

HB 1285

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1 A bill to be entitled  
2 An act relating to quarter horse permitholders; amending  
3 s. 550.002, F.S.; revising the definition of "full  
4 schedule of live racing or games" in reference to quarter  
5 horse permitholders; amending s. 550.334, F.S.; removing  
6 provisions for application to the Division of Pari-mutuel  
7 Wagering for a permit to conduct quarter horse race  
8 meetings; removing provisions for granting a license to  
9 conduct quarter horse racing; removing a provision for  
10 governance and control of quarter horse racing; removing  
11 provisions restricting substitution of thoroughbred horses  
12 races; removing a requirement for intertrack wagering to  
13 be conducted by a quarter horse permitholder; providing an  
14 effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsection (11) of section 550.002, Florida  
19 Statutes, is amended to read:

20 550.002 Definitions.--As used in this chapter, the term:  
21 (11) "Full schedule of live racing or games" means, for a  
22 greyhound or jai alai permitholder, the conduct of a combination  
23 of at least 100 live evening or matinee performances during the  
24 preceding year; for a permitholder who has a converted permit or  
25 filed an application on or before June 1, 1990, for a converted  
26 permit, the conduct of a combination of at least 100 live  
27 evening and matinee wagering performances during either of the 2  
28 preceding years; for a jai alai permitholder who does not

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29 | operate slot machines in its pari-mutuel facility, who has  
30 | conducted at least 100 live performances per year for at least  
31 | 10 years after December 31, 1992, and whose handle on live jai  
32 | alai games conducted at its pari-mutuel facility has been less  
33 | than \$4 million per state fiscal year for at least 2 consecutive  
34 | years after June 30, 1992, the conduct of a combination of at  
35 | least 40 live evening or matinee performances during the  
36 | preceding year; for a jai alai permitholder who operates slot  
37 | machines in its pari-mutuel facility, the conduct of a  
38 | combination of at least 150 performances during the preceding  
39 | year; for a harness permitholder, the conduct of at least 100  
40 | live regular wagering performances during the preceding year;  
41 | for a quarter horse permitholder, the conduct of at least 40  
42 | live regular wagering events ~~performances~~ during the preceding  
43 | year; and for a thoroughbred permitholder, the conduct of at  
44 | least 40 live regular wagering performances during the preceding  
45 | year. For a permitholder which is restricted by statute to  
46 | certain operating periods within the year when other members of  
47 | its same class of permit are authorized to operate throughout  
48 | the year, the specified number of live performances which  
49 | constitute a full schedule of live racing or games shall be  
50 | adjusted pro rata in accordance with the relationship between  
51 | its authorized operating period and the full calendar year and  
52 | the resulting specified number of live performances shall  
53 | constitute the full schedule of live games for such permitholder  
54 | and all other permitholders of the same class within 100 air  
55 | miles of such permitholder. A live performance must consist of  
56 | no fewer than eight races or games conducted live for each of a

57 | minimum of three performances each week at the permitholder's  
58 | licensed facility under a single admission charge.

59 | Section 2. Section 550.334, Florida Statutes, is amended  
60 | to read:

61 | 550.334 Quarter horse racing; substitutions.--

62 | ~~(1) Subject to all the applicable provisions of this~~  
63 | ~~chapter, any person who possesses the qualifications prescribed~~  
64 | ~~in this chapter may apply to the division for a permit to~~  
65 | ~~conduct quarter horse race meetings and racing under this~~  
66 | ~~chapter. The applicant must demonstrate that the location or~~  
67 | ~~locations where the permit will be used are available for such~~  
68 | ~~use and that she or he has the financial ability to satisfy the~~  
69 | ~~reasonably anticipated operational expenses of the first racing~~  
70 | ~~year following final issuance of the permit. If the racing~~  
71 | ~~facility is already built, the application must contain a~~  
72 | ~~statement, with reasonable supporting evidence, that the permit~~  
73 | ~~will be used for quarter horse racing within 1 year after the~~  
74 | ~~date on which it is granted; if the facility is not already~~  
75 | ~~built, the application must contain a statement, with reasonable~~  
76 | ~~supporting evidence, that substantial construction will be~~  
77 | ~~started within 1 year after the issuance of the permit. After~~  
78 | ~~receipt of an application, the division shall convene to~~  
79 | ~~consider and act upon permits applied for. The division shall~~  
80 | ~~disapprove an application if it fails to meet the requirements~~  
81 | ~~of this chapter. Upon each application filed and approved, a~~  
82 | ~~permit shall be issued setting forth the name of the applicant~~  
83 | ~~and a statement showing qualifications of the applicant to~~  
84 | ~~conduct racing under this chapter. If a favorable referendum on~~

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85 ~~a pari-mutuel facility has not been held previously within the~~  
86 ~~county, then, before a quarter horse permit may be issued by the~~  
87 ~~division, a referendum ratified by a majority of the electors in~~  
88 ~~the county is required on the question of allowing quarter horse~~  
89 ~~races within that county.~~

