

1 A bill to be entitled
2 An act relating to requirements for pari-mutuel
3 permitholders to conduct racing or games; amending s.
4 550.002, F.S.; revising and providing definitions;
5 amending s. 550.0115, F.S.; conforming provisions to
6 changes made by the act; amending s. 550.01215, F.S.;
7 revising the application requirements for an operating
8 license to conduct pari-mutuel wagering for a pari-
9 mutuel facility; prohibiting greyhound permitholders
10 from conducting live racing; authorizing jai alai
11 permitholders, harness horse racing permitholders, and
12 quarter horse racing permitholders to elect not to
13 conduct live racing or games; requiring thoroughbred
14 permitholders to conduct live racing; specifying that
15 certain permitholders that do not conduct live racing
16 or games retain their permit and remain pari-mutuel
17 facilities; specifying that, if such permitholder has
18 been issued a slot machine license, the permitholder's
19 facility remains an eligible facility, continues to be
20 eligible for a slot machine license, is exempt from
21 certain provisions of ch. 551, F.S., is eligible to be
22 a guest track, and, if the permitholder is a harness
23 horse racing permitholder, is eligible to be a host
24 track for intertrack wagering and simulcasting, and
25 remains eligible for a cardroom license; authorizing

26 | the Division of Pari-mutuel Wagering to approve a
27 | change in racing dates for a permitholder if the
28 | request for a change is received before a specified
29 | date and under certain circumstances; deleting a
30 | provision authorizing the conversion of certain
31 | permits to a jai alai permit under certain
32 | circumstances; amending s. 550.0235, F.S.; conforming
33 | provisions to changes made by the act; amending s.
34 | 550.0351, F.S.; deleting a provision relating to hound
35 | dog derbies and mutt derbies; amending s. 550.0425,
36 | F.S.; deleting a provision authorizing certain
37 | children to be granted access to kennel compound areas
38 | under certain circumstances; amending s. 550.054,
39 | F.S.; deleting provisions relating to the conversion
40 | of jai alai permits to greyhound racing permits;
41 | conforming a provision to changes made by the act;
42 | amending s. 550.09511, F.S.; deleting a provision
43 | relating to the payment of certain taxes and fees by
44 | jai alai permitholders conducting fewer than a
45 | specified number of live performances; amending s.
46 | 550.09512, F.S.; revising the circumstances for which
47 | a harness horse permitholder's permit is voided for
48 | failing to pay certain taxes; amending ss. 550.105,
49 | 550.1155, and 550.1647, F.S.; conforming provisions to
50 | changes made by the act; repealing s. 550.1648, F.S.,

51 relating to greyhound adoptions; amending ss. 550.175,
52 550.1815, and 550.24055, F.S.; conforming provisions
53 to changes made by the act; amending s. 550.2415,
54 F.S.; deleting provisions relating to the testing,
55 euthanasia, training, and medication of racing
56 greyhounds; amending s. 550.334, F.S.; deleting
57 provisions relating to eligibility of a quarter horse
58 racing permitholder to conduct intertrack wagering;
59 amending s. 550.3551, F.S.; conforming provisions to
60 changes made by the act; amending s. 550.3615, F.S.;
61 conforming provisions to changes made by the act;
62 prohibiting a person convicted of bookmaking from
63 attending or being admitted to a pari-mutuel facility;
64 requiring pari-mutuel facility employees to notify
65 certain persons of unlawful activities; providing
66 civil penalties; requiring a permittee to display
67 certain warnings relating to bookmaking at his or her
68 pari-mutuel facility; revising applicability; amending
69 s. 550.475, F.S.; revising provisions relating to
70 leasing pari-mutuel facilities; amending s. 550.615,
71 F.S.; revising requirements relating to intertrack
72 wagering; specifying that greyhound permitholders are
73 qualified to receive certain broadcasts and accept
74 specified wagers; amending ss. 550.6305 and 551.104,
75 F.S.; conforming provisions to changes made by the

76 act; amending s. 551.114, F.S.; revising requirements
 77 for the locations of designated slot machine gaming
 78 areas; amending s. 565.02, F.S.; conforming provisions
 79 to changes made by the act; amending s. 849.086, F.S.;
 80 revising requirements relating to the annual renewal
 81 of a cardroom license; conforming provisions to
 82 changes made by the act; reenacting ss.
 83 380.0651(2)(c), 402.82(4)(c), and 480.0475(1), F.S.,
 84 relating to statewide guidelines, the electronic
 85 benefits transfer program, and massage establishments,
 86 respectively, to incorporate the amendments made to s.
 87 550.002, F.S., in references thereto; providing a
 88 contingent effective date.

89

90 Be It Enacted by the Legislature of the State of Florida:

91

92 Section 1. Subsections (24) through (28) of section
 93 550.002, Florida Statutes, are renumbered as subsections (25)
 94 through (29), respectively, present subsections (11), (17),
 95 (20), (21), (22), (23), (26), (29), and (31) are amended, and a
 96 new subsection (24) is added to that section, to read:

97 550.002 Definitions.—As used in this chapter, the term:

98 (11) "Full schedule of live racing or games" means, for a
 99 ~~greyhound or~~ jai alai permitholder, the conduct of a combination
 100 of at least 100 live evening or matinee performances during the

101 preceding year; for a permitholder who has a converted permit or
102 filed an application on or before June 1, 1990, for a converted
103 permit, the conduct of a combination of at least 100 live
104 evening and matinee wagering performances during either of the 2
105 preceding years; for a jai alai permitholder who does not
106 operate slot machines in its pari-mutuel facility, who has
107 conducted at least 100 live performances per year for at least
108 10 years after December 31, 1992, and whose handle on live jai
109 alai games conducted at its pari-mutuel facility has been less
110 than \$4 million per state fiscal year for at least 2 consecutive
111 years after June 30, 1992, the conduct of a combination of at
112 least 40 live evening or matinee performances during the
113 preceding year; for a jai alai permitholder who operates slot
114 machines in its pari-mutuel facility, the conduct of a
115 combination of at least 150 performances during the preceding
116 year; for a harness permitholder, the conduct of at least 100
117 live regular wagering performances during the preceding year;
118 for a quarter horse permitholder at its facility unless an
119 alternative schedule of at least 20 live regular wagering
120 performances is agreed upon by the permitholder and either the
121 Florida Quarter Horse Racing Association or the horsemen's
122 association representing the majority of the quarter horse
123 owners and trainers at the facility and filed with the division
124 along with its annual date application, in the 2010-2011 fiscal
125 year, the conduct of at least 20 regular wagering performances,

126 | in the 2011-2012 and 2012-2013 fiscal years, the conduct of at
127 | least 30 live regular wagering performances, and for every
128 | fiscal year after the 2012-2013 fiscal year, the conduct of at
129 | least 40 live regular wagering performances; for a quarter horse
130 | permitholder leasing another licensed racetrack, the conduct of
131 | 160 events at the leased facility; and for a thoroughbred
132 | permitholder, the conduct of at least 40 live regular wagering
133 | performances during the preceding year. For a permitholder which
134 | is restricted by statute to certain operating periods within the
135 | year when other members of its same class of permit are
136 | authorized to operate throughout the year, the specified number
137 | of live performances which constitute a full schedule of live
138 | racing or games shall be adjusted pro rata in accordance with
139 | the relationship between its authorized operating period and the
140 | full calendar year and the resulting specified number of live
141 | performances shall constitute the full schedule of live games
142 | for such permitholder and all other permitholders of the same
143 | class within 100 air miles of such permitholder. A live
144 | performance must consist of no fewer than eight races or games
145 | conducted live for each of a minimum of three performances each
146 | week at the permitholder's licensed facility under a single
147 | admission charge.

