

By the Committee on Regulated Industries; and Senators Sachs and Gaetz

580-02434-12

2012382c1

1 A bill to be entitled
2 An act relating to pari-mutuel wagering; amending s.
3 550.002, F.S., which defines the term "full schedule
4 of live racing or games"; providing that a greyhound
5 permitholder is not required to conduct a minimum
6 number of live performances; amending s. 550.01215,
7 F.S.; revising requirements for an application for a
8 license to conduct performances; extending the period
9 of time allowed to amend certain applications;
10 amending s. 550.054, F.S.; removing a requirement for
11 holders of certain converted permits to conduct a full
12 schedule of live racing to qualify for certain tax
13 credits; amending s. 550.0951, F.S.; deleting
14 provisions relating to transfer of certain unused
15 exemptions or credits; conforming a cross-reference;
16 amending s. 550.09514, F.S.; providing for transfer of
17 certain unused exemptions or credits; revising purse
18 requirements for greyhound racing and provisions for
19 payment of purses; amending s. 550.475, F.S., relating
20 to lease of pari-mutuel facilities by pari-mutuel
21 permitholders; revising terminology to conform to
22 changes made by the act; amending s. 550.615, F.S.;
23 revising provisions for intertrack wagering; amending
24 ss. 550.26165 and 550.6305, F.S.; conforming cross-
25 references to changes made by the act; amending s.
26 551.102, F.S.; revising the definition of the term
27 "eligible facility" to include a pari-mutuel facility
28 in a county that takes action to place the question of
29 slot machine approval on a countywide referendum by a

580-02434-12

2012382c1

30 specified date; providing that a county takes action
31 to place a question on a countywide referendum if
32 certain conditions are met; authorizing the issuance
33 of a slot machine license to an eligible facility
34 outside Miami-Dade County or Broward County under
35 certain circumstances; providing for restrictions on
36 the license; amending s. 551.104, F.S.; revising a
37 condition of licensure for the conduct of slot machine
38 gaming; amending s. 551.114, F.S.; revising
39 requirements for designated slot machine gaming areas;
40 amending s. 849.086, F.S.; revising requirements for
41 initial and renewal issuance of a cardroom license to
42 a greyhound permitholder; providing that a minimum
43 number of requested or conducted live performances is
44 not required in order for a greyhound permitholder to
45 maintain or renew a cardroom license; providing an
46 effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Subsection (11) of section 550.002, Florida
51 Statutes, is amended to read:

52 550.002 Definitions.—As used in this chapter, the term:

53 (11) "Full schedule of live racing or games" means, for a
54 greyhound or jai alai permitholder, the conduct of a combination
55 of at least 100 live evening or matinee performances during the
56 preceding year; for a permitholder who has a converted permit or
57 filed an application on or before June 1, 1990, for a converted
58 permit, the conduct of a combination of at least 100 live

580-02434-12

2012382c1

59 evening and matinee wagering performances during either of the 2
60 preceding years; for a jai alai permitholder who does not
61 operate slot machines in its pari-mutuel facility, who has
62 conducted at least 100 live performances per year for at least
63 10 years after December 31, 1992, and whose handle on live jai
64 alai games conducted at its pari-mutuel facility has been less
65 than \$4 million per state fiscal year for at least 2 consecutive
66 years after June 30, 1992, the conduct of a combination of at
67 least 40 live evening or matinee performances during the
68 preceding year; for a jai alai permitholder who operates slot
69 machines in its pari-mutuel facility, the conduct of a
70 combination of at least 150 performances during the preceding
71 year; for a harness permitholder, the conduct of at least 100
72 live regular wagering performances during the preceding year;
73 for a quarter horse permitholder at its facility unless an
74 alternative schedule of at least 20 live regular wagering
75 performances is agreed upon by the permitholder and either the
76 Florida Quarter Horse Racing Association or the horsemen's
77 association representing the majority of the quarter horse
78 owners and trainers at the facility and filed with the division
79 along with its annual date application, in the 2010-2011 fiscal
80 year, the conduct of at least 20 regular wagering performances,
81 in the 2011-2012 and 2012-2013 fiscal years, the conduct of at
82 least 30 live regular wagering performances, and for every
83 fiscal year after the 2012-2013 fiscal year, the conduct of at
84 least 40 live regular wagering performances; for a quarter horse
85 permitholder leasing another licensed racetrack, the conduct of
86 160 events at the leased facility; and for a thoroughbred
87 permitholder, the conduct of at least 40 live regular wagering

580-02434-12

2012382c1

88 performances during the preceding year. For a permitholder which
89 is restricted by statute to certain operating periods within the
90 year when other members of its same class of permit are
91 authorized to operate throughout the year, the specified number
92 of live performances which constitute a full schedule of live
93 racing or games shall be adjusted pro rata in accordance with
94 the relationship between its authorized operating period and the
95 full calendar year and the resulting specified number of live
96 performances shall constitute the full schedule of live games
97 for such permitholder and all other permitholders of the same
98 class within 100 air miles of such permitholder. A live
99 performance must consist of no fewer than eight races or games
100 conducted live for each of a minimum of three performances each
101 week at the permitholder's licensed facility under a single
102 admission charge. Notwithstanding any other provision of law,
103 beginning with the 2012-2013 fiscal year, there shall be no
104 minimum requirement of live performances for greyhound
105 permitholders.

