

By Senator Jones

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

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30 to disclose certain convictions; amending s. 550.2415,
31 F.S.; revising provisions prohibiting cruelty to
32 animals; providing that the prohibition applies to any
33 act of cruelty involving any animal; authorizing the
34 division to inspect any area at a pari-mutuel facility
35 for certain purposes; amending s. 550.334, F.S.;
36 removing a provision for issuing a permit to conduct
37 quarter horse race meetings; removing a provision for
38 issuing a license to conduct quarter horse racing;
39 removing provisions to revoke such permit or license
40 for certain violations or failure to conduct live
41 racing; removing an exception to specified permit
42 application provisions; amending s. 550.3355, F.S.;
43 revising the time period for a harness track summer
44 season; repealing s. 550.3605, F.S., relating to use
45 of electronic transmitting equipment on the premises
46 of a horse or dog racetrack or jai alai fronton;
47 amending s. 550.5251, F.S.; revising provisions for
48 licensing to conduct thoroughbred racing; revising
49 certain dates relating to licensing and the
50 thoroughbred racing season; removing a provision for a
51 summer thoroughbred horse racing permit; removing
52 expired provisions relating to scheduled performances;
53 amending s. 849.086, F.S.; revising provisions for
54 initial and renewal issuance of a cardroom license;
55 revising provisions for renewal of a cardroom
56 occupational license; revising requirements for
57 occupational licensee's criminal records check;
58 providing a limitation on occupational licensee fees;

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59 amending ss. 772.102 and 895.02, F.S.; correcting
60 cross-references; providing an effective date.
61

62 Be It Enacted by the Legislature of the State of Florida:
63

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

66 550.002 Definitions.—As used in this chapter, the term:

67 (11) "Full schedule of live racing or games" means, for a
68 greyhound or jai alai permitholder, the conduct of a combination
69 of at least 100 live evening or matinee performances during the
70 preceding year; for a permitholder who has a converted permit or
71 filed an application on or before June 1, 1990, for a converted
72 permit, the conduct of a combination of at least 100 live
73 evening and matinee wagering performances during either of the 2
74 preceding years; for a jai alai permitholder who does not
75 operate slot machines in its pari-mutuel facility, who has
76 conducted at least 100 live performances per year for at least
77 10 years after December 31, 1992, and whose handle on live jai
78 alai games conducted at its pari-mutuel facility has been less
79 than \$4 million per state fiscal year for at least 2 consecutive
80 years after June 30, 1992, the conduct of a combination of at
81 least 40 live evening or matinee performances during the
82 preceding year; for a jai alai permitholder who operates slot
83 machines in its pari-mutuel facility, the conduct of a
84 combination of at least 150 performances during the preceding
85 year; for a harness permitholder, the conduct of at least 100
86 live regular wagering performances during the preceding year;
87 for a quarter horse permitholder at the permitholder's facility,

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

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

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117 550.01215 License application; periods of operation; bond,
118 conversion of permit.-

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

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

137 550.105 Occupational licenses of racetrack employees; fees;
138 denial, suspension, and revocation of license; penalties and
139 fines.-

140 (1) Each person connected with a racetrack or jai alai
141 fronton, as specified in paragraph (2)(a), shall purchase from
142 the division an ~~annual~~ occupational license, ~~which license is~~
143 ~~valid from May 1 until June 30 of the following year.~~ All moneys
144 collected pursuant to this section each fiscal year shall be
145 deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person~~

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146 ~~may, at her or his option and~~ Pursuant to the rules adopted by
147 the division, ~~purchase~~ an occupational license may be valid for
148 a period of up to 3 years for a fee that does not exceed ~~if the~~
149 ~~purchaser of the license pays~~ the full occupational license fee
150 for each of the years for which the license is purchased ~~at the~~
151 ~~time the 3-year license is requested.~~ The occupational license
152 shall be valid during its specified term at any pari-mutuel
153 facility.

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

161 1. Business licenses: any business such as a vendor,
162 contractual concessionaire, contract kennel, business owning
163 racing animals, trust or estate, totalisator company, stable
164 name, or other fictitious name: fee shall not exceed \$50 for any
165 12-month period.

