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## **Finance and Tax Committee**

Tuesday, April 21, 2015

8:00 a.m. – 10:00 a.m.

Morris Hall

**MEETING PACKET**

# The Florida House of Representatives

## Finance and Tax Committee



Steve Crisafulli  
Speaker

Matt Gaetz  
Chair



### AGENDA

April 21, 2015  
8:00 a.m. – 10:00 a.m.  
Morris Hall

- I. Call to Order/Roll Call
- II. Chair's Opening Remarks
- III. ***Consideration of the following proposed committee substitute:***  
PCS for CS/HB 1233 -- Gaming
- IV. Closing Remarks and Adjournment

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for CS/HB 1233 Gaming  
**SPONSOR(S):** Finance & Tax Committee  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Finance & Tax Committee		Pewitt 	Langston 

### SUMMARY ANALYSIS

The bill makes changes to the pari-mutuel wagering, slot machines and gambling chapters of the Florida Statutes, related to operating requirements for pari-mutuel wagering permitholders. Changes include:

- Permitting greyhound permitholders to conduct pari-mutuel wagering, cardrooms and slots without the requirement of live races;
- Providing for the revocation of dormant permits based on a permitholder's failure to conduct live races, obtain an operating license, or failing to pay taxes and fees for a period of more than two years;
- Prohibiting the issuance of new or additional permits, and the conversion or relocation of permits;
- Prohibiting the transfer or relocation of a pari-mutuel permit or license;
- Limiting the number of pari-mutuel wagering operating licenses to no more than 40;
- Prohibiting the issuance of additional summer jai alai permits;
- Removing tax credits for greyhound permitholders and revising the tax on handle for live greyhound racing and intertrack wagering from 5.5% to 1.28%;
- Removing provisions that allow for reissuance of permits after they escheat to the state;
- Revising purse requirements of a greyhound permitholder that conducts live racing;
- Repealing s. 550.1647, F.S., relating to tax credits for unclaimed greyhound racing wagers;
- Revising the requirements for a greyhound permitholder to provide a greyhound adoption booth at its facility and requiring sterilization of greyhounds before adoption;
- Creating s. 550.2416, F.S., requiring injuries to racing greyhounds be reported to the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation;
- Creating 550.3341, F.S., permitting certain quarter horse racing permitholders to substitute certain live nonwagering equine competitions in order to meet the requirement to run a full schedule of live racing;
- Requiring greyhound permitholders to offer certain simulcast signals if offering intertrack wagering;
- Revising the number of days from 15 to 8 that a limited thoroughbred horse sales permitholder is required to offer sales in order to obtain a limited intertrack wagering license;
- Extending weekday hours of operation for all slot machine and cardroom licensees from 18 to 24 hours;
- Streamlining the slot machines chapter and limiting the issuance of slot machine licenses;
- Conditionally allowing slot machines at pari-mutuel facilities that have conducted 250 performances per year for 25 years, if the Seminole Gaming Compact is amended to allow for such facilities to operate;
- Providing for a referendum or commission vote in Miami-Dade and Broward Counties to determine support for legislative approval of destination resort casinos in those areas.

The provisions of the bill related to greyhound decoupling are estimated to have a positive \$2.4 million annual impact to the General Revenue fund and a -\$0.3 million annual impact to the State Schools Trust Fund.

The bill is effective upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### General Overview of Gaming in Florida

Gambling is generally prohibited in Florida, unless specifically authorized. Section 7, Art. X, of the Florida Constitution prohibits lotteries, other than pari-mutuel pools, from being conducted in Florida. Chapter 849, F.S., includes prohibitions against slot machines, keeping a gambling house and running a lottery.

Section 7 of Article X of the 1968 State Constitution provides, "Lotteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state."<sup>1</sup>

Section 15 of Article X of the State Constitution (adopted by the electors in 1986) provides for state operated lotteries:

Lotteries may be operated by the state.... On the effective date of this amendment, the lotteries shall be known as the Florida Education Lotteries. Net proceeds derived from the lotteries shall be deposited to a state trust fund, to be designated The State Education Lotteries Trust Fund, to be appropriated by the Legislature. The schedule may be amended by general law.<sup>2</sup>

Section 23 of Article X of the State Constitution (adopted by the electors in 2004) provides for slot machines in Miami-Dade and Broward Counties:

After voter approval of this constitutional amendment, the governing bodies of Miami-Dade and Broward Counties each may hold a county-wide referendum in their respective counties on whether to authorize slot machines within existing, licensed pari-mutuel facilities (thoroughbred and harness racing, greyhound racing, and jai-alai) that have conducted live racing or games in that county during each of the last two calendar years before the effective date of this amendment. If the voters of such county approve the referendum question by majority vote, slot machines shall be authorized in such pari-mutuel facilities. If the voters of such county by majority vote disapprove the referendum question, slot machines shall not be so authorized, and the question shall not be presented in another referendum in that county for at least two years.

##### *Pari-mutuel wagering*

Chapter 550, F.S., regulates the conduct of pari-mutuel wagering on horseracing, greyhound racing and jai alai and licensed pari-mutuel facilities. Section 849.086, F.S., authorizes cardrooms at such facilities and ch. 551, F.S., authorizes slot machines at such facilities, provided additional eligibility criteria are met. Such gaming is overseen by the Division of Pari-mutuel Wagering (DPMW) within the Department of Business and Professional Regulation (DBPR). Its purpose is to ensure the health, safety, and welfare of the public, racing animals, and licensees through efficient and fair regulation of the pari-mutuel industry in Florida.<sup>3</sup>

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<sup>1</sup> The pari-mutuel pools that were authorized by law on the effective date of the Florida Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

<sup>2</sup> The Department of the Lottery is authorized by s. 15, Art. X, Florida Constitution. Chapter 24, F.S., was enacted by ch. 87-65, L.O.F., to establish the state lottery. Section 24.102, F.S., creates the Department of the Lottery and states the Legislature's intent that it be self-supporting and revenue-producing and function as an entrepreneurial business enterprise.

