

1 A bill to be entitled
2 An act relating to pari-mutuel facilities; amending s.
3 550.002, F.S.; revising the definition of the term "full
4 schedule of live racing or games" as it applies to quarter
5 horse permitholders; amending s. 550.01215, F.S.; removing
6 an exception to the required issuance date of licenses to
7 conduct thoroughbred racing performances; amending s.
8 550.105, F.S.; revising provisions for business and
9 occupational licenses; providing for a determination of
10 fees for such licenses valid for more than 12 months;
11 directing the Division of Pari-mutuel Wagering to adopt
12 rules for licensing periods and renewal cycles; defining
13 the term "convicted" as it applies to occupational license
14 applicants; limiting application of the term "conviction";
15 revising the time period that a temporary occupational
16 license may be valid; removing a requirement that an
17 applicant's signature be witnessed and notarized or signed
18 in the presence of a division official; providing for
19 retention of fingerprints and criminal history screening;
20 providing for payment of fee for screenings; providing
21 that the fee be established by rule of the Department of
22 Law Enforcement; requiring that the cost of processing
23 fingerprints and conducting a national criminal history
24 record check for a general occupational license be borne
25 by the applicant and for a business or professional
26 occupational license be borne by the person being checked;
27 requiring licensees to disclose certain convictions;
28 amending s. 550.2415, F.S.; revising provisions

29 | prohibiting cruelty to animals; providing that the
30 | prohibition applies to any act of cruelty involving any
31 | animal; authorizing the division to inspect any area at a
32 | pari-mutuel facility for certain purposes; amending s.
33 | 550.334, F.S.; removing a provision for issuing a permit
34 | to conduct quarter horse race meetings; removing a
35 | provision for issuing a license to conduct quarter horse
36 | racing; removing provisions to revoke such permit or
37 | license for certain violations or failure to conduct live
38 | racing; removing an exception to specified permit
39 | application provisions; amending s. 550.3355, F.S.;
40 | revising the time period for a harness track summer
41 | season; repealing s. 550.3605, F.S., relating to use of
42 | electronic transmitting equipment on the premises of a
43 | horse or dog racetrack or jai alai fronton; amending s.
44 | 550.5251, F.S.; revising provisions for licensing to
45 | conduct thoroughbred racing; revising certain dates
46 | relating to licensing and the thoroughbred racing season;
47 | removing a provision for a summer thoroughbred horse
48 | racing permit; removing expired provisions relating to
49 | scheduled performances; amending s. 849.086, F.S.;
50 | revising provisions for initial and renewal issuance of a
51 | cardroom license; revising provisions for renewal of a
52 | cardroom occupational license; revising requirements for
53 | occupational licensee's criminal records check; providing
54 | a limitation on occupational licensee fees; amending ss.
55 | 772.102 and 895.02, F.S.; correcting cross-references;
56 | providing an effective date.

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

Section 1. Subsection (11) of section 550.002, Florida Statutes, is amended to read:

550.002 Definitions.--As used in this chapter, the term:

(11) "Full schedule of live racing or games" means, for a greyhound or jai alai permitholder, the conduct of a combination of at least 100 live evening or matinee performances during the preceding year; for a permitholder who has a converted permit or filed an application on or before June 1, 1990, for a converted permit, the conduct of a combination of at least 100 live evening and matinee wagering performances during either of the 2 preceding years; for a jai alai permitholder who does not operate slot machines in its pari-mutuel facility, who has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and whose handle on live jai alai games conducted at its pari-mutuel facility has been less than \$4 million per state fiscal year for at least 2 consecutive years after June 30, 1992, the conduct of a combination of at least 40 live evening or matinee performances during the preceding year; for a jai alai permitholder who operates slot machines in its pari-mutuel facility, the conduct of a combination of at least 150 performances during the preceding year; for a harness permitholder, the conduct of at least 100 live regular wagering performances during the preceding year; for a quarter horse permitholder at the permitholder's facility, unless an alternative schedule of at least 20 live regular

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85 wagering performances is agreed upon by the permitholder and the
86 horsemen's association representing the majority of the quarter
87 racehorse owners and trainers at the facility and filed with the
88 division with its annual application, in the year 2009, the
89 conduct of at least 20 live regular wagering performances, in
90 the years 2010 and 2011, the conduct of at least 30 live regular
91 wagering performances, and for every year after the year 2011,
92 the conduct of at least 40 live regular wagering performances
93 ~~during the preceding year;~~ for a quarter horse permitholder
94 leasing another licensed racetrack, the conduct of 160 events at
95 the leased facility; and for a thoroughbred permitholder, the
96 conduct of at least 40 live regular wagering performances during
97 the preceding year. For a permitholder which is restricted by
98 statute to certain operating periods within the year when other
99 members of its same class of permit are authorized to operate
100 throughout the year, the specified number of live performances
101 which constitute a full schedule of live racing or games shall
102 be adjusted pro rata in accordance with the relationship between
103 its authorized operating period and the full calendar year and
104 the resulting specified number of live performances shall
105 constitute the full schedule of live games for such permitholder
106 and all other permitholders of the same class within 100 air
107 miles of such permitholder. A live performance must consist of
108 no fewer than eight races or games conducted live for each of a
109 minimum of three performances each week at the permitholder's
110 licensed facility under a single admission charge.

