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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/29/2011 01:44 PM

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Senator Sachs moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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14 evening and matinee wagering performances during either of the 2
15 preceding years; for a jai alai permitholder who does not
16 operate slot machines in its pari-mutuel facility, who has
17 conducted at least 100 live performances per year for at least
18 10 years after December 31, 1992, and whose handle on live jai
19 alai games conducted at its pari-mutuel facility has been less
20 than \$4 million per state fiscal year for at least 2 consecutive
21 years after June 30, 1992, the conduct of a combination of at
22 least 40 live evening or matinee performances during the
23 preceding year; for a jai alai permitholder who operates slot
24 machines in its pari-mutuel facility, the conduct of a
25 combination of at least 150 performances during the preceding
26 year; for a harness permitholder, the conduct of at least 100
27 live regular wagering performances during the preceding year;
28 for a quarter horse permitholder at its facility unless an
29 alternative schedule of at least 20 live regular wagering
30 performances is agreed upon by the permitholder and either the
31 Florida Quarter Horse Racing Association or the horsemen's
32 association representing the majority of the quarter horse
33 owners and trainers at the facility and filed with the division
34 along with its annual date application, in the 2010-2011 fiscal
35 year, the conduct of at least 20 regular wagering performances,
36 in the 2011-2012 and 2012-2013 fiscal years, the conduct of at
37 least 30 live regular wagering performances, and for every
38 fiscal year after the 2012-2013 fiscal year, the conduct of at
39 least 40 live regular wagering performances; for a quarter horse
40 permitholder leasing another licensed racetrack, the conduct of
41 160 events at the leased facility; and for a thoroughbred
42 permitholder, the conduct of at least 40 live regular wagering



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43 performances during the preceding year. For a permitholder which
44 is restricted by statute to certain operating periods within the
45 year when other members of its same class of permit are
46 authorized to operate throughout the year, the specified number
47 of live performances which constitute a full schedule of live
48 racing or games shall be adjusted pro rata in accordance with
49 the relationship between its authorized operating period and the
50 full calendar year and the resulting specified number of live
51 performances shall constitute the full schedule of live games
52 for such permitholder and all other permitholders of the same
53 class within 100 air miles of such permitholder. A live
54 performance must consist of no fewer than eight races or games
55 conducted live for each of a minimum of three performances each
56 week at the permitholder's licensed facility under a single
57 admission charge. Notwithstanding any other provision of law,
58 beginning with the 2011-2012 fiscal year, there shall be no
59 minimum requirement of live performances for greyhound
60 permitholders.

61 Section 2. Subsection (1) of section 550.01215, Florida
62 Statutes, is amended to read:

63 550.01215 License application; periods of operation; bond,
64 conversion of permit.—

65 (1) Each permitholder shall annually, during the period
66 between December 15 and January 4, file in writing with the
67 division its application for a license to conduct pari-mutuel
68 wagering activities ~~performances~~ during the next state fiscal
69 year. Each application requesting live performances, if any,
70 shall specify the number, dates, and starting times of all
71 performances which the permitholder intends to conduct. It shall



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72 also specify which performances will be conducted as charity or
73 scholarship performances. In addition, each application for a
74 license shall include, for each permitholder which elects to
75 operate a cardroom, the dates and periods of operation the
76 permitholder intends to operate the cardroom or, for each
77 thoroughbred permitholder which elects to receive or rebroadcast
78 out-of-state races after 7 p.m., the dates for all performances
79 which the permitholder intends to conduct. A greyhound
80 permitholder may receive a license to conduct pari-mutuel
81 wagering activities at a licensed greyhound facility pursuant to
82 s. 550.475. Permitholders ~~may~~ shall be entitled to amend their
83 applications through February 28 or, for applications by
84 greyhound permitholders relating to the 2011-2012 fiscal year,
85 through August 31, 2011.

86 Section 3. Paragraph (b) of subsection (14) of section
87 550.054, Florida Statutes, is amended to read:

88 550.054 Application for permit to conduct pari-mutuel
89 wagering.—

90 (14)

91 (b) The division, upon application from the holder of a jai
92 alai permit meeting all conditions of this section, shall
93 convert the permit and shall issue to the permitholder a permit
94 to conduct greyhound racing. ~~A permitholder of a permit~~
95 ~~converted under this section shall be required to apply for and~~
96 ~~conduct a full schedule of live racing each fiscal year to be~~
97 ~~eligible for any tax credit provided by this chapter.~~ The holder
98 of a permit converted pursuant to this subsection or any holder
99 of a permit to conduct greyhound racing located in a county in
100 which it is the only permit issued pursuant to this section who



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101 operates at a leased facility pursuant to s. 550.475 may move
102 the location for which the permit has been issued to another
103 location within a 30-mile radius of the location fixed in the
104 permit issued in that county, provided the move does not cross
105 the county boundary and such location is approved under the
106 zoning regulations of the county or municipality in which the
107 permit is located, and upon such relocation may use the permit
108 for the conduct of pari-mutuel wagering and the operation of a
109 cardroom. The provisions of s. 550.6305(9)(d) and (f) shall
110 apply to any permit converted under this subsection and shall
111 continue to apply to any permit which was previously included
112 under and subject to such provisions before a conversion
113 pursuant to this section occurred.