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

108 550.01215 License application; periods of operation; bond,
109 conversion of permit.-

110 (1) Each permitholder shall annually, during the period
111 between December 15 and January 4, file in writing with the
112 division its application for a license to conduct pari-mutuel
113 wagering activities ~~performances~~ during the next state fiscal
114 year. Each application requesting live performances, if any,
115 shall specify the number, dates, and starting times of all
116 performances which the permitholder intends to conduct. It shall

580-02434-12

2012382c1

117 also specify which performances will be conducted as charity or
118 scholarship performances. In addition, each application for a
119 license shall include, for each permitholder which elects to
120 operate a cardroom, the dates and periods of operation the
121 permitholder intends to operate the cardroom or, for each
122 thoroughbred permitholder which elects to receive or rebroadcast
123 out-of-state races after 7 p.m., the dates for all performances
124 which the permitholder intends to conduct. A greyhound
125 permitholder may receive a license to conduct pari-mutuel
126 wagering activities at a licensed greyhound facility pursuant to
127 s. 550.475. Permitholders ~~may~~ ~~shall be entitled to~~ amend their
128 applications through February 28 ~~or, for applications by~~
129 greyhound permitholders relating to the 2012-2013 fiscal year,
130 through August 31, 2012.

131 Section 3. Paragraph (b) of subsection (14) of section
132 550.054, Florida Statutes, is amended to read:

133 550.054 Application for permit to conduct pari-mutuel
134 wagering.—

135 (14)

136 (b) The division, upon application from the holder of a jai
137 alai permit meeting all conditions of this section, shall
138 convert the permit and shall issue to the permitholder a permit
139 to conduct greyhound racing. ~~A permitholder of a permit~~
140 ~~converted under this section shall be required to apply for and~~
141 ~~conduct a full schedule of live racing each fiscal year to be~~
142 ~~eligible for any tax credit provided by this chapter.~~ The holder
143 of a permit converted pursuant to this subsection or any holder
144 of a permit to conduct greyhound racing located in a county in
145 which it is the only permit issued pursuant to this section who

580-02434-12

2012382c1

146 operates at a leased facility pursuant to s. 550.475 may move
147 the location for which the permit has been issued to another
148 location within a 30-mile radius of the location fixed in the
149 permit issued in that county, provided the move does not cross
150 the county boundary and such location is approved under the
151 zoning regulations of the county or municipality in which the
152 permit is located, and upon such relocation may use the permit
153 for the conduct of pari-mutuel wagering and the operation of a
154 cardroom. The provisions of s. 550.6305(9)(d) and (f) shall
155 apply to any permit converted under this subsection and shall
156 continue to apply to any permit which was previously included
157 under and subject to such provisions before a conversion
158 pursuant to this section occurred.

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

161 550.0951 Payment of daily license fee and taxes;
162 penalties.—

163 (1)~~(a)~~ DAILY LICENSE FEE.—Each person engaged in the
164 business of conducting race meetings or jai alai games under
165 this chapter, hereinafter referred to as the "permitholder,"
166 "licensee," or "permittee," shall pay to the division, for the
167 use of the division, a daily license fee on each live or
168 simulcast pari-mutuel event of \$100 for each horserace and \$80
169 for each dograce and \$40 for each jai alai game conducted at a
170 racetrack or fronton licensed under this chapter. In addition to
171 the tax exemption specified in s. 550.09514(1) of \$360,000 or
172 \$500,000 per greyhound permitholder per state fiscal year, each
173 greyhound permitholder shall receive in the current state fiscal
174 year a tax credit equal to the number of live greyhound races

580-02434-12

2012382c1

175 conducted in the previous state fiscal year times the daily
176 license fee specified for each dograce in this subsection
177 applicable for the previous state fiscal year. This tax credit
178 and the exemption in s. 550.09514(1) shall be applicable to any
179 tax imposed by this chapter or the daily license fees imposed by
180 this chapter except during any charity or scholarship
181 performances conducted pursuant to s. 550.0351. Each
182 permitholder shall pay daily license fees not to exceed \$500 per
183 day on any simulcast races or games on which such permitholder
184 accepts wagers regardless of the number of out-of-state events
185 taken or the number of out-of-state locations from which such
186 events are taken. This license fee shall be deposited with the
187 Chief Financial Officer to the credit of the Pari-mutuel
188 Wagering Trust Fund.