111 Section 2. Subsection (3) of section 550.01215, Florida
112 Statutes, is amended to read:

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113 550.01215 License application; periods of operation; bond,
 114 conversion of permit.--

115 (3) ~~Except as provided in s. 550.5251 for thoroughbred~~
 116 ~~racing,~~ The division shall issue each license no later than
 117 March 15. Each permitholder shall operate all performances at
 118 the date and time specified on its license. The division shall
 119 have the authority to approve minor changes in racing dates
 120 after a license has been issued. The division may approve
 121 changes in racing dates after a license has been issued when
 122 there is no objection from any operating permitholder located
 123 within 50 miles of the permitholder requesting the changes in
 124 operating dates. In the event of an objection, the division
 125 shall approve or disapprove the change in operating dates based
 126 upon the impact on operating permitholders located within 50
 127 miles of the permitholder requesting the change in operating
 128 dates. In making the determination to change racing dates, the
 129 division shall take into consideration the impact of such
 130 changes on state revenues.

131 Section 3. Subsections (1), (2), (5), (6), and (10) of
 132 section 550.105, Florida Statutes, are amended to read:

133 550.105 Occupational licenses of racetrack employees;
 134 fees; denial, suspension, and revocation of license; penalties
 135 and fines.--

136 (1) Each person connected with a racetrack or jai alai
 137 fronton, as specified in paragraph (2)(a), shall purchase from
 138 the division an ~~annual~~ occupational license, ~~which license is~~
 139 ~~valid from May 1 until June 30 of the following year.~~ All moneys
 140 collected pursuant to this section each fiscal year shall be

141 deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person~~
 142 ~~may, at her or his option and~~ Pursuant to the rules adopted by
 143 the division, ~~purchase~~ an occupational license may be valid for
 144 a period of up to 3 years for a fee that does not exceed ~~if the~~
 145 ~~purchaser of the license pays~~ the full occupational license fee
 146 for each of the years for which the license is purchased ~~at the~~
 147 ~~time the 3-year license is requested.~~ The occupational license
 148 shall be valid during its specified term at any pari-mutuel
 149 facility.

150 (2) (a) The following licenses shall be issued to persons
 151 or entities with access to the backside, racing animals, jai
 152 alai players' room, jockeys' room, drivers' room, totalisator
 153 room, the mutuels, or money room, or to persons who, by virtue
 154 of the position they hold, might be granted access to these
 155 areas or to any other person or entity in one of the following
 156 categories and with scheduled ~~annual~~ fees ~~as follows~~:

157 1. Business licenses: any business such as a vendor,
 158 contractual concessionaire, contract kennel, business owning
 159 racing animals, trust or estate, totalisator company, stable
 160 name, or other fictitious name: fee shall not exceed \$50 for any
 161 12-month period.

162 2. Professional occupational licenses: professional
 163 persons with access to the backside of a racetrack or players'
 164 quarters in jai alai such as trainers, officials, veterinarians,
 165 doctors, nurses, EMT's, jockeys and apprentices, drivers, jai
 166 alai players, owners, trustees, or any management or officer or
 167 director or shareholder or any other professional-level person
 168 who might have access to the jockeys' room, the drivers' room,

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169 the backside, racing animals, kennel compound, or managers or
 170 supervisors requiring access to mutuels machines, the money
 171 room, or totalisator equipment: fee shall not exceed \$40 for any
 172 12-month period.

173 3. General occupational licenses: general employees with
 174 access to the jockeys' room, the drivers' room, racing animals,
 175 the backside of a racetrack or players' quarters in jai alai,
 176 such as grooms, kennel helpers, leadouts, pelota makers, cesta
 177 makers, or ball boys, or a practitioner of any other occupation
 178 who would have access to the animals, the backside, or the
 179 kennel compound, or who would provide the security or
 180 maintenance of these areas, or mutuel employees, totalisator
 181 employees, money-room employees, or any employee with access to
 182 mutuels machines, the money room, or totalisator equipment or
 183 who would provide the security or maintenance of these areas:
 184 fee shall not exceed \$10 for any 12 month-period.

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 186 The individuals and entities that are licensed under this
 187 paragraph require heightened state scrutiny, including the
 188 submission by the individual licensees or persons associated
 189 with the entities described in this chapter of fingerprints for
 190 a Federal Bureau of Investigation criminal records check.

191 (b) The division shall adopt rules pertaining to pari-
 192 mutuel occupational licenses, licensing periods, and renewal
 193 cycles.

194 (5) (a) The division may:

195 1. Deny a license to or revoke, suspend, or place
 196 conditions upon or restrictions on a license of any person who

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197 has been refused a license by any other state racing commission
198 or racing authority;

199 2. Deny, suspend, or place conditions on a license of any
200 person who is under suspension or has unpaid fines in another
201 jurisdiction; if the state racing commission or racing authority
202 of such other state or jurisdiction extends to the division
203 reciprocal courtesy to maintain the disciplinary control.

204 (b) The division may deny, suspend, revoke, or declare
205 ineligible any occupational license if the applicant for or
206 holder thereof has violated the provisions of this chapter or
207 the rules of the division governing the conduct of persons
208 connected with racetracks and frontons. In addition, the
209 division may deny, suspend, revoke, or declare ineligible any
210 occupational license if the applicant for such license has been
211 convicted in this state, in any other state, or under the laws
212 of the United States of a capital felony, a felony, or an
213 offense in any other state which would be a felony under the
214 laws of this state involving arson; trafficking in, conspiracy
215 to traffic in, smuggling, importing, conspiracy to smuggle or
216 import, or delivery, sale, or distribution of a controlled
217 substance; or a crime involving a lack of good moral character,
218 or has had a pari-mutuel license revoked by this state or any
219 other jurisdiction for an offense related to pari-mutuel
220 wagering.

221 (c) The division may deny, declare ineligible, or revoke
222 any occupational license if the applicant for such license has
223 been convicted of a felony or misdemeanor in this state, in any
224 other state, or under the laws of the United States, if such

225 felony or misdemeanor is related to gambling or bookmaking, as
 226 contemplated in s. 849.25, or involves cruelty to animals. If
 227 the applicant establishes that she or he is of good moral
 228 character, that she or he has been rehabilitated, and that the
 229 crime she or he was convicted of is not related to pari-mutuel
 230 wagering and is not a capital offense, the restrictions
 231 excluding offenders may be waived by the director of the
 232 division.

