

1 A bill to be entitled
2 An act relating to thoroughbred horse Breeders' Cup
3 meets; creating s. 550.26357, F.S.; providing for the
4 creation of a special thoroughbred race meet
5 designated as the "Breeders' Cup Permanent Meet" which
6 shall be conducted annually at the facility of a
7 Florida horseracing permitholder; providing conditions
8 for the annual meet; providing a timeframe for the
9 meet; providing for issuance of a permit for the meet;
10 exempting the issuance of the permit from certain
11 provisions; authorizing pari-mutuel wagers on races at
12 the meet; prohibiting races at certain thoroughbred
13 facilities during the meet; providing a tax credit as
14 compensation for race days lost due to the
15 prohibition; providing that the permitholder
16 conducting the Breeders' Cup Permanent Meet is exempt
17 from paying taxes on the handle for Breeders' Cup
18 races under the permit; providing the permitholder
19 with certain tax credits to be used for certain
20 purposes; providing conditions to receive the credits;
21 exempting the permitholder from the payment of purses
22 and other payments to horsemen during the meet;
23 providing for broadcast of the races for wagering
24 purposes; providing for use of a totalisator outside
25 the state; requiring audits before tax credits may be
26 claimed; providing for the hearing of disputes between
27 the division and any permitholder regarding the tax
28 credits; authorizing the division to adopt and waive

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29 | rules for certain purposes; authorizing the
30 | permitholder to receive a license to operate slot
31 | machines at the facility identified in the Breeders'
32 | Cup Permit under certain conditions; providing for
33 | revocation, suspension, or escheatment of the permit;
34 | providing for application; providing an effective
35 | date.

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37 | Be It Enacted by the Legislature of the State of Florida:

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39 | Section 1. Section 550.26357, Florida Statutes, is created
40 | to read:

41 | 550.26357 Breeders' Cup Permanent Meet.—

42 | (1) Notwithstanding any provision of law to the contrary,
43 | upon designation by Breeders' Cup Limited of the facility of any
44 | Florida horseracing permitholder to be the permanent home of the
45 | Breeders' Cup series of horseraces or to be one of the sites
46 | included in a rotation of designated sites for the Breeders' Cup
47 | series of horseraces, there is created a special thoroughbred
48 | race meet designated as the "Breeders' Cup Permanent Meet" which
49 | shall be conducted annually at the facility of the Florida
50 | permitholder so designated. Upon the designation of the facility
51 | of a Florida horseracing permitholder as the location for the
52 | Breeders' Cup Permanent Meet and the filing of the application
53 | by the designated permitholder, the division shall issue a
54 | thoroughbred racing permit to the designated permitholder to
55 | operate the Breeders' Cup Permanent Meet, which permit shall be
56 | known as the Breeders' Cup Permit.

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57 (2) The Breeders' Cup Permanent Meet shall commence on the
58 day on which the Breeders' Cup races are first conducted and
59 shall continue through the following November 30. In order to
60 provide for consistency and certainty in the annual racing
61 schedule, the Breeders' Cup Permanent Meet shall be conducted
62 annually at the facility of the designated permitholder
63 regardless of whether the annual Breeders' Cup series of
64 horseraces is conducted live at the facility of the Florida
65 permitholder that holds the Breeders' Cup Permit in any
66 particular year. The holder of the Breeders' Cup Permit shall
67 comply with the requirements of s. 550.01215 with regard to
68 application for an annual license to conduct the Breeders' Cup
69 Permanent Meet, which license shall be issued by the division as
70 otherwise provided in s. 550.01215. Notwithstanding any other
71 provision of law, the provisions of this chapter relating to
72 referendum requirements for the issuance of a pari-mutuel permit
73 or which otherwise impose mileage limitations on the location of
74 a new pari-mutuel permit do not apply to the permit created
75 under this section.

76 (3) The permitholder conducting the Breeders' Cup
77 Permanent Meet is specifically authorized to create pari-mutuel
78 pools during the Breeders' Cup Permanent Meet by accepting pari-
79 mutuel wagers on the horseraces run during the meet.