<sup>3</sup> From 1932 to 1969, Florida's pari-mutuel industry was regulated by the State Racing Commission. In 1970, the commission became a division within DBPR, and, in 1993, the Department of Business Regulation became the DBPR.

The DPMW collects revenue in the form of taxes and fees from permit holders for the conduct of gaming activities outlined above. Additionally, the DPMW is the State Compliance Agency for oversight of the gaming compact with the Seminole Tribe. As part of the DPMW's oversight duties, it collects and verifies payments by the Seminole Tribe made to the State of Florida under the terms outlined in the Compact.

The DPMW currently makes an annual report to the Governor showing its actions, money received under Chapter 550, F. S., the practical effects of Chapter 550, and any suggestions for more effective accomplishment of the goals of the chapter.<sup>4</sup>

### *Miscellaneous Gaming*

Chapter 849, F.S., contains other specific exceptions to the general gambling prohibition and authorizes certain gambling activities, such as cardrooms at pari-mutuel facilities, bingo, penny-ante poker, arcade amusement games, amusement games and machines, and game promotions. Such gaming is primarily enforced by local law enforcement, although the Department of Agriculture and Consumer Services (DACS) and the Department of Legal Affairs (DLA) has limited authority.

### *Indian Gaming*

Gambling on Indian lands is subject to federal law, with limited state involvement. Florida entered a compact governing such gambling with the Seminole Tribe of Florida in 2010 (Seminole Gaming Compact). Such gaming compacts are regulated by the federal Indian Gaming Regulatory Act, s, 25 U.S.C. 2701, et seq., and part II, ch. 285, F.S. The DPMW, as the State Compliance Agency under the Seminole Gaming Compact, has an oversight role in ensuring gaming at the Tribe's facilities is conducted in compliance with the compact.

The Seminole Gaming Compact permits the Tribe to offer slot machines, raffles and drawings, and any other game authorized for any person for any purpose, at all seven of its tribal casinos. It also permits the Tribe to conduct banked card games, including blackjack, chemin de fer, and baccarat, but the play of the banked card games is not allowed at the Brighton or Big Cypress facilities. If banked games are authorized for any other person for any other purpose, except for a compact with a qualifying Indian Tribe, the Tribe would be authorized to offer banked cards at all seven of its facilities.

The Seminole Gaming Compact has a term of 20 years, with the exception of the authorization for banked card games, which lasts five years (until July 31, 2015) unless renewed by an affirmative act of the Legislature.

In exchange for the Tribe's exclusive right to conduct slot machine gaming outside of Miami-Dade and Broward counties and the exclusive right to offer banked card games at the specified facilities, the compact provides for revenue sharing payments by the Tribe to the state as follows:

- During the initial period (first 24 months), the Tribe is required to pay \$12.5 million per month (\$150 million per year).
- After the initial period, the Tribe's guaranteed minimum revenue sharing payment is \$233 million for year three, \$233 million for year four, and \$234 million for year five.
- After the initial period, the Tribe pays the greater of the guaranteed minimum or payments based on a variable percentage of annual net win that ranges from 12 percent of net win up to \$2 billion, to 25 percent of the amount of any net win greater than \$4.5 billion.
- After the first five years, the Tribe will continue to make payments to the state based on the percentage of net win without a guaranteed minimum payment.

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<sup>4</sup> s. 550.0251(1), F.S.  
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If the Legislature does not extend the authorization for banked card games after the first five years, the net win calculations would exclude the net win from the Tribe's facilities in Broward County.

Revenues are deposited in the General Revenue Fund.

The compact provides consequences for the expansion of gaming in Miami-Dade and Broward counties:

- If new forms of Class III gaming and casino-style gaming are authorized for the eight licensed pari-mutuel facilities located in Miami-Dade and Broward counties (which may not relocate) and the net win from the Tribe's Broward facilities drops for the year after the new gaming begins, then the Tribe may reduce the payments from its Broward facilities by 50 percent of the amount of the reduction in net win.
- If new forms of Class III gaming and other casino-style gaming are authorized for other locations in Miami-Dade and Broward counties, then the Tribe may exclude the net win from their Broward facilities from their net win calculations when the new games begin to be played.<sup>5</sup>

Revenue sharing payments cease if:

- The state authorizes new forms of Class III gaming or other casino-style gaming after February 1, 2010, or authorizes Class III gaming or other casino-style gaming at any location outside of Miami-Dade and Broward counties that was not authorized for such games before February 1, 2010; and
- The new gaming begins to be offered for private or public use.

#### Current Situation of Pari-Mutuel Wagering

'Pari-mutuel wagering' refers to a method of wagering in which winners divide the total amount bet in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.<sup>6</sup> In Florida, pari-mutuel wagering is authorized on jai alai, greyhound racing and various forms of horseracing and overseen by the DPMW. Chapter 550, F.S., provides specific licensing requirements, taxation provisions, and regulations for the conduct of the industry.

Pari-mutuel wagering activities are limited to operators who have received a permit from the DPMW, which is then subject to ratification by county referendum. Permitholders apply for licenses annually to conduct pari-mutuel wagering activities,<sup>7</sup> cardrooms,<sup>8</sup> and slot machines.<sup>9</sup>

Horse racing was authorized in the State of Florida in 1931. The state authorizes three forms of horse racing classes for betting: thoroughbred, harness, and quarter horse racing. Thoroughbred racing involves only horses specially bred and registered by certain bloodlines. The thoroughbred industry is highly regulated and specifically overseen by national and international governing bodies. Harness racing uses standard bred horses, which are a "pacing or trotting horse...that has been registered as a standardbred by the United States Trotting Association" or by a foreign registry whose stud book is recognized by the USTA.<sup>10</sup> Quarter horse racing involves horses developed in the western United States which are capable of high speed for a short distance.<sup>11</sup> They are registered with the American Quarter Horse Association.