233 (d) For purposes of this subsection, the term "convicted"
 234 means having been found guilty, with or without adjudication of
 235 guilt, as a result of a jury verdict, nonjury trial, or entry of
 236 a plea of guilty or nolo contendere. However, the term
 237 "conviction" shall not be applied to a crime committed prior to
 238 the effective date of this subsection in a manner that would
 239 invalidate any occupational license issued prior to the
 240 effective date of this subsection or subsequent renewal for any
 241 person holding such a license.

242 (e)~~(d)~~ If an occupational license will expire by division
 243 rule during the period of a suspension the division intends to
 244 impose, or if a license would have expired but for pending
 245 administrative charges and the occupational licensee is found to
 246 be in violation of any of the charges, the license may be
 247 revoked and a time period of license ineligibility may be
 248 declared. The division may bring administrative charges against
 249 any person not holding a current license for violations of
 250 statutes or rules which occurred while such person held an
 251 occupational license, and the division may declare such person
 252 ineligible to hold a license for a period of time. The division

253 | may impose a civil fine of up to \$1,000 for each violation of
 254 | the rules of the division in addition to or in lieu of any other
 255 | penalty provided for in this section. In addition to any other
 256 | penalty provided by law, the division may exclude from all pari-
 257 | mutuel facilities in this state, for a period not to exceed the
 258 | period of suspension, revocation, or ineligibility, any person
 259 | whose occupational license application has been denied by the
 260 | division, who has been declared ineligible to hold an
 261 | occupational license, or whose occupational license has been
 262 | suspended or revoked by the division.

263 | (f)~~(e)~~ The division may cancel any occupational license
 264 | that has been voluntarily relinquished by the licensee.

265 | (6) In order to promote the orderly presentation of pari-
 266 | mutuel meets authorized in this chapter, the division may issue
 267 | a temporary occupational license. The division shall adopt rules
 268 | to implement this subsection. However, no temporary occupational
 269 | license shall be valid for more than 90 ~~30~~ days, and no more
 270 | than one temporary license may be issued for any person in any
 271 | year.

272 | (10)(a) Upon application for an occupational license, the
 273 | division may require the applicant's full legal name; any
 274 | nickname, alias, or maiden name for the applicant; name of the
 275 | applicant's spouse; the applicant's date of birth, residence
 276 | address, mailing address, residence address and business phone
 277 | number, and social security number; disclosure of any felony or
 278 | any conviction involving bookmaking, illegal gambling, or
 279 | cruelty to animals; disclosure of any past or present
 280 | enforcement or actions by any racing or gaming agency against

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281 the applicant; and any information the division determines is
282 necessary to establish the identity of the applicant or to
283 establish that the applicant is of good moral character.
284 Fingerprints shall be taken in a manner approved by the division
285 and then shall be submitted to the Federal Bureau of
286 Investigation, or to the association of state officials
287 regulating pari-mutuel wagering pursuant to the Federal Pari-
288 mutuel Licensing Simplification Act of 1988. The cost of
289 processing fingerprints shall be borne by the applicant and paid
290 to the association of state officials regulating pari-mutuel
291 wagering from the trust fund to which the processing fees are
292 deposited. ~~The division shall require each applicant for an~~
293 ~~occupational license to have the applicant's signature witnessed~~
294 ~~and notarized or signed in the presence of a division official.~~
295 The division, by rule, may require additional information from
296 licensees which is reasonably necessary to regulate the
297 industry. The division may, by rule, exempt certain occupations
298 or groups of persons from the fingerprinting requirements.

299 (b) All fingerprints required by this section that are
300 submitted to the Department of Law Enforcement shall be retained
301 by the Department of Law Enforcement and entered into the
302 statewide automated fingerprint identification system as
303 authorized by s. 943.05(2)(b) and shall be available for all
304 purposes and uses authorized for arrest fingerprint cards
305 entered into the statewide automated fingerprint identification
306 system pursuant to s. 943.051.

307 (c) The Department of Law Enforcement shall search all
308 arrest fingerprints received pursuant to s. 943.051 against the

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309 fingerprints retained in the statewide automated fingerprint
310 identification system under paragraph (b). Any arrest record
311 that is identified with the retained fingerprints of a person
312 subject to the criminal history screening requirements of this
313 section shall be reported to the division. Each licensee shall
314 pay a fee to the division for the cost of retention of the
315 fingerprints and the ongoing searches under this paragraph. The
316 division shall forward the payment to the Department of Law
317 Enforcement. The amount of the fee to be imposed for performing
318 these searches and the procedures for the retention of licensee
319 fingerprints shall be as established by rule of the Department
320 of Law Enforcement. The division shall inform the Department of
321 Law Enforcement of any change in the license status of licensees
322 whose fingerprints are retained under paragraph (b).

323 (d) The division shall request the Department of Law
324 Enforcement to forward the fingerprints to the Federal Bureau of
325 Investigation for a national criminal history records check at
326 least once every 5 years following issuance of a license. If the
327 fingerprints of a person who is licensed have not been retained
328 by the Department of Law Enforcement, the person must file a
329 complete set of fingerprints as provided in paragraph (a). The
330 division shall collect the fees for the cost of the national
331 criminal history record check under this paragraph and forward
332 the payment to the Department of Law Enforcement. The cost of
333 processing fingerprints and conducting a criminal history record
334 check under this paragraph for a general occupational license
335 shall be borne by the applicant. The cost of processing
336 fingerprints and conducting a criminal history record check

337 under this paragraph for a business or professional occupational
 338 license shall be borne by the person being checked. The
 339 Department of Law Enforcement may invoice the division for the
 340 fingerprints submitted each month. Under penalty of perjury,
 341 each person who is licensed or who is fingerprinted as required
 342 by this section must agree to inform the division within 48
 343 hours if he or she is convicted of or has entered a plea of
 344 guilty or nolo contendere to any disqualifying offense,
 345 regardless of adjudication.