189 ~~(b) Each permitholder that cannot utilize the full amount~~
190 ~~of the exemption of \$360,000 or \$500,000 provided in s.~~
191 ~~550.09514(1) or the daily license fee credit provided in this~~
192 ~~section may, after notifying the division in writing, elect once~~
193 ~~per state fiscal year on a form provided by the division, to~~
194 ~~transfer such exemption or credit or any portion thereof to any~~
195 ~~greyhound permitholder which acts as a host track to such~~
196 ~~permitholder for the purpose of intertrack wagering. Once an~~
197 ~~election to transfer such exemption or credit is filed with the~~
198 ~~division, it shall not be rescinded. The division shall~~
199 ~~disapprove the transfer when the amount of the exemption or~~
200 ~~credit or portion thereof is unavailable to the transferring~~
201 ~~permitholder or when the permitholder who is entitled to~~
202 ~~transfer the exemption or credit or who is entitled to receive~~
203 ~~the exemption or credit owes taxes to the state pursuant to a~~

580-02434-12

2012382c1

204 ~~deficiency letter or administrative complaint issued by the~~
205 ~~division. Upon approval of the transfer by the division, the~~
206 ~~transferred tax exemption or credit shall be effective for the~~
207 ~~first performance of the next payment period as specified in~~
208 ~~subsection (5). The exemption or credit transferred to such host~~
209 ~~track may be applied by such host track against any taxes~~
210 ~~imposed by this chapter or daily license fees imposed by this~~
211 ~~chapter. The greyhound permitholder host track to which such~~
212 ~~exemption or credit is transferred shall reimburse such~~
213 ~~permitholder the exact monetary value of such transferred~~
214 ~~exemption or credit as actually applied against the taxes and~~
215 ~~daily license fees of the host track. The division shall ensure~~
216 ~~that all transfers of exemption or credit are made in accordance~~
217 ~~with this subsection and shall have the authority to adopt rules~~
218 ~~to ensure the implementation of this section.~~

219 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on
220 contributions to pari-mutuel pools, the aggregate of which is
221 hereinafter referred to as "handle," on races or games conducted
222 by the permitholder. The tax is imposed daily and is based on
223 the total contributions to all pari-mutuel pools conducted
224 during the daily performance. If a permitholder conducts more
225 than one performance daily, the tax is imposed on each
226 performance separately.

227 (c)1. The tax on handle for intertrack wagering is 2.0
228 percent of the handle if the host track is a horse track, 3.3
229 percent if the host track is a harness track, 5.5 percent if the
230 host track is a dog track, and 7.1 percent if the host track is
231 a jai alai fronton. The tax on handle for intertrack wagering is
232 0.5 percent if the host track and the guest track are

580-02434-12

2012382c1

233 thoroughbred permitholders or if the guest track is located
234 outside the market area of the host track and within the market
235 area of a thoroughbred permitholder currently conducting a live
236 race meet. The tax on handle for intertrack wagering on
237 rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent
238 of the handle and 1.5 percent of the handle for intertrack
239 wagering on rebroadcasts of simulcast harness horseraces. The
240 tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

241 2. The tax on handle for intertrack wagers accepted by any
242 dog track located in an area of the state in which there are
243 only three permitholders, all of which are greyhound
244 permitholders, located in three contiguous counties, from any
245 greyhound permitholder also located within such area or any dog
246 track or jai alai fronton located as specified in s. 550.615(6)
247 or (8)~~(9)~~, on races or games received from the same class of
248 permitholder located within the same market area is 3.9 percent
249 if the host facility is a greyhound permitholder and, if the
250 host facility is a jai alai permitholder, the rate shall be 6.1
251 percent except that it shall be 2.3 percent on handle at such
252 time as the total tax on intertrack handle paid to the division
253 by the permitholder during the current state fiscal year exceeds
254 the total tax on intertrack handle paid to the division by the
255 permitholder during the 1992-1993 state fiscal year.

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

259 550.09514 Greyhound dogracing taxes; purse requirements.—

260 (1) (a) Wagering on greyhound racing is subject to a tax on
261 handle for live greyhound racing as specified in s. 550.0951(3).

580-02434-12

2012382c1

262 However, each permitholder shall pay no tax on handle until such
263 time as this subsection has resulted in a tax savings per state
264 fiscal year of \$360,000. Thereafter, each permitholder shall pay
265 the tax as specified in s. 550.0951(3) on all handle for the
266 remainder of the permitholder's current race meet. For the three
267 permitholders that conducted a full schedule of live racing in
268 1995, and are closest to another state that authorizes greyhound
269 pari-mutuel wagering, the maximum tax savings per state fiscal
270 year shall be \$500,000. The provisions of this subsection
271 relating to tax exemptions shall not apply to any charity or
272 scholarship performances conducted pursuant to s. 550.0351.

