

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Esposito offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:
6 Section 1. Section 16.717, Florida Statutes, is created to
7 read:

8 16.717 Florida Gaming Control Commission; penalties for
9 false oath or affirmation of applicants for licensure;
10 licensees.—The commission may deny the application of, or
11 suspend or revoke the license of, any person who submits an
12 application for licensure upon which application the person has
13 falsely sworn, in a signed oath or affirmation, to a material
14 statement, including, but not limited to, the criminal history
15 of the applicant or licensee. Additionally, the person is
16 subject to any other penalties provided by law.

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17 Section 2. Section 16.718, Florida Statutes, is created to
18 read:

19 16.718 Florida Gaming Control Commission; notification of
20 applicants' or licensees' addresses and place of employment;
21 service.-

22 (1) Each applicant for a license with the commission and
23 each licensee of the commission is responsible for notifying the
24 commission in writing of the applicant's or licensee's current
25 mailing address, e-mail address, and place of employment. An
26 applicant's failure to notify the commission constitutes a
27 violation of this section, and the applicant's application may
28 be denied. A licensee's failure to notify the commission of any
29 change to the e-mail or mailing address of record constitutes a
30 violation of this section, and the licensee may be disciplined
31 by the commission as described in s. 550.0251(10).

32 (2) Notwithstanding any provision of law to the contrary,
33 service by e-mail to an applicant's or licensee's e-mail address
34 of record with the commission constitutes sufficient notice to
35 the applicant or licensee for any official communication. The
36 commission may, in its discretion, provide service for any
37 official communication by regular mail to an applicant's or
38 licensee's last known mailing address. The commission is not
39 required to provide service by both e-mail and regular mail.

40 (3) Notwithstanding any provision of law to the contrary,
41 when an administrative complaint or other document setting forth

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42 intended or final agency action is to be served on an applicant
43 or a licensee, the commission is only required to provide
44 service by e-mail to the applicant's or licensee's e-mail
45 address on record with the commission. E-mail service
46 constitutes sufficient notice to the person or persons upon whom
47 an administrative complaint or any other document setting forth
48 intended or final agency action is served. The commission may,
49 in its discretion, provide service of an administrative
50 complaint or any other documents setting forth intended or final
51 agency action by regular mail to an applicant's or licensee's
52 last known mailing address. The commission is not required to
53 provide service by both e-mail and regular mail.

54 Section 3. Subsections (1), (3), (4), and (5) of section
55 550.01215, Florida Statutes, are amended to read:

56 550.01215 License application; periods of operation;
57 license fees; bond.—

58 (1) Each permitholder shall annually, during the period
59 between January ~~December~~ 15 and February ~~January~~ 4, file in
60 writing with the commission its application for an operating
61 license for a pari-mutuel facility for the conduct of pari-
62 mutuel wagering during the next state fiscal year, including
63 intertrack and simulcast race wagering. Each application for
64 live performances must specify the number, dates, and starting
65 times of all live performances that the permitholder intends to
66 conduct. It must also specify which performances will be

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67 conducted as charity or scholarship performances.

68 (a) Each application for an operating license also must
69 include:

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

72 2. For each permitholder that elects to operate a
73 cardroom, the dates and periods of operation the permitholder
74 intends to operate the cardroom.

75 3. For each thoroughbred racing permitholder that elects
76 to receive or rebroadcast out-of-state races, the dates for all
77 performances that the permitholder intends to conduct.

78 (b)1. A greyhound permitholder may not conduct live
79 racing. A jai alai permitholder, harness horse racing
80 permitholder, or quarter horse racing permitholder may elect not
81 to conduct live racing or games. A thoroughbred permitholder
82 must conduct live racing. A greyhound permitholder, jai alai
83 permitholder, harness horse racing permitholder, or quarter
84 horse racing permitholder that does not conduct live racing or
85 games retains its permit; is a pari-mutuel facility as defined
86 in s. 550.002(23); if such permitholder has been issued a slot
87 machine license, the facility where such permit is located
88 remains an eligible facility as defined in s. 551.102(4),
89 continues to be eligible for a slot machine license pursuant to
90 s. 551.104(3), and is exempt from ss. 551.104(4)(c) and (10) and
91 551.114(2); is eligible, but not required, to be a guest track

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92 and, if the permitholder is a harness horse racing permitholder,
93 to be a host track for purposes of intertrack wagering and
94 simulcasting pursuant to ss. 550.3551, 550.615, 550.625, and
95 550.6305; and remains eligible for a cardroom license.

96 2. A permitholder or licensee may not conduct live
97 greyhound racing or dogracing in connection with any wager for
98 money or any other thing of value in the state. The commission
99 may deny, suspend, or revoke any permit or license under this
100 chapter if a permitholder or licensee conducts live greyhound
101 racing or dogracing in violation of this subparagraph. In
102 addition to, or in lieu of, denial, suspension, or revocation of
103 such permit or license, the commission may impose a civil
104 penalty of up to \$5,000 against the permitholder or licensee for
105 a violation of this subparagraph. All penalties imposed and
106 collected must be deposited with the Chief Financial Officer to
107 the credit of the General Revenue Fund.

108 (c) Permitholders may amend their applications through
109 March ~~February~~ 28.

110 (d) Notwithstanding any other provision of law, other than
111 a permitholder issued a permit pursuant to s. 550.3345, a pari-
112 mutuel permitholder may not be issued an operating license for
113 the conduct of pari-mutuel wagering, slot machine gaming, or the
114 operation of a cardroom if the permitholder did not hold an
115 operating license for the conduct of pari-mutuel wagering for
116 fiscal year 2020-2021. This paragraph does not apply to a

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117 purchaser, transferee, or assignee holding a valid permit for
118 the conduct of pari-mutuel wagering approved pursuant to s.
119 550.054(15)(a).

120 (3) The commission shall issue each license no later than
121 April ~~March~~ 15. Each permitholder shall operate all performances
122 at the date and time specified on its license. ~~The commission~~
123 ~~shall have the authority to approve minor changes in racing~~
124 ~~dates after a license has been issued.~~ The commission may
125 approve changes in performance ~~racing~~ dates after a license has
126 been issued ~~when there is no objection from any operating~~
127 ~~permitholder that is conducting live racing or games and that is~~
128 ~~located within 50 miles of the permitholder requesting the~~
129 ~~changes in operating dates. In the event of an objection, the~~
130 ~~commission shall approve or disapprove the change in operating~~
131 ~~dates based upon the impact on operating permitholders located~~
132 ~~within 50 miles of the permitholder requesting the change in~~
133 ~~operating dates.~~ In making the determination to change
134 performance ~~racing~~ dates, the commission may ~~shall~~ take into
135 consideration the impact of such changes on state revenues.

