

By Senator Gaetz

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1                                   A bill to be entitled  
 2           An act relating to pari-mutuel wagering; amending s.  
 3           550.002, F.S.; revising a definition; providing that a  
 4           greyhound permitholder who meets certain requirements  
 5           may engage in specific wagering activities without  
 6           meeting a minimum number of live performances;  
 7           amending s. 550.054, F.S.; imposing a moratorium on  
 8           the issuance of new greyhound racing permits; amending  
 9           s. 550.0951, F.S.; conforming provisions; amending s.  
 10          849.086, F.S.; revising the number of live  
 11          performances that a greyhound permitholder must  
 12          conduct in order to renew a cardroom license;  
 13          providing an effective date.

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

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

19           550.002 Definitions.—As used in this chapter, the term:

20           (11) "Full schedule of live racing or games" means, for a  
 21           greyhound permitholder, the conduct of no minimum number of live  
 22           performances if the permitholder conducted a combination of at  
 23           least 100 live evening or matinee performances per year for at  
 24           least 5 years after December 31, 2002; for a ~~ex~~ jai alai  
 25           permitholder, the conduct of a combination of at least 100 live  
 26           evening or matinee performances during the preceding year; for a  
 27           permitholder who has a converted permit or filed an application  
 28           on or before June 1, 1990, for a converted permit, the conduct  
 29           of a combination of at least 100 live evening and matinee

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30 wagering performances during either of the 2 preceding years;  
31 for a jai alai permitholder who does not operate slot machines  
32 in its pari-mutuel facility, who has conducted at least 100 live  
33 performances per year for at least 10 years after December 31,  
34 1992, and whose handle on live jai alai games conducted at its  
35 pari-mutuel facility has been less than \$4 million per state  
36 fiscal year for at least 2 consecutive years after June 30,  
37 1992, the conduct of a combination of at least 40 live evening  
38 or matinee performances during the preceding year; for a jai  
39 alai permitholder who operates slot machines in its pari-mutuel  
40 facility, the conduct of a combination of at least 150  
41 performances during the preceding year; for a harness  
42 permitholder, the conduct of at least 100 live regular wagering  
43 performances during the preceding year; for a quarter horse  
44 permitholder, the conduct of at least 40 live regular wagering  
45 performances during the preceding year; and for a thoroughbred  
46 permitholder, the conduct of at least 40 live regular wagering  
47 performances during the preceding year. For a permitholder which  
48 is restricted by statute to certain operating periods within the  
49 year when other members of its same class of permit are  
50 authorized to operate throughout the year, the specified number  
51 of live performances which constitute a full schedule of live  
52 racing or games shall be adjusted pro rata in accordance with  
53 the relationship between its authorized operating period and the  
54 full calendar year and the resulting specified number of live  
55 performances shall constitute the full schedule of live games  
56 for such permitholder and all other permitholders of the same  
57 class within 100 air miles of such permitholder. A live  
58 performance must consist of no fewer than eight races or games

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59 conducted live for each of a minimum of three performances each  
60 week at the permitholder's licensed facility under a single  
61 admission charge. Notwithstanding any provision of law to the  
62 contrary, a greyhound permitholder may not be required to run a  
63 minimum number of live performances of greyhound racing to  
64 engage in simulcast or intertrack wagering pursuant to this  
65 chapter, slot machine gaming pursuant to chapter 551, or  
66 cardroom operations pursuant to s. 849.086, if the greyhound  
67 permitholder conducted a combination of at least 100 live  
68 evening or matinee performances per year for at least 5 years  
69 after December 31, 2002.

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

72 550.054 Application for permit to conduct pari-mutuel  
73 wagering.—

74 (14) Notwithstanding any provision of law to the contrary,  
75 new greyhound racing permits may not be issued pursuant to this  
76 chapter on or after July 1, 2009.

77 Section 3. Paragraph (b) of subsection (1) of section  
78 550.0951, Florida Statutes, is amended to read:

79 550.0951 Payment of daily license fee and taxes;  
80 penalties.—

81 (1)

82 (b) Each permitholder that cannot utilize the full amount  
83 of the exemption of \$360,000 or \$500,000 provided in s.  
84 550.0951(1) or the daily license fee credit provided in this  
85 section may, after notifying the division in writing, elect once  
86 per state fiscal year on a form provided by the division to  
87 transfer such exemption or credit or any portion thereof to any

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88 greyhound permitholder which acts as a host track to such  
89 permitholder for the purpose of intertrack wagering; however  
90 this provision applies to a greyhound permitholder only if such  
91 permitholder held 100 or more live performances during the  
92 fiscal year. Once an election to transfer such exemption or  
93 credit is filed with the division, it shall not be rescinded.  
94 The division shall disapprove the transfer when the amount of  
95 the exemption or credit or portion thereof is unavailable to the  
96 transferring permitholder or when the permitholder who is  
97 entitled to transfer the exemption or credit or who is entitled  
98 to receive the exemption or credit owes taxes to the state  
99 pursuant to a deficiency letter or administrative complaint  
100 issued by the division. Upon approval of the transfer by the  
101 division, the transferred tax exemption or credit shall be  
102 effective for the first performance of the next biweekly pay  
103 period as specified in subsection (5). The exemption or credit  
104 transferred to such host track may be applied by such host track  
105 against any taxes imposed by this chapter or daily license fees  
106 imposed by this chapter. The greyhound permitholder host track  
107 to which such exemption or credit is transferred shall reimburse  
108 such permitholder the exact monetary value of such transferred  
109 exemption or credit as actually applied against the taxes and  
110 daily license fees of the host track. The division shall ensure  
111 that all transfers of exemption or credit are made in accordance  
112 with this subsection and shall have the authority to adopt rules  
113 to ensure the implementation of this section.

114 Section 4. Paragraph (b) of subsection (5) of section  
115 849.086, Florida Statutes, is amended to read:

116 849.086 Cardrooms authorized.—

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

120 (b) After the initial cardroom license is granted, the  
121 application for the annual license renewal shall be made in  
122 conjunction with the applicant's annual application for its  
123 pari-mutuel license. If a permitholder has operated a cardroom  
124 during any of the 3 previous fiscal years and fails to include a  
125 renewal request for the operation of the cardroom in its annual  
126 application for license renewal, the permitholder may amend its  
127 annual application to include operation of the cardroom. In  
128 order for a cardroom license to be renewed, an ~~the~~ applicant who  
129 is not a greyhound permitholder must have requested, as part of  
130 its pari-mutuel annual license application, to conduct at least  
131 90 percent of the total number of live performances conducted by  
132 such permitholder during either the state fiscal year in which  
133 its initial cardroom license was issued or the state fiscal year  
134 immediately prior thereto. If the application is for a harness  
135 permitholder cardroom, the applicant must have requested  
136 authorization to conduct a minimum of 140 live performances  
137 during the state fiscal year immediately prior thereto. An  
138 applicant who is a greyhound permitholder must have conducted a  
139 combination of at least 100 live evening or matinee performances  
140 per year for at least 5 years after December 31, 2002, in order  
141 to qualify for a cardroom license renewal. If more than one  
142 permitholder is operating at a facility, each permitholder must  
143 have applied for a license to conduct a full schedule of live  
144 racing.

145 Section 5. This act shall take effect July 1, 2009.