

HB 641

2012

1 A bill to be entitled
2 An act relating to greyhound racing; 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 shall not be required to conduct a
6 minimum number of live performances; amending s.
7 550.01215, F.S.; revising requirements for an
8 application for a license to conduct performances;
9 extending the period of time allowed to amend certain
10 applications; amending s. 550.054, F.S.; removing a
11 requirement for holders of certain converted permits
12 to conduct a full schedule of live racing to qualify
13 for certain tax credits; amending s. 550.0951, F.S.;
14 deleting provisions relating to transfer of certain
15 unused exemptions or credits; conforming a cross-
16 reference; amending s. 550.09514, F.S.; providing for
17 transfer of certain unused exemptions or credits;
18 revising purse requirements for greyhound racing and
19 provisions for payment of purses; amending s. 550.475,
20 F.S., relating to lease of pari-mutuel facilities by
21 pari-mutuel permitholders; revising terminology to
22 conform to changes made by the act; amending s.
23 550.615, F.S.; revising provisions for intertrack
24 wagering; amending ss. 550.26165 and 550.6305, F.S.;
25 conforming cross-references to changes made by the
26 act; amending s. 551.104, F.S.; revising a condition
27 of licensure for the conduct of slot machine gaming;
28 amending s. 551.114, F.S.; revising requirements for

29 designated slot machine gaming areas; amending s.
 30 849.086, F.S.; revising requirements for initial and
 31 renewal issuance of a cardroom license to a greyhound
 32 permitholder; providing that a minimum number of
 33 requested or conducted live performances is not
 34 required in order for a greyhound permitholder to
 35 maintain or renew a cardroom license; providing an
 36 effective date.

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

39
 40 Section 1. Subsection (11) of section 550.002, Florida
 41 Statutes, is amended to read:

42 550.002 Definitions.—As used in this chapter, the term:

43 (11) "Full schedule of live racing or games" means, for a
 44 greyhound or jai alai permitholder, the conduct of a combination
 45 of at least 100 live evening or matinee performances during the
 46 preceding year; for a permitholder who has a converted permit or
 47 filed an application on or before June 1, 1990, for a converted
 48 permit, the conduct of a combination of at least 100 live
 49 evening and matinee wagering performances during either of the 2
 50 preceding years; for a jai alai permitholder who does not
 51 operate slot machines in its pari-mutuel facility, who has
 52 conducted at least 100 live performances per year for at least
 53 10 years after December 31, 1992, and whose handle on live jai
 54 alai games conducted at its pari-mutuel facility has been less
 55 than \$4 million per state fiscal year for at least 2 consecutive
 56 years after June 30, 1992, the conduct of a combination of at

HB 641

2012

57 | least 40 live evening or matinee performances during the
58 | preceding year; for a jai alai permitholder who operates slot
59 | machines in its pari-mutuel facility, the conduct of a
60 | combination of at least 150 performances during the preceding
61 | year; for a harness permitholder, the conduct of at least 100
62 | live regular wagering performances during the preceding year;
63 | for a quarter horse permitholder at its facility unless an
64 | alternative schedule of at least 20 live regular wagering
65 | performances is agreed upon by the permitholder and either the
66 | Florida Quarter Horse Racing Association or the horsemen's
67 | association representing the majority of the quarter horse
68 | owners and trainers at the facility and filed with the division
69 | along with its annual date application, in the 2010-2011 fiscal
70 | year, the conduct of at least 20 regular wagering performances,
71 | in the 2011-2012 and 2012-2013 fiscal years, the conduct of at
72 | least 30 live regular wagering performances, and for every
73 | fiscal year after the 2012-2013 fiscal year, the conduct of at
74 | least 40 live regular wagering performances; for a quarter horse
75 | permitholder leasing another licensed racetrack, the conduct of
76 | 160 events at the leased facility; and for a thoroughbred
77 | permitholder, the conduct of at least 40 live regular wagering
78 | performances during the preceding year. For a permitholder which
79 | is restricted by statute to certain operating periods within the
80 | year when other members of its same class of permit are
81 | authorized to operate throughout the year, the specified number
82 | of live performances which constitute a full schedule of live
83 | racing or games shall be adjusted pro rata in accordance with
84 | the relationship between its authorized operating period and the

85 full calendar year and the resulting specified number of live
 86 performances shall constitute the full schedule of live games
 87 for such permitholder and all other permitholders of the same
 88 class within 100 air miles of such permitholder. A live
 89 performance must consist of no fewer than eight races or games
 90 conducted live for each of a minimum of three performances each
 91 week at the permitholder's licensed facility under a single
 92 admission charge. Notwithstanding any other provision of law,
 93 beginning with the 2012-2013 fiscal year, there shall be no
 94 minimum requirement of live performances for greyhound
 95 permitholders.

