

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to pari-mutuel permitholders; amending
3 ss. 550.01215 and 550.054, F.S.; deleting a
4 requirement that certain permitholders show that their
5 permits have not been disapproved or recalled at a
6 later election when submitting subsequent annual
7 applications to the Florida Gaming Control Commission;
8 amending s. 550.0555, F.S.; revising legislative
9 findings with respect to the relocation of greyhound
10 dogracing permits; authorizing greyhound dogracing
11 permitholders to relocate if specified conditions are
12 met; voiding an additional permit if the commission
13 approves a relocation; specifying areas to which a
14 permitholder may not relocate; amending s. 550.0651,
15 F.S.; providing that pari-mutuel facilities that
16 relocated in accordance with the act are not subject
17 to municipal restrictions on the establishment of such
18 facilities; amending s. 551.102, F.S.; revising the
19 definition of the term "eligible facility" to conform
20 to changes made by the act; amending s. 551.114, F.S.;
21 requiring that a slot machine gaming area of a
22 relocated pari-mutuel facility be at the location for
23 which the relocation was approved; amending s.
24 849.086, F.S.; providing that pari-mutuel facilities
25 that relocated in accordance with the act are not
26 subject to municipal restrictions on the establishment
27 of cardrooms; making a technical change; providing an
28 effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Subsection (2) of section 550.01215, Florida
33 Statutes, is amended to read:

34 550.01215 License application; periods of operation;
35 license fees; bond.—

36 (2) After the first license has been issued to a
37 permitholder, all subsequent annual applications for a license
38 shall be accompanied by proof, in such form as the commission
39 may by rule require, that the permitholder continues to possess
40 the qualifications prescribed by this chapter, ~~and that the~~
41 ~~permit has not been disapproved at a later election.~~

42 Section 2. Paragraph (a) of subsection (9) of section
43 550.054, Florida Statutes, is amended to read:

44 550.054 Application for permit to conduct pari-mutuel
45 wagering.—

46 (9) (a) After a permit has been granted by the commission
47 and has been ratified and approved by the majority of the
48 electors participating in the election in the county designated
49 in the permit, the commission shall grant to the lawful
50 permitholder, subject to the conditions of this chapter, a
51 license to conduct pari-mutuel operations under this chapter,
52 and, except as provided in s. 550.5251, the commission shall fix
53 annually the time, place, and number of days during which pari-
54 mutuel operations may be conducted by the permitholder at the
55 location fixed in the permit and ratified in the election. After
56 the first license has been issued to the holder of a ratified
57 permit for racing in any county, all subsequent annual
58 applications for a license by that permitholder must be

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59 accompanied by proof, in such form as the commission requires,
60 that the ratified permitholder still possesses all the
61 qualifications prescribed by this chapter ~~and that the permit~~
62 ~~has not been recalled at a later election held in the county.~~

63 Section 3. Section 550.0555, Florida Statutes, is amended
64 to read:

65 550.0555 Greyhound dogracing permits; relocation ~~within a~~
66 ~~county~~; conditions.—

67 (1) It is the finding of the Legislature that substantial
68 state revenues are derived from greyhound dogracing
69 permitholders' pari-mutuel wagering activities as well as other
70 authorized gaming activities associated with such permits,
71 including the operation of cardrooms and slot machines. The
72 Legislature further finds that revenues derived from greyhound
73 dogracing permitholders' pari-mutuel wagering activities and
74 other gaming activities are adversely impacted absent the right
75 to move the location for which the permit has been issued to
76 another location and that, consistent with the Legislature's
77 regulation of pari-mutuel wagering permitholders, authorizing
78 the relocation of permits will preserve and further enhance
79 state revenues ~~on greyhound dogracing provides substantial~~
80 ~~revenues to the state. It is the further finding that, in some~~
81 ~~cases, this revenue producing ability is hindered due to the~~
82 ~~lack of provisions allowing the relocation of existing dogracing~~
83 ~~operations. It is therefore declared that state revenues derived~~
84 ~~from greyhound dogracing will continue to be jeopardized if~~
85 ~~provisions allowing the relocation of such greyhound racing~~
86 ~~permits are not implemented. This enactment is made pursuant to,~~
87 ~~and for the purpose of, implementing such provisions.~~

