

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Gonzalez offered the following:

2
3 **Substitute Amendment for Amendment (200085) (with title**
4 **amendment)**

5 Between lines 3374 and 3375, insert:

6 Section 163. Section 828.35, Florida Statutes, is created
7 to read:

8 828.35 Humane treatment of racing animals.-

9 (1) (a) In order to ensure the humane treatment and welfare
10 of horses racing in this state and notwithstanding any other
11 provision of law, the Division of Pari-mutuel Wagering, in
12 consultation with the Department of Agriculture and Consumer
13 Services and the designated state laboratory, shall adopt rules
14 establishing the conditions of use and maximum concentrations of

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15 drugs, medications, and naturally occurring substances
16 identified in the most recent Controlled Therapeutic Medication
17 Schedule adopted by the Association of Racing Commissioners
18 International, Inc. (ARCI), on or before April 30, 2014.
19 Controlled therapeutic medications include only the specific
20 medications and concentrations authorized in biological samples
21 that have been approved by ARCI as controlled therapeutic
22 medications. The division shall initiate rulemaking to consider
23 the adoption of any subsequent amendments to the Controlled
24 Therapeutic Medication Schedule, penalties, or laboratory-
25 screening limits adopted by ARCI within 180 days after the
26 adoption of any such amendments. The division shall adopt
27 laboratory-screening limits approved by ARCI for drugs and
28 medications that are not included as controlled therapeutic
29 medications. The division rules must include a classification
30 system for medications and drugs and a corresponding penalty
31 schedule for violations, which must incorporate the Uniform
32 Classification Guidelines for Foreign Substances, revised
33 December 2013, as adopted by ARCI. The rules must specify those
34 drugs considered prohibited substances, the presence of which in
35 a sample in prescribed concentrations may result in
36 administrative sanction by the division.

37 (b) After consultation with the department and the state
38 laboratory, the division shall, notwithstanding s. 550.2415,
39 designate the appropriate biological specimens by which the
40 administration of medications, drugs, and naturally occurring

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41 substances is monitored and the testing methodologies for
42 screening and confirmation.

43 (c) The rules must include conditions for the humane use
44 of furosemide to treat exercise-induced pulmonary hemorrhage.
45 Notwithstanding any other provision of law, furosemide is the
46 only medication that may be administered within 24 hours before
47 or after the officially scheduled post time of a race, but it
48 may not be administered within 4 hours before the officially
49 scheduled post time.

50 (2) The division shall implement a split-sample procedure
51 for testing racehorses to ensure their humane treatment. Upon
52 collection, each urine and blood sample shall be split into a
53 primary sample and a secondary (split) sample in accordance with
54 rules adopted by the division. The division shall transfer
55 custody of the primary sample to the state laboratory and retain
56 custody of the split sample except as provided in this
57 subsection. Unless otherwise recommended by the department,
58 serum is the testing medium for phenylbutazone in horses.

59 (a) The division shall notify the owner or trainer, the
60 stewards, the department, and the horsemen's association of all
61 drug test results. In the event of a positive test result, and
62 upon request by the affected trainer or owner of the horse from
63 which the sample was obtained, the division shall send the split
64 sample to an approved independent laboratory for analysis. The
65 division shall establish standards and rules for uniform
66 enforcement and maintain a list of at least five approved

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67 independent laboratories for an owner or trainer to select from
68 in the event of a positive test result.

69 1. If the laboratory's findings are not confirmed by the
70 independent laboratory, further administrative or disciplinary
71 action under this section may not be pursued. The division may
72 adopt rules identifying substances that diminish in a blood or
73 urine sample due to passage of time and that must be taken into
74 account in applying this section.

75 2. If the independent laboratory confirms the positive
76 result, the division shall inform the department and may seek
77 administrative sanctions pursuant to chapter 120 against the
78 violator within 180 days after laboratory confirmation which, in
79 addition to license suspension or revocation, may include the
80 imposition of a fine against the violator in an amount not to
81 exceed the purse or sweepstakes earned by the horse in the race
82 at issue or \$10,000, whichever is greater. Upon receiving the
83 report, the department may forward the report to the appropriate
84 law enforcement agency for investigation of potential violations
85 of s. 828.12. For the purpose of this subsection, the division
86 shall in good faith attempt to obtain a sufficient quantity of
87 the test fluid to allow both a primary test and a secondary
88 test. If there is an insufficient quantity of the split sample
89 for confirmation of the division laboratory's positive result,
90 the division may not take further action on the matter against
91 the owner or trainer and any resulting license suspension must
92 be immediately lifted.

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93 (b) The division shall require its laboratory and the
94 independent laboratories to annually participate in an
95 externally administered quality assurance program designed to
96 assess testing proficiency in the detection and appropriate
97 quantification of medications, drugs, and naturally occurring
98 substances that may be administered to racehorses. The
99 administrator of the quality assurance program shall report its
100 results and findings to the division and the department.