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<sup>5</sup> The Tribe would automatically be authorized to conduct the same games authorized for any other person at any location.

<sup>6</sup> s. 550.002(22), F.S.

<sup>7</sup> s. 550.0115, F.S.

<sup>8</sup> s. 849.086, F.S.

<sup>9</sup> s. 551.104, F.S.

<sup>10</sup> s. 550.002(33), F.S.

<sup>11</sup> s. 550.002(28), F.S.

The DPMW approves pari-mutuel wagering permits. Generally, as long as the applicant meets statutory minimum requirements, the DPMW issues the permit. There is no application fee. While the DPMW is authorized to charge applicants for its investigation, it has not done so in recent years. It determines eligibility using existing resources.

The DPMW is also authorized to issue nonwagering permits to any applicant that is not prohibited from holding a pari-mutuel permit. Nonwagering permits allow the permitholder to hold horse racing meets for which no bets may be accepted.<sup>12</sup>

The DPMW has issued 50 pari-mutuel wagering permits, and 5 non-wagering permits. There are 35 pari-mutuel permitholders currently operating at 29 facilities throughout Florida.<sup>13</sup> Currently, 24 pari-mutuel facilities are operating cardrooms. There are seven pari-mutuel facilities that have been licensed to operate slot machines. Several locations have multiple permits that operate at a single facility. The breakdown by permit type is as follows:

- 19 Greyhound permits
- 5 Thoroughbred permits
- 1 Harness permit
- 5 Quarter Horse permits
- 8 Jai-Alai permits
- 1 track offering limited intertrack wagering and horse sales

#### *Permit revocation*

Under certain circumstances in statute, a permitholder may lose his or her permit to conduct pari-mutuel wagering. If a permitholder has failed to complete construction of at least 50 percent of the facilities necessary to conduct pari-mutuel wagering within 12 months after approval by the voters of the permit, the DPMW shall revoke the permit after giving adequate notice to the permitholder.<sup>14</sup> The DPMW may grant one extension of 12 months upon a showing of good cause by the permitholder.

If a permitholder fails to pay tax on handle for live thoroughbred horse performances for a full schedule of live races for two consecutive years, his or her permit is void and escheats back to the state, unless the failure of payment was due to events beyond the control of the permitholder.<sup>15</sup> Financial hardship to the permitholder does not, in and of itself, constitute just cause for the failure to pay taxes in this section. There is a similar requirement for harness racing permitholders in s. 550.9512(3)(a), F.S. In the case of failure to pay taxes, the permit escheats to the state and may be reissued.

#### *Relocation*

Certain permitholders may relocate the location listed in their permit to a new location within 30 miles. Greyhound and jai alai permitholders operating in counties where they are the only permitholder of that class may relocate under s. 550.0555, F.S. Greyhound permitholders that converted their permit from a jai alai permit under s. 550.054, F.S., may relocate under that statute. A greyhound permitholder in a county where it is the only permitholder who operates at a leased facility may also relocate under s. 550.054, F.S.

In each of these cases, the relocation must not cross county boundaries and must be approved under the local zoning regulations. In relocation under s. 550.054, F.S., the DPMW is required to grant the

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<sup>12</sup> s. 550.505, F.S.

<sup>13</sup> Florida Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering, *83rd Annual Report Fiscal Year 2013-2014*, <http://www.myfloridalicense.com/dbpr/pmw/documents/AnnualReports/AnnualReport-2013-2014--83rd--20150114.pdf>

<sup>14</sup> s. 550.054(10), F.S.

<sup>15</sup> s. 550.09515(3)(a), F.S.

application for relocation once the permitholder fulfills the requirements of the statute. Approval by the DPMW is required for relocations under s. 550.0555, F.S.

### *Conversion*

Certain permitholders may convert their permits. For instance, a permit for pari-mutuel wagering on jai alai may be converted to greyhound racing if the permitholder meets certain criteria.<sup>16</sup> In the past, quarter horse permits have been converted to limited thoroughbred permits,<sup>17</sup> jai alai to greyhound racing,<sup>18</sup> etc.

Permitholders may also convert to conduct summer jai alai, in certain circumstances.<sup>19</sup> This provision, enacted in 1980, has been subject to competing interpretations. The bill enacting the provision included in a whereas clause a finding that "it would be to the best interests of the state to permit summer jai alai so long as there is no increase in the number of permittees authorized to operate within any specified county." The DPMW issued one summer jai alai permit in Miami-Dade County in 2011 and has received numerous applications for Miami-Dade and Broward counties. The provision provides:

If a permitholder that is eligible under this section to convert a permit chooses not to convert, a new permit is made available in that permitholder's county to conduct summer jai alai games as provided by this section, notwithstanding mileage and permit ratification requirements. If a permitholder converts a quarter horse racing permit pursuant to this section, this section does not prohibit the permitholder from obtaining another quarter horse racing permit.

If the provision is interpreted to provide for the issuance of a new permit, it could be used to issue new permits as often as every two years.