148 | (17) "Intertrack wager" or "intertrack wagering" means a
149 | particular form of pari-mutuel wagering in which wagers are
150 | accepted at a permitted, in-state track, fronton, or pari-mutuel

151 facility on a race or game transmitted from and performed live
 152 at, or simulcast signal rebroadcast from, another in-state pari-
 153 mutuel facility.

154 (20) "Meet" or "meeting" means the conduct of live racing
 155 or jai alai, or wagering on intertrack or simulcast events, for
 156 any stake, purse, prize, or premium.

157 (21) "Operating day" means a continuous period of 24 hours
 158 starting with the beginning of the first performance of a race
 159 or game, even though the operating day may start during one
 160 calendar day and extend past midnight, except that no ~~greyhound~~
 161 ~~race or~~ jai alai game may commence after 1:30 a.m.

162 (22) "Pari-mutuel" or "pari-mutuel wagering" means a
 163 system of betting on races or games in which the winners divide
 164 the total amount bet, after deducting management expenses and
 165 taxes, in proportion to the sums they have wagered individually
 166 and with regard to the odds assigned to particular outcomes.

167 (23) "Pari-mutuel facility" means the grounds or property
 168 of a cardroom, racetrack, fronton, or other facility used by a
 169 licensed permitholder ~~for the conduct of pari-mutuel wagering.~~

170 (24) "Permitholder" or "permittee" means a holder of a
 171 permit to conduct pari-mutuel wagering in this state as
 172 authorized in this chapter.

173 ~~(27)-(26)~~ "Post time" means the time set for the arrival at
 174 the starting point of the horses ~~or greyhounds~~ in a race or the
 175 beginning of a game in jai alai.

176 ~~(29) "Racing greyhound" means a greyhound that is or was~~
 177 ~~used, or is being bred, raised, or trained to be used, in racing~~
 178 ~~at a pari-mutuel facility and is registered with the National~~
 179 ~~Greyhound Association.~~

180 (31) "Same class of races, games, or permit" means, with
 181 respect to a jai alai permitholder, jai alai games or other jai
 182 alai permitholders; with respect to a greyhound permitholder,
 183 ~~greyhound races or other greyhound permitholders~~ conducting
 184 pari-mutuel wagering; with respect to a thoroughbred
 185 permitholder, thoroughbred races or other thoroughbred
 186 permitholders; with respect to a harness permitholder, harness
 187 races or other harness permitholders; with respect to a quarter
 188 horse permitholder, quarter horse races or other quarter horse
 189 permitholders.

190 Section 2. Section 550.0115, Florida Statutes, is amended
 191 to read:

192 550.0115 Permitholder operating license.—After a permit
 193 has been issued by the division, and after the permit has been
 194 approved by election, the division shall issue to the
 195 permitholder an annual operating license to conduct pari-mutuel
 196 wagering operations at the location specified in the permit
 197 pursuant to ~~the provisions of~~ this chapter.

198 Section 3. Section 550.01215, Florida Statutes, is amended
 199 to read:

200 550.01215 License application; periods of operation;

201 license fees; bond, ~~conversion of permit.~~

202 (1) Each permitholder shall annually, during the period
203 between December 15 and January 4, file in writing with the
204 division its application for an operating a license for a pari-
205 mutuel facility for the conduct of pari-mutuel wagering during
206 the next state fiscal year, including intertrack and simulcast
207 race wagering ~~to conduct performances during the next state~~
208 ~~fiscal year.~~ Each application for live performances must shall
209 specify the number, dates, and starting times of all live
210 performances that ~~which~~ the permitholder intends to conduct. It
211 must shall also specify which performances will be conducted as
212 charity or scholarship performances.

213 (a) ~~In addition,~~ Each application for an operating a
214 license must also shall include:~~r~~

215 1. For each permitholder, whether the permitholder intends
216 to accept wagers on intertrack or simulcast events.

217 2. For each permitholder that ~~which~~ elects to operate a
218 cardroom, the dates and periods of operation the permitholder
219 intends to operate the cardroom. ~~or~~

220 3. For each thoroughbred racing permitholder that ~~which~~
221 elects to receive or rebroadcast out-of-state races after 7
222 p.m., the dates for all performances that ~~which~~ the permitholder
223 intends to conduct.

224 (b)1. A greyhound permitholder may not conduct live
225 racing. A jai alai permitholder, harness horse racing

226 permitholder, or quarter horse racing permitholder may elect not
227 to conduct live racing or games. A thoroughbred permitholder
228 must conduct live racing. A greyhound permitholder, jai alai
229 permitholder, harness horse racing permitholder, or quarter
230 horse racing permitholder that does not conduct live racing or
231 games retains its permit; is a pari-mutuel facility as defined
232 in s. 550.002(23); if such permitholder has been issued a slot
233 machine license, the facility where such permit is located
234 remains an eligible facility as defined in s. 551.102, continues
235 to be eligible for a slot machine license pursuant to s.
236 551.104(3), and is exempt from ss. 551.104(4)(c) and (10) and
237 551.114(2) and (4); is eligible, but not required, to be a guest
238 track and, if the permitholder is a harness horse racing
239 permitholder, to be a host track for purposes of intertrack
240 wagering and simulcasting pursuant to ss. 550.3551, 550.615,
241 550.625, and 550.6305; and remains eligible for a cardroom
242 license.

243 2. A permitholder or licensee may not conduct live
244 greyhound racing or dogracing in connection with any wager for
245 money or any other thing of value in the state. The division may
246 deny, suspend, or revoke any permit or license under this
247 chapter if a permitholder or licensee conducts live greyhound
248 racing or dogracing in violation of this subparagraph. In
249 addition to, or in lieu of, denial, suspension, or revocation,
250 the division may impose a civil penalty of up to \$5,000 against

251 the permit holder or licensee for a violation of this
252 subparagraph. All penalties imposed and collected must be
253 deposited with the Chief Financial Officer to the credit of the
254 General Revenue Fund.

255 (c) Permit holders ~~may~~ shall be entitled to amend their
256 applications through February 28.

257 (d) Notwithstanding any other provision of law, no pari-
258 mutuel facility, cardroom, or slot machine facility may be
259 issued an operating license if the permit holder did not hold an
260 operating license on January 1, 2021.

261 (2) After the first license has been issued to a
262 permit holder, all subsequent annual applications for a license
263 shall be accompanied by proof, in such form as the division may
264 by rule require, that the permit holder continues to possess the
265 qualifications prescribed by this chapter, and that the permit
266 has not been disapproved at a later election.

267 (3) The division shall issue each license no later than
268 March 15. Each permit holder shall operate all performances at
269 the date and time specified on its license. The division shall
270 have the authority to approve minor changes in racing dates
271 after a license has been issued. The division may approve
272 changes in racing dates after a license has been issued when
273 there is no objection from any operating permit holder located
274 within 50 miles of the permit holder requesting the changes in
275 operating dates. In the event of an objection, the division

276 shall approve or disapprove the change in operating dates based
277 upon the impact on operating permitholders located within 50
278 miles of the permitholder requesting the change in operating
279 dates. In making the determination to change racing dates, the
280 division shall take into consideration the impact of such
281 changes on state revenues. Notwithstanding any other provision
282 of law, and for the 2021-2022 state fiscal year only, the
283 division may approve changes in operating dates for
284 permitholders if the request for such changes is received before
285 July 1, 2021.

286 (4) In the event that a permitholder fails to operate all
287 performances specified on its license at the date and time
288 specified, the division shall hold a hearing to determine
289 whether to fine or suspend the permitholder's license, unless
290 such failure was the direct result of fire, strike, war, or
291 other disaster or event beyond the ability of the permitholder
292 to control. Financial hardship to the permitholder shall not, in
293 and of itself, constitute just cause for failure to operate all
294 performances on the dates and at the times specified.