114 Section 4. Subsection (1) and paragraph (c) of subsection
115 (3) of section 550.0951, Florida Statutes, are amended to read:

116 550.0951 Payment of daily license fee and taxes;
117 penalties.—

118 (1)(a) DAILY LICENSE FEE.—Each person engaged in the
119 business of conducting race meetings or jai alai games under
120 this chapter, hereinafter referred to as the "permitholder,"
121 "licensee," or "permittee," shall pay to the division, for the
122 use of the division, a daily license fee on each live or
123 simulcast pari-mutuel event of \$100 for each horserace and \$80
124 for each dograce and \$40 for each jai alai game conducted at a
125 racetrack or fronton licensed under this chapter. In addition to
126 the tax exemption specified in s. 550.09514(1) of \$360,000 or
127 \$500,000 per greyhound permitholder per state fiscal year, each
128 greyhound permitholder shall receive in the current state fiscal
129 year a tax credit equal to the number of live greyhound races



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130 conducted in the previous state fiscal year times the daily
131 license fee specified for each dograce in this subsection
132 applicable for the previous state fiscal year. This tax credit
133 and the exemption in s. 550.09514(1) shall be applicable to any
134 tax imposed by this chapter or the daily license fees imposed by
135 this chapter except during any charity or scholarship
136 performances conducted pursuant to s. 550.0351. Each
137 permitholder shall pay daily license fees not to exceed \$500 per
138 day on any simulcast races or games on which such permitholder
139 accepts wagers regardless of the number of out-of-state events
140 taken or the number of out-of-state locations from which such
141 events are taken. This license fee shall be deposited with the
142 Chief Financial Officer to the credit of the Pari-mutuel
143 Wagering Trust Fund.

144 (b) Each permitholder that cannot utilize the full amount
145 of the exemption of \$360,000 or \$500,000 provided in s.
146 550.09514(1) or the daily license fee credit provided in this
147 section may, at any time after notifying the division in
148 writing, ~~elect once per state fiscal year~~ on a form provided by
149 the division, elect to transfer such exemption or credit or any
150 portion thereof to any greyhound permitholder which acts as a
151 host track to such permitholder for the purpose of intertrack
152 wagering. Notwithstanding any other provision of law, the
153 exemption of \$360,000 or \$500,000 provided in s. 550.09514(1),
154 for each greyhound permitholder that does not conduct live
155 racing shall be pooled for distribution to eligible greyhound
156 permitholders in the current fiscal year and any portion of the
157 exemptions provided in s. 550.09514(1) unused or not transferred
158 by each greyhound permitholder that elects to conduct live



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159 racing shall be pooled for distribution to eligible greyhound
160 permitholders in the following fiscal year. Each greyhound
161 permitholder conducting at least 100 live performances of at
162 least eight races during a fiscal year shall be eligible for an
163 additional tax credit from the pool in an amount equal to the
164 product of the respective permitholder's percentage share of
165 live and intertrack wagering handle, excluding the live and
166 intertrack wagering handle of permitholders that do not conduct
167 live racing during the year in which the credits are distributed
168 under subsection (3) during the preceding fiscal year and the
169 total value of tax credits available in the pool. A greyhound
170 permitholder conducting live racing shall use the credits
171 provided in paragraph (a) and s. 550.1647 prior to the
172 exemptions provided in s. 550.09514(1) for purposes of
173 calculating the amount of unused exemptions. Once an election to
174 transfer such exemption or credit is filed with the division, it
175 shall not be rescinded. The division shall disapprove the
176 transfer when the amount of the exemption or credit or portion
177 thereof is unavailable to the transferring permitholder for any
178 reason, including being unavailable because the transferring
179 permitholder did not conduct at least 100 live performances of
180 at least eight races during the fiscal year, or when the
181 permitholder who is entitled to transfer the exemption or credit
182 or who is entitled to receive the exemption or credit owes taxes
183 to the state pursuant to a deficiency letter or administrative
184 complaint issued by the division. Upon approval of the transfer
185 by the division, the transferred tax exemption or credit shall
186 be effective for the first performance of the next payment
187 period as specified in subsection (5). The exemption or credit