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

98 550.01215 License application; periods of operation; bond,
 99 conversion of permit.—

100 (1) Each permitholder shall annually, during the period
 101 between December 15 and January 4, file in writing with the
 102 division its application for a license to conduct pari-mutuel
 103 wagering activities ~~performances~~ during the next state fiscal
 104 year. Each application requesting live performances, if any,
 105 shall specify the number, dates, and starting times of all
 106 performances which the permitholder intends to conduct. It shall
 107 also specify which performances will be conducted as charity or
 108 scholarship performances. In addition, each application for a
 109 license shall include, for each permitholder which elects to
 110 operate a cardroom, the dates and periods of operation the
 111 permitholder intends to operate the cardroom or, for each
 112 thoroughbred permitholder which elects to receive or rebroadcast

HB 641

2012

113 out-of-state races after 7 p.m., the dates for all performances
 114 which the permitholder intends to conduct. A greyhound
 115 permitholder may receive a license to conduct pari-mutuel
 116 wagering activities at a licensed greyhound facility pursuant to
 117 s. 550.475. Permitholders ~~may~~ shall be entitled to amend their
 118 applications through February 28 or, for applications by
 119 greyhound permitholders relating to the 2012-2013 fiscal year,
 120 through August 31, 2012.

121 Section 3. Paragraph (b) of subsection (14) of section
 122 550.054, Florida Statutes, is amended to read:

123 550.054 Application for permit to conduct pari-mutuel
 124 wagering.—

125 (14)

126 (b) The division, upon application from the holder of a
 127 jai alai permit meeting all conditions of this section, shall
 128 convert the permit and shall issue to the permitholder a permit
 129 to conduct greyhound racing. ~~A permitholder of a permit~~
 130 ~~converted under this section shall be required to apply for and~~
 131 ~~conduct a full schedule of live racing each fiscal year to be~~
 132 ~~eligible for any tax credit provided by this chapter.~~ The holder
 133 of a permit converted pursuant to this subsection or any holder
 134 of a permit to conduct greyhound racing located in a county in
 135 which it is the only permit issued pursuant to this section who
 136 operates at a leased facility pursuant to s. 550.475 may move
 137 the location for which the permit has been issued to another
 138 location within a 30-mile radius of the location fixed in the
 139 permit issued in that county, provided the move does not cross
 140 the county boundary and such location is approved under the

HB 641

2012

141 zoning regulations of the county or municipality in which the
 142 permit is located, and upon such relocation may use the permit
 143 for the conduct of pari-mutuel wagering and the operation of a
 144 cardroom. The provisions of s. 550.6305(9)(d) and (f) shall
 145 apply to any permit converted under this subsection and shall
 146 continue to apply to any permit which was previously included
 147 under and subject to such provisions before a conversion
 148 pursuant to this section occurred.

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

151 550.0951 Payment of daily license fee and taxes;
 152 penalties.—

153 (1) ~~(a)~~ DAILY LICENSE FEE.—Each person engaged in the
 154 business of conducting race meetings or jai alai games under
 155 this chapter, hereinafter referred to as the "permitholder,"
 156 "licensee," or "permittee," shall pay to the division, for the
 157 use of the division, a daily license fee on each live or
 158 simulcast pari-mutuel event of \$100 for each horserace and \$80
 159 for each dograce and \$40 for each jai alai game conducted at a
 160 racetrack or fronton licensed under this chapter. In addition to
 161 the tax exemption specified in s. 550.09514(1) of \$360,000 or
 162 \$500,000 per greyhound permitholder per state fiscal year, each
 163 greyhound permitholder shall receive in the current state fiscal
 164 year a tax credit equal to the number of live greyhound races
 165 conducted in the previous state fiscal year times the daily
 166 license fee specified for each dograce in this subsection
 167 applicable for the previous state fiscal year. This tax credit
 168 and the exemption in s. 550.09514(1) shall be applicable to any

