



332448

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2014	.	
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The Committee on Gaming (Latvala) recommended the following:

1 **Senate Substitute for Amendment (899300) (with directory**
2 **and title amendments)**

3
4 Between lines 16 and 17
5 insert:

6 (1) (a) The racing of an animal that has been impermissibly
7 medicated or drugged ~~with any drug, medication, stimulant,~~
8 ~~depressant, hypnotic, narcotic, local anesthetic, or drug~~
9 ~~masking agent~~ is prohibited. It is a violation of this section
10 for a person to impermissibly medicate or drug an animal
11 resulting ~~administer or cause to be administered any drug,~~



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12 ~~medication, stimulant, depressant, hypnotic, narcotic, local~~
13 ~~anesthetic, or drug masking agent to an animal which will result~~
14 in a positive test for such substance based on samples taken
15 from the animal ~~immediately~~ prior to or immediately after the
16 racing of that animal. Test results and the identities of the
17 animals being tested and of their trainers and owners of record
18 are confidential and exempt from s. 119.07(1) and from s. 24(a),
19 Art. I of the State Constitution for 10 days after testing of
20 all samples collected on a particular day has been completed and
21 any positive test results derived from such samples have been
22 reported to the director of the division or administrative
23 action has been commenced.

24 (3) (a) Upon the finding of a violation of this section, the
25 division may revoke or suspend the license or permit of the
26 violator or deny a license or permit to the violator; impose a
27 fine against the violator in an amount not exceeding the purse
28 or sweepstakes earned by the animal in the race at issue or
29 \$10,000, whichever is greater \$5,000; require the full or
30 partial return of the purse, sweepstakes, and trophy of the race
31 at issue; or impose against the violator any combination of such
32 penalties. The finding of a violation of this section in no way
33 prohibits a prosecution for criminal acts committed.

34 (b) The division, notwithstanding the provisions of chapter
35 120, may summarily suspend the license of an occupational
36 licensee responsible under this section or division rule for the
37 condition of a race animal if the division laboratory reports
38 the presence of a prohibited ~~an impermissible~~ substance in the
39 animal or its blood, urine, saliva, or any other bodily fluid,
40 either before a race in which the animal is entered or after a



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41 race the animal has run.

42 (4) A prosecution pursuant to this section for a violation
43 of this section must be commenced within 180 days ~~2 years~~ after
44 the violation was committed. Service of an administrative
45 complaint marks the commencement of administrative action.

46 (5) The division shall implement a split-sample procedure
47 for testing animals under this section. Each urine and blood
48 sample shall be split into a primary sample and a secondary
49 (split) sample upon collection, under rules adopted by the
50 division. The division shall transfer custody of the primary
51 sample to the division laboratory, with custody of the split
52 sample to remain with the division except as provided in this
53 subsection.

54 (a) ~~Upon finding a positive drug test result, The division~~
55 ~~department shall notify the owner or trainer, the stewards, and~~
56 ~~the horsemen's association of all drug test the results. The~~
57 ~~owner may request that each urine and blood sample be split into~~
58 ~~a primary sample and a secondary (split) sample. Such splitting~~
59 ~~must be accomplished in the laboratory under rules approved by~~
60 ~~the division. Custody of both samples must remain with the~~
61 ~~division. In the event of a positive test result~~ However, upon
62 request by the affected trainer or owner of the animal 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 shall maintain a list of at least five approved
67 independent laboratories for an owner or trainer to select from
68 in the event of a positive test result ~~sample~~.

69 (b) If the division ~~state~~ laboratory's findings are not



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70 confirmed by the independent laboratory, no further
71 administrative or disciplinary action under this section may be
72 pursued. The division may adopt rules identifying substances
73 that diminish in a blood or urine sample due to passage of time
74 and that must be taken into account in applying this section.

75 (c) If the independent laboratory confirms the division
76 ~~state~~ laboratory's positive result, ~~or if there is an~~
77 ~~insufficient quantity of the secondary (split) sample for~~
78 ~~confirmation of the state laboratory's positive result,~~ the
79 division may commence administrative proceedings as prescribed
80 in this chapter and consistent with chapter 120. For purposes of
81 this subsection, the department shall in good faith attempt to
82 obtain a sufficient quantity of the test fluid to allow both a
83 primary test and a secondary test to be made. If there is an
84 insufficient quantity of the split sample for confirmation of
85 the division laboratory's positive result, the division may not
86 take further action on the matter against the owner or trainer,
87 and any resulting license suspension must be immediately lifted.

88 (d) The division shall require its laboratory and the
89 independent laboratories to annually participate in an
90 externally administered quality assurance program designed to
91 assess testing proficiency in the detection and appropriate
92 quantification of medications, drugs, and naturally occurring
93 substances that may be administered to racing animals. The
94 administrator of the quality assurance program shall report its
95 results and findings to the division.

96
97 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

98 And the directory clause is amended as follows:



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99 Delete lines 13 - 14

100 and insert:

101 Section 1. Paragraph (a) of subsection (1), paragraphs (a)
102 and (b) of subsection (3), and subsections (4) and (5) of
103 section 550.2415, Florida Statutes, are amended, and paragraph
104 (f) is added to subsection (6) of that section, to read:

105

106 ===== T I T L E A M E N D M E N T =====

107 And the title is amended as follows:

108 Delete lines 2 - 3

109 and insert:

110 An act relating to racing animals; amending s.
111 550.2415, F.S.; revising the prohibition on the use of
112 medication or drugs on animals; revising penalties for
113 such use; revising procedures for testing animals for
114 medication or drugs; requiring the Division of Pari-