273 (b) Each permitholder licensed to conduct at least 100 live
274 performances of at least eight races during a fiscal year who
275 cannot use the full amount of the exemption of \$360,000 or
276 \$500,000 provided in paragraph (a) or the daily license fee
277 credit provided in s. 550.0951(1) may, at any time after
278 notifying the division in writing on a form provided by the
279 division, transfer such exemption or credit or any portion
280 thereof to any greyhound permitholder that acts as a host track
281 to such permitholder for the purpose of intertrack wagering.
282 Once an election to transfer such exemption or credit is filed
283 with the division, it may not be rescinded. The division shall
284 disapprove the transfer when the amount of the exemption or
285 credit or portion thereof is unavailable to the transferring
286 permitholder for any reason, including being unavailable because
287 the transferring permitholder is not licensed to conduct at
288 least 100 live performances of at least eight races during the
289 fiscal year, or when the permitholder who is entitled to
290 transfer the exemption or credit or who is entitled to receive

580-02434-12

2012382c1

291 the exemption or credit owes taxes to the state pursuant to a
292 deficiency letter or administrative complaint issued by the
293 division. The greyhound permitholder host track to which such
294 exemption or credit is transferred shall reimburse such
295 permitholder the exact monetary value of such transferred
296 exemption or credit as actually applied against the taxes and
297 daily license fees of the host track.

298 (c) Each permitholder who is not licensed to conduct at
299 least 100 live performances of at least eight races during a
300 fiscal year forfeits the exemption of \$360,000 or \$500,000
301 provided in paragraph (a). Annually, the division shall pool
302 such forfeited exemptions from greyhound permitholders and each
303 greyhound permitholder who is licensed to conduct at least 100
304 live performances of at least eight races during the fiscal year
305 is entitled to an additional tax credit in an amount equal to
306 the product of the respective permitholder's percentage share of
307 live and intertrack wagering handle under s. 550.0951(3) during
308 the previous fiscal year and the total value of tax credits
309 available in the pool.

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

314 (e) Exemptions or credits issued or transferred pursuant to
315 this subsection may be applied against any taxes imposed by this
316 chapter or daily license fees imposed by this chapter, except
317 during any charity or scholarship performances conducted
318 pursuant to s. 550.0351. No credit or exemption authorized under
319 this section or s. 550.0951 shall carry forward to subsequent

580-02434-12

2012382c1

320 fiscal years. The division shall ensure that all transfers of
321 exemptions or credits are made in accordance with this
322 subsection and may adopt rules to ensure the implementation of
323 this section.

324 (2)

325 (b) Except as otherwise set forth herein, in addition to
326 the minimum purse percentage required by paragraph (a), each
327 permitholder conducting live racing during a fiscal year shall
328 pay as purses an annual amount equal to 75 percent of the daily
329 license fees paid by each permitholder for the 1994-1995 fiscal
330 year. This purse supplement shall be disbursed weekly during the
331 permitholder's race meet in an amount determined by dividing the
332 annual purse supplement by the number of performances approved
333 for the permitholder pursuant to its annual license and
334 multiplying that amount by the number of performances conducted
335 each week. ~~For the greyhound permitholders in the county where~~
336 ~~there are two greyhound permitholders located as specified in s.~~
337 ~~550.615(6), such permitholders shall pay in the aggregate an~~
338 ~~amount equal to 75 percent of the daily license fees paid by~~
339 ~~such permitholders for the 1994-1995 fiscal year. These~~
340 ~~permitholders shall be jointly and severally liable for such~~
341 ~~purse payments.~~ The additional purses provided by this paragraph
342 must be used exclusively for purses other than stakes. The
343 division shall conduct audits necessary to ensure compliance
344 with this section.

345 (c)1. Each greyhound permitholder when conducting at least
346 three live performances during any week shall pay purses in that
347 week on wagers it accepts as a guest track on intertrack and
348 simulcast greyhound races at the same rate as it pays on live

580-02434-12

2012382c1

349 races. Each greyhound permitholder when conducting at least
350 three live performances during any week shall pay purses in that
351 week, at the same rate as it pays on live races, on wagers
352 accepted on greyhound races at a guest track which is not
353 conducting live racing and is located within the same market
354 area as the greyhound permitholder conducting at least three
355 live performances during any week.

356 2. Each host greyhound permitholder shall pay purses on its
357 simulcast and intertrack broadcasts of greyhound races to guest
358 facilities that are located outside its market area in an amount
359 equal to one quarter of an amount determined by subtracting the
360 transmission costs of sending the simulcast or intertrack
361 broadcasts from an amount determined by adding the fees received
362 for greyhound simulcast races plus 3 percent of the greyhound
363 intertrack handle at guest facilities that are located outside
364 the market area of the host and that paid contractual fees to
365 the host for such broadcasts of greyhound races. For guest
366 greyhound permitholders not conducting live racing during a
367 fiscal year and not subject to the purse requirements of
368 subparagraph 1., 3 percent of the greyhound intertrack handle
369 shall be paid to the host greyhound permitholder for payment of
370 purses at the host track.