346 Section 4. Subsection (6) of section 550.2415, Florida
 347 Statutes, is amended to read:

348 550.2415 Racing of animals under certain conditions
 349 prohibited; penalties; exceptions.--

350 (6) (a) It is the intent of the Legislature that animals
 351 that participate in races in this state on which pari-mutuel
 352 wagering is conducted and animals that are bred and trained in
 353 this state for racing be treated humanely, both on and off
 354 racetracks, throughout the lives of the animals.

355 (b) The division shall, by rule, establish the procedures
 356 for euthanizing greyhounds. However, a greyhound may not be put
 357 to death by any means other than by lethal injection of the drug
 358 sodium pentobarbital. A greyhound may not be removed from this
 359 state for the purpose of being destroyed.

360 (c) It is a violation of this chapter for an occupational
 361 licensee to train a greyhound using live or dead animals. A
 362 greyhound may not be taken from this state for the purpose of
 363 being trained through the use of live or dead animals.

364 (d) Any act committed by any licensee that would
 365 constitute A conviction of cruelty to animals as defined in s.
 366 828.02 pursuant to s. 828.12 involving a racing any animal
 367 constitutes a violation of this chapter. Imposition of any
 368 penalty by the division for violation of this chapter or any
 369 rule adopted by the division pursuant to this chapter shall not
 370 prohibit a criminal prosecution for cruelty to animals.

371 (e) The division may inspect any area at a pari-mutuel
 372 facility where racing animals are raced, trained, housed, or
 373 maintained, including any areas where food, medications, or
 374 other supplies are kept, to ensure the humane treatment of
 375 racing animals and compliance with this chapter and the rules of
 376 the division.

377 Section 5. Section 550.334, Florida Statutes, is amended to
 378 read:

379 550.334 Quarter horse racing; substitutions.--

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

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392 ~~date on which it is granted; if the facility is not already~~
393 ~~built, the application must contain a statement, with reasonable~~
394 ~~supporting evidence, that substantial construction will be~~
395 ~~started within 1 year after the issuance of the permit. After~~
396 ~~receipt of an application, the division shall convene to~~
397 ~~consider and act upon permits applied for. The division shall~~
398 ~~disapprove an application if it fails to meet the requirements~~
399 ~~of this chapter. Upon each application filed and approved, a~~
400 ~~permit shall be issued setting forth the name of the applicant~~
401 ~~and a statement showing qualifications of the applicant to~~
402 ~~conduct racing under this chapter. If a favorable referendum on~~
403 ~~a pari-mutuel facility has not been held previously within the~~
404 ~~county, then, before a quarter horse permit may be issued by the~~
405 ~~division, a referendum ratified by a majority of the electors in~~
406 ~~the county is required on the question of allowing quarter horse~~
407 ~~racers within that county.~~

408 ~~(2) After a quarter horse racing permit has been granted~~
409 ~~by the division, the department shall grant to the lawful holder~~
410 ~~of such permit, subject to the conditions of this section, a~~
411 ~~license to conduct quarter horse racing under this chapter; and~~
412 ~~the division shall fix annually the time when, place where, and~~
413 ~~number of days upon which racing may be conducted by such~~
414 ~~quarter horse racing permitholder. After the first license has~~
415 ~~been issued to the holder of a permit for quarter horse racing,~~
416 ~~all subsequent annual applications for a license by a~~
417 ~~permitholder must be accompanied by proof, in such form as the~~
418 ~~division requires, that the permitholder still possesses all the~~
419 ~~qualifications prescribed by this chapter. The division may~~

420 ~~revoke any permit or license issued under this section upon the~~
421 ~~willful violation by the licensee of any provision of this~~
422 ~~chapter or any rule adopted by the division under this chapter.~~
423 ~~The division shall revoke any quarter horse permit under which~~
424 ~~no live racing has ever been conducted before July 7, 1990, for~~
425 ~~failure to conduct a horse meet pursuant to the license issued~~
426 ~~where a full schedule of horseracing has not been conducted for~~
427 ~~a period of 18 months commencing on October 1, 1990, unless the~~
428 ~~permitholder has commenced construction on a facility at which a~~
429 ~~full schedule of live racing could be conducted as approved by~~
430 ~~the division. "Commenced construction" means initiation of and~~
431 ~~continuous activities beyond site preparation associated with~~
432 ~~erecting or modifying a horseracing facility, including~~
433 ~~procurement of a building permit applying the use of approved~~
434 ~~construction documents, proof of an executed owner/contractor~~
435 ~~agreement or an irrevocable or binding forced account, and~~
436 ~~actual undertaking of foundation forming with steel installation~~
437 ~~and concrete placing. The 18-month period shall be extended by~~
438 ~~the division, to the extent that the applicant demonstrates to~~
439 ~~the satisfaction of the division that good faith commencement of~~
440 ~~the construction of the facility is being delayed by litigation~~
441 ~~or by governmental action or inaction with respect to~~
442 ~~regulations or permitting precluding commencement of the~~
443 ~~construction of the facility.~~

444 (1)~~(3)~~ The operator of any licensed racetrack is
445 authorized to lease such track to any quarter horse racing
446 permitholder for the conduct of quarter horse racing under this
447 chapter.

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

452 (2)~~(5)~~ Quarter horses participating in such races must be
 453 duly registered by the American Quarter Horse Association, and
 454 before each race such horses must be examined and declared in
 455 fit condition by a qualified person designated by the division.