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188 transferred to such host track may be applied by such host track
189 against any taxes imposed by this chapter or daily license fees
190 imposed by this chapter. The greyhound permitholder host track
191 to which such exemption or credit is transferred shall reimburse
192 such permitholder the exact monetary value of such transferred
193 exemption or credit as actually applied against the taxes and
194 daily license fees of the host track. The division shall ensure
195 that all transfers of exemption or credit are made in accordance
196 with this subsection and shall have the authority to adopt rules
197 to ensure the implementation of this section.

198 (c) A greyhound permitholder that conducts at least 100
199 live performances of at least eight races during each of the 5
200 years after July 1, 2011; that subsequently elects to not
201 conduct live racing; and that served as a host track for
202 intertrack wagering in each of the 10 years preceding its
203 election to not conduct live racing, or was converted pursuant
204 to s. 550.054(14), is entitled to an annual tax credit for each
205 year the greyhound permitholder conducted live racing after July
206 1, 2011, not to exceed 10 years, in an amount equal to the
207 average tax credit received by the greyhound permitholder
208 pursuant to paragraph (b) during the 3 years preceding the
209 greyhound permitholder's election to not conduct live racing.
210 The tax credit provided under this paragraph shall be deducted
211 from the pool pursuant to paragraph (b) and may be applied
212 against any taxes or fees imposed by this chapter or any taxes
213 or fees imposed by s. 849.086.

214 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on
215 contributions to pari-mutuel pools, the aggregate of which is
216 hereinafter referred to as "handle," on races or games conducted



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217 by the permitholder. The tax is imposed daily and is based on
218 the total contributions to all pari-mutuel pools conducted
219 during the daily performance. If a permitholder conducts more
220 than one performance daily, the tax is imposed on each
221 performance separately.

222 (c)1. The tax on handle for intertrack wagering is 2.0
223 percent of the handle if the host track is a horse track, 3.3
224 percent if the host track is a harness track, 5.5 percent if the
225 host track is a dog track, and 7.1 percent if the host track is
226 a jai alai fronton. The tax on handle for intertrack wagering is
227 0.5 percent if the host track and the guest track are
228 thoroughbred permitholders or if the guest track is located
229 outside the market area of the host track and within the market
230 area of a thoroughbred permitholder currently conducting a live
231 race meet. The tax on handle for intertrack wagering on
232 rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent
233 of the handle and 1.5 percent of the handle for intertrack
234 wagering on rebroadcasts of simulcast harness horseraces. The
235 tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

236 2. The tax on handle for intertrack wagers accepted by any
237 dog track located in an area of the state in which there are
238 only three permitholders, all of which are greyhound
239 permitholders, located in three contiguous counties, from any
240 greyhound permitholder also located within such area or any dog
241 track or jai alai fronton located as specified in s. 550.615(6)
242 or (8) ~~(9)~~, on races or games received from the same class of
243 permitholder located within the same market area is 3.9 percent
244 if the host facility is a greyhound permitholder and, if the
245 host facility is a jai alai permitholder, the rate shall be 6.1



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246 percent except that it shall be 2.3 percent on handle at such
247 time as the total tax on intertrack handle paid to the division
248 by the permitholder during the current state fiscal year exceeds
249 the total tax on intertrack handle paid to the division by the
250 permitholder during the 1992-1993 state fiscal year.

251 Section 5. Paragraphs (b), (c), and (e) of subsection (2)
252 of section 550.09514, Florida Statutes, are amended to read:

253 550.09514 Greyhound dogracing taxes; purse requirements.—

254 (2)

255 (b) Except as otherwise set forth herein, in addition to
256 the minimum purse percentage required by paragraph (a), each
257 permitholder conducting live racing during a fiscal year shall
258 pay as purses an annual amount equal to 75 percent of the daily
259 license fees paid by each permitholder for the 1994-1995 fiscal
260 year. This purse supplement shall be disbursed weekly during the
261 permitholder's race meet in an amount determined by dividing the
262 annual purse supplement by the number of performances approved
263 for the permitholder pursuant to its annual license and
264 multiplying that amount by the number of performances conducted
265 each week. ~~For the greyhound permitholders in the county where~~
266 ~~there are two greyhound permitholders located as specified in s.~~
267 ~~550.615(6), such permitholders shall pay in the aggregate an~~
268 ~~amount equal to 75 percent of the daily license fees paid by~~
269 ~~such permitholders for the 1994-1995 fiscal year. These~~
270 ~~permitholders shall be jointly and severally liable for such~~
271 ~~purse payments.~~ The additional purses provided by this paragraph
272 must be used exclusively for purses other than stakes. The
273 division shall conduct audits necessary to ensure compliance
274 with this section.



