary to
15 facilitate commingling of pari-mutuel pools, to ensure the
16 proper calculation of payoffs in circumstances in which
17 different commission percentages are applicable and to
18 regulate the distribution of net proceeds between the horse
19 track and, in this state, the horsemen's associations.

20 (~~1011~~) Greyhound tracks and jai alai frontons have the
21 same privileges as provided in this section to horse tracks,
22 as applicable, subject to rules adopted under subsection (10).

23 (~~1112~~) All permitholders licensed under this chapter
24 have standing to enforce the provisions of subsections (2) and
25 (3) in the courts of this state.

26 (~~1213~~) This section does not prohibit the commingling
27 of national pari-mutuel pools by a totalisator company that is
28 licensed under this chapter. Such commingling of national
29 pools is subject to division review and approval and must be
30 performed in accordance with rules adopted by the division to
31 ensure accurate calculation and distribution of the pools.

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1 ~~(1314)~~ Notwithstanding the provisions of paragraph
2 (3)(b) pertaining to takeout, takeouts different from those of
3 the host track may be used when the totalisator is programmed
4 for net pool pricing and the host track elects to use net pool
5 pricing in the calculation of its pools. This provision shall
6 also apply to greyhound intertrack and simulcast wagers.

7 Section 5. Subsection (9) and (10) of Section
8 550.6305, Florida Statutes, is amended to read:

9 ~~(9) A host track that has contracted with an
10 out of state horse track to broadcast live races conducted at
11 such out of state horse track pursuant to s. 550.3551(5) may
12 broadcast such out of state races to any guest track and
13 accept wagers thereon in the same manner as is provided in s.
14 550.3551.~~

15 ~~(a) For purposes of this section, "net proceeds" means
16 the amount of takeout remaining after the payment of state
17 taxes, purses required pursuant to s. 550.0951(3)(c)1., the
18 cost to the permitholder required to be paid to the
19 out of state horse track, and breeders' awards paid to the
20 Florida Thoroughbred Breeders' Association and the Florida
21 Standardbred Breeders and Owners Association, to be used as
22 set forth in s. 550.625(2)(a) and (b).~~

23 ~~(b) Notwithstanding the provisions of subsection (1)
24 and s. 550.625(1) and (2)(a), the distribution of the net
25 proceeds that are retained by a thoroughbred host track from
26 the takeout on an out of state race rebroadcast under this
27 subsection shall be as follows:~~

28 ~~1. One third of the remainder of such proceeds shall
29 be paid to the guest track;~~

30 ~~2. One third of the remainder of such proceeds shall
31 be retained by the host track; and~~

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1 ~~3. One-third of the remainder of such proceeds shall~~
2 ~~be paid by the host track as purses at the host track.~~

3 ~~(c) All guest tracks other than thoroughbred~~
4 ~~permitholders that are eligible to receive wagers on~~
5 ~~out-of-state horseraces rebroadcast from a host track racing~~
6 ~~under a thoroughbred horse permit shall be subject to the~~
7 ~~distribution of the net proceeds as specified in paragraph (a)~~
8 ~~unless the host and guest permitholders and the recognized~~
9 ~~horseman's group agree to a different distribution of their~~
10 ~~respective portions of the proceeds by contract.~~

11 ~~(d) Any permitholder located in any area of the state~~
12 ~~where there are only two permits, one for dogracing and one~~
13 ~~for jai alai, may accept wagers on rebroadcasts of~~
14 ~~out-of-state thoroughbred horse races from an in-state~~
15 ~~thoroughbred horse racing permitholder and shall not be~~
16 ~~subject to the provisions of paragraph (b) if such~~
17 ~~thoroughbred horse racing permitholder located within the area~~
18 ~~specified in this paragraph is both conducting live races and~~
19 ~~accepting wagers on out-of-state horseraces. In such case,~~
20 ~~the guest permitholder shall be entitled to 45 percent of the~~
21 ~~net proceeds on wagers accepted at the guest facility. The~~
22 ~~remaining proceeds shall be distributed as follows: one-half~~
23 ~~shall be retained by the host facility and one-half shall be~~
24 ~~paid by the host facility as purses at the host facility.~~

25 ~~(e) Notwithstanding the provisions of subsection (1)~~
26 ~~and s. 550.625(1) and (2)(b), the proceeds that are retained~~
27 ~~by a harness host facility from the takeout on a race~~
28 ~~broadcast under this subsection shall be distributed as~~
29 ~~follows:~~

30 ~~1. Of the total intertrack handle on the broadcast, 1~~
31 ~~percent shall be deducted from the proceeds and paid to the~~