295 (5) In the event that performances licensed to be operated
296 by a permitholder are vacated, abandoned, or will not be used
297 for any reason, any permitholder shall be entitled, pursuant to
298 rules adopted by the division, to apply to conduct performances
299 on the dates for which the performances have been abandoned. The
300 division shall issue an amended license for all such replacement

301 performances which have been requested in compliance with ~~the~~
302 ~~provisions of~~ this chapter and division rules.

303 ~~(6) Any permit which was converted from a jai alai permit~~
304 ~~to a greyhound permit may be converted to a jai alai permit at~~
305 ~~any time if the permitholder never conducted greyhound racing or~~
306 ~~if the permitholder has not conducted greyhound racing for a~~
307 ~~period of 12 consecutive months.~~

308 Section 4. Section 550.0235, Florida Statutes, is amended
309 to read:

310 550.0235 Limitation of civil liability.—No permitholder
311 licensed to conduct pari-mutuel wagering ~~permittee conducting a~~
312 ~~racing meet~~ pursuant to ~~the provisions of~~ this chapter; no
313 division director or employee of the division; and no steward,
314 judge, or other person appointed to act pursuant to this chapter
315 shall be held liable to any person, partnership, association,
316 corporation, or other business entity for any cause whatsoever
317 arising out of, or from, the performance by such permittee,
318 director, employee, steward, judge, or other person of her or
319 his duties and the exercise of her or his discretion with
320 respect to the implementation and enforcement of the statutes
321 and rules governing the conduct of pari-mutuel wagering, so long
322 as she or he acted in good faith. This section shall not limit
323 liability in any situation in which the negligent maintenance of
324 the premises or the negligent conduct of a race contributed to
325 an accident; nor shall it limit any contractual liability.

326 Section 5. Subsection (8) of section 550.0351, Florida
 327 Statutes, is renumbered as subsection (7), and present
 328 subsections (1) and (7) of that section are amended to read:

329 550.0351 Charity racing days.—

330 (1) The division shall, upon the request of a
 331 permitholder, authorize each horseracing permitholder, ~~dogracing~~
 332 ~~permitholder,~~ and jai alai permitholder up to five charity or
 333 scholarship days in addition to the regular racing days
 334 authorized by law.

335 ~~(7) In addition to the charity days authorized by this~~
 336 ~~section, any dogracing permitholder may allow its facility to be~~
 337 ~~used for conducting "hound dog derbies" or "mutt derbies" on any~~
 338 ~~day during each racing season by any charitable, civic, or~~
 339 ~~nonprofit organization for the purpose of conducting "hound dog~~
 340 ~~derbies" or "mutt derbies" if only dogs other than those usually~~
 341 ~~used in dogracing (greyhounds) are permitted to race and if~~
 342 ~~adults and minors are allowed to participate as dog owners or~~
 343 ~~spectators. During these racing events, betting, gambling, and~~
 344 ~~the sale or use of alcoholic beverages is prohibited.~~

345 Section 6. Subsection (4) of section 550.0425, Florida
 346 Statutes, is amended to read:

347 550.0425 Minors attendance at pari-mutuel performances;
 348 restrictions.—

349 ~~(4) Minor children of licensed greyhound trainers, kennel~~
 350 ~~operators, or other licensed persons employed in the kennel~~

351 ~~compound areas may be granted access to kennel compound areas~~
352 ~~without being licensed, provided they are in no way employed~~
353 ~~unless properly licensed, and only when under the direct~~
354 ~~supervision of one of their parents or legal guardian.~~

355 Section 7. Subsections (2) and (14) of section 550.054,
356 Florida Statutes, are amended to read:

357 550.054 Application for permit to conduct pari-mutuel
358 wagering.—

359 (2) Upon each application filed and approved, a permit
360 shall be issued to the applicant setting forth the name of the
361 permitholder, the location of the pari-mutuel facility, the type
362 of pari-mutuel activity desired to be conducted, and a statement
363 showing qualifications of the applicant to conduct pari-mutuel
364 performances under this chapter; however, a permit is
365 ineffectual to authorize any pari-mutuel performances until
366 approved by a majority of the electors participating in a
367 ratification election in the county in which the applicant
368 proposes to conduct pari-mutuel wagering activities. In
369 addition, an application may not be considered, nor may a permit
370 be issued by the division or be voted upon in any county, to
371 conduct horseraces, harness horse races, or pari-mutuel wagering
372 ~~dograces~~ at a location within 100 miles of an existing pari-
373 mutuel facility, or for jai alai within 50 miles of an existing
374 pari-mutuel facility; this distance shall be measured on a
375 straight line from the nearest property line of one pari-mutuel

376 facility to the nearest property line of the other facility.

377 (14) (a) Notwithstanding any other provision of law, a
378 permit for the operation of a pari-mutuel facility, cardroom, or
379 slot machine facility may only be held by facilities with
380 permits on January 1, 2021 ~~Any holder of a permit to conduct jai~~
381 ~~alai may apply to the division to convert such permit to a~~
382 ~~permit to conduct greyhound racing in lieu of jai alai if:~~

383 1. ~~Such permit is located in a county in which the~~
384 ~~division has issued only two pari-mutuel permits pursuant to~~
385 ~~this section;~~

386 2. ~~Such permit was not previously converted from any other~~
387 ~~class of permit; and~~

388 3. ~~The holder of the permit has not conducted jai alai~~
389 ~~games during a period of 10 years immediately preceding his or~~
390 ~~her application for conversion under this subsection.~~

391 (b) Notwithstanding any other provision of law, no pari-
392 mutuel facility, cardroom, or slot machine facility may be
393 relocated, and no pari-mutuel wagering permit may be converted
394 to another class of permit ~~The division, upon application from~~
395 ~~the holder of a jai alai permit meeting all conditions of this~~
396 ~~section, shall convert the permit and shall issue to the~~
397 ~~permitholder a permit to conduct greyhound racing. A~~
398 ~~permitholder of a permit converted under this section shall be~~
399 ~~required to apply for and conduct a full schedule of live racing~~
400 ~~each fiscal year to be eligible for any tax credit provided by~~

401 ~~this chapter.~~ The holder of a permit converted under former
 402 subsection (14) of this section, Florida Statutes 2020, pursuant
 403 ~~to this subsection~~ or any holder of a permit to conduct
 404 greyhound racing located in a county in which it is the only
 405 permit issued pursuant to this section who operates at a leased
 406 facility pursuant to s. 550.475 may move the location for which
 407 the permit has been issued to another location within a 30-mile
 408 radius of the location fixed in the permit issued in that
 409 county, provided the move does not cross the county boundary and
 410 such location is approved under the zoning regulations of the
 411 county or municipality in which the permit is located, and upon
 412 such relocation may use the permit for the conduct of pari-
 413 mutuel wagering and the operation of a cardroom. The provisions
 414 of s. 550.6305(9)(d) and (f) shall apply to any permit converted
 415 under former subsection (14) of this section, Florida Statutes
 416 2020, ~~this subsection~~ and shall continue to apply to any permit
 417 which was previously included under and subject to such
 418 provisions before a conversion pursuant to this section
 419 occurred.