### *Intertrack wagering*

Wagering on races hosted at remote tracks is called intertrack (when both tracks are in Florida) or simulcast (when one track is out of state) wagering. In-state 'host tracks' conduct live or receive broadcasts of simulcast races that are then broadcast to 'guest tracks,' which accept wagers on behalf of the host. To conduct intertrack or simulcast wagering, permitholders must conduct a full schedule of live racing and meet other requirements.<sup>20</sup>

A limited amount of intertrack wagering is also authorized by statute for one permanent thoroughbred sales facility.<sup>21</sup> In order to qualify for a license, the facility must have at least 15 days of thoroughbred horse sales at a permanent sales facility in this state for at least three consecutive years. Additionally, the facility must have conducted at least 1 day of nonwagering thoroughbred racing in this state, with a purse structure of at least \$250,000 per year for 2 consecutive years before application for a license.

A limited intertrack wagering licensee is limited to conducting intertrack wagering during:

- The 21 days in connection with thoroughbred sales;
- Between November 1 and May 8;
- Between May 9 and October 31, if:
  - No permitholder within the county is conducting live events.

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<sup>16</sup> s. 550.054(14), F.S., ruled an unconstitutional act by *Debary Real Estate Holdings, LLC v. State, Dept. of Business and Professional Regulation, Div. of Pari-Mutuel Wagering*, 112 So.3d 157, 168 (Fla. 1st DCA 2013).

<sup>17</sup> See s. 550.3345, F.S.

<sup>18</sup> ch. 89-219, Laws of Fla.

<sup>19</sup> s. 550.0745, F.S.

<sup>20</sup> See s. 550.615, F.S.

<sup>21</sup> s. 550.6308, F.S.



- Permitholders operating live events within the county consent.
- For the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet.

The licensee is further limited to intertrack wagering on thoroughbred racing, unless all permitholders in the same county consent. The licensee must pay 2.5 percent of total wagers on jai alai or greyhound racing to thoroughbred permitholders operating live races for purses.

### *Cardrooms*

Cardrooms were authorized at pari-mutuel facilities in 1996.<sup>22</sup> Cardrooms can only be offered at a location where the permitholder is authorized to conduct pari-mutuel activities. To be eligible for a cardroom license, permitholders must conduct at least 90% of the performances conducted the year they applied for the initial cardroom license or the prior year, if the permitholder ran a full schedule of live performances.

The cardrooms may operate 18 hours per day on Monday through Friday and for 24 hours per day on Saturday and Sunday. No-limit poker games are permitted. Such games are played in a non-banking matter, i.e., the house has no stake in the outcome of the game. Cardrooms must be approved by an ordinance of the county commission where the pari-mutuel facility is located. Each cardroom operator must pay a tax of 10 percent of the cardroom operation's monthly gross receipts.

### Effect of Proposed Changes to Pari-Mutuel Wagering

#### *The Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation*

The bill amends s. 550.0251, F.S., providing that the DPMW shall make an annual report to the President of the Senate, and the Speaker of the House of Representatives, in addition to current law that requires an annual report to the Governor. The report shall include, at a minimum:

- Recent events in the gaming industry, including pending litigation, pending facility license applications, and new and pending rules.
- Actions of DBPR relative to the implementation and administration of ch. 550, F.S.
- The state revenues and expenses associated with each form of authorized gaming. Revenues and expenses associated with pari-mutuel wagering shall be further delineated by the class of license.
- The performance of each pari-mutuel wagering licensee, cardroom licensee, and slot licensee.
- A summary of disciplinary actions taken by DBPR.
- Any suggestions to more effectively achieve the purposes of ch. 550, F.S.

### *Permit applications*

The bill provides that, effective upon becoming law, the DPMW may not approve or issue any new permit authorizing pari-mutuel wagering. The bill also limits the number of pari-mutuel wagering operating licenses that may be issued by the DPMW to permitholders to no more than 40.

### *Permit revocation*

The bill provides additional basis for the division to revoke a permit:

- If a permit holder has failed to obtain an operating license to conduct live events for a period of more than 24 consecutive months.
- If a permit holder has failed to conduct live performances within the 24 months prior to the effective date of the bill.
- If a permit holder fails to pay taxes pursuant to s. 550.0951(5) for more than 24 consecutive months.

The bill specifies that permits revoked under these situations are void and may not be reissued.

The bill provides that approval may be obtained upon a request to place a permit in inactive status for up to 24 months. While in inactive status, the permit holder is ineligible for licensure for pari-mutuel wagering, cardrooms or slot machines.

### *Relocation*

The bill repeals all relocation provisions, with the exception of allowing permit holders that converted their permit from a jai alai permit to a greyhound permit to relocate within 30 miles as long as they do not cross county lines and apply prior to July 31, 2015.

### *Conversion*

The bill repeals all conversion provisions.

### *Intertrack wagering*

The bill reduces requirements for a limited intertrack wagering license:

- The number of days for public sales of thoroughbred horses is reduced from 15 to 8.
- The requirement to conduct at least one day of nonwagering racing is removed.
- Some restrictions on the conduct of intertrack wagering are removed.
- The requirement to obtain consent of other county permit holders to accept intertrack wagers on non-thoroughbred events is removed.

### *Greyhound racing*

The bill removes the live racing requirement for greyhound racing permit holders and makes changes throughout ch. 550, F.S., related to a greyhound permit holder's ability to operate pari-mutuel wagering, cardrooms, and slots without live racing. The greyhound permit holders are given the option to continue to conduct live performances or conduct no live performance.