456 (3)~~(6)~~ Any quarter horse racing days permitted under this
 457 chapter are in addition to any other racing permitted under the
 458 license issued the track where such quarter horse racing is
 459 conducted.

460 (4)~~(7)~~(a) Any quarter horse racing permitholder operating
 461 under a valid permit issued by the division is authorized to
 462 substitute races of other breeds of horses, except
 463 thoroughbreds, which are, respectively, registered with the
 464 American Paint Horse Association, Appaloosa Horse Club, Arabian
 465 Horse Registry of America, Palomino Horse Breeders of America,
 466 or United States Trotting Association, for no more than 50
 467 percent of the quarter horse races daily, and may substitute
 468 races of thoroughbreds registered with the Jockey Club for no
 469 more than 50 percent of the quarter horse races daily with the
 470 written consent of all greyhound, harness, and thoroughbred
 471 permitholders whose pari-mutuel facilities are located within 50
 472 air miles of such quarter horse racing permitholder's pari-
 473 mutuel facility.

474 (b) Any permittee operating within an area of 50 air miles
 475 of a licensed thoroughbred track may not substitute thoroughbred

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476 | races under this section while a thoroughbred horse race meet is
 477 | in progress within that 50 miles. Any permittee operating within
 478 | an area of 125 air miles of a licensed thoroughbred track may
 479 | not substitute live thoroughbred races under this section while
 480 | a thoroughbred permittee who pays taxes under s. 550.09515(2)(a)
 481 | is conducting a thoroughbred meet within that 125 miles. These
 482 | mileage restrictions do not apply to any permittee that holds a
 483 | nonwagering permit issued pursuant to s. 550.505.

484 | (5)~~(8)~~ A quarter horse permit issued pursuant to this
 485 | section is not eligible for transfer or conversion to another
 486 | type of pari-mutuel operation.

487 | (6)~~(9)~~ Any nonprofit corporation, including, but not
 488 | limited to, an agricultural cooperative marketing association,
 489 | organized and incorporated under the laws of this state may
 490 | apply for a quarter horse racing permit and operate racing meets
 491 | under such permit, provided all pari-mutuel taxes and fees
 492 | applicable to such racing are paid by the corporation. However,
 493 | insofar as its pari-mutuel operations are concerned, the
 494 | corporation shall be considered to be a corporation for profit
 495 | and is subject to taxation on all property used and profits
 496 | earned in connection with its pari-mutuel operations.

497 | (7)~~(10)~~ Intertrack wagering shall not be authorized for
 498 | any quarter horse permitholder without the written consent of
 499 | all greyhound, harness, and thoroughbred permitholders whose
 500 | pari-mutuel facilities are located within 50 air miles of such
 501 | quarter horse permitholder's pari-mutuel facility.

502 | Section 6. Section 550.3355, Florida Statutes, is amended
 503 | to read:

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504 550.3355 Harness track licenses for summer quarter horse
 505 racing.--Any harness track licensed to operate under the
 506 provisions of s. 550.375 may make application for, and shall be
 507 issued by the division, a license to operate not more than 50
 508 quarter horse racing days during the summer season, which shall
 509 extend from July ~~June~~ 1 until October ~~September~~ 1 of each year.
 510 However, this license to operate quarter horse racing for 50
 511 days is in addition to the racing days and dates provided in s.
 512 550.375 for harness racing during the winter seasons; and, it
 513 does not affect the right of such licensee to operate harness
 514 racing at the track as provided in s. 550.375 during the winter
 515 season. All provisions of this chapter governing quarter horse
 516 racing not in conflict herewith apply to the operation of
 517 quarter horse meetings authorized hereunder, except that all
 518 quarter horse racing permitted hereunder shall be conducted at
 519 night.

520 Section 7. Section 550.3605, Florida Statutes, is
 521 repealed.

522 Section 8. Section 550.5251, Florida Statutes, is amended
 523 to read:

524 550.5251 Florida thoroughbred racing; certain permits;
 525 operating days.--

526 ~~(1) Each thoroughbred permit holder under whose permit~~
 527 ~~thoroughbred racing was conducted in this state at any time~~
 528 ~~between January 1, 1987, and January 1, 1988, shall annually be~~
 529 ~~entitled to apply for and annually receive thoroughbred racing~~
 530 ~~days and dates as set forth in this section. As regards such~~
 531 ~~permit holders, the annual thoroughbred racing season shall be~~

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532 ~~from June 1 of any year through May 31 of the following year and~~
533 ~~shall be known as the "Florida Thoroughbred Racing Season."~~

534 (1)~~(2)~~ Each thoroughbred permitholder ~~referred to in~~
535 ~~subsection (1)~~ shall annually, during the period commencing
536 December 15 of each year and ending January 4 of the following
537 year, file in writing with the division its application to
538 conduct one or more thoroughbred racing meetings during the
539 thoroughbred racing season commencing on the following July ~~June~~
540 1. Each application shall specify the number and dates of all
541 performances that the permitholder intends to conduct during
542 that thoroughbred racing season. On or before March ~~February~~ 15
543 of each year, the division shall issue a license authorizing
544 each permitholder to conduct performances on the dates specified
545 in its application. Up to February 28 ~~March 31~~ of each year,
546 each permitholder may request and shall be granted changes in
547 its authorized performances; but thereafter, as a condition
548 precedent to the validity of its license and its right to retain
549 its permit, each permitholder must operate the full number of
550 days authorized on each of the dates set forth in its license.