166 2. Professional occupational licenses: professional persons
167 with access to the backside of a racetrack or players' quarters
168 in jai alai such as trainers, officials, veterinarians, doctors,
169 nurses, EMT's, jockeys and apprentices, drivers, jai alai
170 players, owners, trustees, or any management or officer or
171 director or shareholder or any other professional-level person
172 who might have access to the jockeys' room, the drivers' room,
173 the backside, racing animals, kennel compound, or managers or
174 supervisors requiring access to mutuels machines, the money

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175 room, or totalisator equipment: fee shall not exceed \$40 for any
176 12-month period.

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

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

195 (b) The division shall adopt rules pertaining to pari-
196 mutuel occupational licenses, licensing periods, and renewal
197 cycles.

198 (5) (a) The division may:

199 1. Deny a license to or revoke, suspend, or place
200 conditions upon or restrictions on a license of any person who
201 has been refused a license by any other state racing commission
202 or racing authority;

203 2. Deny, suspend, or place conditions on a license of any

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204 person who is under suspension or has unpaid fines in another
205 jurisdiction; if the state racing commission or racing authority
206 of such other state or jurisdiction extends to the division
207 reciprocal courtesy to maintain the disciplinary control.

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

225 (c) The division may deny, declare ineligible, or revoke
226 any occupational license if the applicant for such license has
227 been convicted of a felony or misdemeanor in this state, in any
228 other state, or under the laws of the United States, if such
229 felony or misdemeanor is related to gambling or bookmaking, as
230 contemplated in s. 849.25, or involves cruelty to animals. If
231 the applicant establishes that she or he is of good moral
232 character, that she or he has been rehabilitated, and that the

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233 crime she or he was convicted of is not related to pari-mutuel
234 wagering and is not a capital offense, the restrictions
235 excluding offenders may be waived by the director of the
236 division.

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

246 (e)~~(d)~~ If an occupational license will expire by division
247 rule during the period of a suspension the division intends to
248 impose, or if a license would have expired but for pending
249 administrative charges and the occupational licensee is found to
250 be in violation of any of the charges, the license may be
251 revoked and a time period of license ineligibility may be
252 declared. The division may bring administrative charges against
253 any person not holding a current license for violations of
254 statutes or rules which occurred while such person held an
255 occupational license, and the division may declare such person
256 ineligible to hold a license for a period of time. The division
257 may impose a civil fine of up to \$1,000 for each violation of
258 the rules of the division in addition to or in lieu of any other
259 penalty provided for in this section. In addition to any other
260 penalty provided by law, the division may exclude from all pari-
261 mutuel facilities in this state, for a period not to exceed the

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262 period of suspension, revocation, or ineligibility, any person
263 whose occupational license application has been denied by the
264 division, who has been declared ineligible to hold an
265 occupational license, or whose occupational license has been
266 suspended or revoked by the division.

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

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

276 (10) (a) Upon application for an occupational license, the
277 division may require the applicant's full legal name; any
278 nickname, alias, or maiden name for the applicant; name of the
279 applicant's spouse; the applicant's date of birth, residence
280 address, mailing address, residence address and business phone
281 number, and social security number; disclosure of any felony or
282 any conviction involving bookmaking, illegal gambling, or
283 cruelty to animals; disclosure of any past or present
284 enforcement or actions by any racing or gaming agency against
285 the applicant; and any information the division determines is
286 necessary to establish the identity of the applicant or to
287 establish that the applicant is of good moral character.
288 Fingerprints shall be taken in a manner approved by the division
289 and then shall be submitted to the Federal Bureau of
290 Investigation, or to the association of state officials

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291 regulating pari-mutuel wagering pursuant to the Federal Pari-
292 mutuel Licensing Simplification Act of 1988. The cost of
293 processing fingerprints shall be borne by the applicant and paid
294 to the association of state officials regulating pari-mutuel
295 wagering from the trust fund to which the processing fees are
296 deposited. ~~The division shall require each applicant for an~~
297 ~~occupational license to have the applicant's signature witnessed~~
298 ~~and notarized or signed in the presence of a division official.~~
299 The division, by rule, may require additional information from
300 licensees which is reasonably necessary to regulate the
301 industry. The division may, by rule, exempt certain occupations
302 or groups of persons from the fingerprinting requirements.

