

By Senator Jones

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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.; adding and revising definitions;  
4       repealing s. 550.0745, F.S., relating to the  
5       conversion of a pari-mutuel permit to a summer jai  
6       alai permit; amending s. 550.3345, F.S.; deleting  
7       provisions authorizing the relocation of a converted  
8       limited thoroughbred permit; amending s. 551.102,  
9       F.S.; redefining the term "eligible facility" as it  
10      relates to slot machine gaming; providing that a  
11      facility may become eligible for slot machine gaming  
12      only after a specifically authorized referendum has  
13      been conducted; providing that slot machine licenses  
14      may be issued only to certain pari-mutuel  
15      permitholders; prohibiting the transfer of a slot  
16      machine license; redefining the term "slot machine  
17      licensee" to conform to changes made by the act;  
18      amending s. 551.104, F.S.; authorizing the Division of  
19      Pari-mutuel Wagering to approve an application for a  
20      license to conduct slot machine gaming for a facility  
21      located in a county operating under a home rule  
22      charter; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Section 550.002, Florida Statutes, is amended to  
27 read:

28       550.002 Definitions.—As used in this chapter, the term:  
29       (1) "Breaks" means the portion of a pari-mutuel pool which

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30 is computed by rounding down to the nearest multiple of 10 cents  
31 and is not distributed to the contributors or withheld by the  
32 permitholder as takeout.

33 (2) "Breeders' and stallions' awards" means financial  
34 incentives paid to encourage the agricultural industry of  
35 breeding racehorses in this state.

36 (3) "Broadcast" means the broadcast, transmission,  
37 simulcast, or exhibition in any medium or manner by means that  
38 may include, but are not limited to, community antenna systems  
39 that receive and retransmit television or radio signals by wire,  
40 cable, or otherwise to television or radio sets, and cable  
41 origination networks or programmers that transmit programming to  
42 community antenna televisions or closed-circuit systems by wire,  
43 cable, satellite, or otherwise.

44 (4) "Contributor" means a person who contributes to a pari-  
45 mutuel pool by engaging in any pari-mutuel wager pursuant to  
46 this chapter.

47 (5) "Current meet" or "current race meet" means the conduct  
48 of racing or games pursuant to a current year's operating  
49 license issued by the division.

50 (6) "Department" means the Department of Business and  
51 Professional Regulation.

52 (7) "Division" means the Division of Pari-mutuel Wagering  
53 within the Department of Business and Professional Regulation.

54 (8) "Event" means a single contest, race, or game within a  
55 performance.

56 (9) "Exotic pools" means wagering pools, other than the  
57 traditional win, place, or show (1st, 2nd, or 3rd place) pools,  
58 into which a contributor can place a wager on more than one

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59 entry or on more than one race or game in the same bet and which  
60 includes, but is not limited to, daily doubles, perfectas,  
61 quinielas, quiniela daily doubles, exactas, trifectas, and Big Q  
62 pools.

63 (10) "Fronton" means a building or enclosure that contains  
64 a playing court with three walls designed and constructed for  
65 playing the sport of jai alai or pelota.

66 (11) "Full schedule of live racing or games" means, for a  
67 greyhound or jai alai permitholder, the conduct of a combination  
68 of at least 100 live evening or matinee performances during the  
69 preceding year; ~~for a permitholder who has a converted permit or~~  
70 ~~filed an application on or before June 1, 1990, for a converted~~  
71 ~~permit, the conduct of a combination of at least 100 live~~  
72 ~~evening and matinee wagering performances during either of the 2~~  
73 ~~preceding years;~~ for a jai alai permitholder who does not  
74 operate slot machines in its pari-mutuel facility, ~~who has~~  
75 ~~conducted at least 100 live performances per year for at least~~  
76 ~~10 years after December 31, 1992,~~ and whose handle on live jai  
77 alai games conducted at its pari-mutuel facility has been less  
78 than \$4 million per state fiscal year for at least 2 consecutive  
79 years after June 30, 1992, the conduct of a combination of at  
80 least 40 live evening or matinee performances during the  
81 preceding year; for a jai alai permitholder who operates slot  
82 machines in its pari-mutuel facility, the conduct of a  
83 combination of at least 150 performances during the preceding  
84 year; for a harness permitholder, the conduct of at least 100  
85 live regular wagering performances during the preceding year;  
86 for a quarter horse permitholder ~~at its facility unless an~~  
87 ~~alternative schedule of at least 20 live regular wagering~~

