

By the Committee on Regulated Industries; and Senator Burgess

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1                                   A bill to be entitled  
2       An act relating to thoroughbred permitholders;  
3       amending s. 550.01215, F.S.; requiring certain  
4       thoroughbred permitholders to conduct a full schedule  
5       of live racing until such permitholders provide notice  
6       to the Florida Gaming Control Commission with certain  
7       information; providing that such notice is not valid  
8       unless it is delivered to the commission on or after a  
9       specified date; conforming provisions to changes made  
10      by the act; amending s. 550.0951, F.S.; revising the  
11      criteria for certain thoroughbred permitholders to pay  
12      the tax on handle for intertrack wagering; amending s.  
13      551.104, F.S.; conforming provisions to changes made  
14      by the act; amending s. 849.086, F.S.; deleting  
15      certain criteria a thoroughbred permitholder must meet  
16      as part of its pari-mutuel annual license application  
17      in order to have its cardroom license renewed;  
18      conforming provisions to changes made by the act;  
19      reenacting ss. 550.3551(3) and 550.615(2), F.S.,  
20      relating to the transmission of racing and jai alai  
21      information and commingling of pari-mutuel pools and  
22      intertrack wagering, respectively, to incorporate the  
23      amendment made to s. 550.01215, F.S., in references  
24      thereto; reenacting ss. 550.09515(5), 550.09511(3)(a),  
25      and 550.6305(9)(a), F.S., relating to thoroughbred  
26      horse taxes and abandoned interest in a permit for  
27      nonpayment of taxes; jai alai taxes and abandoned  
28      interest in a permit for nonpayment of taxes; and  
29      intertrack wagering, guest track payments, and

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30 accounting rules, respectively, to incorporate the  
31 amendment made to s. 550.0951, F.S., in references  
32 thereto; providing an effective date.  
33

34 Be It Enacted by the Legislature of the State of Florida:  
35

36 Section 1. Paragraph (b) of subsection (1) of section  
37 550.01215, Florida Statutes, is amended to read:

38 550.01215 License application; periods of operation;  
39 license fees; bond.—

40 (1) Each permitholder shall annually, during the period  
41 between January 15 and February 4, file in writing with the  
42 commission its application for an operating license for a pari-  
43 mutuel facility for the conduct of pari-mutuel wagering during  
44 the next state fiscal year, including intertrack and simulcast  
45 race wagering. Each application for live performances must  
46 specify the number, dates, and starting times of all live  
47 performances that the permitholder intends to conduct. It must  
48 also specify which performances will be conducted as charity or  
49 scholarship performances.

50 (b)1. A greyhound permitholder may not conduct live racing.  
51 A jai alai permitholder, harness horse racing permitholder, or  
52 quarter horse racing permitholder may elect not to conduct live  
53 racing or games. A thoroughbred permitholder must conduct live  
54 racing pursuant to subparagraph 2. A greyhound permitholder, jai  
55 alai permitholder, harness horse racing permitholder, ~~or~~ quarter  
56 horse racing permitholder, or thoroughbred permitholder pursuant  
57 to subparagraph 2. that does not conduct live racing or games  
58 retains its permit; is a pari-mutuel facility as defined in s.

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59 550.002(23); if such permitholder has been issued a slot machine  
60 license, the facility where such permit is located remains an  
61 eligible facility as defined in s. 551.102(4), continues to be  
62 eligible for a slot machine license pursuant to s. 551.104(3),  
63 and is exempt from ss. 551.104(10) and 551.114(2) ~~ss.~~  
64 ~~551.104(4)(e) and (10) and 551.114(2)~~; is eligible, but not  
65 required, to be a guest track and, if the permitholder is a  
66 harness horse racing permitholder or a thoroughbred permitholder  
67 pursuant to subparagraph 2., to be a host track for purposes of  
68 intertrack wagering and simulcasting pursuant to ss. 550.3551,  
69 550.615, 550.625, and 550.6305; and remains eligible for a  
70 cardroom license.