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

311 (c) The Department of Law Enforcement shall search all
312 arrest fingerprints received pursuant to s. 943.051 against the
313 fingerprints retained in the statewide automated fingerprint
314 identification system under paragraph (b). Any arrest record
315 that is identified with the retained fingerprints of a person
316 subject to the criminal history screening requirements of this
317 section shall be reported to the division. Each licensee shall
318 pay a fee to the division for the cost of retention of the
319 fingerprints and the ongoing searches under this paragraph. The

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320 division shall forward the payment to the Department of Law
321 Enforcement. The amount of the fee to be imposed for performing
322 these searches and the procedures for the retention of licensee
323 fingerprints shall be as established by rule of the Department
324 of Law Enforcement. The division shall inform the Department of
325 Law Enforcement of any change in the license status of licensees
326 whose fingerprints are retained under paragraph (b).

327 (d) The division shall request the Department of Law
328 Enforcement to forward the fingerprints to the Federal Bureau of
329 Investigation for a national criminal history records check at
330 least once every 5 years following issuance of a license. If the
331 fingerprints of a person who is licensed have not been retained
332 by the Department of Law Enforcement, the person must file a
333 complete set of fingerprints as provided in paragraph (a). The
334 division shall collect the fees for the cost of the national
335 criminal history record check under this paragraph and forward
336 the payment to the Department of Law Enforcement. The cost of
337 processing fingerprints and conducting a criminal history record
338 check under this paragraph for a general occupational license
339 shall be borne by the applicant. The cost of processing
340 fingerprints and conducting a criminal history record check
341 under this paragraph for a business or professional occupational
342 license shall be borne by the person being checked. The
343 Department of Law Enforcement may invoice the division for the
344 fingerprints submitted each month. Under penalty of perjury,
345 each person who is licensed or who is fingerprinted as required
346 by this section must agree to inform the division within 48
347 hours if he or she is convicted of or has entered a plea of
348 guilty or nolo contendere to any disqualifying offense,

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349 regardless of adjudication.

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

352 550.2415 Racing of animals under certain conditions
353 prohibited; penalties; exceptions.—

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

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

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

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

375 (e) The division may inspect any area at a pari-mutuel
376 facility where racing animals are raced, trained, housed, or
377 maintained, including any areas where food, medications, or

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378 other supplies are kept, to ensure the humane treatment of
379 racing animals and compliance with this chapter and the rules of
380 the division.

381 Section 5. Section 550.334, Florida Statutes, is amended to
382 read:

383 550.334 Quarter horse racing; substitutions.—

384 ~~(1) Subject to all the applicable provisions of this~~
385 ~~chapter, any person who possesses the qualifications prescribed~~
386 ~~in this chapter may apply to the division for a permit to~~
387 ~~conduct quarter horse race meetings and racing under this~~
388 ~~chapter. The applicant must demonstrate that the location or~~
389 ~~locations where the permit will be used are available for such~~
390 ~~use and that she or he has the financial ability to satisfy the~~
391 ~~reasonably anticipated operational expenses of the first racing~~
392 ~~year following final issuance of the permit. If the racing~~
393 ~~facility is already built, the application must contain a~~
394 ~~statement, with reasonable supporting evidence, that the permit~~
395 ~~will be used for quarter horse racing within 1 year after the~~
396 ~~date on which it is granted; if the facility is not already~~
397 ~~built, the application must contain a statement, with reasonable~~
398 ~~supporting evidence, that substantial construction will be~~
399 ~~started within 1 year after the issuance of the permit. After~~
400 ~~receipt of an application, the division shall convene to~~
401 ~~consider and act upon permits applied for. The division shall~~
402 ~~disapprove an application if it fails to meet the requirements~~
403 ~~of this chapter. Upon each application filed and approved, a~~
404 ~~permit shall be issued setting forth the name of the applicant~~
405 ~~and a statement showing qualifications of the applicant to~~
406 ~~conduct racing under this chapter. If a favorable referendum on~~

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407 ~~a pari-mutuel facility has not been held previously within the~~
408 ~~county, then, before a quarter horse permit may be issued by the~~
409 ~~division, a referendum ratified by a majority of the electors in~~
410 ~~the county is required on the question of allowing quarter horse~~
411 ~~races within that county.~~