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88 ~~performances is agreed upon by the permitholder and either the~~  
89 ~~Florida Quarter Horse Racing Association or the horsemen's~~  
90 ~~association representing the majority of the quarter horse~~  
91 ~~owners and trainers at the facility and filed with the division~~  
92 ~~along with its annual date application, in the 2010-2011 fiscal~~  
93 ~~year, the conduct of at least 20 regular wagering performances,~~  
94 ~~in the 2011-2012 and 2012-2013 fiscal years, the conduct of at~~  
95 ~~least 30 live regular wagering performances, and for every~~  
96 ~~fiscal year after the 2012-2013 fiscal year, the conduct of at~~  
97 ~~least 40 live regular wagering performances; for a quarter horse~~  
98 ~~permitholder leasing another licensed racetrack, the conduct of~~  
99 ~~160 events at the leased facility; and for a thoroughbred~~  
100 ~~permitholder, the conduct of at least 40 live regular wagering~~  
101 ~~performances during the preceding year. For a permitholder that~~  
102 ~~which is restricted by statute to certain operating periods~~  
103 ~~within the year when other members of its same class of permit~~  
104 ~~are authorized to operate throughout the year, the specified~~  
105 ~~number of live performances which constitutes ~~constitute~~ a full~~  
106 ~~schedule of live racing or games shall be adjusted pro rata in~~  
107 ~~accordance with the relationship between its authorized~~  
108 ~~operating period and the full calendar year and the resulting~~  
109 ~~specified number of live performances shall constitute the full~~  
110 ~~schedule of live games for such permitholder and all other~~  
111 ~~permitholders of the same class within 100 air miles of such~~  
112 ~~permitholder. A live performance must consist of no fewer than~~  
113 ~~eight races or games conducted live for each of a minimum of~~  
114 ~~three performances each week at the permitholder's licensed~~  
115 ~~facility under a single admission charge.~~

116 (12) "Greyhound racing" means the racing of greyhound dogs

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117 on an oval track. The dogs must start in a starting box, chase a  
118 lure, and compete in an electronically timed race.

119 (13)~~(12)~~ "Guest track" means a track or fronton receiving  
120 or accepting an intertrack wager.

121 (14)~~(13)~~ "Handle" means the aggregate contributions to  
122 pari-mutuel pools.

123 (15)~~(14)~~ "Harness racing" means a type of horseracing which  
124 is limited to two or more standardbred horses using a pacing or  
125 trotting gait in which each horse pulls a two-wheeled cart  
126 called a sulky guided by a race driver licensed by the state and  
127 the United States Trotting Association.

128 (16) "Horserace" or "horseracing" means a head-to-head  
129 contest between two or more thoroughbred horses, quarter horses,  
130 or standardbred horses racing with each other in the same event  
131 on a flat oval track at least 1/2 mile in circumference, with  
132 banked turns and a connecting straight chute at least 440 yards  
133 in length, which does not require a horse to change its course  
134 in response to any obstacles on the racing surface. Horseracing  
135 does not include steeplechases, hurdle races, barrel racing,  
136 timed events, pole pending, or any other rodeo or gymkhana-style  
137 events.

138 (17)~~(15)~~ "Horserace permitholder" means any thoroughbred  
139 entity permitted under the provisions of this chapter to conduct  
140 pari-mutuel wagering meets of thoroughbred racing; any harness  
141 entity permitted under this chapter to conduct pari-mutuel  
142 wagering meets of harness racing; or any quarter horse entity  
143 permitted under this chapter to conduct pari-mutuel wagering  
144 meets of quarter horse racing.

145 (18)~~(16)~~ "Host track" means a track or fronton conducting a

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146 live or simulcast race or game that is the subject of an  
147 intertrack wager.