71 2. A thoroughbred permitholder who operates a slot machine  
72 facility or cardroom shall conduct a full schedule of live  
73 racing until such permitholder notifies the commission that it  
74 will no longer conduct live racing. Notice under this  
75 subparagraph is not valid unless it is delivered to the  
76 commission on or after July 1, 2028, and contains the date on  
77 which the permitholder will no longer conduct live racing, which  
78 may not be earlier than 4 years after the date of the notice.

79 3.2. A permitholder or licensee may not conduct live  
80 greyhound racing or dogracing in connection with any wager for  
81 money or any other thing of value in the state. The commission  
82 may deny, suspend, or revoke any permit or license under this  
83 chapter if a permitholder or licensee conducts live greyhound  
84 racing or dogracing in violation of this subparagraph. In  
85 addition to, or in lieu of, denial, suspension, or revocation of  
86 such permit or license, the commission may impose a civil  
87 penalty of up to \$5,000 against the permitholder or licensee for

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88 a violation of this subparagraph. All penalties imposed and  
89 collected must be deposited with the Chief Financial Officer to  
90 the credit of the General Revenue Fund.

91 Section 2. Paragraph (c) of subsection (3) of section  
92 550.0951, Florida Statutes, is amended to read:

93 550.0951 Payment of daily license fee and taxes;  
94 penalties.—

95 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on  
96 contributions to pari-mutuel pools, the aggregate of which is  
97 hereinafter referred to as "handle," on races or games conducted  
98 by the permitholder. The tax is imposed daily and is based on  
99 the total contributions to all pari-mutuel pools conducted  
100 during the daily performance. If a permitholder conducts more  
101 than one performance daily, the tax is imposed on each  
102 performance separately.

103 (c)1. The tax on handle for intertrack wagering is 2.0  
104 percent of the handle if the host track is a horse track, 3.3  
105 percent if the host track is a harness track, 5.5 percent if the  
106 host track is a dog track, and 7.1 percent if the host track is  
107 a jai alai fronton. The tax on handle for intertrack wagering is  
108 0.5 percent if the host track and the guest track are  
109 thoroughbred permitholders or if the guest track is located  
110 outside the market area of the host track and within the market  
111 area of a thoroughbred permitholder that conducted a full  
112 schedule of live racing the preceding fiscal year ~~currently~~  
113 ~~conducting a live race meet~~. The tax on handle for intertrack  
114 wagering on rebroadcasts of simulcast thoroughbred horseraces is  
115 2.4 percent of the handle and 1.5 percent of the handle for  
116 intertrack wagering on rebroadcasts of simulcast harness

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117 horseraces. The tax shall be deposited into the Pari-mutuel  
118 Wagering Trust Fund.

119 2. The tax on handle for intertrack wagers accepted by any  
120 dog track located in an area of the state in which there are  
121 only three permitholders, all of which are greyhound  
122 permitholders, located in three contiguous counties, from any  
123 greyhound permitholder also located within such area or any dog  
124 track or jai alai fronton located as specified in s. 550.615(6)  
125 or (9), on races or games received from the same class of  
126 permitholder located within the same market area is 3.9 percent  
127 if the host facility is a greyhound permitholder and, if the  
128 host facility is a jai alai permitholder, the rate shall be 6.1  
129 percent except that it shall be 2.3 percent on handle at such  
130 time as the total tax on intertrack handle paid to the  
131 commission by the permitholder during the current state fiscal  
132 year exceeds the total tax on intertrack handle paid to the  
133 commission by the permitholder during the 1992-1993 state fiscal  
134 year.