HB 641

2012

169 tax imposed by this chapter or the daily license fees imposed by
170 this chapter except during any charity or scholarship
171 performances conducted pursuant to s. 550.0351. Each
172 permitholder shall pay daily license fees not to exceed \$500 per
173 day on any simulcast races or games on which such permitholder
174 accepts wagers regardless of the number of out-of-state events
175 taken or the number of out-of-state locations from which such
176 events are taken. This license fee shall be deposited with the
177 Chief Financial Officer to the credit of the Pari-mutuel
178 Wagering Trust Fund.

179 ~~(b) Each permitholder that cannot utilize the full amount~~
180 ~~of the exemption of \$360,000 or \$500,000 provided in s.~~
181 ~~550.09514(1) or the daily license fee credit provided in this~~
182 ~~section may, after notifying the division in writing, elect once~~
183 ~~per state fiscal year on a form provided by the division, to~~
184 ~~transfer such exemption or credit or any portion thereof to any~~
185 ~~greyhound permitholder which acts as a host track to such~~
186 ~~permitholder for the purpose of intertrack wagering. Once an~~
187 ~~election to transfer such exemption or credit is filed with the~~
188 ~~division, it shall not be rescinded. The division shall~~
189 ~~disapprove the transfer when the amount of the exemption or~~
190 ~~credit or portion thereof is unavailable to the transferring~~
191 ~~permitholder or when the permitholder who is entitled to~~
192 ~~transfer the exemption or credit or who is entitled to receive~~
193 ~~the exemption or credit owes taxes to the state pursuant to a~~
194 ~~deficiency letter or administrative complaint issued by the~~
195 ~~division. Upon approval of the transfer by the division, the~~
196 ~~transferred tax exemption or credit shall be effective for the~~

197 ~~first performance of the next payment period as specified in~~
 198 ~~subsection (5). The exemption or credit transferred to such host~~
 199 ~~track may be applied by such host track against any taxes~~
 200 ~~imposed by this chapter or daily license fees imposed by this~~
 201 ~~chapter. The greyhound permitholder host track to which such~~
 202 ~~exemption or credit is transferred shall reimburse such~~
 203 ~~permitholder the exact monetary value of such transferred~~
 204 ~~exemption or credit as actually applied against the taxes and~~
 205 ~~daily license fees of the host track. The division shall ensure~~
 206 ~~that all transfers of exemption or credit are made in accordance~~
 207 ~~with this subsection and shall have the authority to adopt rules~~
 208 ~~to ensure the implementation of this section.~~

209 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on
 210 contributions to pari-mutuel pools, the aggregate of which is
 211 hereinafter referred to as "handle," on races or games conducted
 212 by the permitholder. The tax is imposed daily and is based on
 213 the total contributions to all pari-mutuel pools conducted
 214 during the daily performance. If a permitholder conducts more
 215 than one performance daily, the tax is imposed on each
 216 performance separately.

217 (c)1. The tax on handle for intertrack wagering is 2.0
 218 percent of the handle if the host track is a horse track, 3.3
 219 percent if the host track is a harness track, 5.5 percent if the
 220 host track is a dog track, and 7.1 percent if the host track is
 221 a jai alai fronton. The tax on handle for intertrack wagering is
 222 0.5 percent if the host track and the guest track are
 223 thoroughbred permitholders or if the guest track is located
 224 outside the market area of the host track and within the market

HB 641

2012

225 area of a thoroughbred permitholder currently conducting a live
 226 race meet. The tax on handle for intertrack wagering on
 227 rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent
 228 of the handle and 1.5 percent of the handle for intertrack
 229 wagering on rebroadcasts of simulcast harness horseraces. The
 230 tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

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

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

249 550.09514 Greyhound dogracing taxes; purse requirements.—

250 (1) (a) Wagering on greyhound racing is subject to a tax on
 251 handle for live greyhound racing as specified in s. 550.0951(3).
 252 However, each permitholder shall pay no tax on handle until such