420 Section 8. Subsection (4) of section 550.09511, Florida
 421 Statutes, is amended to read:

422 550.09511 Jai alai taxes; abandoned interest in a permit
 423 for nonpayment of taxes.—

424 ~~(4) A jai alai permitholder conducting fewer than 100 live~~
 425 ~~performances in any calendar year shall pay to the state the~~

HB 7055

2021

426 ~~same aggregate amount of daily license fees on live jai alai~~
427 ~~games, admissions tax, and tax on live handle as that~~
428 ~~permitholder paid to the state during the most recent prior~~
429 ~~calendar year in which the jai alai permitholder conducted at~~
430 ~~least 100 live performances.~~

431 Section 9. Paragraph (a) of subsection (3) of section
432 550.09512, Florida Statutes, is amended to read:

433 550.09512 Harness horse taxes; abandoned interest in a
434 permit for nonpayment of taxes.—

435 (3) (a) The permit of a harness horse permitholder who is
436 conducting live harness horse performances and who does not pay
437 tax on handle for any such live harness horse performances
438 conducted for a full schedule of live races during any 2
439 consecutive state fiscal years shall be void and shall not be
440 reissued ~~escheat to and become the property of the state unless~~
441 such failure to operate and pay tax on handle was the direct
442 result of fire, strike, war, pandemic, or other disaster or
443 event beyond the ability of the permitholder to control.
444 Financial hardship to the permitholder shall not, in and of
445 itself, constitute just cause for failure to operate and pay tax
446 on handle.

447 Section 10. Subsections (2) and (9) of section 550.105,
448 Florida Statutes, are amended to read:

449 550.105 Occupational licenses of racetrack employees;
450 fees; denial, suspension, and revocation of license; penalties

451 and fines.—

452 (2) (a) The following licenses shall be issued to persons
 453 or entities with access to the backside, racing animals, jai
 454 alai players' room, jockeys' room, drivers' room, totalisator
 455 room, the mutuels, or money room, or to persons who, by virtue
 456 of the position they hold, might be granted access to these
 457 areas or to any other person or entity in one of the following
 458 categories and with fees not to exceed the following amounts for
 459 any 12-month period:

460 1. Business licenses: any business such as a vendor,
 461 contractual concessionaire, ~~contract kennel~~, business owning
 462 racing animals, trust or estate, totalisator company, stable
 463 name, or other fictitious name: \$50.

464 2. Professional occupational licenses: professional
 465 persons with access to the backside of a racetrack or players'
 466 quarters in jai alai such as trainers, officials, veterinarians,
 467 doctors, nurses, EMT's, jockeys and apprentices, drivers, jai
 468 alai players, owners, trustees, or any management or officer or
 469 director or shareholder or any other professional-level person
 470 who might have access to the jockeys' room, the drivers' room,
 471 the backside, racing animals, ~~kennel compound~~, or managers or
 472 supervisors requiring access to mutuels machines, the money
 473 room, or totalisator equipment: \$40.

474 3. General occupational licenses: general employees with
 475 access to the jockeys' room, the drivers' room, racing animals,

HB 7055

2021

476 the backside of a racetrack or players' quarters in jai alai,
477 such as grooms, ~~kennel helpers~~, leadouts, pelota makers, cesta
478 makers, or ball boys, or a practitioner of any other occupation
479 who would have access to the animals or, the backside, ~~or the~~
480 ~~kennel compound~~, or who would provide the security or
481 maintenance of these areas, or mutuel employees, totalisator
482 employees, money-room employees, or any employee with access to
483 mutuels machines, the money room, or totalisator equipment or
484 who would provide the security or maintenance of these areas:
485 \$10.

486 The individuals and entities that are licensed under this
487 paragraph require heightened state scrutiny, including the
488 submission by the individual licensees or persons associated
489 with the entities described in this chapter of fingerprints for
490 a Federal Bureau of Investigation criminal records check.

491 (b) The division shall adopt rules pertaining to pari-
492 mutuel occupational licenses, licensing periods, and renewal
493 cycles.

494 (9) The tax imposed by this section is in lieu of all
495 license, excise, or occupational taxes to the state or any
496 county, municipality, or other political subdivision, except
497 that, if a race meeting or game is held or conducted in a
498 municipality, the municipality may assess and collect an
499 additional tax against any person conducting live racing or
500 games within its corporate limits, which tax may not exceed \$150

501 per day for horseracing or \$50 per day for ~~degrading or~~ jai
 502 alai. Except as provided in this chapter, a municipality may not
 503 assess or collect any additional excise or revenue tax against
 504 any person conducting race meetings within the corporate limits
 505 of the municipality or against any patron of any such person.

506 Section 11. Section 550.1155, Florida Statutes, is amended
 507 to read:

508 550.1155 Authority of stewards, judges, panel of judges,
 509 or player's manager to impose penalties against occupational
 510 licensees; disposition of funds collected.—

511 (1) The stewards at a horse racetrack; ~~the judges at a dog~~
 512 ~~track;~~ or the judges, a panel of judges, or a player's manager
 513 at a jai alai fronton may impose a civil penalty against any
 514 occupational licensee for violation of the pari-mutuel laws or
 515 any rule adopted by the division. The penalty may not exceed
 516 \$1,000 for each count or separate offense or exceed 60 days of
 517 suspension for each count or separate offense.

518 (2) All penalties imposed and collected pursuant to this
 519 section at each horse ~~or dog~~ racetrack or jai alai fronton shall
 520 be deposited into a board of relief fund established by the
 521 pari-mutuel permitholder. Each association shall name a board of
 522 relief composed of three of its officers, with the general
 523 manager of the permitholder being the ex officio treasurer of
 524 such board. Moneys deposited into the board of relief fund shall
 525 be disbursed by the board for the specific purpose of aiding

526 occupational licenseholders and their immediate family members
 527 at each pari-mutuel facility.

528 Section 12. Section 550.1647, Florida Statutes, is amended
 529 to read:

530 550.1647 Greyhound permitholders; unclaimed tickets;
 531 breaks.—All money or other property represented by any
 532 unclaimed, uncashed, or abandoned pari-mutuel ticket which has
 533 remained in the custody of or under the control of any greyhound
 534 permitholder authorized to conduct ~~greyhound racing~~ pari-mutuel
 535 wagering pools in this state for a period of 1 year after the
 536 date the pari-mutuel ticket was issued, if the rightful owner or
 537 owners thereof have made no claim or demand for such money or
 538 other property within that period of time, shall, ~~with respect~~
 539 ~~to live races conducted by the permitholder,~~ be remitted to the
 540 state pursuant to s. 550.1645; however, such permitholder shall
 541 be entitled to a credit in each state fiscal year in an amount
 542 equal to the actual amount remitted in the prior state fiscal
 543 year which may be applied against any taxes imposed pursuant to
 544 this chapter. In addition, each permitholder shall pay, from any
 545 source, ~~including the proceeds from performances conducted~~
 546 ~~pursuant to s. 550.0351,~~ an amount not less than 10 percent of
 547 the amount of the credit provided by this section to any bona
 548 fide organization that promotes or encourages the adoption of
 549 greyhounds. As used in this chapter, the term "bona fide
 550 organization that promotes or encourages the adoption of

551 greyhounds" means any organization that provides evidence of
 552 compliance with chapter 496 and possesses a valid exemption from
 553 federal taxation issued by the Internal Revenue Service. Such
 554 bona fide organization, as a condition of adoption, must provide
 555 sterilization of greyhounds by a licensed veterinarian before
 556 relinquishing custody of the greyhound to the adopter. The fee
 557 for sterilization may be included in the cost of adoption.

