

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Plakon offered the following:

2
3 **Amendment to Amendment (295170) (with title amendment)**

4 Remove lines 114-330 and insert:

5 Section 4. Subsection (1) of section 550.0951, Florida
6 Statutes, is amended to read:

7 550.0951 Payment of daily license fee and taxes;
8 penalties.-

9 (1) ~~(a)~~ DAILY LICENSE FEE.—Each person engaged in the
10 business of conducting race meetings or jai alai games under
11 this chapter, hereinafter referred to as the "permitholder,"
12 "licensee," or "permittee," shall pay to the division, for the
13 use of the division, a daily license fee on each live or
14 simulcast pari-mutuel event of \$100 for each horserace and \$80
15 for each dograce and \$40 for each jai alai game conducted at a
16 racetrack or fronton licensed under this chapter. In addition to
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17 the tax exemption specified in s. 550.09514(1) of \$360,000 or
18 \$500,000 per greyhound permitholder per state fiscal year, each
19 greyhound permitholder shall receive in the current state fiscal
20 year a tax credit equal to the number of live greyhound races
21 conducted in the previous state fiscal year times the daily
22 license fee specified for each dograce in this subsection
23 applicable for the previous state fiscal year. This tax credit
24 and the exemption in s. 550.09514(1) shall be applicable to any
25 tax imposed by this chapter or the daily license fees imposed by
26 this chapter except during any charity or scholarship
27 performances conducted pursuant to s. 550.0351. Each
28 permitholder shall pay daily license fees not to exceed \$500 per
29 day on any simulcast races or games on which such permitholder
30 accepts wagers regardless of the number of out-of-state events
31 taken or the number of out-of-state locations from which such
32 events are taken. This license fee shall be deposited with the
33 Chief Financial Officer to the credit of the Pari-mutuel
34 Wagering Trust Fund.

35 ~~(b) Each permitholder that cannot utilize the full amount~~
36 ~~of the exemption of \$360,000 or \$500,000 provided in s.~~
37 ~~550.09514(1) or the daily license fee credit provided in this~~
38 ~~section may, after notifying the division in writing, elect once~~
39 ~~per state fiscal year on a form provided by the division, to~~
40 ~~transfer such exemption or credit or any portion thereof to any~~
41 ~~greyhound permitholder which acts as a host track to such~~
42 ~~permitholder for the purpose of intertrack wagering. Once an~~
43 ~~election to transfer such exemption or credit is filed with the~~
44 ~~division, it shall not be rescinded. The division shall~~

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45 ~~disapprove the transfer when the amount of the exemption or~~
46 ~~credit or portion thereof is unavailable to the transferring~~
47 ~~permitholder or when the permitholder who is entitled to~~
48 ~~transfer the exemption or credit or who is entitled to receive~~
49 ~~the exemption or credit owes taxes to the state pursuant to a~~
50 ~~deficiency letter or administrative complaint issued by the~~
51 ~~division. Upon approval of the transfer by the division, the~~
52 ~~transferred tax exemption or credit shall be effective for the~~
53 ~~first performance of the next payment period as specified in~~
54 ~~subsection (5). The exemption or credit transferred to such host~~
55 ~~track may be applied by such host track against any taxes~~
56 ~~imposed by this chapter or daily license fees imposed by this~~
57 ~~chapter. The greyhound permitholder host track to which such~~
58 ~~exemption or credit is transferred shall reimburse such~~
59 ~~permitholder the exact monetary value of such transferred~~
60 ~~exemption or credit as actually applied against the taxes and~~
61 ~~daily license fees of the host track. The division shall ensure~~
62 ~~that all transfers of exemption or credit are made in accordance~~
63 ~~with this subsection and shall have the authority to adopt rules~~
64 ~~to ensure the implementation of this section.~~

65 Section 5. Subsection (1) and paragraphs (b), (c), and (e)
66 of subsection (2) of section 550.09514, Florida Statutes, are
67 amended to read:

68 550.09514 Greyhound dogracing taxes; purse requirements.-

69 (1) (a) Wagering on greyhound racing is subject to a tax on
70 handle for live greyhound racing as specified in s. 550.0951(3).
71 However, each permitholder shall pay no tax on handle until such
72 time as this subsection has resulted in a tax savings per state
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73 fiscal year of \$360,000. Thereafter, each permitholder shall pay
74 the tax as specified in s. 550.0951(3) on all handle for the
75 remainder of the permitholder's current race meet. For the three
76 permitholders that conducted a full schedule of live racing in
77 1995, and are closest to another state that authorizes greyhound
78 pari-mutuel wagering, the maximum tax savings per state fiscal
79 year shall be \$500,000. The provisions of this subsection
80 relating to tax exemptions shall not apply to any charity or
81 scholarship performances conducted pursuant to s. 550.0351.

82 (b) Each permitholder licensed to conduct at least 100
83 live performances of at least eight races during a fiscal year
84 who cannot use the full amount of the exemption of \$360,000 or
85 \$500,000 provided in paragraph (a) or the daily license fee
86 credit provided in s. 550.0951(1) may, at any time after
87 notifying the division in writing on a form provided by the
88 division, transfer such exemption or credit or any portion
89 thereof to any greyhound permitholder that acts as a host track
90 to such permitholder for the purpose of intertrack wagering.
91 Once an election to transfer such exemption or credit is filed
92 with the division, it may not be rescinded. The division shall
93 disapprove the transfer when the amount of the exemption or
94 credit or portion thereof is unavailable to the transferring
95 permitholder for any reason, including being unavailable because
96 the transferring permitholder is not licensed to conduct at
97 least 100 live performances of at least eight races during the
98 fiscal year, or when the permitholder who is entitled to
99 transfer the exemption or credit or who is entitled to receive
100 the exemption or credit owes taxes to the state pursuant to a
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101 deficiency letter or administrative complaint issued by the
102 division. The greyhound permitholder host track to which such
103 exemption or credit is transferred shall reimburse such
104 permitholder the exact monetary value of such transferred
105 exemption or credit as actually applied against the taxes and
106 daily license fees of the host track.

107 (c) Each permitholder who is not licensed to conduct at
108 least 100 live performances of at least eight races during a
109 fiscal year forfeits the exemption of \$360,000 or \$500,000
110 provided in paragraph (a). Annually, the division shall pool
111 such forfeited exemptions from permitholders who conducted live
112 racing during fiscal year 2010-2011. Each greyhound permitholder
113 who is licensed to conduct at least 100 live performances of at
114 least eight races during the fiscal year is entitled to an
115 additional tax credit in an amount equal to the product of the
116 respective permitholder's percentage share of live and
117 intertrack wagering handle under s. 550.0951(3) during the
118 previous fiscal year and 72 percent of the total value of tax
119 credits available in the pool for fiscal year 2011-2012, or 62
120 percent of the total value of tax credits available in the pool
121 for fiscal years after fiscal year 2011-2012.

122 (d) Upon approval of a transfer under paragraph (b) or
123 additional credit under paragraph (c) by the division, the tax
124 exemption or credit shall be effective for the first performance
125 of the next payment period as specified in s. 550.0951(5).

126 (e) Exemptions or credits issued or transferred pursuant
127 to this subsection may be applied against any taxes imposed by
128 this chapter or daily license fees imposed by this chapter,

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129 except during any charity or scholarship performances conducted
130 pursuant to s. 550.0351. No credit or exemption authorized under
131 this section or s. 550.0951 shall carry forward to subsequent
132 fiscal years. The division shall ensure that all transfers of
133 exemptions or credits are made in accordance with this
134 subsection and shall have the authority to adopt rules to ensure
135 the implementation of this section.