148 (19)~~(17)~~ "Intertrack wager" means a particular form of  
149 pari-mutuel wagering in which wagers are accepted at a  
150 permitted, in-state track, fronton, or pari-mutuel facility on a  
151 race or game transmitted from and performed live at, or  
152 simulcast signal rebroadcast from, another in-state pari-mutuel  
153 facility.

154 (20)~~(18)~~ "Jai alai" or "pelota" means a ball game that  
155 originated in Spain's Basque region and that is of Spanish  
156 origin played on a three-walled court, or cancha, with a hard  
157 rubber ball that is caught and thrown with a long, curved wicker  
158 basketlike glove, or cesta, which is strapped to one arm. The  
159 side wall of the court must be between 175 to 180 feet long and  
160 40 to 50 feet high. The front wall must be made of granite and  
161 all other walls must be made of granite or gunite. The front  
162 wall must be at least 35 feet square with foul areas above,  
163 below, and to the right of the granite square. Foul areas must  
164 be painted red and made of a different construction. The numbers  
165 1 through 14 must be painted on the walls and may be painted on  
166 the floor of the court. Jai Alai is played with a 125-gram ball,  
167 or pelota, and the ball is volleyed by players who wear a cesta  
168 that is approximately 63 to 70 centimeters long. Opposing  
169 players or teams alternate hurling the ball against the wall and  
170 catching it. Other games may not be substituted in lieu of the  
171 traditional game of jai alai, which must be played on the  
172 traditional court ~~three walls~~.

173 (21)~~(19)~~ "Market area" means an area within 25 miles of a  
174 permitholder's track or fronton.

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175        (22)~~(20)~~ "Meet" or "meeting" means the conduct of live  
176 racing or jai alai for any stake, purse, prize, or premium.

177        (23)~~(21)~~ "Operating day" means a continuous period of 24  
178 hours starting with the beginning of the first performance of a  
179 race or game, even though the operating day may start during one  
180 calendar day and extend past midnight except that no greyhound  
181 race or jai alai game may commence after 1:30 a.m.

182        (24)~~(22)~~ "Pari-mutuel" means a system of betting on races  
183 or games in which the winners divide the total amount bet, after  
184 deducting management expenses and taxes, in proportion to the  
185 sums they have wagered individually and with regard to the odds  
186 assigned to particular outcomes.

187        (25)~~(23)~~ "Pari-mutuel facility" means a racetrack, fronton,  
188 or other facility used by a permit holder for the conduct of  
189 pari-mutuel wagering.

190        (26)~~(24)~~ "Pari-mutuel wagering pool" means the total amount  
191 wagered on a race or game for a single possible result.

192        (27)~~(25)~~ "Performance" means a series of events, races, or  
193 games performed consecutively under a single admission charge.

194        (28)~~(26)~~ "Post time" means the time set for the arrival at  
195 the starting point of the horses or greyhounds in a race or the  
196 beginning of a game in jai alai.

197        (29)~~(27)~~ "Purse" means the cash portion of the prize for  
198 which a race or game is contested.

199        (30)~~(28)~~ "Quarter horse" means a breed of horse developed  
200 in the western United States which is capable of high speed for  
201 a short distance and used in quarter horse racing registered  
202 with the American Quarter Horse Association.

203        (31) "Quarter horse racing" means horse racing by horses

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204 registered with the American Quarter Horse Association on a  
205 straight track of 400 meters, or 1/4 mile. Other distances  
206 between 220 meters and 870 meters may be conducted if the horses  
207 race on a straight path on a traditional oval or straight track.  
208 Quarter horse racing is flat racing where the horses must  
209 maintain original lane position as best as possible for the  
210 duration of the race. The horses must start in starting boxes,  
211 mounted by a jockey, and the event must be electronically timed.  
212 Other races or contests may not be substituted for the  
213 traditional flat race on a straight or oval track.

214 (32)~~(29)~~ "Racing greyhound" means a greyhound that is or  
215 was used, or is being bred, raised, or trained to be used, in  
216 racing at a pari-mutuel facility and is registered with the  
217 National Greyhound Association.

218 (33)~~(30)~~ "Regular wagering" means contributions to pari-  
219 mutuel pools involving wagering on a single entry in a single  
220 race, or a single jai alai player or team in a single game, such  
221 as the win pool, the place pool, or the show pool.