371 (e) In addition to the purse requirements of paragraphs
372 (a)-(c), each greyhound permitholder shall pay as purses an
373 amount equal to one-third of the amount of the tax reduction on
374 live and simulcast handle applicable to such permitholder as a
375 result of the reductions in tax rates provided ~~by this act~~
376 through the amendments to s. 550.0951(3) by chapter 2000-354,
377 Laws of Florida. With respect to intertrack wagering when the

580-02434-12

2012382c1

378 host and guest tracks are greyhound permitholders not within the
379 same market area, an amount equal to the tax reduction
380 applicable to the guest track handle as a result of the
381 reduction in tax rates ~~rate~~ provided ~~by this act~~ through the
382 amendments ~~amendment~~ to s. 550.0951(3) by chapter 2000-354, Laws
383 of Florida, shall be distributed to the guest track, one-third
384 of which amount shall be paid as purses at those guest tracks
385 conducting live racing ~~the guest track~~. However, if the guest
386 track is a greyhound permitholder within the market area of the
387 host or if the guest track is not a greyhound permitholder, an
388 amount equal to such tax reduction applicable to the guest track
389 handle shall be retained by the host track, one-third of which
390 amount shall be paid as purses at the host track. These purse
391 funds shall be disbursed in the week received if the
392 permitholder conducts at least one live performance during that
393 week. If the permitholder does not conduct at least one live
394 performance during the week in which the purse funds are
395 received, the purse funds shall be disbursed weekly during the
396 permitholder's next race meet in an amount determined by
397 dividing the purse amount by the number of performances approved
398 for the permitholder pursuant to its annual license, and
399 multiplying that amount by the number of performances conducted
400 each week. The division shall conduct audits necessary to ensure
401 compliance with this paragraph.

402 Section 6. Subsection (1) of section 550.26165, Florida
403 Statutes, is amended to read:

404 550.26165 Breeders' awards.—

405 (1) The purpose of this section is to encourage the
406 agricultural activity of breeding and training racehorses in

580-02434-12

2012382c1

407 this state. Moneys dedicated in this chapter for use as
408 breeders' awards and stallion awards are to be used for awards
409 to breeders of registered Florida-bred horses winning horseraces
410 and for similar awards to the owners of stallions who sired
411 Florida-bred horses winning stakes races, if the stallions are
412 registered as Florida stallions standing in this state. Such
413 awards shall be given at a uniform rate to all winners of the
414 awards, shall not be greater than 20 percent of the announced
415 gross purse, and shall not be less than 15 percent of the
416 announced gross purse if funds are available. In addition, no
417 less than 17 percent nor more than 40 percent, as determined by
418 the Florida Thoroughbred Breeders' Association, of the moneys
419 dedicated in this chapter for use as breeders' awards and
420 stallion awards for thoroughbreds shall be returned pro rata to
421 the permitholders that generated the moneys for special racing
422 awards to be distributed by the permitholders to owners of
423 thoroughbred horses participating in prescribed thoroughbred
424 stakes races, nonstakes races, or both, all in accordance with a
425 written agreement establishing the rate, procedure, and
426 eligibility requirements for such awards entered into by the
427 permitholder, the Florida Thoroughbred Breeders' Association,
428 and the Florida Horsemen's Benevolent and Protective
429 Association, Inc., except that the plan for the distribution by
430 any permitholder located in the area described in s.
431 550.615(8)~~(9)~~ shall be agreed upon by that permitholder, the
432 Florida Thoroughbred Breeders' Association, and the association
433 representing a majority of the thoroughbred racehorse owners and
434 trainers at that location. Awards for thoroughbred races are to
435 be paid through the Florida Thoroughbred Breeders' Association,

580-02434-12

2012382c1

436 and awards for standardbred races are to be paid through the
437 Florida Standardbred Breeders and Owners Association. Among
438 other sources specified in this chapter, moneys for thoroughbred
439 breeders' awards will come from the 0.955 percent of handle for
440 thoroughbred races conducted, received, broadcast, or simulcast
441 under this chapter as provided in s. 550.2625(3). The moneys for
442 quarter horse and harness breeders' awards will come from the
443 breaks and uncashed tickets on live quarter horse and harness
444 racing performances and 1 percent of handle on intertrack
445 wagering. The funds for these breeders' awards shall be paid to
446 the respective breeders' associations by the permitholders
447 conducting the races.

448 Section 7. Section 550.475, Florida Statutes, is amended to
449 read:

450 550.475 Lease of pari-mutuel facilities by pari-mutuel
451 permitholders.—Holders of valid pari-mutuel permits for the
452 conduct of any jai alai games, dogracing, or thoroughbred and
453 standardbred horse racing in this state are entitled to lease
454 any and all of their facilities to any other holder of a same
455 class valid pari-mutuel permit for jai alai games, dogracing, or
456 thoroughbred or standardbred horse racing, when located within a
457 35-mile radius of each other; and such lessee is entitled to a
458 ~~permit and~~ license to operate its race meet or jai alai games at
459 the leased premises.