101 (3) (a) In order to monitor the humane treatment of racing
102 greyhounds, each licensed greyhound track shall maintain records
103 regarding injuries incurred by racing greyhounds while they are
104 racing in this state, including injuries incurred in schooling
105 racers. The records must include:

106 1. The greyhound's registered name, right and left ear
107 tattoo numbers, and, if applicable, microchip manufacturer and
108 number.

109 2. The name, business address, and telephone number of the
110 greyhound owner and trainer and the kennel operator.

111 3. The color, weight, and sex of the greyhound.

112 4. The location where the injury occurred.

113 5. If the injury occurred while the greyhound was racing,
114 the racetrack where the injury occurred and the distance, grade,
115 race, and post position of the greyhound when the injury
116 occurred.

117 6. The weather conditions, time, and track condition when
118 the injury occurred.

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119 7. The specific type and bodily location of the injury,
120 the cause of the injury, and the estimated recovery time from
121 the injury.

122 (b) All injury records shall be completed and signed under
123 oath or affirmation under penalty of perjury by the racetrack
124 veterinarian, whose signature must be witnessed by a designated
125 representative of the department or the division.

126 (c) Injury records created and maintained under this
127 subsection shall be filed monthly with the department with an
128 inspector designated by the department. Injury records shall
129 also be maintained by the track for 7 years and shall be made
130 readily available for inspection and copying by the public upon
131 oral or written request.

132 (d) A person who knowingly makes a false statement on an
133 injury record is subject to a fine not to exceed \$1,500. A
134 person who commits a second or subsequent violation of this
135 paragraph is subject to a fine of at least \$3,000.

136 Section 164. Subsection (3) and paragraph (b) of
137 subsection (4) of section 194.011, Florida Statutes, are amended
138 to read:

139 194.011 Assessment notice; objections to assessments.—

140 (3) A petition to the value adjustment board must be in
141 substantially the form prescribed by the department.
142 Notwithstanding s. 195.022, a county officer may not refuse to
143 accept a form provided by the department for this purpose if the
144 taxpayer chooses to use it. A petition to the value adjustment

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145 board for a taxpayer represented by an attorney or agent must be
146 accompanied by the taxpayer's written authorization for such
147 representation if the petition is not otherwise signed by the
148 taxpayer. A petition to the value adjustment board shall
149 describe the property by parcel number and shall be filed as
150 follows:

151 (a) The clerk of the value adjustment board and the
152 property appraiser shall have available and shall distribute
153 forms prescribed by the Department of Revenue on which the
154 petition shall be made. Such petition shall be sworn to by the
155 petitioner.

156 (b) The completed petition shall be filed with the clerk
157 of the value adjustment board of the county, who shall
158 acknowledge receipt thereof and promptly furnish a copy thereof
159 to the property appraiser.

160 (c) The petition shall state the approximate time
161 anticipated by the taxpayer to present and argue his or her
162 petition before the board.

163 (d) The petition may be filed, as to valuation issues, at
164 any time during the taxable year on or before the 25th day
165 following the mailing of notice by the property appraiser as
166 provided in subsection (1). With respect to an issue involving
167 the denial of an exemption, an agricultural or high-water
168 recharge classification application, an application for
169 classification as historic property used for commercial or
170 certain nonprofit purposes, or a deferral, the petition must be

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171 filed at any time during the taxable year on or before the 30th
172 day following the mailing of the notice by the property
173 appraiser under s. 193.461, s. 193.503, s. 193.625, s. 196.173,
174 or s. 196.193 or notice by the tax collector under s. 197.2425.

175 (e) A condominium association, cooperative association, or
176 any homeowners' association as defined in s. 723.075, with
177 approval of its board of administration or directors, may file
178 with the value adjustment board a single joint petition on
179 behalf of any association members who own parcels of property
180 which the property appraiser determines are substantially
181 similar with respect to location, proximity to amenities, number
182 of rooms, living area, and condition. The condominium
183 association, cooperative association, or homeowners' association
184 as defined in s. 723.075 shall provide the unit owners with
185 notice of its intent to petition the value adjustment board and
186 shall provide at least 20 days for a unit owner to elect, in
187 writing, that his or her unit not be included in the petition.

188 (f) An owner of contiguous, undeveloped parcels, or an
189 owner of multiple items of tangible personal property, may file
190 with the value adjustment board a single joint petition if the
191 property appraiser determines such parcels or items of tangible
192 personal property to be ~~are~~ substantially similar in nature.

193 (g) An ~~the~~ individual, agent, or legal entity may become
194 ~~that signs the petition becomes~~ an agent of the taxpayer for the
195 purpose of serving process to obtain personal jurisdiction over
196 the taxpayer for all ~~the entire~~ value adjustment board

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197 proceedings, including any appeals of a board decision by the
198 property appraiser pursuant to s. 194.036, if the taxpayer
199 provides written authorization to the individual, agent, or
200 legal entity.

