

By the Committee on Regulated Industries; and Senator Jones

580-05221-08

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1 A bill to be entitled

2 An act relating to quarter horse racing; amending s.  
3 550.334, F.S.; removing provisions requiring an  
4 application to the Division of Pari-mutuel Wagering for a  
5 permit to conduct quarter horse race meetings; removing  
6 provisions for granting a license to conduct quarter horse  
7 racing; removing a provision for governance and control of  
8 quarter horse racing; removing a requirement for  
9 intertrack wagering to be conducted by a quarter horse  
10 permitholder; providing for a grandfather clause;  
11 providing an effective date.

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

14  
15 Section 1. Section 550.334, Florida Statutes, is amended to  
16 read:

17 550.334 Quarter horse racing; substitutions.--

18 ~~(1) Subject to all the applicable provisions of this~~  
19 ~~chapter, any person who possesses the qualifications prescribed~~  
20 ~~in this chapter may apply to the division for a permit to conduct~~  
21 ~~quarter horse race meetings and racing under this chapter. The~~  
22 ~~applicant must demonstrate that the location or locations where~~  
23 ~~the permit will be used are available for such use and that she~~  
24 ~~or he has the financial ability to satisfy the reasonably~~  
25 ~~anticipated operational expenses of the first racing year~~  
26 ~~following final issuance of the permit. If the racing facility is~~  
27 ~~already built, the application must contain a statement, with~~  
28 ~~reasonable supporting evidence, that the permit will be used for~~  
29 ~~quarter horse racing within 1 year after the date on which it is~~

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30 ~~granted; if the facility is not already built, the application~~  
31 ~~must contain a statement, with reasonable supporting evidence,~~  
32 ~~that substantial construction will be started within 1 year after~~  
33 ~~the issuance of the permit. After receipt of an application, the~~  
34 ~~division shall convene to consider and act upon permits applied~~  
35 ~~for. The division shall disapprove an application if it fails to~~  
36 ~~meet the requirements of this chapter. Upon each application~~  
37 ~~filed and approved, a permit shall be issued setting forth the~~  
38 ~~name of the applicant and a statement showing qualifications of~~  
39 ~~the applicant to conduct racing under this chapter. If a~~  
40 ~~favorable referendum on a pari-mutuel facility has not been held~~  
41 ~~previously within the county, then, before a quarter horse permit~~  
42 ~~may be issued by the division, a referendum ratified by a~~  
43 ~~majority of the electors in the county is required on the~~  
44 ~~question of allowing quarter horse races within that county.~~

45 ~~(2) After a quarter horse racing permit has been granted by~~  
46 ~~the division, the department shall grant to the lawful holder of~~  
47 ~~such permit, subject to the conditions of this section, a license~~  
48 ~~to conduct quarter horse racing under this chapter; and the~~  
49 ~~division shall fix annually the time when, place where, and~~  
50 ~~number of days upon which racing may be conducted by such quarter~~  
51 ~~horse racing permitholder. After the first license has been~~  
52 ~~issued to the holder of a permit for quarter horse racing, all~~  
53 ~~subsequent annual applications for a license by a permitholder~~  
54 ~~must be accompanied by proof, in such form as the division~~  
55 ~~requires, that the permitholder still possesses all the~~  
56 ~~qualifications prescribed by this chapter. The division may~~  
57 ~~revoke any permit or license issued under this section upon the~~  
58 ~~willful violation by the licensee of any provision of this~~

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59 ~~chapter or any rule adopted by the division under this chapter.~~  
60 ~~The division shall revoke any quarter horse permit under which no~~  
61 ~~live racing has ever been conducted before July 7, 1990, for~~  
62 ~~failure to conduct a horse meet pursuant to the license issued~~  
63 ~~where a full schedule of horseracing has not been conducted for a~~  
64 ~~period of 18 months commencing on October 1, 1990, unless the~~  
65 ~~permitholder has commenced construction on a facility at which a~~  
66 ~~full schedule of live racing could be conducted as approved by~~  
67 ~~the division. "Commenced construction" means initiation of and~~  
68 ~~continuous activities beyond site preparation associated with~~  
69 ~~erecting or modifying a horseracing facility, including~~  
70 ~~procurement of a building permit applying the use of approved~~  
71 ~~construction documents, proof of an executed owner/contractor~~  
72 ~~agreement or an irrevocable or binding forced account, and actual~~  
73 ~~undertaking of foundation forming with steel installation and~~  
74 ~~concrete placing. The 18-month period shall be extended by the~~  
75 ~~division, to the extent that the applicant demonstrates to the~~  
76 ~~satisfaction of the division that good faith commencement of the~~  
77 ~~construction of the facility is being delayed by litigation or by~~  
78 ~~governmental action or inaction with respect to regulations or~~  
79 ~~permitting precluding commencement of the construction of the~~  
80 ~~facility.~~