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1 ~~Florida Standardbred Breeders and Owners Association, Inc., to~~
2 ~~be used as set forth in s. 550.625(2)(b);~~

3 ~~2. One third of the remainder of such proceeds shall~~
4 ~~be paid to the guest facility;~~

5 ~~3. One third of the remainder of such proceeds shall~~
6 ~~be retained by the host facility; and~~

7 ~~4. One third of the remainder of said proceeds shall~~
8 ~~be paid by the host facility as purses at the host facility.~~

9 ~~(f) Any permitholder located in any area of the state~~
10 ~~where there are only two permits, one for dogracing and one~~
11 ~~for jai alai, may accept wagers on rebroadcasts of~~
12 ~~out-of-state harness horse races from an in-state harness~~
13 ~~horse racing permitholder and shall not be subject to the~~
14 ~~provisions of paragraph (b) if such harness horse racing~~
15 ~~permitholder located within the area specified in this~~
16 ~~paragraph is conducting live races. In such case, the guest~~
17 ~~permitholder shall be entitled to 45 percent of the net~~
18 ~~proceeds on wagers accepted at the guest facility. The~~
19 ~~remaining proceeds shall be distributed as follows: one-half~~
20 ~~shall be retained by the host facility and one-half shall be~~
21 ~~paid by the host facility as purses at the host facility.~~

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

26 ~~2. Any thoroughbred permitholder which accepts wagers~~
27 ~~on a simulcast signal received after 6 p.m. must make such~~
28 ~~signal available to any permitholder that is eligible to~~
29 ~~conduct intertrack wagering under the provisions of ss.~~
30 ~~550.615-550.6345, including any permitholder located as~~
31 ~~specified in s. 550.615(6). Such guest permitholders are~~

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1 ~~authorized to accept wagers on such simulcast signal,~~
2 ~~notwithstanding any other provision of this chapter to the~~
3 ~~contrary.~~

4 ~~3. Any thoroughbred permitholder which accepts wagers~~
5 ~~on a simulcast signal received after 6 p.m. must make such~~
6 ~~signal available to any permitholder that is eligible to~~
7 ~~conduct intertrack wagering under the provisions of ss.~~
8 ~~550.615-550.6345, including any permitholder located as~~
9 ~~specified in s. 550.615(9). Such guest permitholders are~~
10 ~~authorized to accept wagers on such simulcast signals for a~~
11 ~~number of performances not to exceed that which constitutes a~~
12 ~~full schedule of live races for a quarter horse permitholder~~
13 ~~pursuant to s. 550.002(11), notwithstanding any other~~
14 ~~provision of this chapter to the contrary, except that the~~
15 ~~restrictions provided in s. 550.615(9)(a) apply to wagers on~~
16 ~~such simulcast signals.~~

17
18 ~~No thoroughbred permitholder shall be required to continue to~~
19 ~~rebroadcast a simulcast signal to any in-state permitholder if~~
20 ~~the average per performance gross receipts returned to the~~
21 ~~host permitholder over the preceding 30-day period were less~~
22 ~~than \$100. Subject to the provisions of s. 550.615(4), as a~~
23 ~~condition of receiving rebroadcasts of thoroughbred simulcast~~
24 ~~signals under this paragraph, a guest permitholder must accept~~
25 ~~intertrack wagers on all live races conducted by all~~
26 ~~then-operating thoroughbred permitholders.~~

27 (10) All races or games conducted at a permitholder's
28 facility, all broadcasts of such races or games, and all
29 broadcast rights relating thereto are owned by the
30 permitholder at whose facility such races or games are
31 conducted and constitute the permitholder's property as

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1 defined in s. 812.012(4). Transmission, reception of a
 2 transmission, exhibition, use, or other appropriation of such
 3 races or games, broadcasts of such races or games, or
 4 broadcast rights relating thereto without the written consent
 5 of the permitholder constitutes a theft of such property under
 6 s. 812.014; and in addition to the penal sanctions contained
 7 in s. 812.014, the permitholder has the right to avail itself
 8 of the civil remedies specified in ss. 772.104, 772.11, and
 9 812.035 in addition to any other remedies available under
 10 applicable state or federal law.