558 Section 13. Section 550.1648, Florida Statutes, is
 559 repealed.

560 Section 14. Section 550.175, Florida Statutes, is amended
 561 to read:

562 550.175 Petition for election to revoke permit.—Upon
 563 petition of 20 percent of the qualified electors of any county
 564 wherein any pari-mutuel wagering ~~racing~~ has been licensed and
 565 conducted under this chapter, the county commissioners of such
 566 county shall provide for the submission to the electors of such
 567 county at the then next succeeding general election the question
 568 of whether any permit or permits theretofore granted shall be
 569 continued or revoked, and if a majority of the electors voting
 570 on such question in such election vote to cancel or recall the
 571 permit theretofore given, the division may not thereafter grant
 572 any license on the permit so recalled. Every signature upon
 573 every recall petition must be signed in the presence of the
 574 clerk of the board of county commissioners at the office of the
 575 clerk of the circuit court of the county, and the petitioner

576 must present at the time of such signing her or his registration
 577 receipt showing the petitioner's qualification as an elector of
 578 the county at the time of the signing of the petition. Not more
 579 than one permit may be included in any one petition; and, in all
 580 elections in which the recall of more than one permit is voted
 581 on, the voters shall be given an opportunity to vote for or
 582 against the recall of each permit separately. Nothing in this
 583 chapter shall be construed to prevent the holding of later
 584 referendum or recall elections.

585 Section 15. Subsection (1) of section 550.1815, Florida
 586 Statutes, is amended to read:

587 550.1815 Certain persons prohibited from holding racing or
 588 jai alai permits; suspension and revocation.—

589 (1) A corporation, general or limited partnership, sole
 590 proprietorship, business trust, joint venture, or unincorporated
 591 association, or other business entity may not hold any
 592 horseracing or greyhound ~~dogracing~~ permit or jai alai fronton
 593 permit in this state if any one of the persons or entities
 594 specified in paragraph (a) has been determined by the division
 595 not to be of good moral character or has been convicted of any
 596 offense specified in paragraph (b).

- 597 (a)1. The permitholder;
 598 2. An employee of the permitholder;
 599 3. The sole proprietor of the permitholder;
 600 4. A corporate officer or director of the permitholder;

- 601 5. A general partner of the permitholder;
- 602 6. A trustee of the permitholder;
- 603 7. A member of an unincorporated association permitholder;
- 604 8. A joint venturer of the permitholder;
- 605 9. The owner of more than 5 percent of any equity interest
- 606 in the permitholder, whether as a common shareholder, general or
- 607 limited partner, voting trustee, or trust beneficiary; or
- 608 10. An owner of any interest in the permit or
- 609 permitholder, including any immediate family member of the
- 610 owner, or holder of any debt, mortgage, contract, or concession
- 611 from the permitholder, who by virtue thereof is able to control
- 612 the business of the permitholder.
- 613 (b)1. A felony in this state;
- 614 2. Any felony in any other state which would be a felony
- 615 if committed in this state under the laws of this state;
- 616 3. Any felony under the laws of the United States;
- 617 4. A felony under the laws of another state if related to
- 618 gambling which would be a felony under the laws of this state if
- 619 committed in this state; or
- 620 5. Bookmaking as defined in s. 849.25.
- 621 Section 16. Subsection (2) of section 550.24055, Florida
- 622 Statutes, is amended to read:
- 623 550.24055 Use of controlled substances or alcohol
- 624 prohibited; testing of certain occupational licensees; penalty;
- 625 evidence of test or action taken and admissibility for criminal

626 prosecution limited.—

627 (2) The occupational licensees, by applying for and
628 holding such licenses, are deemed to have given their consents
629 to submit to an approved chemical test of their breath for the
630 purpose of determining the alcoholic content of their blood and
631 to a urine or blood test for the purpose of detecting the
632 presence of controlled substances. Such tests shall only be
633 conducted upon reasonable cause that a violation has occurred as
634 shall be determined solely by the stewards at a horseracing
635 meeting or the judges or board of judges at a ~~dogtrack~~ or jai
636 alai meet. The failure to submit to such test may result in a
637 suspension of the person's occupational license for a period of
638 10 days or until this section has been complied with, whichever
639 is longer.

640 (a) If there was at the time of the test 0.05 percent or
641 less by weight of alcohol in the person's blood, the person is
642 presumed not to have been under the influence of alcoholic
643 beverages to the extent that the person's normal faculties were
644 impaired, and no action of any sort may be taken by the
645 stewards, judges, or board of judges or the division.

646 (b) If there was at the time of the test an excess of 0.05
647 percent but less than 0.08 percent by weight of alcohol in the
648 person's blood, that fact does not give rise to any presumption
649 that the person was or was not under the influence of alcoholic
650 beverages to the extent that the person's faculties were

651 impaired, but the stewards, judges, or board of judges may
652 consider that fact in determining whether or not the person will
653 be allowed to officiate or participate in any given race or jai
654 alai game.

655 (c) If there was at the time of the test 0.08 percent or
656 more by weight of alcohol in the person's blood, that fact is
657 prima facie evidence that the person was under the influence of
658 alcoholic beverages to the extent that the person's normal
659 faculties were impaired, and the stewards or judges may take
660 action as set forth in this section, but the person may not
661 officiate at or participate in any race or jai alai game on the
662 day of such test.

663
664 All tests relating to alcohol must be performed in a manner
665 substantially similar, or identical, to the provisions of s.
666 316.1934 and rules adopted pursuant to that section. Following a
667 test of the urine or blood to determine the presence of a
668 controlled substance as defined in chapter 893, if a controlled
669 substance is found to exist, the stewards, judges, or board of
670 judges may take such action as is permitted in this section.

671 Section 17. Subsections (5) and (6), paragraph (a) of
672 subsection (9), and subsection (13) of section 550.2415, Florida
673 Statutes, are amended to read:

674 550.2415 Racing of animals under certain conditions
675 prohibited; penalties; exceptions.—

676 (5) The division shall implement a split-sample procedure
677 for testing animals under this section.

678 (a) The division shall notify the owner or trainer, the
679 stewards, and the appropriate horsemen's association of all drug
680 test results. If a drug test result is positive, and upon
681 request by the affected trainer or owner of the animal from
682 which the sample was obtained, the division shall send the split
683 sample to an approved independent laboratory for analysis. The
684 division shall establish standards and rules for uniform
685 enforcement and shall maintain a list of at least five approved
686 independent laboratories for an owner or trainer to select from
687 if a drug test result is positive.

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

692 (c) If the independent laboratory confirms the division
693 laboratory's positive result, the division may commence
694 administrative proceedings as prescribed in this chapter and
695 consistent with chapter 120. For purposes of this subsection,
696 the department shall in good faith attempt to obtain a
697 sufficient quantity of the test fluid to allow both a primary
698 test and a secondary test to be made.

699 ~~(d) For the testing of a racing greyhound, if there is an~~
700 ~~insufficient quantity of the secondary (split) sample for~~

701 ~~confirmation of the division laboratory's positive result, the~~
702 ~~division may commence administrative proceedings as prescribed~~
703 ~~in this chapter and consistent with chapter 120.~~

704 (d)~~(e)~~ For the testing of a racehorse, if there is an
705 insufficient quantity of the secondary (split) sample for
706 confirmation of the division laboratory's positive result, the
707 division may not take further action on the matter against the
708 owner or trainer, and any resulting license suspension must be
709 immediately lifted.

710 (e)~~(f)~~ The division shall require its laboratory and the
711 independent laboratories to annually participate in an
712 externally administered quality assurance program designed to
713 assess testing proficiency in the detection and appropriate
714 quantification of medications, drugs, and naturally occurring
715 substances that may be administered to racing animals. The
716 administrator of the quality assurance program shall report its
717 results and findings to the division and the Department of
718 Agriculture and Consumer Services.

719 (6) (a) It is the intent of the Legislature that animals
720 that participate in races in this state on which pari-mutuel
721 wagering is conducted and animals that are bred and trained in
722 this state for racing be treated humanely, both on and off
723 racetracks, throughout the lives of the animals.