551 ~~(3) Each thoroughbred permit referred to in subsection~~
552 ~~(1), including, but not limited to, any permit originally issued~~
553 ~~as a summer thoroughbred horse racing permit, is hereby~~
554 ~~validated and shall continue in full force and effect.~~

555 (2)~~(4)~~ A thoroughbred racing permitholder may not begin
556 any race later than 7 p.m. Any thoroughbred permitholder in a
557 county in which the authority for cardrooms has been approved by
558 the board of county commissioners may operate a cardroom and,
559 when conducting live races during its current race meet, may

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560 receive and rebroadcast out-of-state races after the hour of 7
561 p.m. on any day during which the permitholder conducts live
562 races.

563 (3)~~(5)~~(a) Each licensed thoroughbred permitholder in this
564 state must run an average of one race per racing day in which
565 horses bred in this state and duly registered with the Florida
566 Thoroughbred Breeders' Association have preference as entries
567 over non-Florida-bred horses. All licensed thoroughbred
568 racetracks shall write the conditions for such races in which
569 Florida-bred horses are preferred so as to assure that all
570 Florida-bred horses available for racing at such tracks are
571 given full opportunity to run in the class of races for which
572 they are qualified. The opportunity of running must be afforded
573 to each class of horses in the proportion that the number of
574 horses in this class bears to the total number of Florida-bred
575 horses available. A track is not required to write conditions
576 for a race to accommodate a class of horses for which a race
577 would otherwise not be run at the track during its meeting.

578 (b) Each licensed thoroughbred permitholder in this state
579 may run one additional race per racing day composed exclusively
580 of Arabian horses registered with the Arabian Horse Registry of
581 America. Any licensed thoroughbred permitholder that elects to
582 run one additional race per racing day composed exclusively of
583 Arabian horses registered with the Arabian Horse Registry of
584 America is not required to provide stables for the Arabian
585 horses racing under this paragraph.

586 (c) Each licensed thoroughbred permitholder in this state
587 may run up to three additional races per racing day composed

588 exclusively of quarter horses registered with the American
 589 Quarter Horse Association.

590 ~~(6) Notwithstanding the provisions of subsection (2), a~~
 591 ~~thoroughbred permitholder who fails to operate all performances~~
 592 ~~on its 2001-2002 license does not lose its right to retain its~~
 593 ~~permit. Such thoroughbred permitholder is eligible for issuance~~
 594 ~~of an annual license pursuant to s. 550.0115 for subsequent~~
 595 ~~thoroughbred racing seasons. The division shall take no~~
 596 ~~disciplinary action against such thoroughbred permitholder for~~
 597 ~~failure to operate all licensed performances for the 2001-2002~~
 598 ~~license pursuant to this section or s. 550.01215. This section~~
 599 ~~may not be interpreted to prohibit the division from taking~~
 600 ~~disciplinary action against a thoroughbred permitholder for~~
 601 ~~failure to pay taxes on performances operated pursuant to its~~
 602 ~~2001-2002 license. This subsection expires July 1, 2003.~~

603 ~~(7) A thoroughbred permitholder shall file an amendment~~
 604 ~~with the division no later than July 1, 2002, that indicates~~
 605 ~~that it will not be able to operate the performances scheduled~~
 606 ~~on its 2002-2003 license without imposition of any penalty for~~
 607 ~~failure to operate all licensed performances provided in this~~
 608 ~~chapter. This subsection expires July 1, 2003.~~

609 Section 9. Paragraphs (a) and (b) of subsection (5) and
 610 subsection (6) of section 849.086, Florida Statutes, are amended
 611 to read:

612 849.086 Cardrooms authorized.--

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

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616 (a) Only those persons holding a valid cardroom license
617 issued by the division may operate a cardroom. A cardroom
618 license may only be issued to a licensed pari-mutuel
619 permitholder and an authorized cardroom may only be operated at
620 the same facility at which the permitholder is authorized under
621 its valid pari-mutuel wagering permit to conduct pari-mutuel
622 wagering activities. An initial cardroom license shall only be
623 issued to a pari-mutuel permitholder if the permitholder is
624 licensed to conduct a full schedule of live races or games as
625 defined in s. 550.002(11) during the state fiscal year in which
626 the initial cardroom license is issued.

627 (b) After the initial cardroom license is granted, the
628 application for the annual license renewal shall be made in
629 conjunction with the applicant's annual application for its
630 pari-mutuel license. If a permitholder has operated a cardroom
631 during any of the 3 previous fiscal years and fails to include a
632 renewal request for the operation of the cardroom in its annual
633 application for license renewal, the permitholder may amend its
634 annual application to include operation of the cardroom. In
635 order for a cardroom license to be renewed the applicant must
636 have requested, as part of its pari-mutuel annual license
637 application, to conduct at least 90 percent of the total number
638 of live performances conducted by such permitholder during
639 either the state fiscal year in which its initial cardroom
640 license was issued or the state fiscal year immediately prior
641 thereto if the permitholder ran at least a full schedule of live
642 races or games in the prior year. If the application is for a
643 harness permitholder cardroom, the applicant must have requested

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644 authorization to conduct a minimum of 140 live performances
645 during the state fiscal year immediately prior thereto. If more
646 than one permitholder is operating at a facility, each
647 permitholder must have applied for a license to conduct a full
648 schedule of live racing.

649 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;
650 APPLICATION; FEES.--

651 (a) A person employed or otherwise working in a cardroom
652 as a cardroom manager, floor supervisor, pit boss, dealer, or
653 any other activity related to cardroom operations while the
654 facility is conducting card playing or games of dominoes must
655 hold a valid cardroom employee occupational license issued by
656 the division. Food service, maintenance, and security employees
657 with a current pari-mutuel occupational license and a current
658 background check will not be required to have a cardroom
659 employee occupational license.

660 (b) Any cardroom management company or cardroom
661 distributor associated with cardroom operations must hold a
662 valid cardroom business occupational license issued by the
663 division.

