

By Senator Smith

31-00129A-15

2015262__

1 A bill to be entitled
2 An act relating to racing animals; providing a short
3 title; amending s. 550.2415, F.S.; revising the
4 prohibition on the use of medication or drugs on
5 animals; revising the penalties for such use;
6 prohibiting the Division of Pari-mutuel Wagering
7 within the Department of Business and Professional
8 Regulation from granting a license or permit to
9 applicants with a prior conviction of animal cruelty;
10 requiring the division to immediately revoke a license
11 or permit of a person found guilty of animal cruelty
12 subsequent to obtaining the license or permit;
13 prohibiting the division from granting a license or
14 permit to applicants with a prior conviction of
15 aggravated assault or battery or child abuse; revising
16 procedures for testing animals for medication or
17 drugs; requiring certain laboratories to participate
18 in a quality assurance program; requiring the
19 administrator of such program to report results and
20 findings; requiring the division to maintain records
21 of greyhounds injured while racing; providing for the
22 content of such records; establishing a fine for
23 making false statements on injury records; requiring
24 the division to adopt rules; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. This act may be cited as the "Greyhound Safety

31-00129A-15

2015262__

30 Act."

31 Section 2. Paragraph (a) of subsection (1) and subsections
32 (3) through (5) of section 550.2415, Florida Statutes, are
33 amended, and paragraphs (f), (g), and (h) are added to
34 subsection (6) of that section, to read:

35 550.2415 Racing of animals under certain conditions
36 prohibited; penalties; exceptions.—

37 (1) (a) The racing of an animal that has been impermissibly
38 medicated or drugged ~~with any drug, medication, stimulant,~~
39 ~~depressant, hypnotic, narcotic, local anesthetic, or drug-~~
40 ~~masking agent~~ is prohibited. It is a violation of this section
41 for a person to impermissibly medicate or drug an animal
42 resulting ~~administer or cause to be administered any drug,~~
43 ~~medication, stimulant, depressant, hypnotic, narcotic, local~~
44 ~~anesthetic, or drug masking agent to an animal which will result~~
45 in a positive test for a prohibited ~~such~~ substance based on
46 samples taken from the animal ~~immediately~~ prior to or
47 immediately after the racing of that animal. Test results and
48 the identities of the animals being tested and of their trainers
49 and owners of record are confidential and exempt from s.
50 119.07(1) and from s. 24(a), Art. I of the State Constitution
51 for 10 days after testing of all samples collected on a
52 particular day has been completed and any positive test results
53 derived from such samples have been reported to the director of
54 the division or administrative action has been commenced.

55 (3) (a) Upon the finding of a violation of this section, the
56 division may revoke or suspend the license or permit of the
57 violator or deny a license or permit to the violator; impose a
58 fine against the violator in an amount not exceeding the purse

31-00129A-15

2015262__

59 or sweepstakes earned by the animal in the race at issue or
60 \$10,000, whichever is greater ~~\$5,000~~; require the full or
61 partial return of the purse, sweepstakes, and trophy of the race
62 at issue; or impose against the violator any combination of such
63 penalties. The finding of a violation of this section does not
64 prohibit ~~in no way prohibits~~ a prosecution for criminal acts
65 committed.

66 (b) The division, notwithstanding the provisions of chapter
67 120, may summarily suspend the license of an occupational
68 licensee responsible under this section or division rule for the
69 condition of a race animal if the division laboratory reports
70 the presence of a prohibited ~~an impermissible~~ substance in the
71 animal or its blood, urine, saliva, or any other bodily fluid,
72 either before a race in which the animal is entered or after a
73 race the animal has run.

74 (c) The division may not grant a license or permit to an
75 applicant who has been convicted of animal cruelty pursuant to
76 s. 828.12 and shall immediately revoke a license or permit of a
77 person found guilty of violating s. 828.12 subsequent to
78 obtaining a license or permit under this chapter.

79 (d) The division may not grant a license or permit to an
80 applicant who has been convicted of a felony for aggravated
81 assault or battery pursuant to chapter 784 or a felony for the
82 abuse of a child pursuant to chapter 827.

83 (e) ~~(e)~~ If an occupational licensee is summarily suspended
84 under this section, the division shall offer the licensee a
85 prompt postsuspension hearing within 72 hours, at which the
86 division shall produce the laboratory report and documentation
87 which, on its face, establishes the responsibility of the

31-00129A-15

2015262__

88 occupational licensee. Upon production of the documentation, the
89 occupational licensee has the burden of proving his or her lack
90 of responsibility.

91 ~~(f)(d)~~ Any proceeding for administrative action against a
92 licensee or permittee, other than a proceeding under paragraph
93 ~~(e)(e)~~, shall be conducted in compliance with chapter 120.