724 ~~(b) The division shall, by rule, establish the procedures~~
725 ~~for euthanizing greyhounds. However, a greyhound may not be put~~

726 ~~to death by any means other than by lethal injection of the drug~~
727 ~~sodium pentobarbital. A greyhound may not be removed from this~~
728 ~~state for the purpose of being destroyed.~~

729 ~~(c) It is a violation of this chapter for an occupational~~
730 ~~licensee to train a greyhound using live or dead animals. A~~
731 ~~greyhound may not be taken from this state for the purpose of~~
732 ~~being trained through the use of live or dead animals.~~

733 (b)~~(d)~~ Any act committed by any licensee that would
734 constitute cruelty to animals as defined in s. 828.02 involving
735 any animal constitutes a violation of this chapter. Imposition
736 of any penalty by the division for violation of this chapter or
737 any rule adopted by the division pursuant to this chapter shall
738 not prohibit a criminal prosecution for cruelty to animals.

739 (c)~~(e)~~ The division may inspect any area at a pari-mutuel
740 facility where racing animals are raced, trained, housed, or
741 maintained, including any areas where food, medications, or
742 other supplies are kept, to ensure the humane treatment of
743 racing animals and compliance with this chapter and the rules of
744 the division.

745 (9) (a) The division may conduct a postmortem examination
746 of any animal that is injured at a permitted racetrack while in
747 training or in competition and that subsequently expires or is
748 destroyed. The division may conduct a postmortem examination of
749 any animal that expires while housed at a permitted racetrack,
750 association compound, or licensed ~~kennel~~~~or~~ farm. Trainers and

751 owners shall be requested to comply with this paragraph as a
752 condition of licensure.

753 ~~(13) The division may implement by rule medication levels~~
754 ~~for racing greyhounds recommended by the University of Florida~~
755 ~~College of Veterinary Medicine developed pursuant to an~~
756 ~~agreement between the Division of Pari-mutuel Wagering and the~~
757 ~~University of Florida College of Veterinary Medicine. The~~
758 ~~University of Florida College of Veterinary Medicine may provide~~
759 ~~written notification to the division that it has completed~~
760 ~~research or review on a particular drug pursuant to the~~
761 ~~agreement and when the College of Veterinary Medicine has~~
762 ~~completed a final report of its findings, conclusions, and~~
763 ~~recommendations to the division.~~

764 Section 18. Subsection (8) of section 550.334, Florida
765 Statutes, is amended to read:

766 550.334 Quarter horse racing; substitutions.—

767 ~~(8) To be eligible to conduct intertrack wagering, a~~
768 ~~quarter horse racing permit holder must have conducted a full~~
769 ~~schedule of live racing in the preceding year.~~

770 Section 19. Subsections (2) and (4), paragraph (a) of
771 subsection (6), and subsection (11) of section 550.3551, Florida
772 Statutes, are amended to read:

773 550.3551 Transmission of racing and jai alai information;
774 commingling of pari-mutuel pools.—

775 (2) Any horse track, ~~dog track,~~ or fronton licensed under

776 | this chapter may transmit broadcasts of races or games conducted
777 | at the enclosure of the licensee to locations outside this
778 | state.

779 | (a) All broadcasts of horseraces transmitted to locations
780 | outside this state must comply with ~~the provisions of the~~
781 | Interstate Horseracing Act of 1978, 92 Stat. 1811, 15 U.S.C. ss.
782 | 3001 et seq.

783 | (b) Wagers accepted by any out-of-state pari-mutuel
784 | permitholder or licensed betting system on a race broadcasted
785 | under this subsection may be, but are not required to be,
786 | included in the pari-mutuel pools of the horse track in this
787 | state that broadcasts the race upon which wagers are accepted.
788 | The handle, as referred to in s. 550.0951(3), does not include
789 | any wagers accepted by an out-of-state pari-mutuel permitholder
790 | or licensed betting system, irrespective of whether such wagers
791 | are included in the pari-mutuel pools of the Florida
792 | permitholder as authorized by this subsection.

793 | (4) Any greyhound permitholder or jai alai permitholder
794 | ~~dog track or fronton~~ licensed under this chapter may receive at
795 | its licensed location broadcasts of dograces or jai alai games
796 | conducted at other tracks or frontons located outside the state
797 | ~~at the track enclosure of the licensee during its operational~~
798 | ~~meeting~~. All forms of pari-mutuel wagering are allowed on
799 | dograces or jai alai games broadcast under this subsection. All
800 | money wagered by patrons on dograces broadcast under this

801 subsection shall be computed in the amount of money wagered each
802 performance for purposes of taxation under ss. 550.0951 and
803 550.09511.

804 (6) (a) ~~A maximum of 20 percent of the total number of~~
805 ~~races on which wagers are accepted by a greyhound permitholder~~
806 ~~not located as specified in s. 550.615(6) may be received from~~
807 ~~locations outside this state.~~ A permitholder conducting live
808 racing or games may not conduct fewer than eight live races or
809 games on any authorized race day except as provided in this
810 subsection. A thoroughbred permitholder may not conduct fewer
811 than eight live races on any race day without the written
812 approval of the Florida Thoroughbred Breeders' Association and
813 the Florida Horsemen's Benevolent and Protective Association,
814 Inc., unless it is determined by the department that another
815 entity represents a majority of the thoroughbred racehorse
816 owners and trainers in the state. If conducting live racing, a
817 harness permitholder may conduct fewer than eight live races on
818 any authorized race day, ~~except that such permitholder must~~
819 ~~conduct a full schedule of live racing during its race meet~~
820 ~~consisting of at least eight live races per authorized race day~~
821 ~~for at least 100 days.~~ Any harness horse permitholder ~~that~~
822 ~~during the preceding racing season conducted a full schedule of~~
823 ~~live racing may, at any time during its current race meet,~~
824 receive full-card broadcasts of harness horse races conducted at
825 harness racetracks outside this state at the harness track of

826 the permitholder and accept wagers on such harness races. ~~With~~
827 ~~specific authorization from the division for special racing~~
828 ~~events, a permitholder may conduct fewer than eight live races~~
829 ~~or games when the permitholder also broadcasts out-of-state~~
830 ~~races or games. The division may not grant more than two such~~
831 ~~exceptions a year for a permitholder in any 12-month period, and~~
832 ~~those two exceptions may not be consecutive.~~

833 (11) Greyhound permitholders ~~tracks~~ and jai alai
834 permitholders ~~frontons~~ have the same privileges as provided in
835 this section to horserace permitholders ~~horse tracks~~, as
836 applicable, subject to rules adopted under subsection (10).

837 Section 20. Subsections (1) and (3) through (6) of section
838 550.3615, Florida Statutes, are amended to read:

839 550.3615 Bookmaking on the grounds of a permitholder;
840 penalties; reinstatement; duties of ~~track~~ employees; penalty;
841 exceptions.—

842 (1) Any person who engages in bookmaking, as defined in s.
843 849.25, on the grounds or property of a pari-mutuel facility
844 commits ~~permitholder of a horse or dog track or jai alai fronton~~
845 ~~is guilty of~~ a felony of the third degree, punishable as
846 provided in s. 775.082, s. 775.083, or s. 775.084.
847 Notwithstanding ~~the provisions of~~ s. 948.01, any person
848 convicted under ~~the provisions of~~ this subsection shall not have
849 adjudication of guilt suspended, deferred, or withheld.

850 (3) Any person who has been convicted of bookmaking in

851 | this state or any other state of the United States or any
852 | foreign country shall be denied admittance to and shall not
853 | attend any pari-mutuel facility ~~racetrack or fronton~~ in this
854 | state during its racing seasons or operating dates, including
855 | any practice or preparational days, for a period of 2 years
856 | after the date of conviction or the date of final appeal.
857 | Following the conclusion of the period of ineligibility, the
858 | director of the division may authorize the reinstatement of an
859 | individual following a hearing on readmittance. Any such person
860 | who knowingly violates this subsection commits ~~is guilty of~~ a
861 | misdemeanor of the first degree, punishable as provided in s.
862 | 775.082 or s. 775.083.

