

By Senator Smith

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1                   A bill to be entitled  
2       An act relating to greyhound racing; amending s.  
3       550.2415, F.S.; providing a short title; prohibiting  
4       the Division of Pari-mutuel Wagering of the Department  
5       of Business and Professional Regulation from granting  
6       a license or permit to an applicant convicted of  
7       animal cruelty, felony aggravated assault or battery,  
8       or felony child abuse; requiring the division to  
9       immediately revoke a license or permit of a person  
10      convicted of animal cruelty; requiring that  
11      prosecution for a violation must begin within 180 days  
12      after the violation is committed; providing the  
13      procedure for collection and retention of urine and  
14      blood samples; providing that the division may not  
15      commence administrative proceedings and must reinstate  
16      a suspended license if the division cannot confirm a  
17      positive test result; requiring the division to  
18      maintain records of greyhound injuries in certain  
19      circumstances; specifying requirements for greyhound  
20      injury records; specifying record retention  
21      requirements; providing a fine for making a false  
22      statement on an injury record; providing certain  
23      requirements for maintaining safe racing facilities  
24      and racetrack surfaces; providing rulemaking  
25      authority; providing an effective date.

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

28  
29       Section 1. Present subsections (1) through (13) of section

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30 550.2415, Florida Statutes, are redesignated as subsections (2)  
31 through (14), respectively, a new subsection (1) is added to  
32 that section, present paragraphs (c) and (d) of present  
33 subsection (3) of that section are redesignated as paragraphs  
34 (e) and (f), respectively, new paragraphs (c) and (d) are added  
35 to that subsection, and present paragraph (d) of that subsection  
36 is amended, present subsections (4) and (5) of that section are  
37 amended, and paragraphs (f), (g), and (h) are added to present  
38 subsection (6) of that section, to read:

39 550.2415 Racing of animals under certain conditions  
40 prohibited; penalties; exceptions.—

41 (1) This section may be cited as the "Greyhound Safety  
42 Act."

43 (4)~~(3)~~

44 (c) The division may not grant a license or permit under  
45 this chapter to an applicant who has been convicted of animal  
46 cruelty pursuant to s. 828.12 and shall immediately revoke the  
47 license or permit of a person found guilty of violating s.  
48 828.12.

49 (d) The division may not grant a license or permit under  
50 this chapter to an applicant who has been convicted of a felony  
51 for aggravated assault or battery pursuant to chapter 784 or a  
52 felony for the abuse of a child pursuant to chapter 827.

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

56 (5)~~(4)~~ A prosecution pursuant to this section for a  
57 violation of this section must begin within 180 ~~90~~ days after  
58 the violation was committed. Service of an administrative

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59 complaint marks the commencement of administrative action.

60 (6)~~(5)~~ The division shall implement a split-sample  
61 procedure for testing animals under this section. Using the  
62 split-sample procedure, the division shall split each urine and  
63 blood sample into a primary sample and a secondary (split)  
64 sample upon collection. The division shall transfer custody of  
65 the primary sample to the division laboratory and shall retain  
66 custody of the split sample, except as provided in this  
67 subsection.

68 (a) The division shall notify the owner or trainer, the  
69 stewards, and the appropriate horsemen's association of all drug  
70 test results. If a drug test result is positive, and upon  
71 request by the affected trainer or owner of the animal from  
72 which the sample was obtained, the division shall send the split  
73 sample to an approved independent laboratory for analysis. The  
74 division shall establish standards and rules for uniform  
75 enforcement and shall maintain a list of at least five approved  
76 independent laboratories for an owner or trainer to select from  
77 if a drug test result is positive.

78 (b) If the division laboratory's findings are not confirmed  
79 by the independent laboratory, no further administrative or  
80 disciplinary action under this section may be pursued.

81 (c) If the independent laboratory confirms the division  
82 laboratory's positive result, the division may commence  
83 administrative proceedings as prescribed in this chapter and  
84 consistent with chapter 120. For purposes of this subsection,  
85 the department shall in good faith attempt to obtain a  
86 sufficient quantity of the test fluid to allow both a primary  
87 test and a secondary test to be made.

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88 (d) For the testing of a racing greyhound, if there is an  
89 insufficient quantity of the secondary (split) sample for  
90 confirmation of the division laboratory's positive result, the  
91 division may not commence administrative proceedings as  
92 prescribed in this chapter and consistent with chapter 120, and  
93 a license suspended as a consequence of a positive result that  
94 cannot be confirmed must be immediately reinstated.

95 (e) For the testing of a racehorse, if there is an  
96 insufficient quantity of the secondary (split) sample for  
97 confirmation of the division laboratory's positive result, the  
98 division may not take further action on the matter against the  
99 owner or trainer, and any resulting license suspension must be  
100 immediately lifted.

101 (f) The division shall require its laboratory and the  
102 independent laboratories to annually participate in an  
103 externally administered quality assurance program designed to  
104 assess testing proficiency in the detection and appropriate  
105 quantification of medications, drugs, and naturally occurring  
106 substances that may be administered to racing animals. The  
107 administrator of the quality assurance program shall report its  
108 results and findings to the division and the Department of  
109 Agriculture and Consumer Services.

110 ~~(7)(6)~~

111 (f) The division shall maintain records of injuries that a  
112 greyhound sustains while racing at a greyhound racetrack in this  
113 state, including injuries that occurred during a schooling race.

114 1. The injury record must include all of the following:

115 a. The greyhound's registered name, right-ear and left-ear  
116 tattoo numbers, and, if applicable, the microchip manufacturer

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117 and number.

118 b. The names, business addresses, and telephone numbers of  
119 the greyhound owner, the trainer, and the kennel operator.

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

121 d. The location where the injury occurred.

122 e. If the injury occurred during a race, the racetrack  
123 where the injury occurred, the condition of the racetrack, and  
124 the distance, the grade, the race, and the post position of the  
125 greyhound when the injury occurred.

126 f. The time and weather conditions at the facility when the  
127 injury occurred.

128 g. The specific type and bodily location of the injury, the  
129 cause of the injury, and the estimated recovery time for the  
130 injury.

131 2. An injury record must be completed and signed under oath  
132 or affirmation under penalty of perjury by the racetrack  
133 veterinarian, whose signature must be witnessed by a designated  
134 representative of the division.

135 3. The division shall maintain an injury record for 7 years  
136 after the injury occurred, and such records shall be made  
137 readily available to the public upon oral or written request to  
138 the division.

139 4. A person who knowingly makes a false statement on an  
140 injury record is subject to a fine of up to \$1,500. Each  
141 subsequent violation of this subparagraph will result in a fine  
142 of at least \$3,000.

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

144 1. Maintain its facility in a manner that provides for the  
145 safety of racing greyhounds.

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146       2. Maintain a safe racetrack surface at all times pursuant  
147 to the safety standards adopted by the division.

148       3. Install a safety device that removes the lure from the  
149 racetrack surface.

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

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

155       Section 2. This act shall take effect July 1, 2016.