

Bill No. SB 956

Barcode 310780

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (1), (4), (7) and (10) of
section 550.334, Florida Statutes, are amended to read:

550.334 Quarter horse racing; substitutions.--

(1) Subject to all the applicable provisions of this
chapter, any person who possesses the qualifications
prescribed in this chapter may apply to the division for a
permit to conduct quarter horse race meetings and racing under
this chapter. The applicant must demonstrate that the
location or locations where the permit will be used are
available for such use and that she or he has the financial
ability to satisfy the reasonably anticipated operational
expenses of the first racing year following final issuance of
the permit. If the racing facility is already built, the
application must contain a statement, with reasonable

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1 supporting evidence, that the permit will be used for quarter
 2 horse racing within 1 year after the date on which it is
 3 granted; if the facility is not already built, the application
 4 must contain a statement, with reasonable supporting evidence,
 5 that substantial construction will be started within 1 year
 6 after the issuance of the permit. After receipt of an
 7 application, the division shall convene to consider and act
 8 upon permits applied for. The division shall disapprove an
 9 application if it fails to meet the requirements of this
 10 chapter. Upon each application filed and approved, a permit
 11 shall be issued setting forth the name of the applicant and a
 12 statement showing qualifications of the applicant to conduct
 13 racing under this chapter. If a favorable referendum on a
 14 pari-mutuel facility has not been held previously within the
 15 county, then, before a quarter horse permit may be issued by
 16 the division, a referendum ratified by a majority of the
 17 electors in the county is required on the question of allowing
 18 quarter horse races within that county; ~~but if there is an~~
 19 ~~extraordinary vote of the board of county commissioners of~~
 20 ~~that county to allow quarter horse racing, the requirement for~~
 21 ~~a referendum does not apply.~~

22 (4) ~~Section Sections~~ 550.054, 550.0651, and 550.175
 23 ~~are~~ is inapplicable to quarter horse racing as permitted under
 24 this section. All other provisions of this chapter apply to,
 25 govern, and control such racing, and the same must be
 26 conducted in compliance therewith.

27 (7)(a) Any quarter horse racing permitholder operating
 28 under a valid permit issued by the division is authorized to
 29 substitute ~~other~~ races of other breeds of horses, except
 30 thoroughbreds, which are, respectively, registered with the
 31 American Paint Horse Association, Appaloosa Horse Club,

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1 Arabian Horse Registry of America, ~~Jockey Club~~, Palomino
 2 Horsee Breeders of America, or United States Trotting
 3 Association, for no more than 50 percent of the quarter horse
 4 races daily, and may substitute races of thoroughbreds
 5 registered with the Jockey Club for no more than 50 percent of
 6 the quarter horse races daily with the written consent of all
 7 greyhound, harness, and thoroughbred permitholders whose
 8 pari-mutuel facilities are located within 50 air miles of such
 9 quarter horse racing permitholder's pari-mutuel facility.

10 (b) Any permittee operating within an area of 50 air
 11 miles of a licensed thoroughbred track may not substitute
 12 thoroughbred races under this section while a thoroughbred
 13 horse race meet is in progress within that 50 miles. Any
 14 permittee operating within an area of 125 air miles of a
 15 licensed thoroughbred track may not substitute live
 16 thoroughbred races under this section while a thoroughbred
 17 permittee who pays taxes under s. 550.09515(2)(a) is
 18 conducting a thoroughbred meet within that 125 miles. These
 19 mileage restrictions do not apply to any permittee that holds
 20 a nonwagering permit issued pursuant to s. 550.505. ~~Races~~
 21 ~~comprised of thoroughbred horses under this section registered~~
 22 ~~with the Jockey Club may not be permitted during the period~~
 23 ~~beginning September 1 and ending January 5 of each year in any~~
 24 ~~county where there are one or more licensed dog tracks~~
 25 ~~conducting race meets. This section does not affect the~~
 26 ~~competitive award of matinee performances to jai alai frontons~~
 27 ~~or dog tracks in opposition to races comprised of thoroughbred~~
 28 ~~horses registered with the Jockey Club under this section.~~

29 (10) Intertrack wagering shall not be authorized for
 30 any quarter horse permitholder without the written consent of
 31 all greyhound, harness, and thoroughbred permitholders whose

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1 pari-mutuel facilities are located within 50 air miles of such
 2 quarter horse permitholder's pari-mutuel facility an existing
 3 greyhound track unless such quarter horse permitholder has
 4 incurred a minimum capital expenditure of at least \$7.5
 5 million. "Capital expenditure" means an expenditure, including
 6 an expenditure for a construction project undertaken by a
 7 quarter horse permitholder as its own contractor, which, under
 8 generally accepted accounting principles, is not properly
 9 chargeable as an expense of operation and maintenance; and
 10 includes the cost, in current value, of the studies, surveys,
 11 designs, plans, working drawings, specifications, refinancing
 12 costs, and other activities essential to the acquisition,
 13 improvement, expansion, or replacement of the plant and
 14 equipment.