664 (c) No licensed cardroom operator may employ or allow to
665 work in a cardroom any person unless such person holds a valid
666 occupational license. No licensed cardroom operator may
667 contract, or otherwise do business with, a business required to
668 hold a valid cardroom business occupational license, unless the
669 business holds such a valid license.

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670 (d) The division shall establish, by rule, a schedule for
671 the ~~annual~~ renewal of cardroom occupational licenses. Cardroom
672 occupational licenses are not transferable.

673 (e) Persons seeking cardroom occupational licenses, or
674 renewal thereof, shall make application on forms prescribed by
675 the division. Applications for cardroom occupational licenses
676 shall contain all of the information the division, by rule, may
677 determine is required to ensure eligibility.

678 (f) The division shall promulgate rules regarding cardroom
679 occupational licenses. The provisions specified in s.
680 550.105(4), (5), (6), (7), (8), and (10) relating to licensure
681 shall be applicable to cardroom occupational licenses.

682 (g) The division may deny, declare ineligible, or revoke
683 any cardroom occupational license if the applicant or holder
684 thereof has been found guilty or had adjudication withheld in
685 this state or any other state, or under the laws of the United
686 States of a felony or misdemeanor involving forgery, larceny,
687 extortion, conspiracy to defraud, or filing false reports to a
688 government agency, racing or gaming commission or authority.

689 (h) Fingerprints for all cardroom occupational license
690 applications shall be taken in a manner approved by the division
691 and then shall be submitted to the Florida Department of Law
692 Enforcement and the Federal Bureau of Investigation for a
693 criminal records check upon initial application and at least
694 every 5 years thereafter. The division may by rule require an
695 annual record check of all renewal applications for a cardroom
696 occupational license. The cost of processing fingerprints and
697 conducting a record check shall be borne by the applicant.

698 (i) The cardroom employee occupational license fee shall
 699 not exceed ~~be~~ \$50 for any 12-month period. The cardroom business
 700 occupational license fee shall not exceed ~~be~~ \$250 for any 12-
 701 month period.

702 Section 10. Paragraph (a) of subsection (1) and paragraph
 703 (a) of subsection (2) of section 772.102, Florida Statutes, are
 704 amended to read:

705 772.102 Definitions.--As used in this chapter, the term:

706 (1) "Criminal activity" means to commit, to attempt to
 707 commit, to conspire to commit, or to solicit, coerce, or
 708 intimidate another person to commit:

709 (a) Any crime that is chargeable by indictment or
 710 information under the following provisions:

711 1. Section 210.18, relating to evasion of payment of
 712 cigarette taxes.

713 2. Section 414.39, relating to public assistance fraud.

714 3. Section 440.105 or s. 440.106, relating to workers'
 715 compensation.

716 4. Part IV of chapter 501, relating to telemarketing.

717 5. Chapter 517, relating to securities transactions.

718 6. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~
 719 relating to dogracing and horseracing.

720 7. Chapter 550, relating to jai alai frontons.

721 8. Chapter 552, relating to the manufacture, distribution,
 722 and use of explosives.

723 9. Chapter 562, relating to beverage law enforcement.

724 10. Section 624.401, relating to transacting insurance
 725 without a certificate of authority, s. 624.437(4)(c)1., relating

726 | to operating an unauthorized multiple-employer welfare
 727 | arrangement, or s. 626.902(1)(b), relating to representing or
 728 | aiding an unauthorized insurer.

729 | 11. Chapter 687, relating to interest and usurious
 730 | practices.

731 | 12. Section 721.08, s. 721.09, or s. 721.13, relating to
 732 | real estate timeshare plans.

733 | 13. Chapter 782, relating to homicide.

734 | 14. Chapter 784, relating to assault and battery.

735 | 15. Chapter 787, relating to kidnapping or human
 736 | trafficking.

737 | 16. Chapter 790, relating to weapons and firearms.

738 | 17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or
 739 | s. 796.07, relating to prostitution.

740 | 18. Chapter 806, relating to arson.

741 | 19. Section 810.02(2)(c), relating to specified burglary
 742 | of a dwelling or structure.

743 | 20. Chapter 812, relating to theft, robbery, and related
 744 | crimes.

745 | 21. Chapter 815, relating to computer-related crimes.

746 | 22. Chapter 817, relating to fraudulent practices, false
 747 | pretenses, fraud generally, and credit card crimes.

748 | 23. Section 827.071, relating to commercial sexual
 749 | exploitation of children.

750 | 24. Chapter 831, relating to forgery and counterfeiting.

751 | 25. Chapter 832, relating to issuance of worthless checks
 752 | and drafts.

753 | 26. Section 836.05, relating to extortion.

- 754 27. Chapter 837, relating to perjury.
- 755 28. Chapter 838, relating to bribery and misuse of public
756 office.
- 757 29. Chapter 843, relating to obstruction of justice.
- 758 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
759 s. 847.07, relating to obscene literature and profanity.
- 760 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
761 849.25, relating to gambling.
- 762 32. Chapter 893, relating to drug abuse prevention and
763 control.
- 764 33. Section 914.22 or s. 914.23, relating to witnesses,
765 victims, or informants.
- 766 34. Section 918.12 or s. 918.13, relating to tampering
767 with jurors and evidence.
- 768 (2) "Unlawful debt" means any money or other thing of
769 value constituting principal or interest of a debt that is
770 legally unenforceable in this state in whole or in part because
771 the debt was incurred or contracted:
- 772 (a) In violation of any one of the following provisions of
773 law:
- 774 1. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~
775 relating to dogracing and horseracing.
- 776 2. Chapter 550, relating to jai alai frontons.
- 777 3. Section 687.071, relating to criminal usury, loan
778 sharking, and shylocking.
- 779 4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
780 849.25, relating to gambling.