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88 (2) Any holder of a valid outstanding permit for greyhound
89 dogracing in a county in which there is only one dogracing
90 permit issued, as well as any holder of a valid outstanding
91 permit for jai alai in a county where only one jai alai permit
92 is issued, is authorized, without the necessity of an additional
93 county referendum required under s. 550.0651, to move the
94 location for which the permit has been issued to another
95 location within a 30-mile radius of the location fixed in the
96 permit issued in that county, provided the move does not cross
97 the county boundary, that such relocation is approved under the
98 zoning regulations of the county or municipality in which the
99 permit is to be located as a planned development use, consistent
100 with the comprehensive plan, and that such move is approved by
101 the commission after it is determined at a proceeding pursuant
102 to chapter 120 in the county affected that the move is necessary
103 to ensure the revenue-producing capability of the permittee
104 without deteriorating the revenue-producing capability of any
105 other pari-mutuel permittee within 50 miles; the distance shall
106 be measured on a straight line from the nearest property line of
107 one racing plant or jai alai fronton to the nearest property
108 line of the other.

109 (3) Notwithstanding subsection (2), any greyhound dogracing
110 permitholder, without the necessity of an additional county
111 referendum required under s. 550.0651, s. 551.101, or s.
112 849.086(17), as applicable, may move the location for which the
113 permit has been issued to another location within a 30-mile
114 radius of the location fixed in the permit issued, provided that
115 the requirements of this subsection are met and the county to
116 which the permit will relocate has already approved pari-mutuel

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117 wagering and cardrooms and slot machine operations, as
118 applicable. Notwithstanding any local government regulations,
119 permitting, or ordinances, and if the conditions of this
120 subsection are met, such permitholder may continue to operate at
121 the new location all pari-mutuel wagering and gaming activities
122 that it is already authorized and licensed to operate, including
123 activities conducted pursuant to chapters 550 and 551 and s.
124 849.086. The greyhound dogracing permit proposed for relocation
125 must, at the time of relocation, be authorized to conduct pari-
126 mutuel activities and authorized to operate a cardroom or slot
127 machines in addition to having a majority ultimate owner in
128 common with another currently licensed greyhound dogracing
129 permit, regardless of whether the permits are located in the
130 same county. Upon the commission's final approval of the
131 relocation and issuance of all operating licenses for the new
132 location, the second greyhound dogracing permit is forfeited to
133 the state and is thereafter void.

134 (4) A pari-mutuel permitholder that relocates its pari-
135 mutuel facility pursuant to subsection (3) and that is
136 authorized to operate slot machines at such facility may not
137 relocate the pari-mutuel facility to a location in Miami-Dade or
138 Broward Counties which is within a 15-mile radius, measured in a
139 straight line, of any facility in Broward County operated by the
140 Seminole Tribe of Florida which offers or is authorized to offer
141 class III gaming, as defined in the federal Indian Gaming
142 Regulatory Act of 1988.

143 Section 4. Subsection (6) of section 550.0651, Florida
144 Statutes, is amended to read:

145 550.0651 Elections for ratification of permits; municipal

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146 prohibitions.—

147 (6) Notwithstanding any other provision of law, a
148 municipality may prohibit the establishment of a pari-mutuel
149 facility on or after July 1, 2021, in its jurisdiction. This
150 subsection does not apply to a permitholder who held an
151 operating license for the conduct of pari-mutuel wagering for
152 fiscal year 2020-2021 in the municipality's jurisdiction, ~~or to~~
153 a pari-mutuel facility that was previously approved by the
154 municipality, or a pari-mutuel facility that is authorized to
155 relocate pursuant to s. 550.0555(3).