460 Section 8. Section 550.615, Florida Statutes, is amended to
461 read:

462 550.615 Intertrack wagering.—

463 (1) Any horserace permitholder licensed under this chapter
464 which has conducted a full schedule of live racing may, at any

580-02434-12

2012382c1

465 time, receive broadcasts of horseraces and accept wagers on
466 horseraces conducted by horserace permitholders licensed under
467 this chapter at its facility.

468 (2) A Any track or fronton licensed under this chapter that
469 conducted a full schedule of live racing or games which in the
470 preceding year, or any greyhound permitholder that has held an
471 annual license to conduct pari-mutuel wagering activities in
472 each of the preceding 10 years or was converted pursuant to s.
473 550.054(14), ~~conducted a full schedule of live racing~~ is
474 qualified to, at any time, receive broadcasts of any class of
475 pari-mutuel race or game and accept wagers on such races or
476 games conducted by any class of permitholders licensed under
477 this chapter.

478 (3) If a permitholder elects to broadcast its signal to any
479 permitholder in this state, any permitholder that is eligible to
480 conduct intertrack wagering under the provisions of ss. 550.615-
481 550.6345 is entitled to receive the broadcast and conduct
482 intertrack wagering under this section; provided, however, that
483 the host track may require a guest track within 25 miles of
484 another permitholder to receive in any week at least 60 percent
485 of the live races that the host track is making available on the
486 days that the guest track is otherwise operating live races or
487 games. A host track may require a guest track not operating live
488 races or games and within 25 miles of another permitholder to
489 accept within any week at least 60 percent of the live races
490 that the host track is making available. A person may not
491 restrain or attempt to restrain any permitholder that is
492 otherwise authorized to conduct intertrack wagering from
493 receiving the signal of any other permitholder or sending its

580-02434-12

2012382c1

494 signal to any permitholder.

495 (4) In no event shall any intertrack wager be accepted on
496 the same class of live races or games of any permitholder
497 without the written consent of such operating permitholders
498 conducting the same class of live races or games if the guest
499 track is within the market area of such operating permitholder.
500 A greyhound permitholder licensed under chapter 551 that accepts
501 intertrack wagers on live greyhound signals is not required to
502 obtain the written consent required by this subsection from any
503 operating greyhound permitholder within its market area.

504 (5) No permitholder within the market area of the host
505 track shall take an intertrack wager on the host track without
506 the consent of the host track.

507 (6) Notwithstanding the provisions of subsection (3), in
508 any area of the state where there are three or more horserace
509 permitholders within 25 miles of each other, intertrack wagering
510 between permitholders in said area of the state shall only be
511 authorized under the following conditions: Any permitholder,
512 other than a thoroughbred permitholder, may accept intertrack
513 wagers on races or games conducted live by a permitholder of the
514 same class or any harness permitholder located within such area
515 and any harness permitholder may accept wagers on games
516 conducted live by any jai alai permitholder located within its
517 market area and from a jai alai permitholder located within the
518 area specified in this subsection when no jai alai permitholder
519 located within its market area is conducting live jai alai
520 performances; any greyhound or jai alai permitholder may receive
521 broadcasts of and accept wagers on any permitholder of the other
522 class provided that a permitholder, other than the host track,

580-02434-12

2012382c1

523 of such other class is not operating a contemporaneous live
524 performance within the market area.

525 ~~(7) In any county of the state where there are only two~~
526 ~~permits, one for dogracing and one for jai alai, no intertrack~~
527 ~~wager may be taken during the period of time when a permitholder~~
528 ~~is not licensed to conduct live races or games without the~~
529 ~~written consent of the other permitholder that is conducting~~
530 ~~live races or games. However, if neither permitholder is~~
531 ~~conducting live races or games, either permitholder may accept~~
532 ~~intertrack wagers on horseraces or on the same class of races or~~
533 ~~games, or on both horseraces and the same class of races or~~
534 ~~games as is authorized by its permit.~~

535 ~~(7)(8) In any three contiguous counties of the state where~~
536 ~~there are only three permitholders, all of which are greyhound~~
537 ~~permitholders, If any greyhound permitholder leases the facility~~
538 ~~of another greyhound permitholder for the purpose of conducting~~
539 ~~all or any portion of ~~the conduct of~~ its live race meet pursuant~~
540 ~~to s. 550.475, such lessee may conduct intertrack wagering at~~
541 ~~its pre-lease permitted facility throughout the entire year,~~
542 ~~including while its race live meet is being conducted at the~~
543 ~~leased facility, if such permitholder has conducted a full~~
544 ~~schedule of live racing during the preceding fiscal year at its~~
545 ~~pre-lease permitted facility or at a leased facility, or~~
546 ~~combination thereof.~~

547 ~~(8)(9) In any two contiguous counties of the state in which~~
548 ~~there are located only four active permits, one for thoroughbred~~
549 ~~horse racing, two for greyhound dogracing, and one for jai alai~~
550 ~~games, no intertrack wager may be accepted on the same class of~~
551 ~~live races or games of any permitholder without the written~~

580-02434-12

2012382c1

552 consent of such operating permitholders conducting the same
553 class of live races or games if the guest track is within the
554 market area of such operating permitholder.