863 | (4) If the activities of a person show that this law is
864 | being violated, and such activities are either witnessed or are
865 | common knowledge by any pari-mutuel facility ~~track or fronton~~
866 | employee, it is the duty of that employee to bring the matter to
867 | the immediate attention of the permitholder, manager, or her or
868 | his designee, who shall notify a law enforcement agency having
869 | jurisdiction. Willful failure by the pari-mutuel facility ~~on the~~
870 | ~~part of any track or fronton~~ employee to comply with the
871 | ~~provisions of~~ this subsection is a ground for the division to
872 | suspend or revoke that employee's license for pari-mutuel
873 | facility ~~track or fronton~~ employment.

874 | (5) Each permittee shall display, in conspicuous places at
875 | a pari-mutuel facility ~~track or fronton~~ and in all race and jai

HB 7055

2021

876 alai daily programs, a warning to all patrons concerning the
877 prohibition and penalties of bookmaking contained in this
878 section and s. 849.25. The division shall adopt rules concerning
879 the uniform size of all warnings and the number of placements
880 throughout a pari-mutuel facility ~~track or fronton~~. Failure on
881 the part of the permittee to display such warnings may result in
882 the imposition of a \$500 fine by the division for each offense.

883 (6) This section does not apply to any person ~~attending a~~
884 ~~track or fronton~~ or employed by or attending a pari-mutuel
885 facility ~~a track or fronton~~ who places a bet through the
886 legalized pari-mutuel pool for another person, provided such
887 service is rendered gratuitously and without fee or other
888 reward.

889 Section 21. Section 550.475, Florida Statutes, is amended
890 to read:

891 550.475 Lease of pari-mutuel facilities by pari-mutuel
892 permitholders.—Holders of valid pari-mutuel permits for the
893 conduct of any pari-mutuel wagering ~~jai alai games, dogracing,~~
894 ~~or thoroughbred and standardbred horse racing~~ in this state are
895 entitled to lease any and all of their facilities to any other
896 holder of a same class valid pari-mutuel permit ~~for jai alai~~
897 ~~games, dogracing, or thoroughbred or standardbred horse racing,~~
898 when located within a 35-mile radius of each other, † and such
899 lessee is entitled to a permit and license to conduct intertrack
900 wagering and operate its race meet or jai alai games at the

901 leased premises.

902 Section 22. Subsections (2) and (8) of section 550.615,
 903 Florida Statutes, are amended, and subsection (11) is added to
 904 that section, to read:

905 550.615 Intertrack wagering.—

906 (2) A pari-mutuel permitholder that has met the applicable
 907 requirement for that permitholder to conduct live racing or
 908 games under s. 550.01215(1)(b), if any, on January 1, 2021, Any
 909 ~~track or fronton licensed under this chapter which in the~~
 910 ~~preceding year conducted a full schedule of live racing is~~
 911 qualified to, at any time, receive broadcasts of any class of
 912 pari-mutuel race or game and accept wagers on such races or
 913 games conducted by any class of permitholders licensed under
 914 this chapter.

915 (8) In any three contiguous counties of the state where
 916 there are only three permitholders, all of which are greyhound
 917 permitholders, if any permitholder leases the facility of
 918 another permitholder for all or any portion of the conduct of
 919 its live race meet pursuant to s. 550.475, such lessee may
 920 conduct intertrack wagering at its pre-lease permitted facility
 921 throughout the entire year, ~~including while its live meet is~~
 922 ~~being conducted at the leased facility, if such permitholder has~~
 923 ~~conducted a full schedule of live racing during the preceding~~
 924 ~~fiscal year at its pre-lease permitted facility or at a leased~~
 925 ~~facility, or combination thereof.~~

926 (11) Any greyhound permitholder licensed under this
 927 chapter to conduct pari-mutuel wagering is qualified to, at any
 928 time, receive broadcasts of any class of pari-mutuel race or
 929 game and accept wagers on such races or games conducted by any
 930 class of permitholders licensed under this chapter.

931 Section 23. Subsection (2) of section 550.6305, Florida
 932 Statutes, is amended to read:

933 550.6305 Intertrack wagering; guest track payments;
 934 accounting rules.—

935 (2) For the purposes of calculation of odds and payoffs
 936 and distribution of the pari-mutuel pools, all intertrack wagers
 937 shall be combined with the pari-mutuel pools at the host track.
 938 ~~Notwithstanding this subsection or subsection (4), a greyhound~~
 939 ~~pari-mutuel permitholder may conduct intertrack wagering without~~
 940 ~~combining pari-mutuel pools on not more than three races in any~~
 941 ~~week, not to exceed 20 races in a year. All other provisions~~
 942 ~~concerning pari-mutuel takeout and payments, including state tax~~
 943 ~~payments, apply as if the pool had been combined.~~

944 Section 24. Paragraph (c) of subsection (4) of section
 945 551.104, Florida Statutes, is amended to read:

946 551.104 License to conduct slot machine gaming.—

947 (4) As a condition of licensure and to maintain continued
 948 authority for the conduct of slot machine gaming, the slot
 949 machine licensee shall:

950 (c) If a thoroughbred permitholder, conduct no fewer than

951 a full schedule of live racing or games as defined in s.
 952 550.002(11). A permitholder's responsibility to conduct such
 953 ~~number of~~ live races or games shall be reduced by the number of
 954 races or games that could not be conducted due to the direct
 955 result of fire, war, hurricane, or other disaster or event
 956 beyond the control of the permitholder.

957 Section 25. Subsection (4) of section 551.114, Florida
 958 Statutes, is amended to read:

959 551.114 Slot machine gaming areas.—

960 (4) Designated slot machine gaming areas must ~~may~~ be
 961 located at the address specified in the licensed permitholder's
 962 slot machine license issued for the 2020-2021 fiscal year within
 963 ~~the current live gaming facility or in an existing building that~~
 964 ~~must be contiguous and connected to the live gaming facility. If~~
 965 ~~a designated slot machine gaming area is to be located in a~~
 966 ~~building that is to be constructed, that new building must be~~
 967 ~~contiguous and connected to the live gaming facility.~~

968 Section 26. Subsection (5) of section 565.02, Florida
 969 Statutes, is amended to read:

970 565.02 License fees; vendors; clubs; caterers; and
 971 others.—

972 (5) A caterer at a pari-mutuel facility licensed under
 973 chapter 550 ~~horse or dog racetrack or jai alai fronton~~ may
 974 obtain a license upon the payment of an annual state license tax
 975 of \$675. Such caterer's license shall permit sales only within

976 | the enclosure in which pari-mutuel wagering is ~~such races or jai~~
977 | ~~alai games are conducted,~~ and such licensee shall be permitted
978 | ~~to sell only during the period beginning 10 days before and~~
979 | ~~ending 10 days after racing or jai alai~~ under the authority of
980 | the Division of Pari-mutuel Wagering of the Department of
981 | Business and Professional Regulation ~~is conducted at such~~
982 | ~~racetrack or jai alai fronton.~~ Except as in this subsection
983 | otherwise provided, caterers licensed hereunder shall be treated
984 | as vendors licensed to sell by the drink the beverages mentioned
985 | herein and shall be subject to all the provisions hereof
986 | relating to such vendors.