412 ~~(2) After a quarter horse racing permit has been granted by~~
413 ~~the division, the department shall grant to the lawful holder of~~
414 ~~such permit, subject to the conditions of this section, a~~
415 ~~license to conduct quarter horse racing under this chapter; and~~
416 ~~the division shall fix annually the time when, place where, and~~
417 ~~number of days upon which racing may be conducted by such~~
418 ~~quarter horse racing permitholder. After the first license has~~
419 ~~been issued to the holder of a permit for quarter horse racing,~~
420 ~~all subsequent annual applications for a license by a~~
421 ~~permitholder must be accompanied by proof, in such form as the~~
422 ~~division requires, that the permitholder still possesses all the~~
423 ~~qualifications prescribed by this chapter. The division may~~
424 ~~revoke any permit or license issued under this section upon the~~
425 ~~willful violation by the licensee of any provision of this~~
426 ~~chapter or any rule adopted by the division under this chapter.~~
427 ~~The division shall revoke any quarter horse permit under which~~
428 ~~no live racing has ever been conducted before July 7, 1990, for~~
429 ~~failure to conduct a horse meet pursuant to the license issued~~
430 ~~where a full schedule of horseracing has not been conducted for~~
431 ~~a period of 18 months commencing on October 1, 1990, unless the~~
432 ~~permitholder has commenced construction on a facility at which a~~
433 ~~full schedule of live racing could be conducted as approved by~~
434 ~~the division. "Commenced construction" means initiation of and~~
435 ~~continuous activities beyond site preparation associated with~~

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436 ~~erecting or modifying a horseracing facility, including~~
437 ~~procurement of a building permit applying the use of approved~~
438 ~~construction documents, proof of an executed owner/contractor~~
439 ~~agreement or an irrevocable or binding forced account, and~~
440 ~~actual undertaking of foundation forming with steel installation~~
441 ~~and concrete placing. The 18-month period shall be extended by~~
442 ~~the division, to the extent that the applicant demonstrates to~~
443 ~~the satisfaction of the division that good faith commencement of~~
444 ~~the construction of the facility is being delayed by litigation~~
445 ~~or by governmental action or inaction with respect to~~
446 ~~regulations or permitting precluding commencement of the~~
447 ~~construction of the facility.~~

448 (1)~~(3)~~ The operator of any licensed racetrack is authorized
449 to lease such track to any quarter horse racing permitholder for
450 the conduct of quarter horse racing under this chapter.

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

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

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

463 (4)~~(7)~~(a) Any quarter horse racing permitholder operating
464 under a valid permit issued by the division is authorized to

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465 substitute races of other breeds of horses, except
466 thoroughbreds, which are, respectively, registered with the
467 American Paint Horse Association, Appaloosa Horse Club, Arabian
468 Horse Registry of America, Palomino Horse Breeders of America,
469 or United States Trotting Association, for no more than 50
470 percent of the quarter horse races daily, and may substitute
471 races of thoroughbreds registered with the Jockey Club for no
472 more than 50 percent of the quarter horse races daily with the
473 written consent of all greyhound, harness, and thoroughbred
474 permitholders whose pari-mutuel facilities are located within 50
475 air miles of such quarter horse racing permitholder's pari-
476 mutuel facility.

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

487 (5)~~(8)~~ A quarter horse permit issued pursuant to this
488 section is not eligible for transfer or conversion to another
489 type of pari-mutuel operation.

490 (6)~~(9)~~ Any nonprofit corporation, including, but not
491 limited to, an agricultural cooperative marketing association,
492 organized and incorporated under the laws of this state may
493 apply for a quarter horse racing permit and operate racing meets

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494 under such permit, provided all pari-mutuel taxes and fees
495 applicable to such racing are paid by the corporation. However,
496 insofar as its pari-mutuel operations are concerned, the
497 corporation shall be considered to be a corporation for profit
498 and is subject to taxation on all property used and profits
499 earned in connection with its pari-mutuel operations.

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

505 Section 6. Section 550.3355, Florida Statutes, is amended
506 to read:

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

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523 Section 7. Section 550.3605, Florida Statutes, is repealed.

524 Section 8. Section 550.5251, Florida Statutes, is amended
525 to read:

526 550.5251 Florida thoroughbred racing; certain permits;
527 operating days.—

528 ~~(1) Each thoroughbred permit holder under whose permit~~
529 ~~thoroughbred racing was conducted in this state at any time~~
530 ~~between January 1, 1987, and January 1, 1988, shall annually be~~
531 ~~entitled to apply for and annually receive thoroughbred racing~~
532 ~~days and dates as set forth in this section. As regards such~~
533 ~~permit holders, the annual thoroughbred racing season shall be~~
534 ~~from June 1 of any year through May 31 of the following year and~~
535 ~~shall be known as the "Florida Thoroughbred Racing Season."~~

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

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552 days authorized on each of the dates set forth in its license.