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275 (c)1. Each greyhound permitholder when conducting at least
276 three live performances during any week shall pay purses in that
277 week on wagers it accepts as a guest track on intertrack and
278 simulcast greyhound races at the same rate as it pays on live
279 races. Each greyhound permitholder when conducting at least
280 three live performances during any week shall pay purses in that
281 week, at the same rate as it pays on live races, on wagers
282 accepted on greyhound races at a guest track which is not
283 conducting live racing and is located within the same market
284 area as the greyhound permitholder conducting at least three
285 live performances during any week.

286 2. Each host greyhound permitholder shall pay purses on its
287 simulcast and intertrack broadcasts of greyhound races to guest
288 facilities that are located outside its market area in an amount
289 equal to one quarter of an amount determined by subtracting the
290 transmission costs of sending the simulcast or intertrack
291 broadcasts from an amount determined by adding the fees received
292 for greyhound simulcast races plus 3 percent of the greyhound
293 intertrack handle at guest facilities that are located outside
294 the market area of the host and that paid contractual fees to
295 the host for such broadcasts of greyhound races. For guest
296 greyhound permitholders not conducting live racing during a
297 fiscal year and not subject to the purse requirements in
298 subparagraph 1., 3 percent of the greyhound intertrack handle
299 shall be paid to the host greyhound permitholder for payment of
300 purses at the host track.

301 (e) In addition to the purse requirements of paragraphs
302 (a)-(c), each greyhound permitholder shall pay as purses an
303 amount equal to one-third of the amount of the tax reduction on



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304 live and simulcast handle applicable to such permitholder as a
305 result of the reductions in tax rates provided ~~by this act~~
306 through the amendments to s. 550.0951(3) in chapter 2000-354,
307 Laws of Florida. With respect to intertrack wagering when the
308 host and guest tracks are greyhound permitholders not within the
309 same market area, an amount equal to the tax reduction
310 applicable to the guest track handle as a result of the
311 reduction in tax rates ~~rate~~ provided ~~by this act~~ through the
312 amendments ~~amendment~~ to s. 550.0951(3) in chapter 2000-354, Laws
313 of Florida, shall be distributed to the guest track, one-third
314 of which amount shall be paid as purses at ~~the~~ guest tracks
315 conducting live racing ~~track~~. However, if the guest track is a
316 greyhound permitholder within the market area of the host or if
317 the guest track is not a greyhound permitholder, an amount equal
318 to such tax reduction applicable to the guest track handle shall
319 be retained by the host track, one-third of which amount shall
320 be paid as purses at the host track. These purse funds shall be
321 disbursed in the week received if the permitholder conducts at
322 least one live performance during that week. If the permitholder
323 does not conduct at least one live performance during the week
324 in which the purse funds are received, the purse funds shall be
325 disbursed weekly during the permitholder's next race meet in an
326 amount determined by dividing the purse amount by the number of
327 performances approved for the permitholder pursuant to its
328 annual license, and multiplying that amount by the number of
329 performances conducted each week. The division shall conduct
330 audits necessary to ensure compliance with this paragraph.

331 Section 6. Subsection (9) of section 550.105, Florida
332 Statutes, is amended to read:



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333 550.105 Occupational licenses of racetrack employees; fees;
334 denial, suspension, and revocation of license; penalties and
335 fines.—

336 (9) The tax imposed by this section is in lieu of all
337 license, excise, or occupational taxes to the state or any
338 county, municipality, or other political subdivision, except
339 that, if a race meeting or game is held or conducted in a
340 municipality, the municipality may assess and collect an
341 additional tax against any person conducting live racing or
342 games within its corporate limits, which tax may not exceed \$150
343 per day for horseracing or \$50 per day for dogracing,
344 simulcasts, intertrack wagering, cardroom games, or jai alai, up
345 to the maximum of 100 days for dogracing facilities. This tax
346 may be levied on simulcasts, intertrack wagering, and cardroom
347 games only to the extent that the facility does not have an
348 existing agreement with the municipality. Except as provided in
349 this chapter, a municipality may not assess or collect any
350 additional excise or revenue tax against any person conducting
351 race meetings within the corporate limits of the municipality or
352 against any patron of any such person.