80 (4) A permitholder located within 35 miles of the
81 permitholder conducting the Breeders' Cup Permanent Meet may not
82 conduct a thoroughbred race meet on any of the days of the
83 Breeders' Cup Permanent Meet; however, as compensation for the
84 loss of racing days, any such operating permitholder shall

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85 receive a credit against the taxes otherwise due and payable to
86 the state under ss. 550.0951 and 550.09515. The credit shall be
87 in an amount equal to the actual operating loss determined to
88 have been suffered by the operating permitholder as a result of
89 not operating on the prohibited racing days, not to exceed
90 \$950,000 in any one year. The determination of the amount to be
91 credited shall be made by the division upon application by the
92 operating permitholder. The tax credits provided under this
93 subsection shall be available to an operating permitholder who
94 is required to close a bona fide meet consisting in part of no
95 fewer than 10 scheduled performances in the 15 days immediately
96 preceding the Breeders' Cup Permanent Meet and who does not
97 conduct additional thoroughbred racing performances during the
98 remainder of the calendar year after the conclusion of the
99 Breeders' Cup Permanent Meet. Such tax credit shall be in lieu
100 of any other compensation or consideration for the loss of
101 racing days. There shall be no replacement or makeup of any lost
102 racing days.

103 (5) Notwithstanding any provision of ss. 550.0951 and
104 550.09515, the permitholder conducting the Breeders' Cup
105 Permanent Meet is exempt from paying taxes on the handle
106 included within the pari-mutuel pools of the permitholder for
107 the day or the days on which the races sponsored by Breeders'
108 Cup Limited are conducted live at the facility of the Florida
109 permitholder that holds the Breeders' Cup Permit.

110 (6) The permitholder conducting the Breeders' Cup
111 Permanent Meet shall receive a credit against the taxes
112 otherwise due and payable to the state under ss. 550.0951 and

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113 550.09515 generated during the Breeders' Cup Permanent Meet.
114 This credit shall be in an amount not to exceed \$950,000 and
115 shall be used by the permitholder to pay the purses offered by
116 the permitholder during the Breeders' Cup Permanent Meet in
117 excess of the purses that the permitholder is otherwise required
118 by law to pay. The amount to be credited shall be determined by
119 the division upon application of the permitholder that is
120 subject to audit by the division.

121 (7) In addition to the credit received under subsection
122 (6), the permitholder conducting the Breeders' Cup Permanent
123 Meet shall receive a credit against the taxes otherwise due and
124 payable to the state under ss. 550.0951 and 550.09515 generated
125 during the Breeders' Cup Permanent Meet. This credit shall be in
126 an amount not to exceed \$950,000 and shall be used by the
127 permitholder for such capital improvements and extraordinary
128 expenses as may be necessary for operation of the Breeders' Cup
129 Permanent Meet. The amount to be credited shall be determined by
130 the division upon application of the permitholder that is
131 subject to audit by the division.

132 (8) The permitholder conducting the Breeders' Cup
133 Permanent Meet is exempt from the payment of purses and all
134 other payments to horsemen on all on-track, intertrack,
135 interstate, and international wagers or rights fees or payments
136 arising therefrom for the day or the days upon which the races
137 sponsored by Breeders' Cup Limited are conducted live at the
138 facility of the Florida permitholder that holds the Breeders'
139 Cup Permit.