135 Section 3. Paragraph (a) of subsection (10) of section  
136 551.104, Florida Statutes, is amended to read:

137 551.104 License to conduct slot machine gaming.-

138 (10) (a) 1. Until a thoroughbred permitholder is no longer  
139 conducting live racing pursuant to s. 550.01215(1)(b)2., a ~~no~~  
140 slot machine license or renewal thereof may not ~~shall~~ be issued  
141 to an applicant holding a permit under chapter 550 to conduct  
142 pari-mutuel wagering meets of thoroughbred racing unless the  
143 applicant has on file with the commission a binding written  
144 agreement between the applicant and the Florida Horsemen's  
145 Benevolent and Protective Association, Inc., governing the

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146 payment of purses on live thoroughbred races conducted at the  
147 licensee's pari-mutuel facility. In addition, a ~~no~~ slot machine  
148 license or renewal thereof may not ~~shall~~ be issued to such an  
149 applicant unless the applicant has on file with the commission a  
150 binding written agreement between the applicant and the Florida  
151 Thoroughbred Breeders' Association, Inc., governing the payment  
152 of breeders', stallion, and special racing awards on live  
153 thoroughbred races conducted at the licensee's pari-mutuel  
154 facility. The agreement governing purses and the agreement  
155 governing awards may direct the payment of such purses and  
156 awards from revenues generated by any wagering or gaming the  
157 applicant is authorized to conduct under ~~Florida~~ law. All purses  
158 and awards are ~~shall be~~ subject to the terms of chapter 550. All  
159 sums for breeders', stallion, and special racing awards are  
160 ~~shall be~~ remitted monthly to the Florida Thoroughbred Breeders'  
161 Association, Inc., for the payment of awards subject to the  
162 administrative fee authorized in s. 550.2625(3).

163 2. A ~~No~~ slot machine license or renewal thereof may not  
164 ~~shall~~ be issued to an applicant holding a permit under chapter  
165 550 to conduct pari-mutuel wagering meets of quarter horse  
166 racing unless the applicant has on file with the commission a  
167 binding written agreement between the applicant and the Florida  
168 Quarter Horse Racing Association or the association representing  
169 a majority of the horse owners and trainers at the applicant's  
170 eligible facility, governing the payment of purses on live  
171 quarter horse races conducted at the licensee's pari-mutuel  
172 facility. The agreement governing purses may direct the payment  
173 of such purses from revenues generated by any wagering or gaming  
174 the applicant is authorized to conduct under ~~Florida~~ law. All

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175 purses are ~~shall be~~ subject to the terms of chapter 550.

176 Section 4. Paragraph (c) of subsection (5) and paragraph  
177 (d) of subsection (13) of section 849.086, Florida Statutes, are  
178 amended to read:

179 849.086 Cardrooms authorized.—

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

183 (c) Notwithstanding any other ~~provision of~~ law, a pari-  
184 mutuel permitholder, other than a permitholder issued a permit  
185 pursuant to s. 550.3345 or a purchaser, transferee, or assignee  
186 holding a valid permit for the conduct of pari-mutuel wagering  
187 approved pursuant to s. 550.054(15) (a), may not be issued a  
188 license for the operation of a cardroom if the permitholder did  
189 not hold an operating license for the conduct of pari-mutuel  
190 wagering for fiscal year 2020-2021. In order for an initial  
191 cardroom license to be issued to a thoroughbred permitholder  
192 issued a permit pursuant to s. 550.3345, the applicant must have  
193 requested, as part of its pari-mutuel annual license  
194 application, to conduct at least a full schedule of live racing.  
195 ~~In order for a cardroom license to be renewed by a thoroughbred~~  
196 ~~permitholder, the applicant must have requested, as part of its~~  
197 ~~pari-mutuel annual license application, to conduct at least 90~~  
198 ~~percent of the total number of live performances conducted by~~  
199 ~~such permitholder during either the state fiscal year in which~~  
200 ~~its initial cardroom license was issued or the state fiscal year~~  
201 ~~immediately prior thereto if the permitholder ran at least a~~  
202 ~~full schedule of live racing or games in the prior year.~~

203 (13) TAXES AND OTHER PAYMENTS.—

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204 (d)1. Each jai alai permitholder that conducts live  
205 performances and operates a cardroom facility shall use at least  
206 4 percent of such permitholder's cardroom monthly gross receipts  
207 to supplement jai alai prize money during the permitholder's  
208 next ensuing pari-mutuel meet.