555 (9)~~(10)~~ All costs of receiving the transmission of the
556 broadcasts shall be borne by the guest track; and all costs of
557 sending the broadcasts shall be borne by the host track.

558 Section 9. Paragraph (g) of subsection (9) of section
559 550.6305, Florida Statutes, is amended to read:

560 550.6305 Intertrack wagering; guest track payments;
561 accounting rules.—

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

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

571 2. Any thoroughbred permitholder which accepts wagers on a
572 simulcast signal received after 6 p.m. must make such signal
573 available to any permitholder that is eligible to conduct
574 intertrack wagering under the provisions of ss. 550.615-
575 550.6345, including any permitholder located as specified in s.
576 550.615(6). Such guest permitholders are authorized to accept
577 wagers on such simulcast signal, notwithstanding any other
578 provision of this chapter to the contrary.

579 3. Any thoroughbred permitholder which accepts wagers on a
580 simulcast signal received after 6 p.m. must make such signal

580-02434-12

2012382c1

581 available to any permitholder that is eligible to conduct
582 intertrack wagering under the provisions of ss. 550.615-
583 550.6345, including any permitholder located as specified in s.
584 550.615(8)~~(9)~~. Such guest permitholders are authorized to accept
585 wagers on such simulcast signals for a number of performances
586 not to exceed that which constitutes a full schedule of live
587 races for a quarter horse permitholder pursuant to s.
588 550.002(11), notwithstanding any other provision of this chapter
589 to the contrary, except that the restrictions provided in s.
590 550.615(8)~~(9)~~(a) apply to wagers on such simulcast signals.

591
592 No thoroughbred permitholder shall be required to continue to
593 rebroadcast a simulcast signal to any in-state permitholder if
594 the average per performance gross receipts returned to the host
595 permitholder over the preceding 30-day period were less than
596 \$100. Subject to the provisions of s. 550.615(4), as a condition
597 of receiving rebroadcasts of thoroughbred simulcast signals
598 under this paragraph, a guest permitholder must accept
599 intertrack wagers on all live races conducted by all then-
600 operating thoroughbred permitholders.

601 Section 10. Subsection (4) of section 551.102, Florida
602 Statutes, is amended to read:

603 551.102 Definitions.—As used in this chapter, the term:

604 (4) (a) "Eligible facility" means any licensed pari-mutuel
605 facility located in Miami-Dade County or Broward County existing
606 at the time of adoption of s. 23, Art. X of the State
607 Constitution which ~~that~~ has conducted live racing or games
608 during calendar years 2002 and 2003 and has been approved by a
609 majority of voters in a countywide referendum to have slot

580-02434-12

2012382c1

610 machines at such facility in the respective county; any licensed
611 pari-mutuel facility located within a county as defined in s.
612 125.011, ~~if provided~~ such facility has conducted live racing for
613 2 consecutive calendar years immediately preceding its
614 application for a slot machine license, pays the required
615 license fee, and meets the other requirements of this chapter;
616 or any licensed pari-mutuel facility in any other county in
617 which a majority of voters have approved slot machines at such
618 facilities in a countywide referendum held, or in which the
619 county takes action to place the question on a countywide
620 referendum on or before January 31, 2012, pursuant to a
621 statutory or constitutional authorization after the effective
622 date of this section in the respective county, provided such
623 facility has conducted a full schedule of live racing for 2
624 consecutive calendar years immediately preceding its application
625 for a slot machine license, pays the required licensed fee, and
626 meets the other requirements of this chapter.

627 (b) For purposes of paragraph (a), the county takes action
628 on or before January 31, 2012, if it:

629 1. Adopts an ordinance or resolution setting a countywide
630 referendum;

631 2. Approves a countywide referendum and directs county
632 staff to prepare a resolution or ordinance to implement the
633 approval; or

634 3. Places a resolution or ordinance on the agenda for the
635 county's next scheduled meeting of its governing body.

636
637 Notwithstanding any other provision of law or a decision from a
638 court of competent jurisdiction, a slot machine license may be

580-02434-12

2012382c1

639 issued to an eligible facility outside Miami-Dade County or
640 Broward County; however, such license does not authorize slot
641 machine gaming or require payment of any license fees or
642 regulatory fees before July 7, 2015.