781 Section 11. Paragraph (a) of subsection (1) and paragraph
 782 (a) of subsection (2) of section 895.02, Florida Statutes, are
 783 amended to read:

784 895.02 Definitions.--As used in ss. 895.01-895.08, the
 785 term:

786 (1) "Racketeering activity" means to commit, to attempt to
 787 commit, to conspire to commit, or to solicit, coerce, or
 788 intimidate another person to commit:

789 (a) Any crime that is chargeable by petition, indictment,
 790 or information under the following provisions of the Florida
 791 Statutes:

792 1. Section 210.18, relating to evasion of payment of
 793 cigarette taxes.

794 2. Section 316.1935, relating to fleeing or attempting to
 795 elude a law enforcement officer and aggravated fleeing or
 796 eluding.

797 3. Section 403.727(3)(b), relating to environmental
 798 control.

799 4. Section 409.920 or s. 409.9201, relating to Medicaid
 800 fraud.

801 5. Section 414.39, relating to public assistance fraud.

802 6. Section 440.105 or s. 440.106, relating to workers'
 803 compensation.

804 7. Section 443.071(4), relating to creation of a
 805 fictitious employer scheme to commit unemployment compensation
 806 fraud.

807 8. Section 465.0161, relating to distribution of medicinal
 808 drugs without a permit as an Internet pharmacy.

- 809 9. Section 499.0051, relating to crimes involving
 810 contraband and adulterated drugs.
- 811 10. Part IV of chapter 501, relating to telemarketing.
- 812 11. Chapter 517, relating to sale of securities and
 813 investor protection.
- 814 12. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~
 815 relating to dogracing and horseracing.
- 816 13. Chapter 550, relating to jai alai frontons.
- 817 14. Section 551.109, relating to slot machine gaming.
- 818 15. Chapter 552, relating to the manufacture,
 819 distribution, and use of explosives.
- 820 16. Chapter 560, relating to money transmitters, if the
 821 violation is punishable as a felony.
- 822 17. Chapter 562, relating to beverage law enforcement.
- 823 18. Section 624.401, relating to transacting insurance
 824 without a certificate of authority, s. 624.437(4)(c)1., relating
 825 to operating an unauthorized multiple-employer welfare
 826 arrangement, or s. 626.902(1)(b), relating to representing or
 827 aiding an unauthorized insurer.
- 828 19. Section 655.50, relating to reports of currency
 829 transactions, when such violation is punishable as a felony.
- 830 20. Chapter 687, relating to interest and usurious
 831 practices.
- 832 21. Section 721.08, s. 721.09, or s. 721.13, relating to
 833 real estate timeshare plans.
- 834 22. Section 775.13(5)(b), relating to registration of
 835 persons found to have committed any offense for the purpose of

836 benefiting, promoting, or furthering the interests of a criminal
837 gang.

838 23. Section 777.03, relating to commission of crimes by
839 accessories after the fact.

840 24. Chapter 782, relating to homicide.

841 25. Chapter 784, relating to assault and battery.

842 26. Chapter 787, relating to kidnapping or human
843 trafficking.

844 27. Chapter 790, relating to weapons and firearms.

845 28. Chapter 794, relating to sexual battery, but only if
846 such crime was committed with the intent to benefit, promote, or
847 further the interests of a criminal gang, or for the purpose of
848 increasing a criminal gang member's own standing or position
849 within a criminal gang.

850 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
851 796.05, or s. 796.07, relating to prostitution and sex
852 trafficking.

853 30. Chapter 806, relating to arson and criminal mischief.

854 31. Chapter 810, relating to burglary and trespass.

855 32. Chapter 812, relating to theft, robbery, and related
856 crimes.

857 33. Chapter 815, relating to computer-related crimes.

858 34. Chapter 817, relating to fraudulent practices, false
859 pretenses, fraud generally, and credit card crimes.

860 35. Chapter 825, relating to abuse, neglect, or
861 exploitation of an elderly person or disabled adult.

862 36. Section 827.071, relating to commercial sexual
863 exploitation of children.

- 864 37. Chapter 831, relating to forgery and counterfeiting.
- 865 38. Chapter 832, relating to issuance of worthless checks
- 866 and drafts.
- 867 39. Section 836.05, relating to extortion.
- 868 40. Chapter 837, relating to perjury.
- 869 41. Chapter 838, relating to bribery and misuse of public
- 870 office.
- 871 42. Chapter 843, relating to obstruction of justice.
- 872 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 873 s. 847.07, relating to obscene literature and profanity.
- 874 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 875 849.25, relating to gambling.
- 876 45. Chapter 874, relating to criminal gangs.
- 877 46. Chapter 893, relating to drug abuse prevention and
- 878 control.
- 879 47. Chapter 896, relating to offenses related to financial
- 880 transactions.
- 881 48. Sections 914.22 and 914.23, relating to tampering with
- 882 or harassing a witness, victim, or informant, and retaliation
- 883 against a witness, victim, or informant.
- 884 49. Sections 918.12 and 918.13, relating to tampering with
- 885 jurors and evidence.
- 886 (2) "Unlawful debt" means any money or other thing of
- 887 value constituting principal or interest of a debt that is
- 888 legally unenforceable in this state in whole or in part because
- 889 the debt was incurred or contracted:
- 890 (a) In violation of any one of the following provisions of
- 891 law:

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- 892 1. Section 550.235 or s. 550.3551, ~~or s. 550.3605,~~
 893 relating to dogracing and horseracing.
 894 2. Chapter 550, relating to jai alai frontons.
 895 3. Section 551.109, relating to slot machine gaming.
 896 4. Chapter 687, relating to interest and usury.
 897 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
 898 849.25, relating to gambling.
 899 Section 12. This act shall take effect upon becoming a
 900 law.