222 (34)~~(31)~~ "Same class of races, games, or permit" means,  
223 with respect to a jai alai permitholder, jai alai games or other  
224 jai alai permitholders; with respect to a greyhound  
225 permitholder, greyhound races or other greyhound permitholders;  
226 with respect to a thoroughbred permitholder, thoroughbred races  
227 or other thoroughbred permitholders; with respect to a harness  
228 permitholder, harness races or other harness permitholders; with  
229 respect to a quarter horse permitholder, quarter horse races or  
230 other quarter horse permitholders.

231 (35)~~(32)~~ "Simulcasting" means broadcasting events occurring  
232 live at an in-state location to an out-of-state location, or



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233 receiving at an in-state location events occurring live at an  
234 out-of-state location, by the transmittal, retransmittal,  
235 reception, and rebroadcast of television or radio signals by  
236 wire, cable, satellite, microwave, or other electrical or  
237 electronic means for receiving or rebroadcasting the events.

238 (36)~~(33)~~ "Standardbred horse" means a pacing or trotting  
239 horse that is used in harness racing and that has been  
240 registered as a standardbred by the United States Trotting  
241 Association or by a foreign registry whose stud book is  
242 recognized by the United States Trotting Association.

243 (37)~~(34)~~ "Takeout" means the percentage of the pari-mutuel  
244 pools deducted by the permitholder before ~~prior to~~ the  
245 distribution of the pool.

246 (38)~~(35)~~ "Thoroughbred" means a purebred horse whose  
247 ancestry can be traced back to one of three foundation sires and  
248 whose pedigree is registered in the American Stud Book or in a  
249 foreign stud book that is recognized by the Jockey Club and the  
250 International Stud Book Committee.

251 (39) "Thoroughbred racing" means horse racing by  
252 thoroughbred horses on an oval track at least 7/8 mile long and  
253 70 feet wide, with racing distances ranging from 3/4 mile to 2  
254 miles in length. The horses must start in a starting box,  
255 mounted by a jockey, and the event must be electronically timed.  
256 Other races or contests may not be substituted for the  
257 traditional flat race on an oval track.

258 (40)~~(36)~~ "Totalisator" means the computer system used to  
259 accumulate wagers, record sales, calculate payoffs, and display  
260 wagering data on a display device that is located at a pari-  
261 mutuel facility.

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262        (41)~~(37)~~ "Ultimate equitable owner" means a natural person  
263 who, directly or indirectly, owns or controls 5 percent or more  
264 of an ownership interest in a corporation, foreign corporation,  
265 or alien business organization, regardless of whether such  
266 person owns or controls such ownership through one or more  
267 natural persons or one or more proxies, powers of attorney,  
268 nominees, corporations, associations, partnerships, trusts,  
269 joint stock companies, or other entities or devices, or any  
270 combination thereof.

271        (42)~~(38)~~ "Year," for purposes of determining a full  
272 schedule of live racing, means the state fiscal year.

273        (43)~~(39)~~ "Net pool pricing" means a method of calculating  
274 prices awarded to winning wagers relative to the contribution,  
275 net of takeouts, to a pool by each participating jurisdiction  
276 or, as applicable, site.

277        Section 2. Section 550.0745, Florida Statutes, is repealed.

278        Section 3. Paragraph (d) of subsection (2) of section  
279 550.3345, Florida Statutes, is amended to read:

280        550.3345 Conversion of quarter horse permit to a limited  
281 thoroughbred permit.—

282        (2) Notwithstanding any other provision of law, the holder  
283 of a quarter horse racing permit issued under s. 550.334 may,  
284 within 1 year after the effective date of this section, apply to  
285 the division for a transfer of the quarter horse racing permit  
286 to a not-for-profit corporation formed under state law to serve  
287 the purposes of the state as provided in subsection (1). The  
288 board of directors of the not-for-profit corporation must be  
289 comprised of 11 members, 4 of whom shall be designated by the  
290 applicant, 4 of whom shall be designated by the Florida