136 (4) In the event that a permitholder fails to operate all
137 performances specified on its license at the date and time
138 specified, the commission may ~~shall~~ ~~hold a hearing to determine~~
139 ~~whether to~~ fine or suspend the permitholder's license, unless
140 such failure was the direct result of fire, strike, war,
141 hurricane, pandemic, or other disaster or event beyond the

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142 ability of the permitholder to control. Financial hardship to
143 the permitholder shall not, in and of itself, constitute just
144 cause for failure to operate all performances on the dates and
145 at the times specified.

146 ~~(5) In the event that performances licensed to be operated~~
147 ~~by a permitholder are vacated, abandoned, or will not be used~~
148 ~~for any reason, any permitholder shall be entitled, pursuant to~~
149 ~~rules adopted by the commission, to apply to conduct~~
150 ~~performances on the dates for which the performances have been~~
151 ~~abandoned. The commission shall issue an amended license for all~~
152 ~~such replacement performances which have been requested in~~
153 ~~compliance with this chapter and commission rules.~~

154 Section 4. Section 550.0351, Florida Statutes, is amended
155 to read:

156 550.0351 Charity ~~racing~~ days.—

157 (1) The commission shall, upon the request of a
158 permitholder, authorize each horseracing permitholder and jai
159 alai permitholder up to five charity or scholarship days in
160 addition to the regular ~~racing~~ days authorized by law.

161 (2) The proceeds of charity performances shall be paid to
162 qualified beneficiaries selected by the permitholders from an
163 authorized list of charities on file with the commission.
164 Eligible charities include any charity that provides evidence of
165 compliance with the provisions of chapter 496 and evidence of
166 possession of a valid exemption from federal taxation issued by

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167 the Internal Revenue Service. In addition, the authorized list
168 must include the Racing Scholarship Trust Fund, the Historical
169 Resources Operating Trust Fund, major state and private
170 institutions of higher learning, and Florida community colleges.

171 (3) The permitholder shall, within 120 days after the
172 conclusion of its fiscal year, pay to the authorized charities
173 the total of all profits derived from the operation of the
174 charity day performances conducted. If charity days are operated
175 on behalf of another permitholder pursuant to law, the
176 permitholder entitled to distribute the proceeds shall
177 distribute the proceeds to charity within 30 days after the
178 actual receipt of the proceeds.

179 (4) The total of all profits derived from the conduct of a
180 charity day performance must include all revenues derived from
181 the conduct of that ~~racing~~ performance, including all state
182 taxes that would otherwise be due to the state, except that the
183 daily license fee as provided in s. 550.0951(1) and the breaks
184 for the promotional trust funds as provided in s. 550.2625(3),
185 (4), (5), (7), and (8) shall be paid to the commission. All
186 other revenues from the charity ~~racing~~ performance, including
187 the commissions, breaks, and admissions and the revenues from
188 parking, programs, and concessions, shall be included in the
189 total of all profits.

190 (5) In determining profit, the permitholder may elect to
191 distribute as proceeds only the amount equal to the state tax

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192 that would otherwise be paid to the state if the charity day
193 were conducted as a regular or matinee performance.

194 (6) (a) The commission shall authorize one additional
195 scholarship day for horseracing in addition to the regular
196 racing days authorized by law and any additional days authorized
197 by this section, to be conducted at all horse racetracks located
198 in Hillsborough County. The permitholder shall conduct a full
199 schedule of racing on the scholarship day.

200 (b) The funds derived from the operation of the additional
201 scholarship day shall be allocated as provided in this section
202 and paid to Pasco-Hernando Community College.

203 (c) When a charity or scholarship performance is conducted
204 as a matinee performance, the commission may authorize the
205 permitholder to conduct the evening performances of that
206 operation day as a regular performance in addition to the
207 regular operating days authorized by law.

208 (7) In addition to the eligible charities that meet the
209 criteria set forth in this section, a jai alai permitholder is
210 authorized to conduct two additional charity performances each
211 fiscal year for a fund to benefit retired jai alai players. This
212 performance shall be known as the "Retired Jai Alai Players
213 Charity Day." The administration of this fund shall be
214 determined by rule by the commission.

215 Section 5. Paragraph (a) of subsection (9) of section
216 550.054, Florida Statutes, is amended to read:

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217 550.054 Application for permit to conduct pari-mutuel
218 wagering.—

219 (9)(a) After a permit has been granted by the commission
220 and has been ratified and approved by the majority of the
221 electors participating in the election in the county designated
222 in the permit, the commission shall grant to the lawful
223 permitholder, subject to the conditions of this chapter, a
224 license to conduct pari-mutuel operations under this chapter,
225 and, except as provided in s. 550.5251, the commission shall fix
226 annually the time, place, and number of days during which pari-
227 mutuel operations may be conducted by the permitholder at the
228 location fixed in the permit and ratified in the election. After
229 the first license has been issued to the holder of a ratified
230 permit ~~for racing~~ in any county, all subsequent annual
231 applications for a license by that permitholder must be
232 accompanied by proof, in such form as the commission requires,
233 that the ratified permitholder still possesses all the
234 qualifications prescribed by this chapter and that the permit
235 has not been recalled at a later election held in the county.