The bill includes the following changes:

- Removes all tax credits for greyhound permit holders and revises the tax on handle for live greyhound racing and intertrack wagering from 5.5% to 1.28%;
- Repeals s. 550.0555, F.S., which allowed the relocation of greyhound racing permits;
- Repeals s. 550.1647, F.S., relating to tax credits for unclaimed tickets at greyhound facilities;
- Revises the requirements for a greyhound permit holder to provide a greyhound adoption booth at its facility, defines the term "bona fide organization that promotes or encourages the adoption of greyhounds," and requires sterilization of greyhounds before adoption;

- Creates s. 550.2416, F.S., requiring injuries to racing greyhounds be reported on a form adopted by the DPMW within a certain timeframe and specifying information that must be included in the form. It requires the DPMW to maintain the forms as public records for a specified time and specifies disciplinary action that may be taken against a licensee of DBPR who fails to report an injury or who makes false statements on an injury form.
- Requires greyhound permitholders to offer certain simulcast signals if offering intertrack wagering.
- Requires certain greyhound permitholders to locate their slot machine gaming area in certain locations and extends the hours of operation for all slot machine licensees from 18 to 24 hours 7 days a week.
- Provides that a greyhound permitholder is not required to conduct a minimum number of live racing in order to receive, maintain, or renew a cardroom license and extends the hours of operation for all cardrooms from 18 to 24 hours 7 days a week.
- Requires a greyhound permitholder to conduct intertrack wagering on greyhound signals to operate a cardroom.

### *Quarter Horse Racing*

The bill allows quarter horse racing permitholders to apply to the DPWM to enter a partnership with a nonwagering permitholder. If approved for such a partnership, the quarter horse racing permitholder would be permitted, during its license application, to substitute certain live nonwagering equine competitions instead of live pari-mutuel quarter horse races. Such live nonwagering equine competitions, which may include barrel racing, pole bending, or other rodeo or gymkhana-style competitions, would count toward the performances necessary for the quarter horse racing permitholder to run a full schedule of live races.

The division would be required to approve one application annually. Quarter horse racing permitholders would be required to meet the following criteria in order to apply:

- Be located in a county with a population between 30,000 and 75,000;
- Be located in a community that is or was designated as a rural area of opportunity;
- Have the live nonwagering equine competitions conducted by the nonwagering permitholder at the quarter horse racing permitholder's pari-mutuel facility or a publicly owned agricultural arena adjacent to the pari-mutuel facility;
- Partner with a nonwagering permitholder which is the horsemen's association which represents the majority of the quarter horse owners and trainers at the quarter horse racing permitholder's pari-mutuel facility; and
- Conduct a full schedule of racing for the two years prior to the year for which a partnership application is submitted.

### Current Situation on the Operation of Slot Machines in Florida

Racinos, pari-mutuel facilities that operate slot machine gaming, are governed by ch. 551, F.S. Eligible facilities are defined to include:

1. Any licensed pari-mutuel facility located in Miami-Dade County or Broward County existing at the time of adoption of s. 23, Art. X of the State Constitution that has conducted live racing or games during calendar years 2002 and 2003 and has been approved by a majority of voters in a countywide referendum to have slot machines at such facility in the respective county;
2. Any licensed pari-mutuel facility located within a county as defined in s. 125.011, F.S., provided such facility has conducted live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter; or

3. Any licensed pari-mutuel facility in any other county in which a majority of voters have approved slot machines at such facilities in a countywide referendum held pursuant to a statutory or constitutional authorization after the effective date of this section in the respective county, provided such facility has conducted a full schedule of live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter.

Seven pari-mutuel facilities obtained eligibility through constitutional approval - the first clause. An additional pari-mutuel facility, Hialeah Park, was ineligible as it had not operated live racing or games during 2002 and 2003. It obtained eligibility through the second clause.

No facilities have obtained eligibility through the third clause; however, it has been subject to competing interpretations. Stakeholders and counties have argued that the phrase "after the effective date of this section" applies to "a countywide referendum held" - so any county could authorize slot machines relying on their general authority to hold referenda. Based on this interpretation, Brevard, Gadsden, Lee, Palm Beach, Hamilton and Washington counties, have approved slot machines at pari-mutuel facilities by referendum.

Were such gaming to occur outside of Miami-Dade or Broward counties, all revenue sharing under the Seminole Gaming Compact would end. The Seminole Gaming Compact was ratified in the same law that effectuated the third clause.

The Attorney General rejected this interpretation, arguing that the phrase "after the effective date of this section" modified the phrase "a statutory or constitutional authorization"<sup>23</sup> - so, counties could not rely on their general authority to hold referenda, instead needing a specific authorization to hold a referendum on the question of slot machines. The DPMW announced that it would follow this guidance.<sup>24</sup>

Slot machine licensees are required to pay a license fee of \$2 million per fiscal year. In addition to the license fees, the tax rate on slot machine revenues at each facility is 35 percent. If, during any state fiscal year, the aggregate amount of tax paid to the state by all slot machine licensees in Broward and Miami-Dade counties is less than the aggregate amount of tax paid to the state by all slot machine licensees in the 2008-2009 fiscal year, each slot machine licensee must pay to the state, within 45 days after the end of the state fiscal year, a surcharge equal to its pro rata share of an amount equal to the difference between the aggregate amount of tax paid to the state by all slot machine licensees in the 2008-2009 fiscal year and the amount of tax paid during the fiscal year that resulted in the revenue shortfall.

To continue to offer slot machines, permitholders must conduct a full schedule of live racing.<sup>25</sup> Additionally, thoroughbred permitholders must file an agreement between the track and the Florida Horsemen's Benevolent and Protective Association governing payment of purses on live thoroughbred races at the licensee's facility with the DPMW, as well as an agreement with the Florida Thoroughbred Breeders' Association on the payment of breeders', stallion, and special racing awards on those races.<sup>26</sup> Similarly, quarter horse permitholders must file an agreement with the DPMW between the track and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the licensee's facility governing the payment of purses on live quarter horse races at the licensee's facility.<sup>27</sup>

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<sup>23</sup> 2012-01 Fla. Op. Att'y Gen. (2012).

