

By Senator Gelber

35-01720-09

20092278__

1 A bill to be entitled
2 An act relating to pari-mutuel wagering; amending s.
3 550.334, F.S.; deleting provisions for applying to the
4 Division of Pari-mutuel Wagering for a permit to
5 conduct quarter horse race meetings; deleting
6 provisions for granting a license to conduct quarter
7 horse racing; deleting a provision for governance and
8 control of quarter horse racing; deleting a
9 requirement for intertrack wagering to be conducted by
10 a quarter horse permitholder; amending s. 550.054,
11 F.S.; prohibiting the Division of Pari-mutuel Wagering
12 from issuing new pari-mutuel permits; providing for
13 retroactive application; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 550.334, Florida Statutes, is amended to
18 read:

19 550.334 Quarter horse racing; substitutions.-

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

35-01720-09

20092278__

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

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

35-01720-09

20092278

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

84 (1)~~(3)~~ The operator of any licensed racetrack is authorized
85 to lease such track to any quarter horse racing permitholder for
86 the conduct of quarter horse racing under this chapter.

87 ~~(4) Section 550.054 is inapplicable to quarter horse racing~~

35-01720-09

20092278

88 ~~as permitted under this section. All other provisions of this~~
89 ~~chapter apply to, govern, and control such racing, and the same~~
90 ~~must be conducted in compliance therewith.~~

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

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

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

113 (b) Any permittee operating within an area of 50 air miles
114 of a licensed thoroughbred track may not substitute thoroughbred
115 races under this section while a thoroughbred horse race meet is
116 in progress within that 50 miles. Any permittee operating within

35-01720-09

20092278__

117 an area of 125 air miles of a licensed thoroughbred track may
118 not substitute live thoroughbred races under this section while
119 a thoroughbred permittee who pays taxes under s. 550.09515(2)(a)
120 is conducting a thoroughbred meet within that 125 miles. These
121 mileage restrictions do not apply to any permittee that holds a
122 nonwagering permit issued pursuant to s. 550.505.

123 (5)~~(8)~~ A quarter horse permit issued pursuant to this
124 section is not eligible for transfer or conversion to another
125 type of pari-mutuel operation.

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

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

141 Section 2. Subsection (14) is added to section 550.054,
142 Florida Statutes, to read:

143 550.054 Application for permit to conduct pari-mutuel
144 wagering.—

145 (14) Notwithstanding any other provision of law, the

35-01720-09

20092278__

146 division may not issue new pari-mutuel permits pursuant to this
147 chapter on or after January 1, 2009.

148 Section 3. This act shall take effect July 1, 2009, except
149 that section 1 of this act shall apply retroactively to March
150 30, 2008, and section 2 of this act shall apply retroactively to
151 January 2, 2000.