

Bill No. SB 956

Barcode 494710

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (Jones and Hill)  
recommended the following **substitute for amendment** (310780):

**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. Subsections (5) and (17) of section  
16 849.086, Florida Statutes, are amended to read:

17 849.086 Cardrooms authorized.--

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

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

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

30 (a) Notwithstanding any provisions of this section, no  
31 cardroom gaming license issued under this section shall be

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1 transferred, or reissued when such reissuance is in the nature  
2 of a transfer, so as to permit or authorize a licensee to  
3 change the location of the cardroom except upon proof in such  
4 form as the division may prescribe that a referendum election  
5 has been held:

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

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

19           Section 3. Paragraph (b) of subsection (7) of section  
20 849.086, Florida Statutes is amended to read:

21           849.086 Cardrooms authorized.--

22           (7) CONDITIONS FOR OPERATING A CARDROOM.--

23           (b) A cardroom may be operated at the facility only  
24 when the facility is authorized to accept wagers on  
25 pari-mutuel events ~~during its authorized meet~~. A cardroom may  
26 only operate between the hours of 12 noon and 12 midnight on  
27 any day in which the facility conducts wagering on intertrack  
28 racing or games or on live racing or games. ~~on any day a~~  
29 ~~pari-mutuel event is conducted live as a part of its~~  
30 ~~authorized meet~~. However, a permitholder who holds a valid  
31 cardroom license may operate a cardroom between the hours of

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1 12 noon and 12 midnight on any day that live racing of the  
 2 same class of permit is occurring within 35 miles of its  
 3 facility if no other holder of that same class of permit  
 4 within 35 miles is operating a cardroom at such time and if  
 5 all holders of the same class of permit within the 35-mile  
 6 area have given their permission in writing to the  
 7 permitholder to operate the cardroom during the designated  
 8 period. Application to operate a cardroom under this paragraph  
 9 must be made to the division as part of the annual license  
 10 application.

11 Section 4. Effective upon the passage of SB 1174 or  
 12 similar legislation, subsection (11) is added to section  
 13 550.615, Florida Statutes to read:

14 550.615 Intertrack wagering.--

15 (11)Notwithstanding any provisions contained in this  
 16 chapter, thoroughbred permitholders located within 25 miles of  
 17 each other may enter into a contractual agreement to conduct  
 18 intertrack wagering on live or simulcast thoroughbred races,  
 19 provided however, that a copy of such contractual agreement  
 20 shall be filed with the division.

21 Section 5. Except as otherwise provided this act shall  
 22 take effect July 1, 2005.

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

26 And the title is amended as follows:

27 Delete everything before the enacting clause

28  
 29 and insert:

30 A bill to be entitled

31 A act relating to pari-mutuels; amending s.

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1 550.334, F.S.; revising permitting and  
2 operational requirements for quarterhorse  
3 permitholders; amending s. 849.086, F.S.;  
4 allowing cardroom licenses to be transferred;  
5 providing that a referendum is not required for  
6 transfer; providing cardrooms can be operated  
7 on days wagering on intertrack racing or games  
8 or live racing; amending s. 550.615, F.S.,  
9 allowing thoroughbred permitholders to enter  
10 into agreement for simulcating; providing an  
11 effective date.

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