11 Section 6. Subsection (2) of section 550.6335, Florida
 12 Statutes is amended to read:

13 (2) A thoroughbred horse permitholder that accepts
 14 wagers on out-of-state races may impose a surcharge on each
 15 winning ticket, or interstate pool, on such out-of-state race
 16 in an amount not to exceed 5 percent of each winning
 17 pari-mutuel winning ticket cashed. ~~If a permitholder~~
 18 ~~rebroadcasts such signal and elects to impose a surcharge, the~~
 19 ~~surcharge shall be imposed on any winning ticket at any guest~~
 20 ~~facility at the same rate as the surcharge on wagers accepted~~
 21 ~~at its own facility. The proceeds from the surcharge shall be~~
 22 ~~distributed as follows: if the wager is made at the host~~
 23 ~~facility, then one-half of the proceeds shall be retained by~~
 24 ~~the host permitholder and one-half shall be paid as purses at~~
 25 ~~the host facility; if the wager is made at a guest facility,~~
 26 ~~then one-half shall be retained by the guest permitholder,~~
 27 ~~one-quarter shall be paid to the host permitholder, and~~
 28 ~~one-quarter shall be paid as purses at the host facility~~
 29
 30 ~~Any surcharge taken under this section must be calculated~~
 31 ~~after breakage is deducted from the wagering pool.~~

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1 Section 7. Subsection (3) of s. 550.3551, Florida
2 Statutes, is amended and subsection (15) is added to that
3 section to read:

4 550.3551 Transmission of racing and jai alai
5 information; commingling of pari-mutuel pools.--

6 (3) Any horse track licensed under this chapter may
7 receive broadcasts of horseraces conducted at other horse
8 racetracks located outside this state at the racetrack
9 enclosure of the licensee ~~during its racing meet.~~

10 (a) All broadcasts of horseraces received from
11 locations outside this state must comply with the provisions
12 of the Interstate Horseracing Act of 1978, 92 Stat. 1811, 15
13 U.S.C. ss. 3001 et seq., except that as a condition precedent
14 to receiving such broadcasts an operating thoroughbred
15 permitholder shall provide its consent to all licensed
16 thoroughbred permitholders within its market area to receive
17 broadcasts of horseraces from locations outside this state.

18 (b) Wagers accepted at the horse track in this state
19 may be, but are not required to be, included in the
20 pari-mutuel pools of the out-of-state horse track that
21 broadcasts the race. Notwithstanding any contrary provisions
22 of this chapter, if the horse track in this state elects to
23 include wagers accepted on such races in the pari-mutuel pools
24 of the out-of-state horse track that broadcasts the race, from
25 the amount wagered by patrons at the horse track in this state
26 and included in the pari-mutuel pools of the out-of-state
27 horse track, the horse track in this state shall deduct as the
28 takeout from the amount wagered by patrons at the horse track
29 in this state and included in the pari-mutuel pools of the
30 out-of-state horse track a percentage equal to the percentage
31 deducted from the amount wagered at the out-of-state racetrack

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1 as is authorized by the laws of the jurisdiction exercising
2 regulatory authority over the out-of-state horse track.

3 (c) All forms of pari-mutuel wagering are allowed on
4 races broadcast under this section, and all money wagered by
5 patrons on such races shall be computed as part of the total
6 amount of money wagered at each racing performance for
7 purposes of taxation under ss. 550.0951, 550.09512, and
8 550.09515. Section 550.2625(2)(a), (b), and (c) does not
9 apply to any money wagered on races broadcast under this
10 section. Similarly, the takeout shall be increased by breaks
11 and uncashed tickets for wagers on races broadcast under this
12 section, notwithstanding any contrary provision of this
13 chapter.

14 (15) Nothing in this chapter shall be construed as
15 preventing a licensed horse track from receiving and engaging
16 in pari-mutuel wagering on same class simulcast horseraces.

17 Section 8. Subsection (9) of s. 550.6305, Florida
18 Statutes, is amended to read:

19 550.6305 Intertrack wagering; guest track payments;
20 accounting rules.--

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

27 (g)

28 1. Any thoroughbred permitholder which accepts wagers
29 on a simulcast signal must, during its live meet, make the
30 signal available to any permitholder that is eligible to
31 conduct intertrack wagering under the provisions of ss.

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1 550.615-550.6345.

2 2. Any thoroughbred permitholder which accepts wagers
3 on a simulcast signal received after 6 p.m. must, during its
4 live meet, make such signal available to any permitholder that
5 is eligible to conduct intertrack wagering under the
6 provisions of ss. 550.615-550.6345, including any permitholder
7 located as specified in s. 550.615(6). Such guest
8 permitholders are authorized to accept wagers on such
9 simulcast signal, notwithstanding any other provision of this
10 chapter to the contrary.