HB 641

2012

253 time as this subsection has resulted in a tax savings per state
 254 fiscal year of \$360,000. Thereafter, each permitholder shall pay
 255 the tax as specified in s. 550.0951(3) on all handle for the
 256 remainder of the permitholder's current race meet. For the three
 257 permitholders that conducted a full schedule of live racing in
 258 1995, and are closest to another state that authorizes greyhound
 259 pari-mutuel wagering, the maximum tax savings per state fiscal
 260 year shall be \$500,000. The provisions of this subsection
 261 relating to tax exemptions shall not apply to any charity or
 262 scholarship performances conducted pursuant to s. 550.0351.

263 (b) Each permitholder licensed to conduct at least 100
 264 live performances of at least eight races during a fiscal year
 265 who cannot use the full amount of the exemption of \$360,000 or
 266 \$500,000 provided in paragraph (a) or the daily license fee
 267 credit provided in s. 550.0951(1) may, at any time after
 268 notifying the division in writing on a form provided by the
 269 division, transfer such exemption or credit or any portion
 270 thereof to any greyhound permitholder that acts as a host track
 271 to such permitholder for the purpose of intertrack wagering.
 272 Once an election to transfer such exemption or credit is filed
 273 with the division, it may not be rescinded. The division shall
 274 disapprove the transfer when the amount of the exemption or
 275 credit or portion thereof is unavailable to the transferring
 276 permitholder for any reason, including being unavailable because
 277 the transferring permitholder is not licensed to conduct at
 278 least 100 live performances of at least eight races during the
 279 fiscal year, or when the permitholder who is entitled to
 280 transfer the exemption or credit or who is entitled to receive

HB 641

2012

281 the exemption or credit owes taxes to the state pursuant to a
282 deficiency letter or administrative complaint issued by the
283 division. The greyhound permitholder host track to which such
284 exemption or credit is transferred shall reimburse such
285 permitholder the exact monetary value of such transferred
286 exemption or credit as actually applied against the taxes and
287 daily license fees of the host track.

288 (c) Each permitholder who is not licensed to conduct at
289 least 100 live performances of at least eight races during a
290 fiscal year forfeits the exemption of \$360,000 or \$500,000
291 provided in paragraph (a). Annually, the division shall pool
292 such forfeited exemptions from greyhound permitholders and each
293 greyhound permitholder who is licensed to conduct at least 100
294 live performances of at least eight races during the fiscal year
295 is entitled to an additional tax credit in an amount equal to
296 the product of the respective permitholder's percentage share of
297 live and intertrack wagering handle under s. 550.0951(3) during
298 the previous fiscal year and the total value of tax credits
299 available in the pool.

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

304 (e) Exemptions or credits issued or transferred pursuant
305 to this subsection may be applied against any taxes imposed by
306 this chapter or daily license fees imposed by this chapter,
307 except during any charity or scholarship performances conducted
308 pursuant to s. 550.0351. No credit or exemption authorized under

HB 641

2012

309 this section or s. 550.0951 shall carry forward to subsequent
310 fiscal years. The division shall ensure that all transfers of
311 exemptions or credits are made in accordance with this
312 subsection and may adopt rules to ensure the implementation of
313 this section.

314 (2)

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

335 (c)1. Each greyhound permitholder when conducting at least
336 three live performances during any week shall pay purses in that

HB 641

2012

337 week on wagers it accepts as a guest track on intertrack and
338 simulcast greyhound races at the same rate as it pays on live
339 races. Each greyhound permitholder when conducting at least
340 three live performances during any week shall pay purses in that
341 week, at the same rate as it pays on live races, on wagers
342 accepted on greyhound races at a guest track which is not
343 conducting live racing and is located within the same market
344 area as the greyhound permitholder conducting at least three
345 live performances during any week.

346 2. Each host greyhound permitholder shall pay purses on
347 its simulcast and intertrack broadcasts of greyhound races to
348 guest facilities that are located outside its market area in an
349 amount equal to one quarter of an amount determined by
350 subtracting the transmission costs of sending the simulcast or
351 intertrack broadcasts from an amount determined by adding the
352 fees received for greyhound simulcast races plus 3 percent of
353 the greyhound intertrack handle at guest facilities that are
354 located outside the market area of the host and that paid
355 contractual fees to the host for such broadcasts of greyhound
356 races. For guest greyhound permitholders not conducting live
357 racing during a fiscal year and not subject to the purse
358 requirements of subparagraph 1., 3 percent of the greyhound
359 intertrack handle shall be paid to the host greyhound
360 permitholder for payment of purses at the host track.