236 Section 6. Subsections (1) and (5) of section 550.0951,
237 Florida Statutes, are amended to read:

238 550.0951 Payment of daily license fee and taxes;
239 penalties.—

240 (1) DAILY LICENSE FEE.—

241 (a) Each person engaged in the business of conducting race

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242 meetings or jai alai games under this chapter, hereinafter
243 referred to as the "permitholder," "licensee," or "permittee,"
244 shall pay to the commission, for the use of the commission, a
245 daily license fee on each live or simulcast pari-mutuel event of
246 \$100 for each horserace and \$80 for each dograce and \$40 for
247 each jai alai game conducted at a racetrack or fronton licensed
248 under this chapter. In addition to the tax exemption specified
249 in s. 550.09514(1) of \$360,000 or \$500,000 per greyhound
250 permitholder per state fiscal year, each greyhound permitholder
251 shall receive in the current state fiscal year a tax credit
252 equal to the number of live greyhound races conducted in the
253 previous state fiscal year times the daily license fee specified
254 for each dograce in this subsection applicable for the previous
255 state fiscal year. This tax credit and the exemption in s.
256 550.09514(1) apply ~~shall be applicable~~ to any tax imposed by
257 this chapter or the daily license fees imposed by this chapter
258 except during any charity or scholarship performances conducted
259 pursuant to s. 550.0351. Each permitholder shall pay daily
260 license fees not to exceed \$500 per day on any simulcast races
261 or games on which such permitholder accepts wagers regardless of
262 the number of out-of-state events taken or the number of out-of-
263 state locations from which such events are taken. This license
264 fee shall be deposited with the Chief Financial Officer to the
265 credit of the Pari-mutuel Wagering Trust Fund.

266 (b) Each permitholder that cannot utilize the full amount

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267 of the exemption of \$360,000 or \$500,000 provided in s.
268 550.09514(1) or the daily license fee credit provided in this
269 section may, after notifying the commission in writing, elect
270 once per state fiscal year on a form provided by the commission
271 to transfer such exemption or credit or any portion thereof to
272 any greyhound permitholder which acts as a host track to such
273 permitholder for the purpose of intertrack wagering. Once an
274 election to transfer such exemption or credit is filed with the
275 commission, it may ~~shall~~ not be rescinded. The commission shall
276 disapprove the transfer when the amount of the exemption or
277 credit or portion thereof is unavailable to the transferring
278 permitholder or when the permitholder who is entitled to
279 transfer the exemption or credit or who is entitled to receive
280 the exemption or credit owes taxes to the state pursuant to a
281 deficiency letter or administrative complaint issued by the
282 commission. Upon approval of the transfer by the commission, the
283 transferred tax exemption or credit is ~~shall be~~ effective for
284 the ~~first performance of the~~ next payment period as specified in
285 subsection (5). The exemption or credit transferred to such host
286 track may be applied by such host track against any taxes
287 imposed by this chapter or daily license fees imposed by this
288 chapter. The greyhound permitholder host track to which such
289 exemption or credit is transferred shall reimburse such
290 permitholder the exact monetary value of such transferred
291 exemption or credit as actually applied against the taxes and

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292 daily license fees of the host track. The commission shall
293 ensure that all transfers of exemption or credit are made in
294 accordance with this subsection and ~~has~~ ~~shall have~~ the authority
295 to adopt rules to ensure the implementation of this section.

296 (5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments
297 imposed by this section must ~~shall~~ be paid to the commission.
298 The commission shall deposit these sums with the Chief Financial
299 Officer, to the credit of the Pari-mutuel Wagering Trust Fund,
300 hereby established. The permitholder shall remit to the
301 commission payment for the daily license fee, the admission tax,
302 the tax on handle, and the breaks tax. Such ~~payments shall be~~
303 ~~remitted by 3 p.m. Wednesday of each week for taxes imposed and~~
304 ~~collected for the preceding week ending on Sunday. Beginning on~~
305 ~~July 1, 2012, such~~ payments must ~~shall~~ be remitted by 3 p.m. on
306 the 5th day of each calendar month for taxes imposed and
307 collected for the preceding calendar month. If the 5th day of
308 the calendar month falls on a weekend, payments must ~~shall~~ be
309 remitted by 3 p.m. the first Monday following the weekend.
310 Permitholders shall file a report under oath by the 5th day of
311 each calendar month for all taxes remitted during the preceding
312 calendar month. Such payments must ~~shall~~ be accompanied by a
313 report under oath showing the total of all admissions, the pari-
314 mutuel wagering activities for the preceding calendar month, and
315 such other information as may be prescribed by the commission.

316 Section 7. Subsection (7) of section 550.09515, Florida

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317 Statutes, is amended, and subsection (4) of that section is
318 reenacted for the purpose of incorporating the amendment made by
319 this act to section 550.0951, Florida Statutes, to read:

320 550.09515 Thoroughbred horse taxes; abandoned interest in
321 a permit for nonpayment of taxes.—

322 (4) In the event that a court of competent jurisdiction
323 determines any of the provisions of this section to be
324 unconstitutional, it is the intent of the Legislature that the
325 provisions contained in this section shall be null and void and
326 that the provisions of s. 550.0951 shall apply to all
327 thoroughbred horse permitholders beginning on the date of such
328 judicial determination. To this end, the Legislature declares
329 that it would not have enacted any of the provisions of this
330 section individually and, to that end, expressly finds them not
331 to be severable.

332 ~~(7) If a thoroughbred permitholder fails to operate all~~
333 ~~performances on its 2001-2002 license, failure to pay tax on~~
334 ~~handle for a full schedule of live races for those performances~~
335 ~~in the 2001-2002 fiscal year does not constitute failure to pay~~
336 ~~taxes on handle for a full schedule of live races in a fiscal~~
337 ~~year for the purposes of subsection (3). This subsection may not~~
338 ~~be construed as forgiving a thoroughbred permitholder from~~
339 ~~paying taxes on performances conducted at its facility pursuant~~
340 ~~to its 2001-2002 license other than for failure to operate all~~
341 ~~performances on its 2001-2002 license. This subsection expires~~

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342 ~~July 1, 2003.~~

343 Section 8. Paragraphs (a) and (c) of subsection (5) of
344 section 550.105, Florida Statutes, are amended to read:

345 550.105 Occupational licenses of racetrack employees;
346 fees; denial, suspension, and revocation of license; penalties
347 and fines.—

348 (5)(a) The commission may do the following:

349 1. Deny a license to or revoke, suspend, or place
350 conditions upon or restrictions on a license of any person who
351 has been refused a license by any other state racing commission
352 or racing authority or has been subject to a provisional
353 suspension or period of ineligibility by the federal Horseracing
354 Integrity and Safety Authority (HISA), or another such authority
355 designated by the Federal Trade Commission.†

356 2. Deny, suspend, or place conditions on a license of any
357 person who is under suspension, ~~or~~ has unpaid fines in another
358 jurisdiction, or is subject to a provisional suspension or
359 period of ineligibility under HISA.†