353 Section 7. Subsection (1) of section 550.26165, Florida
354 Statutes, is amended to read:

355 550.26165 Breeders' awards.—

356 (1) The purpose of this section is to encourage the
357 agricultural activity of breeding and training racehorses in
358 this state. Moneys dedicated in this chapter for use as
359 breeders' awards and stallion awards are to be used for awards
360 to breeders of registered Florida-bred horses winning horseraces
361 and for similar awards to the owners of stallions who sired



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362 Florida-bred horses winning stakes races, if the stallions are
363 registered as Florida stallions standing in this state. Such
364 awards shall be given at a uniform rate to all winners of the
365 awards, shall not be greater than 20 percent of the announced
366 gross purse, and shall not be less than 15 percent of the
367 announced gross purse if funds are available. In addition, no
368 less than 17 percent nor more than 40 percent, as determined by
369 the Florida Thoroughbred Breeders' Association, of the moneys
370 dedicated in this chapter for use as breeders' awards and
371 stallion awards for thoroughbreds shall be returned pro rata to
372 the permitholders that generated the moneys for special racing
373 awards to be distributed by the permitholders to owners of
374 thoroughbred horses participating in prescribed thoroughbred
375 stakes races, nonstakes races, or both, all in accordance with a
376 written agreement establishing the rate, procedure, and
377 eligibility requirements for such awards entered into by the
378 permitholder, the Florida Thoroughbred Breeders' Association,
379 and the Florida Horsemen's Benevolent and Protective
380 Association, Inc., except that the plan for the distribution by
381 any permitholder located in the area described in s. 550.615(8)
382 ~~s. 550.615(9)~~ shall be agreed upon by that permitholder, the
383 Florida Thoroughbred Breeders' Association, and the association
384 representing a majority of the thoroughbred racehorse owners and
385 trainers at that location. Awards for thoroughbred races are to
386 be paid through the Florida Thoroughbred Breeders' Association,
387 and awards for standardbred races are to be paid through the
388 Florida Standardbred Breeders and Owners Association. Among
389 other sources specified in this chapter, moneys for thoroughbred
390 breeders' awards will come from the 0.955 percent of handle for



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391 thoroughbred races conducted, received, broadcast, or simulcast
392 under this chapter as provided in s. 550.2625(3). The moneys for
393 quarter horse and harness breeders' awards will come from the
394 breaks and uncashed tickets on live quarter horse and harness
395 racing performances and 1 percent of handle on intertrack
396 wagering. The funds for these breeders' awards shall be paid to
397 the respective breeders' associations by the permitholders
398 conducting the races.

399 Section 8. Section 550.475, Florida Statutes, is amended to
400 read:

401 550.475 Lease of pari-mutuel facilities by pari-mutuel
402 permitholders.—Holders of valid pari-mutuel permits for the
403 conduct of any jai alai games, dogracing, or thoroughbred and
404 standardbred horse racing in this state are entitled to lease
405 any and all of their facilities to any other holder of a same
406 class valid pari-mutuel permit for jai alai games, dogracing, or
407 thoroughbred or standardbred horse racing, when located within a
408 35-mile radius of each other; and such lessee is entitled to a
409 ~~permit and~~ license to operate its race meet or jai alai games at
410 the leased premises.

411 Section 9. Section 550.615, Florida Statutes, is amended to
412 read:

413 550.615 Intertrack wagering.—

414 (1) Any horserace permitholder licensed under this chapter
415 which has conducted a full schedule of live racing may, at any
416 time, receive broadcasts of horseraces and accept wagers on
417 horseraces conducted by horserace permitholders licensed under
418 this chapter at its facility.

419 (2) A ~~Any~~ track or fronton licensed under this chapter



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420 which conducted a full schedule of live racing or games ~~which~~ in
421 the preceding year, any greyhound permitholder that has held an
422 annual license to conduct pari-mutuel wagering activities in
423 each of the preceding 10 years, or any greyhound permitholder
424 converted pursuant to s. 550.054(14) ~~conducted a full schedule~~
425 ~~of live racing~~ is qualified to, at any time, receive broadcasts
426 of any class of pari-mutuel race or game and accept wagers on
427 such races or games conducted by any class of permitholders
428 licensed under this chapter.

429 (3) If a permitholder elects to broadcast its signal to any
430 permitholder in this state, any permitholder that is eligible to
431 conduct intertrack wagering under the provisions of ss. 550.615-
432 550.6345 is entitled to receive the broadcast and conduct
433 intertrack wagering under this section; provided, however, that
434 the host track may require a guest track within 25 miles of
435 another permitholder to receive in any week at least 60 percent
436 of the live races that the host track is making available on the
437 days that the guest track is otherwise operating live races or
438 games. A host track may require a guest track not operating live
439 races or games and within 25 miles of another permitholder to
440 accept within any week at least 60 percent of the live races
441 that the host track is making available. A person may not
442 restrain or attempt to restrain any permitholder that is
443 otherwise authorized to conduct intertrack wagering from
444 receiving the signal of any other permitholder or sending its
445 signal to any permitholder.