<sup>24</sup> Mary Ellen Klas, *Attorney General Opinion Puts Reins on Slots at Gretna Barrel Racing Track*, Miami Herald (Jan. 12, 2012), <http://www.miamiherald.typepad.com/nakedpolitics/2012/01/attorney-general-opinion-puts-reins-on-gretna-barrel-racing-.html>.

<sup>25</sup> s. 551.104(1)(c), F.S.

<sup>26</sup> s. 551.104(10)(a)1, F.S.

<sup>27</sup> s. 551.104(10)(a)2, F.S.

## Effect of Proposed Changes to the Operation of Slot Machines

The bill moves the requirements for obtaining a license to conduct slot machines into the licensing provision and out of the definition and authorization provisions.

The bill continues to require that a slot machine license can only be issued as provided for in current law but removes the provision that caused litigation, discussed above, under which no license has been issued by the state. In order for a pari-mutuel permitholder to obtain slot machine licensure, the applicant must be:

- A licensed pari-mutuel facility where live racing or games were conducted during calendar years 2002 and 2003, located in Miami-Dade County or Broward County, and authorized for slot machine licensure pursuant to s. 23, Art. X of the State Constitution; or
- A licensed pari-mutuel facility where a full schedule of live horseracing has been conducted for 2 consecutive calendar years immediately preceding its application for a slot machine license and located within a county as defined in s. 125.011, F.S.; or
- A licensed pari-mutuel facility located in a county in which a majority of voters approved slots by referendum held concurrently with a Presidential Election that has conducted 250 live performances for the 25 consecutive years immediately preceding the application, but only if the Seminole Compact is amended to permit such activities at such locations.

The bill also provides the additional requirement that the issuance of the license must not trigger a reduction in revenue-sharing payments under the Gaming Compact between the Seminole Tribe of Florida and the State of Florida.

## Current Situation on the Authorization of Destination Resorts

Destination resort casinos are not authorized under current law. Destination resort casinos are commonly defined as freestanding, land-based structures that include a gaming facility located in a zoning district that allows mixed-use development, including but not limited to, restaurants, commercial and retail facilities, convention facilities, and buildings designed for permanent, seasonal, or transient housing such as hotels and condominiums.

The establishment of destination casino resorts in large counties such as Miami-Dade and Broward counties was evaluated in 2013 at the request of the Legislature by Spectrum Gaming Group (Spectrum). An evaluation was completed by creating a likely scenario, Scenario I, which was used by Spectrum for the evaluation in its Gambling Impact Study.<sup>28</sup>

Spectrum stated that destination casino resorts restricted to Miami-Dade and Broward counties “could provide a desirable combination of economic benefits via expansion while minimizing the negative consequences because gaming already is prominent in South Florida.”<sup>29</sup> However, Spectrum also stated that the “location and breadth of non-gaming amenities...could pose threats to existing restaurant, hotels and entertainment options—particularly if the resorts failed to attract incremental out-of-market visitors” and cannibalize discretionary spending already destined for existing businesses.<sup>30</sup>

Spectrum concluded that there would “likely to be only mildly positive impacts on local employment and wages” in densely populated urban Florida counties, because casinos would not represent a large expansion of the local economies of those counties.

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<sup>28</sup> Spectrum Gaming Group, *Gambling Impact Study*, Oct. 28, 2013, [http://www.leg.state.fl.us/gamingstudy/docs/FGIS\\_Spectrum\\_28Oct2013.pdf](http://www.leg.state.fl.us/gamingstudy/docs/FGIS_Spectrum_28Oct2013.pdf).

<sup>29</sup> *Id.* at page 101.

<sup>30</sup> *Id.* at page 102.

## Effect of Proposed Changes on the Authorization of Destination Resorts

The bill provides that any county that has an “eligible facility” may conduct a county-wide referendum of qualified electors or a majority-plus-one vote of the county commission to determine whether voters support the adoption of legislation authorizing destination resort casinos in that area. An “eligible facility” is a pari-mutuel facility authorized to offer slot machines in accordance with s. 551.102(4), F.S.

Currently, Miami-Dade and Broward Counties would meet the requirements and, thus, those county commissions would be permitted to conduct a county-wide referendum or a county commission vote on the question of whether “the operation of a destination resort, . . . , [should] be authorized in the county subject to a minimum private capital investment of \$1.5 billion by the operators of the proposed Destination Resort.”

If the county decides to conduct a referendum, it must be conducted during the general election held in November, 2016. If the county decides to conduct a commission vote, it must be completed no later than December 31, 2016. Once completed, the county must submit the results to the Governor, the President of the Senate and the Speaker of the House. However, the referendum would not be binding on any state government agency.

### Effective Date

The bill takes effect upon becoming a law.

#### B. SECTION DIRECTORY:

- Section 1: amends s. 550.002, F.S., exempting a greyhound racing permitholder from a minimum number of required live performances;
- Section 2: amends s. 550.01215, F.S., revising provisions for applications for pari-mutuel operating licenses; authorizing a greyhound racing permitholder to receive an operating license at a leased facility; and removing a provision for conversion of certain permits to jai alai permits;
- Section 3: amends s. 550.0251, F.S., providing for an annual report by DBPR to the Speaker of the House and the President of the Senate;
- Section 4: amends s. 550.054, F.S., providing for revocation of a pari-mutuel permit under certain circumstances; prohibiting the transfer of a pari-mutuel permit or license; removing the provision for conversion of a permit from jai alai to greyhound; and prohibiting relocation;
- Section 5: repeals s. 550.0555, F.S., relating to relocation of greyhound racing permits;
- Section 6: amends s. 550.0745, F.S., repealing provisions for summer jai alai permits;
- Section 7: amends s. 550.0951, F.S., removing tax credits for greyhound permitholders; revising the tax on handle for live greyhound racing and intertrack wagering;
- Section 8: amends s. 550.09512, F.S., removing provisions relating to reissuance of escheated thoroughbred racing permits;
- Section 9: amends s. 550.09514, F.S., removing tax credits for greyhound permitholders; revising purse requirements of a greyhound permitholder that conducts live racing;
- Section 10: amends s. 550.09515, F.S., removing provisions relating to reissuance of escheated thoroughbred racing permits;