360 3. Notwithstanding subparagraph 2. and chapter 120,
361 summarily suspend the occupational license of any person subject
362 to a provisional suspension or period of ineligibility imposed
363 by HISA related to a prohibited substance in an animal's hair or
364 in its blood, urine, saliva, or any other bodily fluid. Any
365 suspension imposed pursuant to this subparagraph expires on the
366 date that the provisional suspension or period of ineligibility

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367 imposed by HISA expires. If an occupational licensee is
368 summarily suspended under this subparagraph, the commission must
369 offer the licensee a postsuspension hearing within 72 hours
370 after commencement of the suspension. The occupational licensee
371 has the burden of proving by clear and convincing evidence that
372 he or she is not subject to a provisional suspension or period
373 of ineligibility imposed by HISA. The standard of review
374 applicable to the commission under this subparagraph is whether
375 the commission's action was an abuse of discretion ~~if the state~~
376 ~~racing commission or racing authority of such other state or~~
377 ~~jurisdiction extends to the commission reciprocal courtesy to~~
378 ~~maintain the disciplinary control.~~

379 (c) The commission may deny, declare ineligible, or revoke
380 any occupational license if the applicant for such license has
381 been convicted of a felony or misdemeanor in this state, in any
382 other state, or under the laws of the United States, if such
383 felony or misdemeanor is related to gambling or bookmaking, as
384 contemplated in s. 849.25, or involves cruelty to animals. If
385 the applicant establishes that she or he is of good moral
386 character, that she or he has been rehabilitated, and that the
387 crime she or he was convicted of is not related to pari-mutuel
388 wagering and is not a capital offense, the restrictions
389 excluding offenders may be waived by ~~the director of the~~
390 commission.

391 Section 9. Paragraph (a) of subsection (2) of section

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392 550.125, Florida Statutes, is amended to read:

393 550.125 Uniform reporting system; bond requirement.—

394 (2) (a) Each permitholder issued an operating license that
395 ~~conducts race meetings or jai alai exhibitions~~ under this
396 chapter shall keep records that clearly show the ~~total number of~~
397 ~~admissions and the~~ total amount of money contributed to ~~each~~
398 pari-mutuel pools, cardroom gross receipts, and slot machine
399 revenues ~~pool on each race or exhibition separately and the~~
400 ~~amount of money received daily from admission fees~~ and, within
401 120 days after the end of its fiscal year, shall submit to the
402 commission a complete annual report of its accounts, audited by
403 a certified public accountant licensed to practice in this ~~the~~
404 state.

405 Section 10. Effective upon becoming a law, subsection (3)
406 of section 550.3551, Florida Statutes, is amended, and paragraph
407 (b) of subsection (2) and subsection (4) are reenacted to read:

408 550.3551 Transmission of racing and jai alai information;
409 commingling of pari-mutuel pools.—

410 (2) Any horse track or fronton licensed under this chapter
411 may transmit broadcasts of races or games conducted at the
412 enclosure of the licensee to locations outside this state.

413 (b) Wagers accepted by any out-of-state pari-mutuel
414 permitholder or licensed betting system on a race broadcasted
415 under this subsection may be, but are not required to be,
416 included in the pari-mutuel pools of the horse track in this

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417 state that broadcasts the race upon which wagers are accepted.
418 The handle, as referred to in s. 550.0951(3), does not include
419 any wagers accepted by an out-of-state pari-mutuel permitholder
420 or licensed betting system, irrespective of whether such wagers
421 are included in the pari-mutuel pools of the Florida
422 permitholder as authorized by this subsection.

423 (3) Any horse track licensed under this chapter may
424 receive broadcasts of horseraces conducted at other horse
425 racetracks located outside this state at the racetrack enclosure
426 of the licensee, if the horse track conducted a full schedule of
427 live racing during the preceding state fiscal year, or if the
428 horse track does not conduct live racing as authorized under s.
429 550.01215 ~~during its racing meet.~~

430 (a) All broadcasts of horseraces received from locations
431 outside this state must comply with the provisions of the
432 Interstate Horseracing Act of 1978, 92 Stat. 1811, 15 U.S.C. ss.
433 3001 et seq.

434 (b) Wagers accepted at the horse track in this state may
435 be, but are not required to be, included in the pari-mutuel
436 pools of the out-of-state horse track that broadcasts the race.
437 Notwithstanding any contrary provisions of this chapter, if the
438 horse track in this state elects to include wagers accepted on
439 such races in the pari-mutuel pools of the out-of-state horse
440 track that broadcasts the race, from the amount wagered by
441 patrons at the horse track in this state and included in the

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442 pari-mutuel pools of the out-of-state horse track, the horse
443 track in this state shall deduct as the takeout from the amount
444 wagered by patrons at the horse track in this state and included
445 in the pari-mutuel pools of the out-of-state horse track a
446 percentage equal to the percentage deducted from the amount
447 wagered at the out-of-state racetrack as is authorized by the
448 laws of the jurisdiction exercising regulatory authority over
449 the out-of-state horse track.

450 (c) All forms of pari-mutuel wagering are allowed on races
451 broadcast under this section, and all money wagered by patrons
452 on such races shall be computed as part of the total amount of
453 money wagered at each racing performance for purposes of
454 taxation under ss. 550.0951, 550.09512, and 550.09515. Section
455 550.2625(2)(a), (b), and (c) does not apply to any money wagered
456 on races broadcast under this section. Similarly, the takeout
457 shall be increased by breaks and uncashed tickets for wagers on
458 races broadcast under this section, notwithstanding any contrary
459 provision of this chapter.

460 (4) Any greyhound permitholder or jai alai permitholder
461 licensed under this chapter may receive at its licensed location
462 broadcasts of dograces or jai alai games conducted at other
463 tracks or frontons located outside the state. All forms of pari-
464 mutuel wagering are allowed on dograces or jai alai games
465 broadcast under this subsection. All money wagered by patrons on
466 dograces broadcast under this subsection shall be computed in

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467 the amount of money wagered each performance for purposes of
468 taxation under ss. 550.0951 and 550.09511.