446 (4) In no event shall any intertrack wager be accepted on
447 the same class of live races or games of any permitholder
448 without the written consent of such operating permitholders



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449 conducting the same class of live races or games if the guest
450 track is within the market area of such operating permitholder.
451 A greyhound permitholder that accepts intertrack wagers on live
452 greyhound signals is not required to obtain such written consent
453 from any operating greyhound permitholder within its market
454 area.

455 (5) No permitholder within the market area of the host
456 track shall take an intertrack wager on the host track without
457 the consent of the host track.

458 (6) Notwithstanding the provisions of subsection (3), in
459 any area of the state where there are three or more horserace
460 permitholders within 25 miles of each other, intertrack wagering
461 between permitholders in said area of the state shall only be
462 authorized under the following conditions: Any permitholder,
463 other than a thoroughbred permitholder, may accept intertrack
464 wagers on races or games conducted live by a permitholder of the
465 same class or any harness permitholder located within such area
466 and any harness permitholder may accept wagers on games
467 conducted live by any jai alai permitholder located within its
468 market area and from a jai alai permitholder located within the
469 area specified in this subsection when no jai alai permitholder
470 located within its market area is conducting live jai alai
471 performances; any greyhound or jai alai permitholder may receive
472 broadcasts of and accept wagers on any permitholder of the other
473 class provided that a permitholder, other than the host track,
474 of such other class is not operating a contemporaneous live
475 performance within the market area.

476 ~~(7) In any county of the state where there are only two~~
477 ~~permits, one for dogracing and one for jai alai, no intertrack~~



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478 ~~wager may be taken during the period of time when a permitholder~~
479 ~~is not licensed to conduct live races or games without the~~
480 ~~written consent of the other permitholder that is conducting~~
481 ~~live races or games. However, if neither permitholder is~~
482 ~~conducting live races or games, either permitholder may accept~~
483 ~~intertrack wagers on horseraces or on the same class of races or~~
484 ~~games, or on both horseraces and the same class of races or~~
485 ~~games as is authorized by its permit.~~

486 ~~(7)(8) In any three contiguous counties of the state where~~
487 ~~there are only three permitholders, all of which are greyhound~~
488 ~~permitholders, If any greyhound permitholder leases the facility~~
489 ~~of another greyhound permitholder for the purpose of conducting~~
490 ~~all or any portion of the conduct of its live race meet pursuant~~
491 ~~to s. 550.475, such lessee may conduct intertrack wagering at~~
492 ~~its pre-lease permitted facility throughout the entire year,~~
493 ~~including while its race live meet is being conducted at the~~
494 ~~leased facility, if such permitholder has conducted a full~~
495 ~~schedule of live racing during the preceding fiscal year at its~~
496 ~~pre-lease permitted facility or at a leased facility, or~~
497 ~~combination thereof.~~

498 ~~(8)(9) In any two contiguous counties of the state in which~~
499 ~~there are located only four active permits, one for thoroughbred~~
500 ~~horse racing, two for greyhound dogracing, and one for jai alai~~
501 ~~games, no intertrack wager may be accepted on the same class of~~
502 ~~live races or games of any permitholder without the written~~
503 ~~consent of such operating permitholders conducting the same~~
504 ~~class of live races or games if the guest track is within the~~
505 ~~market area of such operating permitholder.~~

506 ~~(9)(10) All costs of receiving the transmission of the~~



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507 broadcasts shall be borne by the guest track; and all costs of
508 sending the broadcasts shall be borne by the host track.

509 Section 10. Paragraph (g) of subsection (9) of section
510 550.6305, Florida Statutes, is amended to read:

511 550.6305 Intertrack wagering; guest track payments;
512 accounting rules.—

513 (9) A host track that has contracted with an out-of-state
514 horse track to broadcast live races conducted at such out-of-
515 state horse track pursuant to s. 550.3551(5) may broadcast such
516 out-of-state races to any guest track and accept wagers thereon
517 in the same manner as is provided in s. 550.3551.

518 (g)1. Any thoroughbred permitholder which accepts wagers on
519 a simulcast signal must make the signal available to any
520 permitholder that is eligible to conduct intertrack wagering
521 under the provisions of ss. 550.615-550.6345.