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

98 (5) The division shall implement a split-sample procedure
99 for testing animals under this section. Using the split-sample
100 procedure, the division shall split each urine and blood sample
101 into a primary sample and a secondary (split) sample upon
102 collection. The division shall transfer custody of the primary
103 sample to the division laboratory and shall retain custody of
104 the split sample, except as provided in this subsection.

105 (a) ~~Upon finding a positive drug test result,~~ The division
106 ~~department~~ shall notify the owner or trainer, the stewards, and
107 the appropriate horsemen's association of all drug test the
108 results. If a drug test result is positive ~~The owner may request~~
109 ~~that each urine and blood sample be split into a primary sample~~
110 ~~and a secondary (split) sample. Such splitting must be~~
111 ~~accomplished in the laboratory under rules approved by the~~
112 ~~division. Custody of both samples must remain with the division.~~
113 ~~However,~~ and upon request by the affected trainer or owner of
114 the animal from which the sample was obtained, the division
115 shall send the split sample to an approved independent
116 laboratory for analysis. The division shall establish standards

31-00129A-15

2015262__

117 and rules for uniform enforcement and shall maintain a list of
118 at least five approved independent laboratories for an owner or
119 trainer to select from in the event of a positive test result
120 ~~sample~~.

121 (b) If the division ~~state~~ laboratory's findings are not
122 confirmed by the independent laboratory, no further
123 administrative or disciplinary action under this section may be
124 pursued. The division may adopt rules identifying substances
125 that diminish in a blood or urine sample due to passage of time
126 and that must be taken into account in applying this section.

127 (c) If the independent laboratory confirms the division
128 ~~state~~ laboratory's positive result, ~~or if there is an~~
129 ~~insufficient quantity of the secondary (split) sample for~~
130 ~~confirmation of the state laboratory's positive result,~~ the
131 division may commence administrative proceedings as prescribed
132 in this chapter and consistent with chapter 120. For purposes of
133 this subsection, the department shall in good faith attempt to
134 obtain a sufficient quantity of the test fluid to allow both a
135 primary test and a secondary test to be made. If there is an
136 insufficient quantity of the split sample for confirmation of
137 the division laboratory's positive result, the division may not
138 take further administrative or disciplinary action against the
139 owner or trainer, and any license suspension as a consequence of
140 the positive result must be immediately lifted.

141 (d) The division shall require its laboratory and the
142 independent laboratories to annually participate in an
143 externally administered quality assurance program designed to
144 assess testing proficiency and accuracy in the detection and
145 appropriate quantification of medications, drugs, and naturally

31-00129A-15

2015262__

146 occurring substances that may be administered to racing animals.
147 The administrator of the quality assurance program shall report
148 its results and findings to the division.

149 (6)

150 (f)1. The division shall maintain records of injuries that
151 a greyhound sustains while racing at a greyhound track in this
152 state, including injuries incurred during a schooling race. The
153 record must include all of the following:

154 a. The greyhound's registered name, right-ear and left-ear
155 tattoo numbers, and, if any, the microchip manufacturer and
156 number.

157 b. The name, business address, and telephone number of the
158 greyhound owner, the trainer, and the kennel operator.

159 c. The color, weight, and sex of the greyhound.

160 d. The location where the injury occurred.

161 e. If the injury occurred during a race, the racetrack
162 where the injury occurred, the condition of the racetrack, and
163 the distance, the grade, the race, and the post position of the
164 greyhound when the injury occurred.

165 f. The time and weather conditions at the facility when the
166 injury occurred.

167 g. The specific type and bodily location of the injury, the
168 cause of the injury, and the estimated recovery time from the
169 injury.

170 2. An injury record shall be completed and signed under
171 oath or affirmation under penalty of perjury by the racetrack
172 veterinarian, whose signature must be witnessed by a designated
173 representative of the division.

174 3. The division shall maintain an injury record for 7 years

31-00129A-15

2015262__

175 after the injury occurred, and such records shall be made
176 readily available during this time to the public upon oral or
177 written request to the division.

178 4. A person who knowingly makes a false statement on an
179 injury record is subject to a fine of up to \$1,500. A subsequent
180 violation of this subparagraph results in a fine of at least
181 \$3,000.

182 (g) A dogracing permitholder operating in this state must:

183 1. Maintain its facility in a manner that provides for the
184 safety of racing greyhounds;

185 2. Maintain a safe racetrack surface at all times pursuant
186 to the safety standards adopted by the division;

187 3. Install a safety device to remove the lure from the
188 racetrack surface; and

189 4. Insulate all exposed electrical wires on the racetrack
190 surface or anywhere at the facility where a racing greyhound may
191 come into contact with electrical wires.

192 (h) The division shall adopt by rule safety standards
193 relating to racetrack surfaces.

194 Section 3. This act shall take effect July 1, 2015.