361 (e) In addition to the purse requirements of paragraphs
362 (a)-(c), each greyhound permitholder shall pay as purses an
363 amount equal to one-third of the amount of the tax reduction on
364 live and simulcast handle applicable to such permitholder as a

HB 641

2012

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

HB 641

2012

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

394 550.26165 Breeders' awards.—

395 (1) The purpose of this section is to encourage the
396 agricultural activity of breeding and training racehorses in
397 this state. Moneys dedicated in this chapter for use as
398 breeders' awards and stallion awards are to be used for awards
399 to breeders of registered Florida-bred horses winning horseraces
400 and for similar awards to the owners of stallions who sired
401 Florida-bred horses winning stakes races, if the stallions are
402 registered as Florida stallions standing in this state. Such
403 awards shall be given at a uniform rate to all winners of the
404 awards, shall not be greater than 20 percent of the announced
405 gross purse, and shall not be less than 15 percent of the
406 announced gross purse if funds are available. In addition, no
407 less than 17 percent nor more than 40 percent, as determined by
408 the Florida Thoroughbred Breeders' Association, of the moneys
409 dedicated in this chapter for use as breeders' awards and
410 stallion awards for thoroughbreds shall be returned pro rata to
411 the permitholders that generated the moneys for special racing
412 awards to be distributed by the permitholders to owners of
413 thoroughbred horses participating in prescribed thoroughbred
414 stakes races, nonstakes races, or both, all in accordance with a
415 written agreement establishing the rate, procedure, and
416 eligibility requirements for such awards entered into by the
417 permitholder, the Florida Thoroughbred Breeders' Association,
418 and the Florida Horsemen's Benevolent and Protective
419 Association, Inc., except that the plan for the distribution by

HB 641

2012

420 any permitholder located in the area described in s.
421 550.615(8)~~(9)~~ shall be agreed upon by that permitholder, the
422 Florida Thoroughbred Breeders' Association, and the association
423 representing a majority of the thoroughbred racehorse owners and
424 trainers at that location. Awards for thoroughbred races are to
425 be paid through the Florida Thoroughbred Breeders' Association,
426 and awards for standardbred races are to be paid through the
427 Florida Standardbred Breeders and Owners Association. Among
428 other sources specified in this chapter, moneys for thoroughbred
429 breeders' awards will come from the 0.955 percent of handle for
430 thoroughbred races conducted, received, broadcast, or simulcast
431 under this chapter as provided in s. 550.2625(3). The moneys for
432 quarter horse and harness breeders' awards will come from the
433 breaks and uncashed tickets on live quarter horse and harness
434 racing performances and 1 percent of handle on intertrack
435 wagering. The funds for these breeders' awards shall be paid to
436 the respective breeders' associations by the permitholders
437 conducting the races.

438 Section 7. Section 550.475, Florida Statutes, is amended
439 to read:

440 550.475 Lease of pari-mutuel facilities by pari-mutuel
441 permitholders.—Holders of valid pari-mutuel permits for the
442 conduct of any jai alai games, dogracing, or thoroughbred and
443 standardbred horse racing in this state are entitled to lease
444 any and all of their facilities to any other holder of a same
445 class valid pari-mutuel permit for jai alai games, dogracing, or
446 thoroughbred or standardbred horse racing, when located within a
447 35-mile radius of each other; and such lessee is entitled to a

HB 641

2012

448 ~~permit and~~ license to operate its race meet or jai alai games at
 449 the leased premises.

450 Section 8. Section 550.615, Florida Statutes, is amended
 451 to read:

452 550.615 Intertrack wagering.—

453 (1) Any horserace permitholder licensed under this chapter
 454 which has conducted a full schedule of live racing may, at any
 455 time, receive broadcasts of horseraces and accept wagers on
 456 horseraces conducted by horserace permitholders licensed under
 457 this chapter at its facility.