11 ~~3. Any thoroughbred permitholder which accepts wagers~~
12 ~~on a simulcast signal received after 6 p.m. must make such~~
13 ~~signal available to any permitholder that is eligible to~~
14 ~~conduct intertrack wagering under the provisions of ss.~~
15 ~~550.615-550.6345, including any permitholder located as~~
16 ~~specified in s. 550.615(9). Such guest permitholders are~~
17 ~~authorized to accept wagers on such simulcast signals for a~~
18 ~~number of performances not to exceed that which constitutes a~~
19 ~~full schedule of live races for a quarter horse permitholder~~
20 ~~pursuant to s. 550.002(11), notwithstanding any other~~
21 ~~provision of this chapter to the contrary, except that the~~
22 ~~restrictions provided in s. 550.615(9)(a) apply to wagers on~~
23 ~~such simulcast signals.~~

24
25 No thoroughbred permitholder shall be required to continue to
26 rebroadcast a simulcast signal to any in-state permitholder if
27 the average per performance gross receipts returned to the
28 host permitholder over the preceding 30-day period were less
29 than \$100. Subject to the provisions of s. 550.615(4), as a
30 condition of receiving rebroadcasts of thoroughbred simulcast
31 signals under this paragraph, a guest permitholder must accept

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1 intertrack wagers on all live races conducted by all
2 then-operating thoroughbred permitholders.

3 Section 9. Sections 550.375(2) and 550.5251(4), F.S.,
4 are repealed.

5 Section 10. Section 550.63055, Florida Statutes, is
6 created to read:

7 550.63055 Conversion of a quarter horse permit to a
8 thoroughbred permit.--

9 (1) In any county where there are only two pari-mutuel
10 permits, one for jai alai and one for quarter horse racing,
11 the owner of the quarter horse permit may apply to the
12 division pursuant to this section to convert its quarter horse
13 permit to one for the conduct of thoroughbred racing. Such
14 permitholder shall only be permitted to operate a thoroughbred
15 permit after its application has been submitted to the
16 division and its converted permit has been issued. Following
17 the conversion of its permit, any license or permit issued to
18 the permitholder for the conduct of quarter horse racing shall
19 be null and void.

20 (a) The permitholder may apply for conversion of the
21 permit at any time; however, the Division shall not issue its
22 initial license to conduct thoroughbred racing until the
23 permitholder has incurred a minimum capital expenditure as
24 certified by the Division of at least \$40 million. "Capital
25 expenditure" means an expenditure, including an expenditure
26 for a construction project undertaken by a quarter horse
27 permitholder as its own contractor, which, under generally
28 accepted accounting principles, is not properly chargeable as
29 an expense of operation and maintenance; and includes the
30 cost, in current value, of the studies, surveys, designs,
31 plans, working drawings, specifications, refinancing costs,

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1 and other activities essential to the acquisition,
 2 improvement, expansion, or replacement of the land, plant and
 3 equipment.

4 (b) During the time that the permitholder is making
 5 the capital expenditure, the permitholder may submit monthly
 6 for certification costs incurred related to the capital
 7 expenditure certify the validity of the cost incurred and the
 8 official amount expended for the purposes of the capital
 9 expenditure required under this section.

10 (2) Notwithstanding s. 550.0651, F.S., such
 11 permitholder is entitled to a license for the operation of a
 12 thoroughbred racetrack following the issuance of its converted
 13 permit and certification of the requisite capital expenditure.
 14 The license is renewable from year to year as provided by law
 15 and authorizes the permitholder to operate at any thoroughbred
 16 racetrack it may lease or build within such county. The
 17 provisions of this chapter that prohibit the location and
 18 operation of thoroughbred racetracks within a specified
 19 distance from the location of another permitholder and which
 20 prohibit the division from granting any permit at a location
 21 within a certain designed area do not apply to the provisions
 22 of this section and do not prevent the issuance of a license
 23 under this section.

24 (3) Such permitholder shall pay the same taxes as are
 25 required to be paid under this chapter by all other
 26 thoroughbred permitholders, and is further bound by all of the
 27 provisions of this chapter that apply to the operation of
 28 throughbred permitholders and racetracks and any rules adopted
 29 by the division thereunder.

30 Section 11. Subsection (3) of section 550.0951,
 31 Florida Statutes is amended to read:

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1 550.0951 Payment of daily license fee and taxes;
2 penalties.--

3 (3) TAX ON HANDLE.--Each permitholder shall pay a tax
4 on contributions to pari-mutuel pools, the aggregate of which
5 is hereinafter referred to as "handle," on races or games
6 conducted by the permitholder. The tax is imposed daily and is
7 based on the total contributions to all pari-mutuel pools
8 conducted during the daily performance. If a permitholder
9 conducts more than one performance daily, the tax is imposed
10 on each performance separately.

11 (a) The tax on handle for quarter horse racing is 1.0
12 percent of the handle.