209 2. Until a thoroughbred permitholder is no longer  
210 conducting live racing pursuant to s. 550.01215(1)(b)2., each  
211 thoroughbred permitholder ~~or harness horse racing permitholder~~  
212 that conducts live performances and operates a cardroom facility  
213 shall use at least 50 percent of such permitholder's cardroom  
214 monthly net proceeds as follows: 47 percent to supplement purses  
215 and 3 percent to supplement breeders' awards during the  
216 permitholder's next ensuing racing meet.

217 3. A ~~No~~ cardroom license or renewal thereof may not shall  
218 be issued to an applicant holding a permit under chapter 550 to  
219 conduct pari-mutuel wagering meets of quarter horse racing and  
220 conducting live performances unless the applicant has on file  
221 with the commission a binding written agreement between the  
222 applicant and the Florida Quarter Horse Racing Association or  
223 the association representing a majority of the horse owners and  
224 trainers at the applicant's eligible facility, governing the  
225 payment of purses on live quarter horse races conducted at the  
226 licensee's pari-mutuel facility. The agreement governing purses  
227 may direct the payment of such purses from revenues generated by  
228 any wagering or gaming the applicant is authorized to conduct  
229 under ~~Florida~~ law. All purses are ~~shall be~~ subject to the terms  
230 of chapter 550.

231 Section 5. For the purpose of incorporating the amendment  
232 made by this act to section 550.01215, Florida Statutes, in a

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233 reference thereto, subsection (3) of section 550.3551, Florida  
234 Statutes, is reenacted to read:

235 550.3551 Transmission of racing and jai alai information;  
236 commingling of pari-mutuel pools.—

237 (3) Any horse track licensed under this chapter may receive  
238 broadcasts of horseraces conducted at other horse racetracks  
239 located outside this state at the racetrack enclosure of the  
240 licensee, if the horse track conducted a full schedule of live  
241 racing during the preceding state fiscal year, or if the horse  
242 track does not conduct live racing as authorized under s.  
243 550.01215.

244 (a) All broadcasts of horseraces received from locations  
245 outside this state must comply with the provisions of the  
246 Interstate Horseracing Act of 1978, 92 Stat. 1811, 15 U.S.C. ss.  
247 3001 et seq.

248 (b) Wagers accepted at the horse track in this state may  
249 be, but are not required to be, included in the pari-mutuel  
250 pools of the out-of-state horse track that broadcasts the race.  
251 Notwithstanding any contrary provisions of this chapter, if the  
252 horse track in this state elects to include wagers accepted on  
253 such races in the pari-mutuel pools of the out-of-state horse  
254 track that broadcasts the race, from the amount wagered by  
255 patrons at the horse track in this state and included in the  
256 pari-mutuel pools of the out-of-state horse track, the horse  
257 track in this state shall deduct as the takeout from the amount  
258 wagered by patrons at the horse track in this state and included  
259 in the pari-mutuel pools of the out-of-state horse track a  
260 percentage equal to the percentage deducted from the amount  
261 wagered at the out-of-state racetrack as is authorized by the

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262 laws of the jurisdiction exercising regulatory authority over  
263 the out-of-state horse track.

264 (c) All forms of pari-mutuel wagering are allowed on races  
265 broadcast under this section, and all money wagered by patrons  
266 on such races shall be computed as part of the total amount of  
267 money wagered at each racing performance for purposes of  
268 taxation under ss. 550.0951, 550.09512, and 550.09515. Section  
269 550.2625(2)(a), (b), and (c) does not apply to any money wagered  
270 on races broadcast under this section. Similarly, the takeout  
271 shall be increased by breaks and uncashed tickets for wagers on  
272 races broadcast under this section, notwithstanding any contrary  
273 provision of this chapter.