643 Section 11. Paragraph (c) of subsection (4) of section
644 551.104, Florida Statutes, is amended to read:

645 551.104 License to conduct slot machine gaming.—

646 (4) As a condition of licensure and to maintain continued
647 authority for the conduct of slot machine gaming, the slot
648 machine licensee shall:

649 (c) Conduct no fewer than a full schedule of live racing or
650 games as defined in s. 550.002(11), except for holders of
651 greyhound permits, which have no live racing requirement. A
652 permitholder's responsibility to conduct such number of live
653 races or games shall be reduced by the number of races or games
654 that could not be conducted due to the direct result of fire,
655 war, hurricane, or other disaster or event beyond the control of
656 the permitholder.

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

659 551.114 Slot machine gaming areas.—

660 (2) The slot machine licensee shall display pari-mutuel
661 races or games within the designated slot machine gaming areas
662 and offer patrons within the designated slot machine gaming
663 areas the ability to engage in pari-mutuel wagering on any live,
664 intertrack, and simulcast races conducted or offered to patrons
665 of the licensed facility.

666 (4) Designated slot machine gaming areas may be located
667 within the current live gaming facility or in an existing

580-02434-12

2012382c1

668 building that must be contiguous and connected to the live
669 gaming facility, if applicable. If a designated slot machine
670 gaming area is to be located in a building that is to be
671 constructed, that new building must be contiguous and connected
672 to the live gaming facility.

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

676 849.086 Cardrooms authorized.—

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

680 (a) Only those persons holding a valid cardroom license
681 issued by the division may operate a cardroom. A cardroom
682 license may only be issued to a licensed pari-mutuel
683 permitholder and an authorized cardroom may only be operated at
684 the same facility at which the permitholder is authorized under
685 its valid pari-mutuel wagering permit to conduct pari-mutuel
686 wagering activities. An initial cardroom license shall be issued
687 to a pari-mutuel permitholder only after its facilities are in
688 place and after it conducts its first day of live racing or
689 games or, for a greyhound permitholder, only after it has
690 conducted a full schedule of live racing in each of the
691 preceding 10 years or after it was converted pursuant to s.
692 550.054(14). A new cardroom license may not be issued in an area
693 unless the local government has approved such activity within
694 its boundaries in accordance with subsection (16).

695 (b) After the initial cardroom license is granted, the
696 application for the annual license renewal shall be made in

580-02434-12

2012382c1

697 conjunction with the applicant's annual application for its
698 pari-mutuel license. If a permitholder has operated a cardroom
699 during any of the 3 previous fiscal years and fails to include a
700 renewal request for the operation of the cardroom in its annual
701 application for license renewal, the permitholder may amend its
702 annual application to include operation of the cardroom. Except
703 for greyhound permitholders, in order for a cardroom license to
704 be renewed the applicant must have requested, as part of its
705 pari-mutuel annual license application, to conduct at least 90
706 percent of the total number of live performances conducted by
707 such permitholder during either the state fiscal year in which
708 its initial cardroom license was issued or the state fiscal year
709 immediately prior thereto if the permitholder ran at least a
710 full schedule of live racing or games in the prior year. If the
711 application is for a harness permitholder cardroom, the
712 applicant must have requested authorization to conduct a minimum
713 of 140 live performances during the state fiscal year
714 immediately prior thereto. If more than one permitholder is
715 operating at a facility, each permitholder must have applied for
716 a license to conduct a full schedule of live racing. However, a
717 minimum number of requested or conducted live performances is
718 not required in order for a greyhound permitholder to maintain
719 or renew a cardroom license.

720 (13) TAXES AND OTHER PAYMENTS.—

721 (d)1. Each greyhound and jai alai permitholder that
722 operates a cardroom facility shall use at least 4 percent of
723 such permitholder's cardroom monthly gross receipts to
724 supplement greyhound purses if live racing is conducted during a
725 fiscal year, or jai alai prize money, respectively, during the

580-02434-12

2012382c1

726 permitholder's current or next ensuing pari-mutuel meet.

727 2. Each thoroughbred and harness horse racing permitholder
728 that operates a cardroom facility shall use at least 50 percent
729 of such permitholder's cardroom monthly net proceeds as follows:
730 47 percent to supplement purses and 3 percent to supplement
731 breeders' awards during the permitholder's next ensuing racing
732 meet.

733 3. No cardroom license or renewal thereof shall be issued
734 to an applicant holding a permit under chapter 550 to conduct
735 pari-mutuel wagering meets of quarter horse racing unless the
736 applicant has on file with the division a binding written
737 agreement between the applicant and the Florida Quarter Horse
738 Racing Association or the association representing a majority of
739 the horse owners and trainers at the applicant's eligible
740 facility, governing the payment of purses on live quarter horse
741 races conducted at the licensee's pari-mutuel facility. The
742 agreement governing purses may direct the payment of such purses
743 from revenues generated by any wagering or gaming the applicant
744 is authorized to conduct under Florida law. All purses shall be
745 subject to the terms of chapter 550.

746 Section 14. This act shall take effect July 1, 2012.