156 Section 5. Subsection (4) of section 551.102, Florida
157 Statutes, is amended to read:

158 551.102 Definitions.—As used in this chapter, the term:

159 (4) "Eligible facility" means any licensed pari-mutuel
160 facility located in Miami-Dade County or Broward County existing
161 at the time of adoption of s. 23, Art. X of the State
162 Constitution that has conducted live racing or games during
163 calendar years 2002 and 2003 and has been approved by a majority
164 of voters in a countywide referendum to have slot machines at
165 such facility in the respective county; any licensed pari-mutuel
166 facility located within a county as defined in s. 125.011,
167 provided such facility has conducted live racing for 2
168 consecutive calendar years immediately preceding its application
169 for a slot machine license, pays the required license fee, and
170 meets the other requirements of this chapter; or any licensed
171 pari-mutuel facility in any other county in which a majority of
172 voters have approved slot machines at such facilities in a
173 countywide referendum held pursuant to a statutory or
174 constitutional authorization after the effective date of this

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175 section in the respective county, provided such facility has
176 conducted a full schedule of live racing for 2 consecutive
177 calendar years immediately preceding its application for a slot
178 machine license, pays the required licensed fee, and meets the
179 other requirements of this chapter. The term includes any such
180 facility that has relocated pursuant to s. 550.0555(3) and
181 remains eligible to conduct slot machine operations at the new
182 location.

183 Section 6. Subsection (4) of section 551.114, Florida
184 Statutes, is amended to read:

185 551.114 Slot machine gaming areas.—

186 (4) Designated slot machine gaming areas must be located at
187 the address specified in the licensed permit holder's slot
188 machine license issued for fiscal year 2020-2021.

189 Notwithstanding the foregoing, if a pari-mutuel permit with an
190 associated license for slot machine gaming relocates pursuant to
191 s. 550.0555(3), the designated slot machine gaming area must be
192 located at the location approved for the relocation of the pari-
193 mutuel permit.

194 Section 7. Subsections (16) and (17) of section 849.086,
195 Florida Statutes, are amended to read:

196 849.086 Cardrooms authorized.—

197 (16) LOCAL GOVERNMENT APPROVAL.—

198 (a) The commission may ~~shall~~ not issue any initial license
199 under this section except upon proof in such form as the
200 commission may prescribe that the local government where the
201 applicant for such license desires to conduct cardroom gaming
202 has voted to approve such activity by a majority vote of the
203 governing body of the municipality or the governing body of the

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204 county if the facility is not located in a municipality.

205 (b) Notwithstanding any other provision of law, a
206 municipality may prohibit the establishment of a cardroom on or
207 after July 1, 2021, within its jurisdiction. This paragraph does
208 not apply to a licensed pari-mutuel permit holder who held an
209 operating license for the conduct of pari-mutuel wagering for
210 fiscal year 2020-2021 in the municipality's jurisdiction, ~~or to~~
211 a cardroom that was previously approved by the municipality, or
212 a cardroom operated at a pari-mutuel facility authorized to
213 relocate pursuant to s. 550.0555(3).

214 (17) CHANGE OF LOCATION; REFERENDUM.—

215 (a) Notwithstanding any provisions of this section, no
216 cardroom gaming license issued under this section shall be
217 transferred, or reissued when such reissuance is in the nature
218 of a transfer, so as to permit or authorize a licensee to change
219 the location of the cardroom except upon proof in such form as
220 the commission may prescribe that a referendum election has been
221 held:

222 1. If the proposed new location is within the same county
223 as the already licensed location, in the county where the
224 licensee desires to conduct cardroom gaming and that a majority
225 of the electors voting on the question in such election voted in
226 favor of the transfer of such license. Notwithstanding the
227 foregoing ~~However~~, the commission shall transfer, without
228 requirement of a referendum election, the cardroom license of
229 any permit holder that relocated its permit pursuant to s.
230 550.0555.

231 2. If the proposed new location is not within the same
232 county as the already licensed location, in the county where the

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233 licensee desires to conduct cardroom gaming and that a majority
234 of the electors voting on that question in each such election
235 voted in favor of the transfer of such license.

236 (b) The expense of each referendum held under the
237 provisions of this subsection shall be borne by the licensee
238 requesting the transfer.

239 Section 8. This act shall take effect July 1, 2024.