522 2. Any thoroughbred permitholder which accepts wagers on a
523 simulcast signal received after 6 p.m. must make such signal
524 available to any permitholder that is eligible to conduct
525 intertrack wagering under the provisions of ss. 550.615-
526 550.6345, including any permitholder located as specified in s.
527 550.615(6). Such guest permitholders are authorized to accept
528 wagers on such simulcast signal, notwithstanding any other
529 provision of this chapter to the contrary.

530 3. Any thoroughbred permitholder which accepts wagers on a
531 simulcast signal received after 6 p.m. must make such signal
532 available to any permitholder that is eligible to conduct
533 intertrack wagering under the provisions of ss. 550.615-
534 550.6345, including any permitholder located as specified in s.
535 550.615(8) ~~s. 550.615(9)~~. Such guest permitholders are



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536 authorized to accept wagers on such simulcast signals for a
537 number of performances not to exceed that which constitutes a
538 full schedule of live races for a quarter horse permitholder
539 pursuant to s. 550.002(11), notwithstanding any other provision
540 of this chapter to the contrary, except that the restrictions
541 provided in s. 550.615(8)(a) ~~s. 550.615(9)(a)~~ apply to wagers on
542 such simulcast signals.

543
544 No thoroughbred permitholder shall be required to continue to
545 rebroadcast a simulcast signal to any in-state permitholder if
546 the average per performance gross receipts returned to the host
547 permitholder over the preceding 30-day period were less than
548 \$100. Subject to the provisions of s. 550.615(4), as a condition
549 of receiving rebroadcasts of thoroughbred simulcast signals
550 under this paragraph, a guest permitholder must accept
551 intertrack wagers on all live races conducted by all then-
552 operating thoroughbred permitholders.

553 Section 11. Paragraph (c) of subsection (4) of section
554 551.104, Florida Statutes, is amended to read:

555 551.104 License to conduct slot machine gaming.—

556 (4) As a condition of licensure and to maintain continued
557 authority for the conduct of slot machine gaming, the slot
558 machine licensee shall:

559 (c) Conduct no fewer than a full schedule of live racing or
560 games as defined in s. 550.002(11), except for holders of
561 greyhound permits that do not have a live racing requirement. A
562 permitholder's responsibility to conduct such number of live
563 races or games shall be reduced by the number of races or games
564 that could not be conducted due to the direct result of fire,



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565 war, hurricane, or other disaster or event beyond the control of
566 the permitholder.

567 Section 12. Subsections (2) and (4) of section 551.114,
568 Florida Statutes, are amended to read:

569 551.114 Slot machine gaming areas.—

570 (2) The slot machine licensee shall display pari-mutuel
571 races or games within the designated slot machine gaming areas
572 and offer patrons within the designated slot machine gaming
573 areas the ability to engage in pari-mutuel wagering on any live,
574 intertrack, and simulcast races conducted or offered to patrons
575 of the licensed facility.

576 (4) Designated slot machine gaming areas may be located
577 within the current live gaming facility or in an existing
578 building that must be contiguous and connected to the live
579 gaming facility, if applicable. If a designated slot machine
580 gaming area is to be located in a building that is to be
581 constructed, that new building must be contiguous and connected
582 to the live gaming facility.

583 Section 13. Paragraphs (a) and (b) of subsection (5) and
584 paragraph (d) of subsection (13) of section 849.086, Florida
585 Statutes, are amended to read:

586 849.086 Cardrooms authorized.—

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

590 (a) Only those persons holding a valid cardroom license
591 issued by the division may operate a cardroom. A cardroom
592 license may only be issued to a licensed pari-mutuel
593 permitholder and an authorized cardroom may only be operated at



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594 the same facility at which the permitholder is authorized under
595 its valid pari-mutuel wagering permit to conduct pari-mutuel
596 wagering activities. An initial cardroom license shall be issued
597 to a pari-mutuel permitholder only after its facilities are in
598 place and after it conducts its first day of live racing or
599 games or, for a greyhound permitholder, only after it has
600 conducted a full schedule of live racing in each of the
601 preceding 10 years or after it was converted pursuant to s.
602 550.054(14). A new cardroom license may not be issued in an area
603 unless the local government has approved of such activitiy
604 within its boundaries in accordance with subsection (16).