469 Section 11. Section 550.475, Florida Statutes, is amended
470 to read:

471 550.475 Lease of pari-mutuel facilities by pari-mutuel
472 permitholders.—Holders of valid pari-mutuel permits for the
473 conduct of any pari-mutuel wagering in this state are entitled
474 to lease any and all of their facilities to any other holder of
475 a same class valid pari-mutuel permit or to any jai alai
476 permitholder, when located within a 35-mile radius of each
477 other; and such lessee is entitled to a permit and license to
478 conduct intertrack wagering and operate its race meet or jai
479 alai games at the leased premises.

480 Section 12. Subsection (3) of section 550.505, Florida
481 Statutes, is amended to read:

482 550.505 Nonwagering permits.—

483 (3)(a) Upon receipt of a nonwagering permit, the
484 permitholder shall apply between January 15 and February 4 ~~must~~
485 ~~apply to the commission before June 1~~ of each year for a ~~an~~
486 ~~annual~~ nonwagering license for the next state fiscal ~~succeeding~~
487 ~~calendar~~ year. Such application must set forth the days and
488 locations at which the permitholder will conduct nonwagering
489 horseracing, must demonstrate that any location to which the
490 nonwagering license applies is available for such use, and must
491 indicate any changes in ownership or management of the

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492 | permitholder occurring since the date of application for the
493 | prior license.

494 | (b) On or before April 15 ~~August 1~~ of each year, the
495 | commission shall issue a license authorizing the nonwagering
496 | permitholder to conduct nonwagering horseracing during the next
497 | state fiscal ~~succeeding calendar~~ year during the period and for
498 | the number of days set forth in the application, subject to ~~all~~
499 | ~~other provisions of~~ this section.

500 | (c) The commission may extend a nonwagering license for
501 | the 2024 calendar year through the 2024-2025 fiscal year upon
502 | application for such extension by the nonwagering permitholder
503 | ~~conduct an eligibility investigation to determine the~~
504 | ~~qualifications of any new ownership or management interest in~~
505 | ~~the permit.~~

506 | Section 13. Subsection (1) of section 550.5251, Florida
507 | Statutes, is amended to read:

508 | 550.5251 Florida thoroughbred racing; certain permits;
509 | operating days.—

510 | (1) Each thoroughbred permitholder shall annually, during
511 | the period commencing January ~~December~~ 15 of each year and
512 | ending February ~~January~~ 4 of the following year, file in writing
513 | with the commission its application to conduct one or more
514 | thoroughbred racing meetings during the thoroughbred racing
515 | season commencing on the following July 1. Each application
516 | shall specify the number and dates of all performances that the

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517 | permitholder intends to conduct during that thoroughbred racing
518 | season. On or before April ~~March~~ 15 of each year, the commission
519 | shall issue a license authorizing each permitholder to conduct
520 | performances on the dates specified in its application. Up to
521 | March ~~February~~ 28 of each year, each permitholder may request
522 | and shall be granted changes in its application to conduct
523 | ~~authorized~~ performances; but thereafter, as a condition
524 | precedent to the validity of its license and its right to retain
525 | its permit, each permitholder must operate the full number of
526 | days authorized on each of the dates set forth in its license.

527 | Section 14. Paragraph (b) of subsection (4) and subsection
528 | (8) of section 551.104, Florida Statutes, are amended to read:

529 | 551.104 License to conduct slot machine gaming.—

530 | (4) As a condition of licensure and to maintain continued
531 | authority for the conduct of slot machine gaming, the slot
532 | machine licensee shall:

533 | (b) Continue to be in compliance with chapter 550, when
534 | ~~where~~ applicable, and maintain the pari-mutuel permit and
535 | license in good standing pursuant to ~~the provisions of~~ chapter
536 | 550. ~~Notwithstanding any contrary provision of law and in order~~
537 | ~~to expedite the operation of slot machines at eligible~~
538 | ~~facilities, any eligible facility shall be entitled within 60~~
539 | ~~days after the effective date of this act to amend its 2006-2007~~
540 | ~~pari-mutuel wagering operating license issued by the commission~~
541 | ~~under ss. 550.0115 and 550.01215. The commission shall issue a~~

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542 ~~new license to the eligible facility to effectuate any approved~~
543 ~~change.~~

544 (8) A slot machine licensee shall file with the commission
545 an audit of the receipt and distribution of all slot machine
546 revenues provided by an independent certified public accountant
547 licensed under chapter 473 verifying compliance with all
548 financial and auditing provisions of this chapter and ~~the~~
549 associated rules ~~adopted under this chapter~~. The audit must
550 include verification of compliance with all statutes and rules
551 regarding all required records of slot machine operations. Such
552 audit ~~must shall~~ be filed within 120 ~~60~~ days after the end of
553 the slot machine licensee's fiscal year ~~completion of the~~
554 ~~permitholder's pari-mutuel meet.~~

555 Section 15. Paragraph (b) of subsection (6) of section
556 551.107, Florida Statutes, is amended to read:

557 551.107 Slot machine occupational license; findings;
558 application; fee.—

559 (6)

560 (b) The commission may deny, revoke, or refuse to renew
561 any slot machine occupational license if the applicant for such
562 license or the licensee has been convicted of a felony or
563 misdemeanor in this state, in any other state, or under the laws
564 of the United States if such felony or misdemeanor is related to
565 gambling or bookmaking as described in s. 849.25. The
566 restrictions authorized in this paragraph may be waived by the

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567 commission if the applicant establishes that she or he is of
568 good moral character, that she or he has been rehabilitated, and
569 that the crime she or he was convicted of is not related to slot
570 machine gaming and is not a capital offense.

571 Section 16. For the purpose of incorporating the amendment
572 made by this act to section 550.0951, Florida Statutes, in
573 references thereto, paragraph (c) of subsection (2) of section
574 212.04, Florida Statutes, is reenacted to read:

575 212.04 Admissions tax; rate, procedure, enforcement.—

576 (2)

577 (c) The taxes imposed by this section shall be collected
578 in addition to the admission tax collected pursuant to s.
579 550.0951, but the amount collected under s. 550.0951 shall not
580 be subject to taxation under this chapter.