81 (1)~~(3)~~ The operator of any licensed racetrack is authorized  
82 to lease such track to any quarter horse racing permitholder for  
83 the conduct of quarter horse racing under this chapter.

84 ~~(4)~~ ~~Section 550.054 is inapplicable to quarter horse racing~~  
85 ~~as permitted under this section. All other provisions of this~~  
86 ~~chapter apply to, govern, and control such racing, and the same~~  
87 ~~must be conducted in compliance therewith.~~

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88        (2)~~(5)~~ Quarter horses participating in such races must be  
89 duly registered by the American Quarter Horse Association, and  
90 before each race such horses must be examined and declared in fit  
91 condition by a qualified person designated by the division.

92        (3)~~(6)~~ Any quarter horse racing days permitted under this  
93 chapter are in addition to any other racing permitted under the  
94 license issued the track where such quarter horse racing is  
95 conducted.

96        (4)~~(7)~~(a) Any quarter horse racing permitholder operating  
97 under a valid permit issued by the division is authorized to  
98 substitute races of other breeds of horses, except thoroughbreds,  
99 which are, respectively, registered with the American Paint Horse  
100 Association, Appaloosa Horse Club, Arabian Horse Registry of  
101 America, Palomino Horse Breeders of America, or United States  
102 Trotting Association, for no more than 50 percent of the quarter  
103 horse races daily, and may substitute races of thoroughbreds  
104 registered with the Jockey Club for no more than 50 percent of  
105 the quarter horse races daily with the written consent of all  
106 greyhound, harness, and thoroughbred permitholders whose pari-  
107 mutuel facilities are located within 50 air miles of such quarter  
108 horse racing permitholder's pari-mutuel facility.

109        (b) Any permittee operating within an area of 50 air miles  
110 of a licensed thoroughbred track may not substitute thoroughbred  
111 races under this section while a thoroughbred horse race meet is  
112 in progress within that 50 miles. Any permittee operating within  
113 an area of 125 air miles of a licensed thoroughbred track may not  
114 substitute live thoroughbred races under this section while a  
115 thoroughbred permittee who pays taxes under s. 550.09515(2)(a) is  
116 conducting a thoroughbred meet within that 125 miles. These

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117 | mileage restrictions do not apply to any permittee that holds a  
118 | nonwagering permit issued pursuant to s. 550.505.

119 |     ~~(5)-(8)~~ A quarter horse permit issued pursuant to this  
120 | section is not eligible for transfer or conversion to another  
121 | type of pari-mutuel operation.

122 |     ~~(6)-(9)~~ Any nonprofit corporation, including, but not  
123 | limited to, an agricultural cooperative marketing association,  
124 | organized and incorporated under the laws of this state may apply  
125 | for a quarter horse racing permit and operate racing meets under  
126 | such permit, provided all pari-mutuel taxes and fees applicable  
127 | to such racing are paid by the corporation. However, insofar as  
128 | its pari-mutuel operations are concerned, the corporation shall  
129 | be considered to be a corporation for profit and is subject to  
130 | taxation on all property used and profits earned in connection  
131 | with its pari-mutuel operations.

132 |     ~~(10) Intertrack wagering shall not be authorized for any~~  
133 | ~~quarter horse permitholder without the written consent of all~~  
134 | ~~greyhound, harness, and thoroughbred permitholders whose pari-~~  
135 | ~~mutuel facilities are located within 50 air miles of such quarter~~  
136 | ~~horse permitholder's pari-mutuel facility.~~

137 |     Section 2. A person submitting a quarter horse permit  
138 | application to the Division of Pari-mutuel Wagering before March  
139 | 30, 2008, is subject to the criteria for approval of a quarter  
140 | horse permit which was in existence before July 1, 2008.

141 |     Section 3. This act shall take effect July 1, 2008.