- Section 11: amends s. 550.1625, F.S., removing the requirement that a greyhound permitholder pay the breaks tax;
- Section 12: repeals s. 550.1647, F.S., relating to tax credits for unclaimed tickets and breaks for greyhound permitholders;
- Section 13: amends s. 550.1648, F.S., revising requirements for a greyhound permitholder to provide a greyhound adoption booth at its facility; and requiring sterilization of greyhounds before adoption;
- Section 14: creates s. 550.2416, F.S., requiring injuries to racing greyhounds to be reported; requiring the DPMW to maintain the forms as public records; and specifying disciplinary action; and requiring the DPMW to adopt rules;
- Section 15: amends s. 550.26165, F.S., conforming provisions to changes made by the act;
- Section 16: creates s. 550.3341, F.S., permitting quarter horse racing permitholders to apply to form a partnership with a nonwagering permitholder, and to substitute live nonwagering equine competitions instead of pari-mutuel performances in order to meet the requirements to run a full schedule of live races;
- Section 17: amends s. 550.3345, F.S., removing a provision that allowed conversion and relocation of a quarter horse permit;
- Section 18: amends s. 550.3551, F.S., removing a provision that limits the number of out-of-state races on which wagers are accepted by a greyhound permitholder;
- Section 19: amends s. 550.615, F.S., revising provisions relating to intertrack wagering on greyhound racing;
- Section 20: amends s. 550.6305, F.S., revising provisions requiring certain simulcast signals be made available to certain permitholders;
- Section 21: amends s. 550.6308, F.S., revising the number of days of thoroughbred horse sales that are required to obtain a limited intertrack wagering license;
- Section 22: amends s. 551.101, F.S., reorganizing provisions related to the authorization of the possession slot machines and the conduct of slot machine gaming;
- Section 23: amends s. 551.102, F.S., reorganizing the definitions section to remove licensing requirements, which are duplicated and placed in the licensing section;
- Section 24: amends s. 551.104, F.S., revising provisions for approval of a license to conduct slot machine gaming; providing for authorization of slot machines to certain permitholders in addition to those currently authorized; and specifying that a greyhound permitholder is not required to conduct a full schedule of live racing to maintain a license to conduct slot machine gaming;
- Section 25: amends s. 551.114, F.S., requiring certain greyhound permitholders to locate their slot machine gaming area in certain locations;
- Section 26: amends s. 551.116, F.S., revising the times that a slot machine gaming area may be open;

- Section 27: amends s. 849.086, F.S., revising times a cardroom may operate; specifying that a greyhound permitholder is not required to conduct a minimum number of live racing in order to receive, maintain, or renew a cardroom license; requiring a greyhound permitholder to conduct intertrack wagering on greyhound signals to operate a cardroom;
- Section 28: creates s. 849.095, F.S., allowing the county commissions in Miami-Dade and Broward Counties to conduct a county-wide referendum or a majority-plus-one vote of the county commission on whether destination resort casinos should be authorized with certain requirements; the outcome of which is not binding on any state government agency;
- Section 29: provides for the revocation of certain permits based on the failure to conduct live racing;
- Section 30: provides for the application of certain provisions if a provision is determined to be invalid; and
- Section 31: provides for an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The Revenue Estimating Conference met on April 10, 2015, and adopted an estimate on the impact of the provisions of CS/HB 1233 related to greyhound decoupling. These provisions are estimated to have a positive \$2.4 million cash and recurring impact to the General Revenue fund, and a -\$0.3 million cash and recurring impact to the State Schools Trust Fund in the 2015-2016 fiscal year.

#### 2. Expenditures:

The impact of the bill on state expenditures is unknown at this time.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill does not appear to have an impact on local government revenues.

#### 2. Expenditures:

The bill amends s. 551.104, F.S., creating an additional way for pari-mutuel permitholders to obtain a slot machine license if the county in which the permitholder is located has conducted a referendum during a Presidential Election approving the use of slot machines. This could have an indeterminate negative fiscal impact on Lee and Palm Beach Counties. However, the bill does not require that the referendum be conducted. Should the county commission decide to conduct the referendum, the fiscal impact will be limited to costs for increased ballot size and advertising costs because the majority of the cost would be included in the cost of the Presidential Election.

The bill creates s. 849.095, F.S., related to destination resort casinos, which allows the county commissions of Miami-Dade and Broward Counties to conduct a county-wide referendum of qualified electors or a majority-plus-one vote of the county commission but does not require the county commission to hold either one. Any negative fiscal impact depends on whether those counties choose to conduct a referendum. The costs for a county-wide referendum could be limited if it were held along with the scheduled 2016 Presidential Election. Costs could be further limited if



the county commissions decide to conduct a majority-plus-one vote of the county commission during a scheduled meeting.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent that the bill reduces current requirements for pari-mutuel wagering licensees, such as reduced requirements for operation by a greyhound permitholder, and limited intertrack wagering licensees, it may reduce private sector costs through increased flexibility.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

*Retroactive Legislation*

The bill directs the DPMW to revoke permits issued before January 1, 2012, that have not been used for the conduct of pari-mutuel wagering on horseracing, jai alai and greyhound racing, as defined by the bill. Such permitholders may claim that the retroactive application of this provision violates the Contract Clause of art. I, s. 10, U.S. Constitution, which prohibits states from passing laws which impair contract rights. However, the U.S. Supreme Court has found that "a lottery grant is not in any sense a contract, within the meaning of the constitution of the United States, but is simply a gratuity and license, which the state, under its police powers, and for the protection of the public morals, may at any time revoke, and forbid the further conduct of the lottery."<sup>31</sup>

*Compensation Claims*

The bill directs the DPMW to revoke permits under specific situations. One of the provisions provides for the revocation of permits issued before January 1, 2012, that have not been used for the conduct of pari-mutuel wagering. Such permitholders may claim that such revocation constitutes a taking warranting compensation.