458 (2) A ~~Any~~ track or fronton licensed under this chapter
 459 that conducted a full schedule of live racing or games ~~which~~ in
 460 the preceding year, or any greyhound permitholder that has held
 461 an annual license to conduct pari-mutuel wagering activities in
 462 each of the preceding 10 years or was converted pursuant to s.
 463 550.054(14), ~~conducted a full schedule of live racing~~ is
 464 qualified to, at any time, receive broadcasts of any class of
 465 pari-mutuel race or game and accept wagers on such races or
 466 games conducted by any class of permitholders licensed under
 467 this chapter.

468 (3) If a permitholder elects to broadcast its signal to
 469 any permitholder in this state, any permitholder that is
 470 eligible to conduct intertrack wagering under the provisions of
 471 ss. 550.615-550.6345 is entitled to receive the broadcast and
 472 conduct intertrack wagering under this section; provided,
 473 however, that the host track may require a guest track within 25
 474 miles of another permitholder to receive in any week at least 60
 475 percent of the live races that the host track is making

476 available on the days that the guest track is otherwise
 477 operating live races or games. A host track may require a guest
 478 track not operating live races or games and within 25 miles of
 479 another permitholder to accept within any week at least 60
 480 percent of the live races that the host track is making
 481 available. A person may not restrain or attempt to restrain any
 482 permitholder that is otherwise authorized to conduct intertrack
 483 wagering from receiving the signal of any other permitholder or
 484 sending its signal to any permitholder.

485 (4) In no event shall any intertrack wager be accepted on
 486 the same class of live races or games of any permitholder
 487 without the written consent of such operating permitholders
 488 conducting the same class of live races or games if the guest
 489 track is within the market area of such operating permitholder.
 490 A greyhound permitholder licensed under chapter 551 that accepts
 491 intertrack wagers on live greyhound signals is not required to
 492 obtain the written consent required by this subsection from any
 493 operating greyhound permitholder within its market area.

494 (5) No permitholder within the market area of the host
 495 track shall take an intertrack wager on the host track without
 496 the consent of the host track.

497 (6) Notwithstanding the provisions of subsection (3), in
 498 any area of the state where there are three or more horserace
 499 permitholders within 25 miles of each other, intertrack wagering
 500 between permitholders in said area of the state shall only be
 501 authorized under the following conditions: Any permitholder,
 502 other than a thoroughbred permitholder, may accept intertrack
 503 wagers on races or games conducted live by a permitholder of the

HB 641

2012

504 same class or any harness permitholder located within such area
 505 and any harness permitholder may accept wagers on games
 506 conducted live by any jai alai permitholder located within its
 507 market area and from a jai alai permitholder located within the
 508 area specified in this subsection when no jai alai permitholder
 509 located within its market area is conducting live jai alai
 510 performances; any greyhound or jai alai permitholder may receive
 511 broadcasts of and accept wagers on any permitholder of the other
 512 class provided that a permitholder, other than the host track,
 513 of such other class is not operating a contemporaneous live
 514 performance within the market area.

515 ~~(7) In any county of the state where there are only two~~
 516 ~~permits, one for dogracing and one for jai alai, no intertrack~~
 517 ~~wager may be taken during the period of time when a permitholder~~
 518 ~~is not licensed to conduct live races or games without the~~
 519 ~~written consent of the other permitholder that is conducting~~
 520 ~~live races or games. However, if neither permitholder is~~
 521 ~~conducting live races or games, either permitholder may accept~~
 522 ~~intertrack wagers on horseraces or on the same class of races or~~
 523 ~~games, or on both horseraces and the same class of races or~~
 524 ~~games as is authorized by its permit.~~

525 ~~(7)-(8) In any three contiguous counties of the state where~~
 526 ~~there are only three permitholders, all of which are greyhound~~
 527 ~~permitholders, If any greyhound permitholder leases the facility~~
 528 ~~of another greyhound permitholder for the purpose of conducting~~
 529 ~~all or any portion of the conduct of its live race meet pursuant~~
 530 ~~to s. 550.475, such lessee may conduct intertrack wagering at~~
 531 ~~its pre-lease permitted facility throughout the entire year,~~