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

557 (2)~~(4)~~ A thoroughbred racing permitholder may not begin any
558 race later than 7 p.m. Any thoroughbred permitholder in a county
559 in which the authority for cardrooms has been approved by the
560 board of county commissioners may operate a cardroom and, when
561 conducting live races during its current race meet, may receive
562 and rebroadcast out-of-state races after the hour of 7 p.m. on
563 any day during which the permitholder conducts live races.

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

579 (b) Each licensed thoroughbred permitholder in this state
580 may run one additional race per racing day composed exclusively

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581 of Arabian horses registered with the Arabian Horse Registry of
582 America. Any licensed thoroughbred permitholder that elects to
583 run one additional race per racing day composed exclusively of
584 Arabian horses registered with the Arabian Horse Registry of
585 America is not required to provide stables for the Arabian
586 horses racing under this paragraph.

587 (c) Each licensed thoroughbred permitholder in this state
588 may run up to three additional races per racing day composed
589 exclusively of quarter horses registered with the American
590 Quarter Horse Association.

591 ~~(6) Notwithstanding the provisions of subsection (2), a~~
592 ~~thoroughbred permitholder who fails to operate all performances~~
593 ~~on its 2001-2002 license does not lose its right to retain its~~
594 ~~permit. Such thoroughbred permitholder is eligible for issuance~~
595 ~~of an annual license pursuant to s. 550.0115 for subsequent~~
596 ~~thoroughbred racing seasons. The division shall take no~~
597 ~~disciplinary action against such thoroughbred permitholder for~~
598 ~~failure to operate all licensed performances for the 2001-2002~~
599 ~~license pursuant to this section or s. 550.01215. This section~~
600 ~~may not be interpreted to prohibit the division from taking~~
601 ~~disciplinary action against a thoroughbred permitholder for~~
602 ~~failure to pay taxes on performances operated pursuant to its~~
603 ~~2001-2002 license. This subsection expires July 1, 2003.~~

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

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

613 849.086 Cardrooms authorized.—

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

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

628 (b) After the initial cardroom license is granted, the
629 application for the annual license renewal shall be made in
630 conjunction with the applicant's annual application for its
631 pari-mutuel license. If a permitholder has operated a cardroom
632 during any of the 3 previous fiscal years and fails to include a
633 renewal request for the operation of the cardroom in its annual
634 application for license renewal, the permitholder may amend its
635 annual application to include operation of the cardroom. In
636 order for a cardroom license to be renewed the applicant must
637 have requested, as part of its pari-mutuel annual license
638 application, to conduct at least 90 percent of the total number

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639 of live performances conducted by such permitholder during
640 either the state fiscal year in which its initial cardroom
641 license was issued or the state fiscal year immediately prior
642 thereto if the permitholder ran at least a full schedule of live
643 races or games in the prior year. If the application is for a
644 harness permitholder cardroom, the applicant must have requested
645 authorization to conduct a minimum of 140 live performances
646 during the state fiscal year immediately prior thereto. If more
647 than one permitholder is operating at a facility, each
648 permitholder must have applied for a license to conduct a full
649 schedule of live racing.

650 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;
651 APPLICATION; FEES.—

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

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

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668 hold a valid cardroom business occupational license, unless the
669 business holds such a valid license.

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

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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

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- 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 s.
739 796.07, relating to prostitution.
- 740 18. Chapter 806, relating to arson.
- 741 19. Section 810.02(2)(c), relating to specified burglary of
742 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.

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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 with
767 jurors and evidence.

768 (2) "Unlawful debt" means any money or other thing of value
769 constituting principal or interest of a debt that is legally
770 unenforceable in this state in whole or in part because the debt
771 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:

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

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

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

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

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

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

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

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

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

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

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

807 9. Section 499.0051, relating to crimes involving
808 contraband and adulterated drugs.

809 10. Part IV of chapter 501, relating to telemarketing.

810 11. Chapter 517, relating to sale of securities and
811 investor protection.