274 Section 6. For the purpose of incorporating the amendment  
275 made by this act to section 550.01215, Florida Statutes, in a  
276 reference thereto, subsection (2) of section 550.615, Florida  
277 Statutes, is reenacted to read:

278 550.615 Intertrack wagering.—

279 (2) Except as provided in subsection (1), a pari-mutuel  
280 permitholder that has met the applicable requirement for that  
281 permitholder to conduct live racing or games under s.  
282 550.01215(1)(b), if any, for fiscal year 2020-2021 is qualified  
283 to, at any time, receive broadcasts of any class of pari-mutuel  
284 race or game and accept wagers on such races or games conducted  
285 by any class of permitholders licensed under this chapter.

286 Section 7. For the purpose of incorporating the amendment  
287 made by this act to section 550.0951, Florida Statutes, in a  
288 reference thereto, subsection (5) of section 550.09515, Florida  
289 Statutes, is reenacted to read:

290 550.09515 Thoroughbred horse taxes; abandoned interest in a

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291 permit for nonpayment of taxes.—

292 (5) Notwithstanding the provisions of s. 550.0951(3)(c),  
293 the tax on handle for intertrack wagering on rebroadcasts of  
294 simulcast horseraces is 2.4 percent of the handle; provided  
295 however, that if the guest track is a thoroughbred track located  
296 more than 35 miles from the host track, the host track shall pay  
297 a tax of .5 percent of the handle, and additionally the host  
298 track shall pay to the guest track 1.9 percent of the handle to  
299 be used by the guest track solely for purses. The tax shall be  
300 deposited into the Pari-mutuel Wagering Trust Fund.

301 Section 8. For the purpose of incorporating the amendment  
302 made by this act to section 550.0951, Florida Statutes, in a  
303 reference thereto, paragraph (a) of subsection (3) of section  
304 550.09511, Florida Statutes, is reenacted to read:

305 550.09511 Jai alai taxes; abandoned interest in a permit  
306 for nonpayment of taxes.—

307 (3)(a) Notwithstanding the provisions of subsection (2) and  
308 s. 550.0951(3)(c)1., any jai alai permitholder which is  
309 restricted under Florida law from operating live performances on  
310 a year-round basis is entitled to conduct wagering on live  
311 performances at a tax rate of 3.85 percent of live handle. Such  
312 permitholder is also entitled to conduct intertrack wagering as  
313 a host permitholder on live jai alai games at its fronton at a  
314 tax rate of 3.3 percent of handle at such time as the total tax  
315 on intertrack handle paid to the commission by the permitholder  
316 during the current state fiscal year exceeds the total tax on  
317 intertrack handle paid to the former Division of Pari-mutuel  
318 Wagering by the permitholder during the 1992-1993 state fiscal  
319 year.

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320 Section 9. For the purpose of incorporating the amendment  
321 made by this act to section 550.0951, Florida Statutes, in a  
322 reference thereto, paragraph (a) of subsection (9) of section  
323 550.6305, Florida Statutes, is reenacted to read:

324 550.6305 Intertrack wagering; guest track payments;  
325 accounting rules.—

326 (9) A host track that has contracted with an out-of-state  
327 horse track to broadcast live races conducted at such out-of-  
328 state horse track pursuant to s. 550.3551(5) may broadcast such  
329 out-of-state races to any guest track and accept wagers thereon  
330 in the same manner as is provided in s. 550.3551.

331 (a) For purposes of this section, "net proceeds" means the  
332 amount of takeout remaining after the payment of state taxes,  
333 purses required pursuant to s. 550.0951(3)(c)1., the cost to the  
334 permitholder required to be paid to the out-of-state horse  
335 track, and breeders' awards paid to the Florida Thoroughbred  
336 Breeders' Association and the Florida Standardbred Breeders and  
337 Owners Association, to be used as set forth in s. 550.625(2)(a)  
338 and (b).

339 Section 10. This act shall take effect July 1, 2025.