HB 641

2012

532 including while its race ~~live~~ meet is being conducted at the
 533 leased facility, ~~if such permitholder has conducted a full~~
 534 ~~schedule of live racing during the preceding fiscal year at its~~
 535 ~~pre-lease permitted facility or at a leased facility, or~~
 536 ~~combination thereof.~~

537 (8) ~~(9)~~ In any two contiguous counties of the state in
 538 which there are located only four active permits, one for
 539 thoroughbred horse racing, two for greyhound dogracing, and one
 540 for jai alai games, no intertrack wager may be accepted on the
 541 same class of live races or games of any permitholder without
 542 the written consent of such operating permitholders conducting
 543 the same class of live races or games if the guest track is
 544 within the market area of such operating permitholder.

545 (9) ~~(10)~~ All costs of receiving the transmission of the
 546 broadcasts shall be borne by the guest track; and all costs of
 547 sending the broadcasts shall be borne by the host track.

548 Section 9. Paragraph (g) of subsection (9) of section
 549 550.6305, Florida Statutes, is amended to read:

550 550.6305 Intertrack wagering; guest track payments;
 551 accounting rules.—

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

557 (g)1. Any thoroughbred permitholder which accepts wagers
 558 on a simulcast signal must make the signal available to any
 559 permitholder that is eligible to conduct intertrack wagering

560 under the provisions of ss. 550.615-550.6345.

561 2. Any thoroughbred permitholder which accepts wagers on a
 562 simulcast signal received after 6 p.m. must make such signal
 563 available to any permitholder that is eligible to conduct
 564 intertrack wagering under the provisions of ss. 550.615-
 565 550.6345, including any permitholder located as specified in s.
 566 550.615(6). Such guest permitholders are authorized to accept
 567 wagers on such simulcast signal, notwithstanding any other
 568 provision of this chapter to the contrary.

569 3. Any thoroughbred permitholder which accepts wagers on a
 570 simulcast signal received after 6 p.m. must make such signal
 571 available to any permitholder that is eligible to conduct
 572 intertrack wagering under the provisions of ss. 550.615-
 573 550.6345, including any permitholder located as specified in s.
 574 550.615(8)~~(9)~~. Such guest permitholders are authorized to accept
 575 wagers on such simulcast signals for a number of performances
 576 not to exceed that which constitutes a full schedule of live
 577 races for a quarter horse permitholder pursuant to s.
 578 550.002(11), notwithstanding any other provision of this chapter
 579 to the contrary, except that the restrictions provided in s.
 580 550.615(8)~~(9)~~(a) apply to wagers on such simulcast signals.

581
 582 No thoroughbred permitholder shall be required to continue to
 583 rebroadcast a simulcast signal to any in-state permitholder if
 584 the average per performance gross receipts returned to the host
 585 permitholder over the preceding 30-day period were less than
 586 \$100. Subject to the provisions of s. 550.615(4), as a condition
 587 of receiving rebroadcasts of thoroughbred simulcast signals

HB 641

2012

588 | under this paragraph, a guest permitholder must accept
 589 | intertrack wagers on all live races conducted by all then-
 590 | operating thoroughbred permitholders.

591 | Section 10. Paragraph (c) of subsection (4) of section
 592 | 551.104, Florida Statutes, is amended to read:

593 | 551.104 License to conduct slot machine gaming.—

594 | (4) As a condition of licensure and to maintain continued
 595 | authority for the conduct of slot machine gaming, the slot
 596 | machine licensee shall:

597 | (c) Conduct no fewer than a full schedule of live racing
 598 | or games as defined in s. 550.002(11), except for holders of
 599 | greyhound permits, which have no live racing requirement. A
 600 | permitholder's responsibility to conduct such number of live
 601 | races or games shall be reduced by the number of races or games
 602 | that could not be conducted due to the direct result of fire,
 603 | war, hurricane, or other disaster or event beyond the control of
 604 | the permitholder.

605 | Section 11. Subsections (2) and (4) of section 551.114,
 606 | Florida Statutes, are amended to read:

607 | 551.114 Slot machine gaming areas.—

608 | (2) The slot machine licensee shall display pari-mutuel
 609 | races or games within the designated slot machine gaming areas
 610 | and offer patrons within the designated slot machine gaming
 611 | areas the ability to engage in pari-mutuel wagering on any live,
 612 | intertrack, and simulcast races conducted or offered to patrons
 613 | of the licensed facility.