136 (2)

137 (b) Except as otherwise set forth herein, in addition to
138 the minimum purse percentage required by paragraph (a), each
139 permitholder conducting live racing during a fiscal year shall
140 pay as purses an annual amount equal to 75 percent of the daily
141 license fees paid by each permitholder for the 1994-1995 fiscal
142 year. This purse supplement shall be disbursed weekly during the
143 permitholder's race meet in an amount determined by dividing the
144 annual purse supplement by the number of performances approved
145 for the permitholder pursuant to its annual license and
146 multiplying that amount by the number of performances conducted
147 each week. ~~For the greyhound permitholders in the county where~~
148 ~~there are two greyhound permitholders located as specified in s.~~
149 ~~550.615(6), such permitholders shall pay in the aggregate an~~
150 ~~amount equal to 75 percent of the daily license fees paid by~~
151 ~~such permitholders for the 1994-1995 fiscal year. These~~
152 ~~permitholders shall be jointly and severally liable for such~~
153 ~~purse payments.~~ The additional purses provided by this paragraph
154 must be used exclusively for purses other than stakes. The
155 division shall conduct audits necessary to ensure compliance
156 with this section.

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157 (c)1. Each greyhound permitholder when conducting at least
158 three live performances during any week shall pay purses in that
159 week on wagers it accepts as a guest track on intertrack and
160 simulcast greyhound races at the same rate as it pays on live
161 races. Each greyhound permitholder when conducting at least
162 three live performances during any week shall pay purses in that
163 week, at the same rate as it pays on live races, on wagers
164 accepted on greyhound races at a guest track which is not
165 conducting live racing and is located within the same market
166 area as the greyhound permitholder conducting at least three
167 live performances during any week.

168 2. Each host greyhound permitholder shall pay purses on
169 its simulcast and intertrack broadcasts of greyhound races to
170 guest facilities that are located outside its market area in an
171 amount equal to one quarter of an amount determined by
172 subtracting the transmission costs of sending the simulcast or
173 intertrack broadcasts from an amount determined by adding the
174 fees received for greyhound simulcast races plus 3 percent of
175 the greyhound intertrack handle at guest facilities that are
176 located outside the market area of the host and that paid
177 contractual fees to the host for such broadcasts of greyhound
178 races. For guest greyhound permitholders not conducting live
179 racing during a fiscal year and not subject to the purse
180 requirements of subparagraph 1., 3 percent of the greyhound
181 intertrack handle shall be paid to the host greyhound
182 permitholder for payment of purses at the host track.

183 (e) In addition to the purse requirements of paragraphs
184 (a)-(c), each greyhound permitholder shall pay as purses an
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185 amount equal to one-third of the amount of the tax reduction on
186 live and simulcast handle applicable to such permitholder as a
187 result of the reductions in tax rates provided ~~by this act~~
188 through the amendments to s. 550.0951(3) by chapter 2000-354,
189 Laws of Florida. With respect to intertrack wagering when the
190 host and guest tracks are greyhound permitholders not within the
191 same market area, an amount equal to the tax reduction
192 applicable to the guest track handle as a result of the
193 reduction in tax rates ~~rate~~ provided ~~by this act~~ through the
194 amendments ~~amendment~~ to s. 550.0951(3) by chapter 2000-354, Laws
195 of Florida, shall be distributed to the guest track, one-third
196 of which amount shall be paid as purses at those guest tracks
197 conducting live racing ~~the guest track~~. However, if the guest
198 track is a greyhound permitholder within the market area of the
199 host or if the guest track is not a greyhound permitholder, an
200 amount equal to such tax reduction applicable to the guest track
201 handle shall be retained by the host track, one-third of which
202 amount shall be paid as purses at the host track. These purse
203 funds shall be disbursed in the week received if the
204 permitholder conducts at least one live performance during that
205 week. If the permitholder does not conduct at least one live
206 performance during the week in which the purse funds are
207 received, the purse funds shall be disbursed weekly during the
208 permitholder's next race meet in an amount determined by
209 dividing the purse amount by the number of performances approved
210 for the permitholder pursuant to its annual license, and
211 multiplying that amount by the number of performances conducted
212 each week. The division shall conduct audits necessary to ensure
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213 compliance with this paragraph.

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

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Remove lines 678-686 and insert:

219

amending s. 550.0951, F.S.; deleting provisions relating to

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transfer of certain unused exemptions or credits; amending s.

221

550.09514, F.S.; providing for transfer of certain unused

222

exemptions or credits; revising purse requirements for greyhound

223

racing and provisions for payment of purses; amending s.

224

550.105, F.S.; revising