581 Section 17. For the purpose of incorporating the amendment
582 made by this act to section 550.0951, Florida Statutes, in a
583 reference thereto, subsection (4) of section 550.0351, Florida
584 Statutes, is reenacted to read:

585 550.0351 Charity racing days.—

586 (4) The total of all profits derived from the conduct of a
587 charity day performance must include all revenues derived from
588 the conduct of that racing performance, including all state
589 taxes that would otherwise be due to the state, except that the
590 daily license fee as provided in s. 550.0951(1) and the breaks
591 for the promotional trust funds as provided in s. 550.2625 (3),

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592 (4), (5), (7), and (8) shall be paid to the commission. All
593 other revenues from the charity racing performance, including
594 the commissions, breaks, and admissions and the revenues from
595 parking, programs, and concessions, shall be included in the
596 total of all profits.

597 Section 18. For the purpose of incorporating the amendment
598 made by this act to section 550.0951, Florida Statutes, in a
599 reference thereto, subsection (2) of section 550.09511, Florida
600 Statutes, is reenacted to read:

601 550.09511 Jai alai taxes; abandoned interest in a permit
602 for nonpayment of taxes.—

603 (2) Notwithstanding the provisions of s. 550.0951(3)(b),
604 wagering on live jai alai performances shall be subject to the
605 following taxes:

606 (a)1. The tax on handle per performance for live jai alai
607 performances is 4.25 percent of handle per performance. However,
608 when the live handle of a permitholder during the preceding
609 state fiscal year was less than \$15 million, the tax shall be
610 paid on the handle in excess of \$30,000 per performance per day.

611 2. The tax rate shall be applicable only until the
612 requirements of paragraph (b) are met.

613 (b) At such time as the total of admissions tax, daily
614 license fee, and tax on handle for live jai alai performances
615 paid to the commission by a permitholder during the current
616 state fiscal year exceeds the total state tax revenues from

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617 | wagering on live jai alai performances paid or due by the
618 | permitholder in fiscal year 1991-1992, the permitholder shall
619 | pay tax on handle for live jai alai performances at a rate of
620 | 2.55 percent of the handle per performance for the remainder of
621 | the current state fiscal year. For purposes of this section,
622 | total state tax revenues on live jai alai wagering in fiscal
623 | year 1991-1992 shall include any admissions tax, tax on handle,
624 | surtaxes on handle, and daily license fees.

625 | (c) If no tax on handle for live jai alai performances
626 | were paid to the commission by a jai alai permitholder during
627 | the 1991-1992 state fiscal year, then at such time as the total
628 | of admissions tax, daily license fee, and tax on handle for live
629 | jai alai performances paid to the commission by a permitholder
630 | during the current state fiscal year exceeds the total state tax
631 | revenues from wagering on live jai alai performances paid or due
632 | by the permitholder in the last state fiscal year in which the
633 | permitholder conducted a full schedule of live games, the
634 | permitholder shall pay tax on handle for live jai alai
635 | performances at a rate of 3.3 percent of the handle per
636 | performance for the remainder of the current state fiscal year.
637 | For purposes of this section, total state tax revenues on live
638 | jai alai wagering shall include any admissions tax, tax on
639 | handle, surtaxes on handle, and daily license fees. This
640 | paragraph shall take effect July 1, 1993.

641 | (d) A permitholder who obtains a new permit issued by the

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642 commission subsequent to the 1991-1992 state fiscal year and a
643 permitholder whose permit has been converted to a jai alai
644 permit under the provisions of this chapter, shall, at such time
645 as the total of admissions tax, daily license fee, and tax on
646 handle for live jai alai performances paid to the commission by
647 the permitholder during the current state fiscal year exceeds
648 the average total state tax revenues from wagering on live jai
649 alai performances for the first 3 consecutive jai alai seasons
650 paid to or due the commission by the permitholder and during
651 which the permitholder conducted a full schedule of live games,
652 pay tax on handle for live jai alai performances at a rate of
653 3.3 percent of the handle per performance for the remainder of
654 the current state fiscal year.

655 (e) The payment of taxes pursuant to paragraphs (b), (c),
656 and (d) shall be calculated and commence beginning the day in
657 which the permitholder is first entitled to the reduced rate
658 specified in this section and the report of taxes required by s.
659 550.0951(5) is submitted to the commission.

660 (f) A jai alai permitholder paying taxes under this
661 section shall retain the breaks and pay an amount equal to the
662 breaks as special prize awards which shall be in addition to the
663 regular contracted prize money paid to jai alai players at the
664 permitholder's facility. Payment of the special prize money
665 shall be made during the permitholder's current meet.

666 (g) For purposes of this section, "handle" shall have the

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667 same meaning as in s. 550.0951, and shall not include handle
668 from intertrack wagering.

669 Section 19. For the purpose of incorporating the amendment
670 made by this act to section 550.0951, Florida Statutes, in a
671 reference thereto, subsection (4) of section 550.09512, Florida
672 Statutes, is reenacted to read:

673 550.09512 Harness horse taxes; abandoned interest in a
674 permit for nonpayment of taxes.-

675 (4) In the event that a court of competent jurisdiction
676 determines any of the provisions of this section to be
677 unconstitutional, it is the intent of the Legislature that the
678 provisions contained in this section shall be null and void and
679 that the provisions of s. 550.0951 shall apply to all harness
680 horse permitholders beginning on the date of such judicial
681 determination. To this end, the Legislature declares that it
682 would not have enacted any of the provisions of this section
683 individually and, to that end, expressly finds them not to be
684 severable.

685 Section 20. For the purpose of incorporating the amendment
686 made by this act to section 550.0951, Florida Statutes, in
687 references thereto, subsection (1) and paragraph (e) of
688 subsection (2) of section 550.09514, Florida Statutes, are
689 reenacted to read:

690 550.09514 Greyhound dogracing taxes; purse requirements.-

691 (1) Wagering on greyhound racing is subject to a tax on

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692 handle for live greyhound racing as specified in s. 550.0951(3).
693 However, each permitholder shall pay no tax on handle until such
694 time as this subsection has resulted in a tax savings per state
695 fiscal year of \$360,000. Thereafter, each permitholder shall pay
696 the tax as specified in s. 550.0951(3) on all handle for the
697 remainder of the permitholder's current race meet. For the three
698 permitholders that conducted a full schedule of live racing in
699 1995, and are closest to another state that authorizes greyhound
700 pari-mutuel wagering, the maximum tax savings per state fiscal
701 year shall be \$500,000. The provisions of this subsection
702 relating to tax exemptions shall not apply to any charity or
703 scholarship performances conducted pursuant to s. 550.0351.