13 (b)1. The tax on handle for dogracing is 5.5 percent
14 of the handle, except that for live charity performances held
15 pursuant to s. 550.0351, and for intertrack wagering on such
16 charity performances at a guest greyhound track within the
17 market area of the host, the tax is 7.6 percent of the handle.

18 2. The tax on handle for jai alai is 7.1 percent of
19 the handle.

20 (c)1. The tax on handle for intertrack wagering is 2.0
21 percent of the handle if the host track is a horse track, 3.3
22 percent if the host track is a harness track, 5.5 percent if
23 the host track is a dog track, and 7.1 percent if the host
24 track is a jai alai fronton. The tax on handle for intertrack
25 wagering is 0.5 percent if the host track and the guest track
26 are thoroughbred permitholders or if the guest track is
27 located outside the market area of the host track and within
28 the market area of a thoroughbred permitholder currently
29 conducting a live race meet. The tax on handle for intertrack
30 wagering on rebroadcasts of simulcast thoroughbred horseraces
31 is 2.4 percent of the handle and 1.5 percent of the handle for

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1 intertrack wagering on rebroadcasts of simulcast harness
2 horseraces. The tax shall be deposited into the Pari-mutuel
3 Wagering Trust Fund.

4 2. A horserace permitholder may deduct up to 50
5 percent from taxes due under paragraph (c)1 and shall pay said
6 amount as purses during its live racing meet.

7 ~~3.2.~~ The tax on handle for intertrack wagers accepted
8 by any dog track located in an area of the state in which
9 there are only three permitholders, all of which are greyhound
10 permitholders, located in three contiguous counties, from any
11 greyhound permitholder also located within such area or any
12 dog track or jai alai fronton located as specified in s.
13 550.615(6) or (9), on races or games received from the same
14 class of permitholder located within the same market area is
15 3.9 percent if the host facility is a greyhound permitholder
16 and, if the host facility is a jai alai permitholder, the rate
17 shall be 6.1 percent except that it shall be 2.3 percent on
18 handle at such time as the total tax on intertrack handle paid
19 to the division by the permitholder during the current state
20 fiscal year exceeds the total tax on intertrack handle paid to
21 the division by the permitholder during the 1992-1993 state
22 fiscal year.

23 Section 12. Paragraph (a) of subsection (9) of section
24 550.6305, Florida Statutes is amended to read:

25 550.6305 Intertrack wagering; guest track payments;
26 accounting rules.--

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

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1 550.3551.

2 (a) For purposes of this section, "net proceeds" means
 3 the amount of takeout remaining after the payment of state
 4 taxes pursuant to s. 550.0951(3)(c) 1 and 2, purses required
 5 pursuant to s. 550.0951(3)(c)1., the cost to the permitholder
 6 required to be paid to the out-of-state horse track, and
 7 breeders' awards paid to the Florida Thoroughbred Breeders'
 8 Association and the Florida Standardbred Breeders and Owners
 9 Association, to be used as set forth in s. 550.625(2)(a) and
 10 (b).

11 Section 13. This section shall take effect upon Senate
 12 Bill 1174 or similar legislation becoming a law.

13
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete everything before the enacting clause

18

19 and insert:

20 A bill to be entitled An act relating to
 21 parimutuel industry; amending s. 550.002, F.S.;
 22 amending the definition of intertrack wager;
 23 amending s. 550.0951, F.S.; to delete tax
 24 provision on simulcast rebroadcasts of
 25 horseraces; amending s. 550.09515, F.S.;
 26 providing for tax rate for out of state
 27 simulcast horseraces; amending s. 550.3551,
 28 F.S.; providing for wagers on out of state
 29 horseraces at tracks and frontons; providing
 30 for eligibility of permitholders to conduct
 31 intertrack wagering and receive signals or

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1 broadcasts from out of state horseraces,
2 deleting restrictions on intertrack wagering;
3 amending s. 550.6305, F.S.; deleting
4 distribution of net proceeds from out of state
5 horseraces; amending s. 550.6335, F.S.;
6 deleting surcharge at guest facilities;
7 amending s. 550.3551, F.S.; providing for
8 consent for broadcasts; providing for receiving
9 same class of simulcast horseraces; amending s.
10 550.6305, F.S.; providing for out of state
11 broadcasts during live meets; deleting
12 restrictions for out of state broadcasts after
13 6 p.m.; repealing s. 550.375(2) and 550.5251,
14 F.S.; creating s. 550.63055, F.S.; providing
15 for conversion of quarter horse permit to a
16 thoroughbred permit; providing an effective
17 date.

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