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291 Thoroughbred Breeders' Association, and 3 of whom shall be  
292 designated by the other 8 directors, with at least 1 of these 3  
293 members being an authorized representative of another  
294 thoroughbred permitholder in this state. The not-for-profit  
295 corporation shall submit an application to the division for  
296 review and approval of the transfer in accordance with s.  
297 550.054. Upon approval of the transfer by the division, and  
298 notwithstanding any other provision of law to the contrary, the  
299 not-for-profit corporation may, within 1 year after its receipt  
300 of the permit, request that the division convert the quarter  
301 horse racing permit to a permit authorizing the holder to  
302 conduct pari-mutuel wagering meets of thoroughbred racing.  
303 Neither the transfer of the quarter horse racing permit nor its  
304 conversion to a limited thoroughbred permit shall be subject to  
305 the mileage limitation or the ratification election as set forth  
306 under s. 550.054(2) or s. 550.0651. Upon receipt of the request  
307 for such conversion, the division shall timely issue a converted  
308 permit. The converted permit and the not-for-profit corporation  
309 shall be subject to the following requirements:

310 (d) Racing under the permit may take place only at the  
311 location for which the original quarter horse racing permit was  
312 issued, which may be leased by the not-for-profit corporation  
313 for that purpose; ~~however, the not for profit corporation may,~~  
314 ~~without the conduct of any ratification election pursuant to s.~~  
315 ~~550.054(13) or s. 550.0651, move the location of the permit to~~  
316 ~~another location in the same county provided that such~~  
317 ~~relocation is approved under the zoning and land use regulations~~  
318 ~~of the applicable county or municipality.~~

319 Section 4. Subsections (4) and (11) of section 551.102,

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320 Florida Statutes, are amended to read:

321 551.102 Definitions.—As used in this chapter, the term:

322 (4) "Eligible facility" means any licensed pari-mutuel  
323 facility located in Miami-Dade County or Broward County existing  
324 at the time of adoption of s. 23, Art. X of the State  
325 Constitution which ~~that~~ has conducted live racing or games  
326 during calendar years 2002 and 2003 and has been approved by a  
327 majority of voters in a countywide referendum to have slot  
328 machines at such facility in the respective county; any licensed  
329 pari-mutuel facility located within a county as defined in s.  
330 125.011, if provided such facility has conducted live racing for  
331 2 consecutive calendar years immediately preceding its  
332 application for a slot machine license, pays the required  
333 license fee, and meets the other requirements of this chapter;  
334 or any licensed pari-mutuel facility in any other county in  
335 which a majority of voters have approved slot machines at such  
336 facilities in a countywide referendum held pursuant to a  
337 specific statutory or constitutional authorization that  
338 authorizes the county to conduct a slot machine referendum where  
339 the authorization is enacted after the effective date of this  
340 section for ~~in~~ the respective county, if provided such facility  
341 has conducted a full schedule of live racing for 2 consecutive  
342 calendar years immediately preceding its application for a slot  
343 machine license, pays the required licensed fee, and meets the  
344 other requirements of this chapter. Slot machine gaming may take  
345 place only at an eligible facility and only at the location for  
346 which the original pari-mutuel permit was issued. If the  
347 underlying permit is moved, the new location is not eligible for  
348 a slot machine license. A slot machine license may not be

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349 transferred.

350 (11) "Slot machine licensee" means a pari-mutuel  
351 permitholder who holds a license issued by the division pursuant  
352 to this chapter ~~that authorizes such person to possess a slot~~  
353 ~~machine within facilities specified in s. 23, Art. X of the~~  
354 ~~State Constitution and allows slot machine gaming.~~

355 Section 5. Subsection (2) of section 551.104, Florida  
356 Statutes, is amended to read:

357 551.104 License to conduct slot machine gaming.-

358 (2) The division may approve an application ~~may be approved~~  
359 ~~by the division~~ only after the voters of the county where the  
360 applicant's facility is located have authorized by referendum  
361 slot machines within pari-mutuel facilities in that county as  
362 specified in s. 23, Art. X of the State Constitution or only for  
363 a facility that is located in a county as defined in s. 125.011.

364 Section 6. This act shall take effect July 1, 2012.