812 12. Section 550.235 or, s. 550.3551, ~~or s. 550.3605,~~

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- 813 relating to dogracing and horseracing.
- 814 13. Chapter 550, relating to jai alai frontons.
- 815 14. Section 551.109, relating to slot machine gaming.
- 816 15. Chapter 552, relating to the manufacture, distribution,
817 and use of explosives.
- 818 16. Chapter 560, relating to money transmitters, if the
819 violation is punishable as a felony.
- 820 17. Chapter 562, relating to beverage law enforcement.
- 821 18. Section 624.401, relating to transacting insurance
822 without a certificate of authority, s. 624.437(4)(c)1., relating
823 to operating an unauthorized multiple-employer welfare
824 arrangement, or s. 626.902(1)(b), relating to representing or
825 aiding an unauthorized insurer.
- 826 19. Section 655.50, relating to reports of currency
827 transactions, when such violation is punishable as a felony.
- 828 20. Chapter 687, relating to interest and usurious
829 practices.
- 830 21. Section 721.08, s. 721.09, or s. 721.13, relating to
831 real estate timeshare plans.
- 832 22. Section 775.13(5)(b), relating to registration of
833 persons found to have committed any offense for the purpose of
834 benefiting, promoting, or furthering the interests of a criminal
835 gang.
- 836 23. Section 777.03, relating to commission of crimes by
837 accessories after the fact.
- 838 24. Chapter 782, relating to homicide.
- 839 25. Chapter 784, relating to assault and battery.
- 840 26. Chapter 787, relating to kidnapping or human
841 trafficking.

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- 842 27. Chapter 790, relating to weapons and firearms.
- 843 28. Chapter 794, relating to sexual battery, but only if
844 such crime was committed with the intent to benefit, promote, or
845 further the interests of a criminal gang, or for the purpose of
846 increasing a criminal gang member's own standing or position
847 within a criminal gang.
- 848 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
849 796.05, or s. 796.07, relating to prostitution and sex
850 trafficking.
- 851 30. Chapter 806, relating to arson and criminal mischief.
- 852 31. Chapter 810, relating to burglary and trespass.
- 853 32. Chapter 812, relating to theft, robbery, and related
854 crimes.
- 855 33. Chapter 815, relating to computer-related crimes.
- 856 34. Chapter 817, relating to fraudulent practices, false
857 pretenses, fraud generally, and credit card crimes.
- 858 35. Chapter 825, relating to abuse, neglect, or
859 exploitation of an elderly person or disabled adult.
- 860 36. Section 827.071, relating to commercial sexual
861 exploitation of children.
- 862 37. Chapter 831, relating to forgery and counterfeiting.
- 863 38. Chapter 832, relating to issuance of worthless checks
864 and drafts.
- 865 39. Section 836.05, relating to extortion.
- 866 40. Chapter 837, relating to perjury.
- 867 41. Chapter 838, relating to bribery and misuse of public
868 office.
- 869 42. Chapter 843, relating to obstruction of justice.
- 870 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

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- 871 s. 847.07, relating to obscene literature and profanity.
- 872 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 873 849.25, relating to gambling.
- 874 45. Chapter 874, relating to criminal gangs.
- 875 46. Chapter 893, relating to drug abuse prevention and
- 876 control.
- 877 47. Chapter 896, relating to offenses related to financial
- 878 transactions.
- 879 48. Sections 914.22 and 914.23, relating to tampering with
- 880 or harassing a witness, victim, or informant, and retaliation
- 881 against a witness, victim, or informant.
- 882 49. Sections 918.12 and 918.13, relating to tampering with
- 883 jurors and evidence.
- 884 (2) "Unlawful debt" means any money or other thing of value
- 885 constituting principal or interest of a debt that is legally
- 886 unenforceable in this state in whole or in part because the debt
- 887 was incurred or contracted:
- 888 (a) In violation of any one of the following provisions of
- 889 law:
- 890 1. Section 550.235 or, s. 550.3551, ~~or s. 550.3605,~~
- 891 relating to dogracing and horseracing.
- 892 2. Chapter 550, relating to jai alai frontons.
- 893 3. Section 551.109, relating to slot machine gaming.
- 894 4. Chapter 687, relating to interest and usury.
- 895 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 896 849.25, relating to gambling.
- 897 Section 12. This act shall take effect upon becoming a law.