704 (2)

705 (e) In addition to the purse requirements of paragraphs
706 (a)-(c), each greyhound permitholder shall pay as purses an
707 amount equal to one-third of the amount of the tax reduction on
708 live and simulcast handle applicable to such permitholder as a
709 result of the reductions in tax rates provided by this act
710 through the amendments to s. 550.0951(3). With respect to
711 intertrack wagering when the host and guest tracks are greyhound
712 permitholders not within the same market area, an amount equal
713 to the tax reduction applicable to the guest track handle as a
714 result of the reduction in tax rate provided by this act through
715 the amendment to s. 550.0951(3) shall be distributed to the
716 guest track, one-third of which amount shall be paid as purses

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717 at the guest track. However, if the guest track is a greyhound
718 permitholder within the market area of the host or if the guest
719 track is not a greyhound permitholder, an amount equal to such
720 tax reduction applicable to the guest track handle shall be
721 retained by the host track, one-third of which amount shall be
722 paid as purses at the host track. These purse funds shall be
723 disbursed in the week received if the permitholder conducts at
724 least one live performance during that week. If the permitholder
725 does not conduct at least one live performance during the week
726 in which the purse funds are received, the purse funds shall be
727 disbursed weekly during the permitholder's next race meet in an
728 amount determined by dividing the purse amount by the number of
729 performances approved for the permitholder pursuant to its
730 annual license, and multiplying that amount by the number of
731 performances conducted each week. The commission shall conduct
732 audits necessary to ensure compliance with this paragraph.

733 Section 21. For the purpose of incorporating the amendment
734 made by this act to section 550.0951, Florida Statutes, in a
735 reference thereto, subsection (3) of section 550.09516, Florida
736 Statutes, is reenacted to read:

737 550.09516 Credit for eligible permitholders conducting
738 thoroughbred racing.—

739 (3) Beginning July 1, 2023, and each July 1 thereafter,
740 each permitholder granted a credit pursuant to this section may
741 apply the credit to the taxes and fees due under ss. 550.0951,

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742 550.09515, and 550.3551(3), less any credit received by the
743 permitholder under s. 550.09515(6), and less the amount of state
744 taxes that would otherwise be due to the state for the conduct
745 of charity day performances under s. 550.0351(4). The unused
746 portion of the credit may be carried forward and applied each
747 month as taxes and fees become due. Any unused credit remaining
748 at the end of a fiscal year expires and may not be used.

749 Section 22. For the purpose of incorporating the amendment
750 made by this act to section 550.0951, Florida Statutes, in a
751 reference thereto, subsection (1) of section 550.135, Florida
752 Statutes, is reenacted to read:

753 550.135 Division of moneys derived under this law.—All
754 moneys that are deposited with the Chief Financial Officer to
755 the credit of the Pari-mutuel Wagering Trust Fund shall be
756 distributed as follows:

757 (1) The daily license fee revenues collected pursuant to
758 s. 550.0951(1) shall be used to fund the operating cost of the
759 commission; however, other collections in the Pari-mutuel
760 Wagering Trust Fund may also be used to fund the operation of
761 the commission in accordance with authorized appropriations.

762 Section 23. For the purpose of incorporating the amendment
763 made by this act to section 550.0951, Florida Statutes, in
764 references thereto, subsection (2) of section 550.1625, Florida
765 Statutes, is reenacted to read:

766 550.1625 Dogracing; taxes.—

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767 (2) A permitholder that conducts a dograce meet under this
768 chapter must pay the daily license fee, the admission tax, the
769 breaks tax, and the tax on pari-mutuel handle as provided in s.
770 550.0951 and is subject to all penalties and sanctions provided
771 in s. 550.0951(6).

772 Section 24. For the purpose of incorporating the amendment
773 made by this act to section 550.0951, Florida Statutes, in
774 references thereto, subsections (3) through (6) of section
775 550.26352, Florida Statutes, are reenacted to read:

776 550.26352 Breeders' Cup Meet; pools authorized; conflicts;
777 taxes; credits; transmission of races; rules; application.—

778 (3) If the permitholder conducting the Breeders' Cup Meet
779 is located within 35 miles of one or more permitholders
780 scheduled to conduct a thoroughbred race meet on any of the 3
781 days of the Breeders' Cup Meet, then operation on any of those 3
782 days by the other permitholders is prohibited. As compensation
783 for the loss of racing days caused thereby, such operating
784 permitholders shall receive a credit against the taxes otherwise
785 due and payable to the state under ss. 550.0951 and 550.09515.
786 This credit shall be in an amount equal to the operating loss
787 determined to have been suffered by the operating permitholders
788 as a result of not operating on the prohibited racing days, but
789 shall not exceed a total of \$950,000. The determination of the
790 amount to be credited shall be made by the commission upon
791 application by the operating permitholder. The tax credits

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792 provided in this subsection shall not be available unless an
793 operating permitholder is required to close a bona fide meet
794 consisting in part of no fewer than 10 scheduled performances in
795 the 15 days immediately preceding or 10 scheduled performances
796 in the 15 days immediately following the Breeders' Cup Meet.
797 Such tax credit shall be in lieu of any other compensation or
798 consideration for the loss of racing days. There shall be no
799 replacement or makeup of any lost racing days.

800 (4) Notwithstanding any provision of ss. 550.0951 and
801 550.09515, the permitholder conducting the Breeders' Cup Meet
802 shall pay no taxes on the handle included within the pari-mutuel
803 pools of said permitholder during the Breeders' Cup Meet.

804 (5) The permitholder conducting the Breeders' Cup Meet
805 shall receive a credit against the taxes otherwise due and
806 payable to the state under ss. 550.0951 and 550.09515 generated
807 during said permitholder's next ensuing regular thoroughbred
808 race meet. This credit shall be in an amount not to exceed
809 \$950,000 and shall be utilized by the permitholder to pay the
810 purses offered by the permitholder during the Breeders' Cup Meet
811 in excess of the purses which the permitholder is otherwise
812 required by law to pay. The amount to be credited shall be
813 determined by the commission upon application of the
814 permitholder which is subject to audit by the commission.