140 (9) (a) Pursuant to s. 550.3551(2), the permitholder

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141 conducting the Breeders' Cup Permanent Meet may transmit
142 broadcasts of the live races conducted during the Breeders' Cup
143 Permanent Meet to locations outside this state for wagering
144 purposes. The division may approve broadcasts to pari-mutuel
145 permitholders and other betting systems authorized under the
146 laws of any other state or country. Wagers accepted by any out-
147 of-state pari-mutuel permitholder or betting system on any races
148 broadcast under this section may be, but are not required to be,
149 commingled with the pari-mutuel pools of the permitholder
150 conducting the Breeders' Cup Permanent Meet. The calculation of
151 any payoff on national pari-mutuel pools with commingled wagers
152 may be performed by the permitholder's totalisator contractor at
153 a location outside this state. Pool amounts from wagers placed
154 at pari-mutuel facilities or other betting systems in foreign
155 countries before being commingled with the pari-mutuel pool of
156 the Florida permitholder conducting the Breeders' Cup Permanent
157 Meet shall be calculated by the totalisator contractor and
158 transferred to the commingled pool in United States currency in
159 cycles customarily used by the permitholder. Pool amounts from
160 wagers placed at any foreign pari-mutuel facility or other
161 betting system may not be commingled with a Florida pool until a
162 determination is made by the division that the technology used
163 by the totalisator contractor is adequate to ensure commingled
164 pools will result in the calculation of accurate payoffs to
165 Florida bettors. Any totalisator contractor at a location
166 outside this state must comply with the totalisator licensing
167 requirements in s. 550.495.

168 (b) The permitholder conducting the Breeders' Cup

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169 Permanent Meet may transmit broadcasts of the live races
170 conducted during the Breeders' Cup Permanent Meet to other pari-
171 mutuel facilities located in this state for wagering purposes.
172 However, the permitholder conducting the Breeders' Cup Permanent
173 Meet is not required to transmit broadcasts to any pari-mutuel
174 facility located within 25 miles of the facility at which the
175 Breeders' Cup Permanent Meet is conducted.

176 (10) The exemption from the tax credits provided in
177 subsections (4), (6), and (7) may not be granted and may not be
178 claimed by any permitholder until an audit is completed by the
179 division. The division is required to complete the audit within
180 30 days after receipt of the necessary documentation from the
181 permitholder to verify the permitholder's claim for tax credits.
182 If the documentation submitted by the permitholder is incomplete
183 or is insufficient to document the permitholder's claim for tax
184 credits, the division may request such additional documentation
185 as is necessary to complete the audit. Upon receipt of the
186 division's written request for additional documentation, the 30-
187 day time limitation shall commence anew. Any dispute between the
188 division and any permitholder regarding the tax credits
189 authorized under subsection (4), subsection (6), or subsection
190 (7) shall be determined by a hearing officer of the Division of
191 Administrative Hearings under s. 120.57(1).

192 (11) The division may adopt such rules as are necessary to
193 facilitate the conduct of the Breeders' Cup Permanent Meet as
194 authorized in this section. The division may also adopt or waive
195 rules relating to the overall conduct of racing during the
196 Breeders' Cup Permanent Meet to ensure the integrity of the

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197 racess, licensing for all participants, special stabling and
198 training requirements for foreign horses, commingling of pari-
199 mutuel pools, and audit requirements for tax credits and other
200 benefits.

201 (12) Notwithstanding any provision of law to the contrary,
202 if at the time of the issuance of the Breeders' Cup Permit the
203 facility identified in the Breeders' Cup Permit is located in a
204 county in which slot machines are authorized and slot machines
205 are not authorized at the facility identified in the Breeders'
206 Cup Permit, the facility identified in the Breeders' Cup Permit
207 shall be deemed an eligible facility for the purposes of slot
208 machine activities and licensure under chapter 551; and, upon
209 submission of the necessary applications for licensure under
210 chapter 551, the division shall issue a slot machine license for
211 the facility identified in the Breeders' Cup Permit. For the
212 purposes of s. 551.104(10) and notwithstanding any provision
213 therein to the contrary, the horsemen's association with which
214 the holder of the Breeders' Cup Permit must be under contract
215 shall be the association that represents the majority of
216 horsemen that race at the facility under all of the permits
217 operated at the facility annually.

218 (13) The Breeders' Cup Permit issued under this section is
219 not subject to revocation, suspension, or escheatment, except as
220 otherwise provided in this chapter for the revocation,
221 suspension, or escheatment of thoroughbred permits generally.

222 (14) The provisions of this section shall prevail over any
223 conflicting provisions of this chapter.

224 Section 2. This act shall take effect July 1, 2012.