201 (4)

202 (b) No later than 7 days before the hearing, if the
203 petitioner has provided the information required under paragraph
204 (a), and if requested in writing by the petitioner, the property
205 appraiser shall provide to the petitioner a list of evidence to
206 be presented at the hearing, together with copies of all
207 documentation to be considered by the value adjustment board and
208 a summary of evidence to be presented by witnesses. The evidence
209 list must contain the property appraiser's property record card
210 ~~if provided by the clerk~~. Failure of the property appraiser to
211 timely comply with the requirements of this paragraph shall
212 result in a rescheduling of the hearing.

213 Section 165. Subsection (2) of section 194.032, Florida
214 Statutes, is amended to read:

215 194.032 Hearing purposes; timetable.—

216 (2) (a) The clerk of the governing body of the county shall
217 prepare a schedule of appearances before the board based on
218 petitions timely filed with him or her. The clerk shall notify
219 each petitioner of the scheduled time of his or her appearance
220 at least 25 calendar days before the day of the scheduled
221 appearance. The notice must indicate whether the petition has
222 been scheduled to be heard at a particular time or during a

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223 block of time. If the petition has been scheduled to be heard
224 within a block of time, the beginning and ending of that block
225 of time must be indicated on the notice; ~~however, as provided in~~
226 ~~paragraph (b), a petitioner may not be required to wait for more~~
227 ~~than a reasonable time, not to exceed 2 hours, after the~~
228 ~~beginning of the block of time.~~ If the petitioner checked the
229 appropriate box on the petition form to request a copy of the
230 property record card containing relevant information used in
231 computing the current assessment, the property appraiser must
232 provide the copy to the petitioner upon receipt of the petition
233 from the clerk regardless of whether the petitioner initiates
234 evidence exchange, unless the property record card is available
235 online from the property appraiser.

236 (b) Upon receipt of the notice indicating the scheduled
237 time of his or her hearing, the petitioner may reschedule the
238 hearing a single time with or without cause by submitting to the
239 clerk a written request to the clerk to reschedule, at least 5
240 calendar days before the day of the originally scheduled
241 hearing. A second request by the petitioner to reschedule the
242 hearing may not be granted absent a showing of good cause. Such
243 a request shall be submitted to the clerk and shall include
244 evidence supporting the good cause. The clerk shall forward the
245 request to the board or the board's designee, which may be the
246 clerk, private counsel to the board, or a special magistrate. If
247 the board or the board's designee determines that good cause
248 does not exist to reschedule the hearing, the request shall be

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249 denied and the board may proceed with the hearing as scheduled.
250 If the board or the board's designee determines that good cause
251 exists to reschedule the hearing, the request shall be granted.
252 In no event shall a hearing be rescheduled more than twice at
253 the request of the petitioner.

254 (c) ~~(b)~~ A petitioner may not be required to wait for more
255 than a reasonable time, not to exceed 2 hours, after the
256 scheduled time for the hearing to commence. If the hearing is
257 not commenced within 2 hours after the scheduled time ~~that time~~,
258 the petitioner may inform the clerk ~~chairperson of the meeting~~
259 that he or she intends to leave. If the petitioner leaves, the
260 clerk shall reschedule the hearing, and the rescheduling is not
261 considered to be a request to reschedule as provided in
262 paragraph (b) ~~(a)~~.

263 (d) ~~(e)~~ Failure on three occasions with respect to any
264 single tax year to convene at the scheduled time of meetings of
265 the board is grounds for removal from office by the Governor for
266 neglect of duties.

267 -----
268
269 **T I T L E A M E N D M E N T**

270 Remove line 154 and insert:
271 administrative fines; creating s. 828.35, F.S.;
272 requiring the Division of Pari-mutuel Wagering within
273 the Department of Business and Professional Regulation
274 to adopt rules; providing procedures for testing

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275 certain animals for medications or drugs; requiring
276 the division's laboratory and certain independent
277 laboratories to participate annually in a quality
278 assurance program; requiring the administrator of the
279 quality assurance program to report its results and
280 findings to the division and the Department of
281 Agriculture and Consumer Services; requiring the
282 division to maintain records of greyhounds injured
283 while racing; providing for the content of such
284 records; providing fines for making false statements
285 on an injury record; amending s. 194.011, F.S.;
286 requiring a petition to a value adjustment board for a
287 taxpayer represented by an attorney or agent to be
288 accompanied by the taxpayer's written authorization
289 for such representation under certain circumstances;
290 requiring the clerk of the value adjustment board to
291 have available and distribute specified forms;
292 authorizing the owner of multiple items of tangible
293 personal property to file a joint petition with the
294 value adjustment board under certain circumstances;
295 requiring the property appraiser to include the
296 property record card in an evidence list for a value
297 adjustment board hearing under certain circumstances;
298 authorizing an individual, agent, or legal entity that
299 obtains written authorization to become an agent of
300 the taxpayer for the purpose of obtaining personal

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301 jurisdiction over the taxpayer for value adjustment
302 board proceedings; amending s. 194.032, F.S.; revising
303 the procedure and requirements for a petitioner to
304 reschedule a hearing; authorizing petitioners to
305 notify the clerk and leave if a hearing does not
306 commence within a specified period; amending ss.
307 253.74, 388.46,

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