90 ~~(2) After a quarter horse racing permit has been granted~~  
91 ~~by the division, the department shall grant to the lawful holder~~  
92 ~~of such permit, subject to the conditions of this section, a~~  
93 ~~license to conduct quarter horse racing under this chapter; and~~  
94 ~~the division shall fix annually the time when, place where, and~~  
95 ~~number of days upon which racing may be conducted by such~~  
96 ~~quarter horse racing permitholder. After the first license has~~  
97 ~~been issued to the holder of a permit for quarter horse racing,~~  
98 ~~all subsequent annual applications for a license by a~~  
99 ~~permitholder must be accompanied by proof, in such form as the~~  
100 ~~division requires, that the permitholder still possesses all the~~  
101 ~~qualifications prescribed by this chapter. The division may~~  
102 ~~revoke any permit or license issued under this section upon the~~  
103 ~~willful violation by the licensee of any provision of this~~  
104 ~~chapter or any rule adopted by the division under this chapter.~~  
105 ~~The division shall revoke any quarter horse permit under which~~  
106 ~~no live racing has ever been conducted before July 7, 1990, for~~  
107 ~~failure to conduct a horse meet pursuant to the license issued~~  
108 ~~where a full schedule of horseracing has not been conducted for~~  
109 ~~a period of 18 months commencing on October 1, 1990, unless the~~  
110 ~~permitholder has commenced construction on a facility at which a~~  
111 ~~full schedule of live racing could be conducted as approved by~~  
112 ~~the division. "Commenced construction" means initiation of and~~

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113 ~~continuous activities beyond site preparation associated with~~  
114 ~~erecting or modifying a horseracing facility, including~~  
115 ~~procurement of a building permit applying the use of approved~~  
116 ~~construction documents, proof of an executed owner/contractor~~  
117 ~~agreement or an irrevocable or binding forced account, and~~  
118 ~~actual undertaking of foundation forming with steel installation~~  
119 ~~and concrete placing. The 18-month period shall be extended by~~  
120 ~~the division, to the extent that the applicant demonstrates to~~  
121 ~~the satisfaction of the division that good faith commencement of~~  
122 ~~the construction of the facility is being delayed by litigation~~  
123 ~~or by governmental action or inaction with respect to~~  
124 ~~regulations or permitting precluding commencement of the~~  
125 ~~construction of the facility.~~

126 (1)~~(3)~~ The operator of any licensed racetrack is  
127 authorized to lease such track to any quarter horse racing  
128 permitholder for the conduct of quarter horse racing under this  
129 chapter.

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

134 (2)~~(5)~~ Quarter horses participating in such races must be  
135 duly registered by the American Quarter Horse Association, and  
136 before each race such horses must be examined and declared in  
137 fit condition by a qualified person designated by the division.

138 (3)~~(6)~~ Any quarter horse racing days permitted under this  
139 chapter are in addition to any other racing permitted under the

140 license issued the track where such quarter horse racing is  
 141 conducted.

142 ~~(4)(7)(a)~~ Any quarter horse racing permit holder operating  
 143 under a valid permit issued by the division is authorized to  
 144 substitute races of other breeds of horses, ~~except~~  
 145 ~~thoroughbreds,~~ which are, respectively, registered with the  
 146 American Paint Horse Association, Appaloosa Horse Club, Arabian  
 147 Horse Registry of America, Palomino Horse Breeders of America,  
 148 ~~or United States Trotting Association, or for no more than 50~~  
 149 ~~percent of the quarter horse races daily, and may substitute~~  
 150 ~~races of thoroughbreds registered with the~~ Jockey Club for no  
 151 more than 50 percent of the quarter horse races during its meet  
 152 ~~daily with the written consent of all greyhound, harness, and~~  
 153 ~~thoroughbred permit holders whose pari-mutuel facilities are~~  
 154 ~~located within 50 air miles of such quarter horse racing~~  
 155 ~~permit holder's pari-mutuel facility.~~

156 ~~(b) Any permittee operating within an area of 50 air miles~~  
 157 ~~of a licensed thoroughbred track may not substitute thoroughbred~~  
 158 ~~races under this section while a thoroughbred horse race meet is~~  
 159 ~~in progress within that 50 miles. Any permittee operating within~~  
 160 ~~an area of 125 air miles of a licensed thoroughbred track may~~  
 161 ~~not substitute live thoroughbred races under this section while~~  
 162 ~~a thoroughbred permittee who pays taxes under s. 550.09515(2)(a)~~  
 163 ~~is conducting a thoroughbred meet within that 125 miles. These~~  
 164 ~~mileage restrictions do not apply to any permittee that holds a~~  
 165 ~~nonwagering permit issued pursuant to s. 550.505.~~

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166       ~~(8) A quarter horse permit issued pursuant to this section~~  
167 ~~is not eligible for transfer or conversion to another type of~~  
168 ~~pari-mutuel operation.~~

169       (5)~~(9)~~ Any nonprofit corporation, including, but not  
170 limited to, an agricultural cooperative marketing association,  
171 organized and incorporated under the laws of this state may  
172 apply for a quarter horse racing permit and operate racing meets  
173 under such permit, provided all pari-mutuel taxes and fees  
174 applicable to such racing are paid by the corporation. However,  
175 insofar as its pari-mutuel operations are concerned, the  
176 corporation shall be considered to be a corporation for profit  
177 and is subject to taxation on all property used and profits  
178 earned in connection with its pari-mutuel operations.

179       ~~(10) Intertrack wagering shall not be authorized for any~~  
180 ~~quarter horse permitholder without the written consent of all~~  
181 ~~greyhound, harness, and thoroughbred permitholders whose pari-~~  
182 ~~mutuel facilities are located within 50 air miles of such~~  
183 ~~quarter horse permitholder's pari-mutuel facility.~~

184       Section 3. This act shall take effect July 1, 2009.