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

HB 641

2012

616 building that must be contiguous and connected to the live
617 gaming facility, if applicable. If a designated slot machine
618 gaming area is to be located in a building that is to be
619 constructed, that new building must be contiguous and connected
620 to the live gaming facility.

621 Section 12. Paragraphs (a) and (b) of subsection (5) and
622 paragraph (d) of subsection (13) of section 849.086, Florida
623 Statutes, are amended to read:

624 849.086 Cardrooms authorized.—

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

628 (a) Only those persons holding a valid cardroom license
629 issued by the division may operate a cardroom. A cardroom
630 license may only be issued to a licensed pari-mutuel
631 permitholder and an authorized cardroom may only be operated at
632 the same facility at which the permitholder is authorized under
633 its valid pari-mutuel wagering permit to conduct pari-mutuel
634 wagering activities. An initial cardroom license shall be issued
635 to a pari-mutuel permitholder only after its facilities are in
636 place and after it conducts its first day of live racing or
637 games or, for a greyhound permitholder, only after it has
638 conducted a full schedule of live racing in each of the
639 preceding 10 years or after it was converted pursuant to s.
640 550.054(14). A new cardroom license may not be issued in an area
641 unless the local government has approved such activity within
642 its boundaries in accordance with subsection (16).

643 (b) After the initial cardroom license is granted, the

HB 641

2012

644 application for the annual license renewal shall be made in
645 conjunction with the applicant's annual application for its
646 pari-mutuel license. If a permitholder has operated a cardroom
647 during any of the 3 previous fiscal years and fails to include a
648 renewal request for the operation of the cardroom in its annual
649 application for license renewal, the permitholder may amend its
650 annual application to include operation of the cardroom. Except
651 for greyhound permitholders, in order for a cardroom license to
652 be renewed the applicant must have requested, as part of its
653 pari-mutuel annual license application, to conduct at least 90
654 percent of the total number of live performances conducted by
655 such permitholder during either the state fiscal year in which
656 its initial cardroom license was issued or the state fiscal year
657 immediately prior thereto if the permitholder ran at least a
658 full schedule of live racing or games in the prior year. If the
659 application is for a harness permitholder cardroom, the
660 applicant must have requested authorization to conduct a minimum
661 of 140 live performances during the state fiscal year
662 immediately prior thereto. If more than one permitholder is
663 operating at a facility, each permitholder must have applied for
664 a license to conduct a full schedule of live racing. However, a
665 minimum number of requested or conducted live performances is
666 not required in order for a greyhound permitholder to maintain
667 or renew a cardroom license.

668 (13) TAXES AND OTHER PAYMENTS.—

669 (d)1. Each greyhound and jai alai permitholder that
670 operates a cardroom facility shall use at least 4 percent of
671 such permitholder's cardroom monthly gross receipts to

HB 641

2012

672 supplement greyhound purses if live racing is conducted during a
673 fiscal year, or jai alai prize money, respectively, during the
674 permitholder's current or next ensuing pari-mutuel meet.

675 2. Each thoroughbred and harness horse racing permitholder
676 that operates a cardroom facility shall use at least 50 percent
677 of such permitholder's cardroom monthly net proceeds as follows:
678 47 percent to supplement purses and 3 percent to supplement
679 breeders' awards during the permitholder's next ensuing racing
680 meet.

681 3. No cardroom license or renewal thereof shall be issued
682 to an applicant holding a permit under chapter 550 to conduct
683 pari-mutuel wagering meets of quarter horse racing unless the
684 applicant has on file with the division a binding written
685 agreement between the applicant and the Florida Quarter Horse
686 Racing Association or the association representing a majority of
687 the horse owners and trainers at the applicant's eligible
688 facility, governing the payment of purses on live quarter horse
689 races conducted at the licensee's pari-mutuel facility. The
690 agreement governing purses may direct the payment of such purses
691 from revenues generated by any wagering or gaming the applicant
692 is authorized to conduct under Florida law. All purses shall be
693 subject to the terms of chapter 550.

694 Section 13. This act shall take effect July 1, 2012.