987 | Section 27. Subsection (5) and paragraph (d) of subsection
988 | (13) of section 849.086, Florida Statutes, are amended to read:
989 | 849.086 Cardrooms authorized.—

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

993 | (a) Only those persons holding a valid cardroom license
994 | issued by the division may operate a cardroom. A cardroom
995 | license may only be issued to a licensed pari-mutuel
996 | permitholder and an authorized cardroom may only be operated at
997 | the same facility at which the permitholder is authorized under
998 | its valid pari-mutuel wagering permit to conduct pari-mutuel
999 | wagering activities. An initial cardroom license shall be issued
1000 | to a pari-mutuel permitholder only after its facilities are in

1001 place and after it conducts its first day of pari-mutuel
1002 activities on live racing or games.

1003 (b) After the initial cardroom license is granted, the
1004 application for the annual license renewal shall be made in
1005 conjunction with the applicant's annual application for its
1006 pari-mutuel license. If a permitholder has operated a cardroom
1007 during any of the 3 previous fiscal years and fails to include a
1008 renewal request for the operation of the cardroom in its annual
1009 application for license renewal, the permitholder may amend its
1010 annual application to include operation of the cardroom.

1011 (c) Notwithstanding any other provision of law, a cardroom
1012 license may not be issued to any permitholder that did not hold
1013 a cardroom license on January 1, 2021 ~~In order for a cardroom~~
1014 ~~license to be renewed the applicant must have requested, as part~~
1015 ~~of its pari-mutuel annual license application, to conduct at~~
1016 ~~least 90 percent of the total number of live performances~~
1017 ~~conducted by such permitholder during either the state fiscal~~
1018 ~~year in which its initial cardroom license was issued or the~~
1019 ~~state fiscal year immediately prior thereto if the permitholder~~
1020 ~~ran at least a full schedule of live racing or games in the~~
1021 ~~prior year. If the application is for a harness permitholder~~
1022 ~~cardroom, the applicant must have requested authorization to~~
1023 ~~conduct a minimum of 140 live performances during the state~~
1024 ~~fiscal year immediately prior thereto. If more than one~~
1025 ~~permitholder is operating at a facility, each permitholder must~~

1026 | ~~have applied for a license to conduct a full schedule of live~~
1027 | ~~racing.~~

1028 | ~~(d)~~(e) Persons seeking a license or a renewal thereof to
1029 | operate a cardroom shall make application on forms prescribed by
1030 | the division. Applications for cardroom licenses shall contain
1031 | all of the information the division, by rule, may determine is
1032 | required to ensure eligibility.

1033 | ~~(e)~~(d) The annual cardroom license fee for each facility
1034 | shall be \$1,000 for each table to be operated at the cardroom.
1035 | The license fee shall be deposited by the division with the
1036 | Chief Financial Officer to the credit of the Pari-mutuel
1037 | Wagering Trust Fund.

1038 | (13) TAXES AND OTHER PAYMENTS.—

1039 | (d)1. Each ~~greyhound and~~ jai alai permitholder that
1040 | conducts live performances and operates a cardroom facility
1041 | shall use at least 4 percent of such permitholder's cardroom
1042 | monthly gross receipts to supplement ~~greyhound purses or jai~~
1043 | ~~alai prize money, respectively,~~ during the permitholder's next
1044 | ensuing pari-mutuel meet.

1045 | 2. Each thoroughbred permitholder or ~~and~~ harness horse
1046 | racing permitholder that conducts live performances and operates
1047 | a cardroom facility shall use at least 50 percent of such
1048 | permitholder's cardroom monthly net proceeds as follows: 47
1049 | percent to supplement purses and 3 percent to supplement
1050 | breeders' awards during the permitholder's next ensuing racing

HB 7055

2021

1051 meet.

1052 3. No cardroom license or renewal thereof shall be issued
1053 to an applicant holding a permit under chapter 550 to conduct
1054 pari-mutuel wagering meets of quarter horse racing and
1055 conducting live performances unless the applicant has on file
1056 with the division a binding written agreement between the
1057 applicant and the Florida Quarter Horse Racing Association or
1058 the association representing a majority of the horse owners and
1059 trainers at the applicant's eligible facility, governing the
1060 payment of purses on live quarter horse races conducted at the
1061 licensee's pari-mutuel facility. The agreement governing purses
1062 may direct the payment of such purses from revenues generated by
1063 any wagering or gaming the applicant is authorized to conduct
1064 under Florida law. All purses shall be subject to the terms of
1065 chapter 550.

1066 Section 28. For the purpose of incorporating the amendment
1067 made by this act to section 550.002, Florida Statutes, in a
1068 reference thereto, paragraph (c) of subsection (2) of section
1069 380.0651, Florida Statutes, is reenacted to read:

1070 380.0651 Statewide guidelines, standards, and exemptions.—

1071 (2) STATUTORY EXEMPTIONS.—The following developments are
1072 exempt from s. 380.06:

1073 (c) Any proposed addition to an existing sports facility
1074 complex if the addition meets the following characteristics:

1075 1. It would not operate concurrently with the scheduled

1076 hours of operation of the existing facility;
 1077 2. Its seating capacity would be no more than 75 percent
 1078 of the capacity of the existing facility; and
 1079 3. The sports facility complex property was owned by a
 1080 public body before July 1, 1983.

1081
 1082 This exemption does not apply to any pari-mutuel facility as
 1083 defined in s. 550.002.

1084
 1085 If a use is exempt from review pursuant to paragraphs (a)-(u),
 1086 but will be part of a larger project that is subject to review
 1087 pursuant to s. 380.06(12), the impact of the exempt use must be
 1088 included in the review of the larger project, unless such exempt
 1089 use involves a development that includes a landowner, tenant, or
 1090 user that has entered into a funding agreement with the state
 1091 land planning agency under the Innovation Incentive Program and
 1092 the agreement contemplates a state award of at least \$50
 1093 million.

1094 Section 29. For the purpose of incorporating the amendment
 1095 made by this act to section 550.002, Florida Statutes, in a
 1096 reference thereto, paragraph (c) of subsection (4) of section
 1097 402.82, Florida Statutes, is reenacted to read:

1098 402.82 Electronic benefits transfer program.—

1099 (4) Use or acceptance of an electronic benefits transfer
 1100 card is prohibited at the following locations or for the

1101 following activities:

1102 (c) A pari-mutuel facility as defined in s. 550.002.

1103 Section 30. For the purpose of incorporating the amendment
1104 made by this act to section 550.002, Florida Statutes, in a
1105 reference thereto, subsection (1) of section 480.0475, Florida
1106 Statutes, is reenacted to read:

1107 480.0475 Massage establishments; prohibited practices.—

1108 (1) A person may not operate a massage establishment
1109 between the hours of midnight and 5 a.m. This subsection does
1110 not apply to a massage establishment:

1111 (a) Located on the premises of a health care facility as
1112 defined in s. 408.07; a health care clinic as defined in s.
1113 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
1114 terms are defined in s. 509.242; a timeshare property as defined
1115 in s. 721.05; a public airport as defined in s. 330.27; or a
1116 pari-mutuel facility as defined in s. 550.002;

1117 (b) In which every massage performed between the hours of
1118 midnight and 5 a.m. is performed by a massage therapist acting
1119 under the prescription of a physician or physician assistant
1120 licensed under chapter 458, an osteopathic physician or
1121 physician assistant licensed under chapter 459, a chiropractic
1122 physician licensed under chapter 460, a podiatric physician
1123 licensed under chapter 461, an advanced practice registered
1124 nurse licensed under part I of chapter 464, or a dentist
1125 licensed under chapter 466; or

1126 (c) Operating during a special event if the county or
1127 municipality in which the establishment operates has approved
1128 such operation during the special event.

1129 Section 31. This act shall take effect July 1, 2021, but
1130 only if HB 7053 or similar legislation takes effect, if such
1131 legislation is adopted in the same legislative session or an
1132 extension thereof and becomes a law.