15 Section 2. Section 550.3341, Florida Statutes, is
 16 created to read:

17 550.3341 Conversion of a quarter horse permit to a
 18 thoroughbred permit.--

19 (1) In any county where there are only two pari-mutuel
 20 permits, one for jai alai and one for quarter horse racing,
 21 the owner of the quarter horse permit may apply to the
 22 division pursuant to this section to convert its quarter horse
 23 permit to one for the conduct of thoroughbred racing. Such
 24 permitholder shall only be permitted to operate a thoroughbred
 25 permit after its application has been submitted to the
 26 division and its converted permit has been issued. Following
 27 the conversion of its permit, any license or permit issued to
 28 the permitholder for the conduct of quarter horse racing shall
 29 be null and void.

30 (a) The permitholder may apply for conversion of the
 31 permit at any time; however, the division shall not issue its

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1 initial license to conduct thoroughbred racing until the
2 permitholder has incurred a minimum capital expenditure as
3 certified by the division of at least \$40 million. "Capital
4 expenditure" means an expenditure, including an expenditure
5 for a construction project undertaken by a quarter horse
6 permitholder as its own contractor, which, under generally
7 accepted accounting principles, is not properly chargeable as
8 an expense of operation and maintenance; and includes the
9 cost, in current value, of the studies, surveys, designs,
10 plans, working drawings, specifications, refinancing costs,
11 and other activities essential to the acquisition,
12 improvement, expansion, or replacement of the land, plant and
13 equipment.

14 (b) During the time that the permitholder is making
15 the capital expenditure, the permitholder may submit monthly
16 for certification by the division, costs incurred related to
17 the capital expenditure. The division shall, within 30 days
18 of receipt of the information related to the capital
19 expenditure, certify the validity of the cost incurred and the
20 official amount expended for the purposes of the capital
21 expenditure required under this section.

22 (2) Notwithstanding s. 550.0651, F.S., such
23 permitholder is entitled to a license for the operation of a
24 thoroughbred racetrack following the issuance of its converted
25 permit and certification by the division of the requisite
26 capital expenditure. The license is renewable from year to
27 year as provided by law and authorizes the permitholder to
28 operate at any thoroughbred racetrack it may lease or build
29 within such county. The provisions of this chapter that
30 prohibit the location and operation of thoroughbred racetracks
31 within a specified distance from the location of another

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1 permitholder and which prohibit the division from granting any
 2 permit at a location within a certain designed area do not
 3 apply to the provisions of this section and do not prevent the
 4 issuance of a license under this section.

5 (3) Such permitholder shall pay the same taxes as are
 6 required to be paid under this chapter by all other
 7 thoroughbred permitholders, and is further bound by all of the
 8 provisions of this chapter that apply to the operation of
 9 throughbred permitholders and racetracks and any rules adopted
 10 by the division.

11 Section 3. Subsections (5) and (17) of section
 12 849.086, Florida Statutes, are amended to read:

13 849.086 Cardrooms authorized.--

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

17 (a) Only those persons holding a valid cardroom
 18 license issued by the division may operate a cardroom. A
 19 cardroom license may only be issued to a licensed pari-mutuel
 20 permitholder and an authorized cardroom may only be operated
 21 at the same facility at which the permitholder is authorized
 22 under its valid pari-mutuel wagering permit to conduct
 23 pari-mutuel wagering activities. ~~Cardroom licenses are not~~
 24 ~~transferable.~~

25 (17) CHANGE OF LOCATION; REFERENDUM.--

26 (a) Notwithstanding any provisions of this section, no
 27 cardroom gaming license issued under this section shall be
 28 transferred, or reissued when such reissuance is in the nature
 29 of a transfer, so as to permit or authorize a licensee to
 30 change the location of the cardroom except upon proof in such
 31 form as the division may prescribe that a referendum election

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1 has been held:

2 1. If the proposed new location is within the same
3 county as the already licensed location, in the county where
4 the licensee desires to conduct cardroom gaming and that a
5 majority of the electors voting on the question in such
6 election voted in favor of the transfer of such license.
7 However, the division shall transfer, without requirement of a
8 referendum election, the cardroom license of any permit holder
9 that relocated its permit pursuant to s. 550.0555.

10 2. If the proposed new location is not within the same
11 county as the already licensed location, in the county where
12 the licensee desires to conduct cardroom gaming and that a
13 majority of the electors voting on that question in each such
14 election voted in favor of the transfer of such license.

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

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

19 And the title is amended as follows:

20 Delete everything before the enacting clause

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22 and insert:

23 A bill to be entitled
24 An act relating to pari-mutuels; amending s.
25 550.334, F.S.; revising permitting and
26 operational requirements for quarterhorse
27 permitholders; creating s. 550.3341, F.S.;
28 providing for conversion of quarter horse
29 permit to a throughbred permit; amending s.
30 849.086, F.S.; allowing cardroom licenses to be
31 transferred; providing that a referendum is not

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1 required for transfer; providing an effective
2 date.
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