815 (6) The permitholder conducting the Breeders' Cup Meet
816 shall receive a credit against the taxes otherwise due and

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817 payable to the state under ss. 550.0951 and 550.09515 generated
818 during said permitholder's next ensuing regular thoroughbred
819 race meet. This credit shall be in an amount not to exceed
820 \$950,000 and shall be utilized by the permitholder for such
821 capital improvements and extraordinary expenses as may be
822 necessary for operation of the Breeders' Cup Meet. The amount to
823 be credited shall be determined by the commission upon
824 application of the permitholder which is subject to audit by the
825 commission.

826 Section 25. For the purpose of incorporating the amendment
827 made by this act to section 550.0951, Florida Statutes, in
828 references thereto, subsection (4) of section 550.375, Florida
829 Statutes, is reenacted to read:

830 550.375 Operation of certain harness tracks.—

831 (4) The permitholder conducting a harness horse race meet
832 must pay the daily license fee, the admission tax, the tax on
833 breaks, and the tax on pari-mutuel handle provided in s.
834 550.0951 and is subject to all penalties and sanctions provided
835 in s. 550.0951(6).

836 Section 26. Except as otherwise expressly provided in this
837 act and except for this section, which shall take effect upon
838 this act becoming a law, this act shall take effect July 1,
839 2024.

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842 **T I T L E A M E N D M E N T**
843 Remove everything before the enacting clause and insert:
844 A bill to be entitled
845 An act relating to pari-mutuel permitholders; creating
846 s. 16.717, F.S.; authorizing the Florida Gaming
847 Control Commission to deny an application for
848 licensure of, or suspend or revoke the license of, any
849 person who falsely swears under oath or affirmation to
850 certain material statements on his or her application
851 for a license; providing that such persons are subject
852 to other applicable penalties; creating s. 16.718,
853 F.S.; requiring applicants for licenses and licensees
854 to notify the commission of certain contact
855 information and of any change in such contact
856 information and providing penalties for failure to
857 comply; providing that delivery of correspondence to
858 the licensee's or applicant's e-mail or mailing
859 address on record with the commission constitutes
860 sufficient notice for official communications,
861 including administrative complaints or other documents
862 setting forth intended or final agency action;
863 providing discretion to the commission in the method
864 of service of such correspondence; amending s.
865 550.01215, F.S.; revising the timeframe during which a
866 permitholder is required to annually file an

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867 application for an operating license for a pari-mutuel
868 facility during the next state fiscal year; revising
869 the date by which the commission is required to issue
870 such license; revising the deadline for application
871 amendments; revising the deadline date for the
872 commission to issue a license; authorizing, rather
873 than requiring, the commission to take into
874 consideration the impact of such change on state
875 revenues when determining whether to change a
876 performance date; authorizing, rather than requiring,
877 the commission to take specified actions on a
878 permitholder's license; deleting a provision giving
879 permitholders the right to apply for a license for
880 performances that have been vacated, abandoned, or
881 will not be used by another permitholder; making
882 technical changes; amending ss. 550.0351 and 550.054,
883 F.S.; conforming provisions to changes made by the
884 act; amending s. 550.0951, F.S.; making technical
885 changes; removing obsolete language; reenacting and
886 amending s. 550.09515, F.S.; removing obsolete
887 language; amending s. 550.105, F.S.; expanding the
888 commission's authority to deny, revoke, suspend, or
889 place conditions on certain licenses; authorizing the
890 commission to summarily suspend a license when a
891 person has been subject to a provisional suspension or

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892 period of ineligibility imposed by the federal
893 Horseracing Integrity and Safety Authority related to
894 the finding of a prohibited substance in an animal's
895 hair or bodily fluids; providing that any suspension
896 imposed expires at the same time the Horseracing
897 Integrity and Safety Authority's provisional
898 suspension or period of ineligibility expires;
899 requiring the commission to offer a licensee a
900 postsuspension hearing within a specified timeframe;
901 providing a burden of proof for such hearings;
902 providing a standard of review for the commission for
903 such appeals; amending s. 550.125, F.S.; revising
904 requirements for maintaining certain financial records
905 and applying such requirements to all, rather than
906 specified, pari-mutuel wagering permitholders;
907 reenacting and amending s. 550.3551, F.S.; authorizing
908 a licensed horse track to receive broadcasts of
909 horseraces conducted at horse racetracks outside this
910 state if certain conditions are met; amending s.
911 550.475, F.S.; revising provisions limiting leasing of
912 pari-mutuel facilities to permitholders of the same
913 class or any jai alai permitholder; amending s.
914 550.505, F.S.; revising the timeframe for nonwagering
915 permitholders to apply for a nonwagering license;
916 requiring permitholders to demonstrate that locations

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917 designated for nonwagering horseracing are available
918 for such use; revising the date by which the
919 commission is required to issue certain nonwagering
920 licenses; authorizing the commission to extend a
921 certain nonwagering license for a specified timeframe;
922 amending s. 550.5251, F.S.; revising the timeframes
923 for when a thoroughbred permitholder must file with
924 the commission an application for a license to conduct
925 thoroughbred racing meetings, for when the commission
926 must issue such licenses, and for when the
927 permitholder may request changes in its application to
928 conduct performances; amending s. 551.104, F.S.;
929 removing obsolete language; requiring that audits of
930 licensees' receipts and distributions of slot machine
931 revenues be conducted by a certified public accountant
932 licensed under ch. 473, F.S.; revising the timeframe
933 within which such audits must be filed with the
934 commission; amending s. 551.107, F.S.; authorizing the
935 waiver of required action on the part of the
936 commission under certain circumstances; reenacting ss.
937 212.04(2)(c), 550.0351(4), 550.09511(2), 550.09512(4),
938 550.09514(1) and (2)(e), 550.09516(3), 550.135(1),
939 550.1625(2), 550.26352(3)-(6), and 550.375(4), F.S.,
940 relating to admissions taxes and rates, charity racing
941 days, jai alai taxes, harness horse taxes, greyhound

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942 | dogracing taxes and purse requirements, thoroughbred
943 | racing permitholders, daily licensing fees collected
944 | from pari-mutuel racing, dogracing taxes, authorizing
945 | Breeders' Cup Meet pools, and operating certain
946 | harness tracks, respectively, to incorporate the
947 | amendment made to s. 550.0951, F.S., in references
948 | thereto; providing an effective date.