605 (b) After the initial cardroom license is granted, the
606 application for the annual license renewal shall be made in
607 conjunction with the applicant's annual application for its
608 pari-mutuel license. If a permitholder has operated a cardroom
609 during any of the 3 previous fiscal years and fails to include a
610 renewal request for the operation of the cardroom in its annual
611 application for license renewal, the permitholder may amend its
612 annual application to include operation of the cardroom. Except
613 for greyhound permitholders, in order for a cardroom license to
614 be renewed the applicant must have requested, as part of its
615 pari-mutuel annual license application, to conduct at least 90
616 percent of the total number of live performances conducted by
617 such permitholder during either the state fiscal year in which
618 its initial cardroom license was issued or the state fiscal year
619 immediately prior thereto if the permitholder ran at least a
620 full schedule of live racing or games in the prior year. If the
621 application is for a harness permitholder cardroom, the
622 applicant must have requested authorization to conduct a minimum



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623 of 140 live performances during the state fiscal year
624 immediately prior thereto. If more than one permitholder is
625 operating at a facility, each permitholder must have applied for
626 a license to conduct a full schedule of live racing. However, a
627 minimum number of requested or conducted live performances is
628 not required for a greyhound permitholder to maintain or renew a
629 cardroom license.

630 (13) TAXES AND OTHER PAYMENTS.—

631 (d)1. Each greyhound and jai alai permitholder that
632 operates a cardroom facility shall use at least 4 percent of
633 such permitholder's cardroom monthly gross receipts to
634 supplement greyhound purses if live racing is conducted during a
635 fiscal year, or jai alai prize money, respectively, during the
636 permitholder's current or next ensuing pari-mutuel meet.

637 2. Each thoroughbred and harness horse racing permitholder
638 that operates a cardroom facility shall use at least 50 percent
639 of such permitholder's cardroom monthly net proceeds as follows:
640 47 percent to supplement purses and 3 percent to supplement
641 breeders' awards during the permitholder's next ensuing racing
642 meet.

643 3. No cardroom license or renewal thereof shall be issued
644 to an applicant holding a permit under chapter 550 to conduct
645 pari-mutuel wagering meets of quarter horse racing unless the
646 applicant has on file with the division a binding written
647 agreement between the applicant and the Florida Quarter Horse
648 Racing Association or the association representing a majority of
649 the horse owners and trainers at the applicant's eligible
650 facility, governing the payment of purses on live quarter horse
651 races conducted at the licensee's pari-mutuel facility. The



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652 agreement governing purses may direct the payment of such purses
653 from revenues generated by any wagering or gaming the applicant
654 is authorized to conduct under Florida law. All purses shall be
655 subject to the terms of chapter 550.

656 Section 14. This act does not authorize gambling activity
657 beyond what is provided for under current law as of March 1,
658 2011.

659 Section 15. This act shall take effect upon becoming a law.

661 ===== T I T L E A M E N D M E N T =====

662 And the title is amended as follows:

663 Delete everything before the enacting clause
664 and insert:

665 A bill to be entitled

666 An act relating to greyhound racing; amending s.
667 550.002, F.S.; revising the definition of the term
668 "full schedule of live racing or games"; prohibiting a
669 minimum requirement of live performances for greyhound
670 permitholders; amending s. 550.01215, F.S.; revising
671 the requirements for an application for a license to
672 conduct performances; extending the period of time
673 allowed to amend certain applications; amending s.
674 550.054, F.S.; removing a requirement for holders of
675 certain converted permits to conduct a full schedule
676 of live racing to qualify for certain tax credits;
677 amending s. 550.0951, F.S.; revising provisions
678 relating to a transfer by a permitholder of a tax
679 exemption or license fee credit to a greyhound
680 permitholder; revising provisions relating to the tax



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681 on handle for dogracing and intertrack wagering;
682 conforming a cross-reference; amending s. 550.09514,
683 F.S.; revising provisions relating to the purse
684 requirements for greyhound racing and for the payment
685 of purses; amending s. 550.105, F.S.; revising
686 provisions relating to municipal taxes for dogracing
687 facilities; amending s. 550.26165, F.S.; conforming a
688 cross-reference to changes made by the act; amending
689 s. 550.475, F.S.; revising provisions relating to the
690 leasing of pari-mutuel facilities by pari-mutuel
691 permitholders; amending s. 550.615, F.S.; revising
692 provisions relating to intertrack wagering; amending
693 s. 550.6305, F.S.; conforming cross-references;
694 amending s. 551.104, F.S.; revising a condition of
695 licensure for the conduct of slot machine gaming;
696 amending s. 551.114, F.S.; revising the requirements
697 for designated slot machine gaming areas; amending s.
698 849.086, F.S.; revising the requirements for initial
699 and renewal issuance of a cardroom license to a
700 greyhound permitholder; providing that a corresponding
701 pari-mutuel license application or a minimum number of
702 live performances is not required for a greyhound
703 permitholder to maintain or renew a cardroom license;
704 providing that the act does not authorize certain
705 gambling activity; providing an effective date.