The Fifth Amendment of the U.S. Constitution provides that private property shall not be taken for public use without just compensation. "To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it."<sup>32</sup> Thus, Florida courts have found no unconstitutional taking in the retroactive application of statutes requiring revocation of certain occupational licenses and licenses to carry concealed firearms if the licensee was a convicted felon because such licensure is a privilege, not a vested right.<sup>33</sup>

As to pari-mutuel wagering, "Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right."<sup>34</sup> Likewise, the Florida

<sup>31</sup> *Douglas v. Commonwealth of Kentucky*, 168 U.S. 488 (1897).

<sup>32</sup> *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 577 (1972).

<sup>33</sup> See, e.g., *Crane v. Department of State, Div. of Licensing*, 547 So.2d 266, 267 (Fla. 3rd DCA 1989), citing *Mayo v. Market Fruit Co. of Sanford*, 40 So.2d 555, 559 (Fla. 1949).

<sup>34</sup> *Solimena v. State, Dept. of Business Regulation, Division of Pari-Mutuel Wagering*, 402 So.2d 1240 (Fla. 3rd DCA 1981).

Supreme Court has found that "[a]uthorized gambling is a matter over which the state may exercise greater control and exercise its police power in a more arbitrary manner ... ." <sup>35</sup> Thus, the Florida Supreme Court found that, unlike permits to construct a building, "[i]t is doubtful if we can agree with counsel in concluding that a racing permit is a vested interest or right and after once granted cannot be changed." <sup>36</sup>

Furthermore, compensation may not be warranted if the Legislature is deemed to have exercised its police powers, rather than powers of eminent domain. <sup>37</sup> "[T]he Government as condemnor may not be required to compensate a condemnee for elements of value that the Government has created, or that it might have destroyed under the exercise of governmental authority other than the power of eminent domain." <sup>38</sup> Thus, the loss of licenses to sell alcoholic beverages, for example, is not compensable. <sup>39</sup>

Similar arguments have been made in states where pari-mutuel wagering has been prohibited after being licensed for many years. When Massachusetts banned greyhound racing by constitutional amendment in 2008, a licensed and operating dog track challenged the ban as a taking. The Supreme Judicial Court of Massachusetts rejected the argument, finding "[T]he plaintiffs here have no compensable property interest in their racing licenses." <sup>40</sup>

If revoked permits are found to be a taking warranting compensation, just compensation equals the fair market value of the permit at the time of revocation. The fair market value of non-operating permits is uncertain. Such permits are a prerequisite to licensure for pari-mutuel wagering and, by themselves, do not appear to vest the holder with any rights. There are no application fees to receive a permit for pari-mutuel wagering and no fees to retain such a permit. Permits may not be transferred without state approval. While a pari-mutuel wagering permit is one pre-requisite to licensure to conduct cardrooms and slot machines, it is not the only pre-requisite. Not all permit holders may be able to obtain a license to conduct pari-mutuel wagering events, which would require adequate zoning and facilities.

#### B. RULE-MAKING AUTHORITY:

The bill gives the Department of Business and Professional Regulation authority to adopt rules to implement the provisions of newly created section 550.3341, F.S., relating to nonwagering quarter horse racing partnerships.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

<sup>35</sup> *Hialeah Race Course v. Gulfstream Park Racing Ass'n*, 37 So.2d 692, 694 (Fla. 1948).

<sup>36</sup> *State ex rel. Biscayne Kennel Club v. Stein*, 130 Fla. 517, 520 (Fla. 1938).

<sup>37</sup> *City of Miami Springs v. J.J.T.*, 437 So.2d 200 (Fla. 3rd DCA 1983) ("even the complete prohibition of a previously lawful and existing business does not constitute a taking where the owner is not deprived of all reasonable use of his property, as long as the prohibition promotes the health, safety and welfare of the community and is thus a valid exercise of the police power.").

<sup>38</sup> *U. S. v. Fuller*, 409 U.S. 488, 491-492, 93 S.Ct. 801, 804 (U.S. Ariz. 1973).

<sup>39</sup> *See, e.g., Yates v. Mulrooney*, 281 N.Y.S. 216, 219 (N.Y. App. Div. 1935); *Mugler v. Kansas*, 123 U.S. 623, 668-70 (1887).

<sup>40</sup> *Carney v. Attorney General*, 451 Mass. 803 (2008).



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A bill to be entitled

An act relating to gaming; amending s. 550.002, F.S.; revising the definition of the term "full schedule of live racing or games"; amending s. 550.01215, F.S.; revising provisions for applications for pari-mutuel operating licenses; authorizing a greyhound racing permitholder to indicate on the application that it will operate less than a full schedule of live performances; limiting the number of pari-mutuel wagering operating licenses that may be issued each year; authorizing a greyhound racing permitholder to receive an operating license to conduct pari-mutuel wagering activities at another permitholder's greyhound racing facility; authorizing the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to approve changes in racing dates for greyhound racing permitholders under certain conditions; removing a provision for conversion of certain converted permits to jai alai permits; providing requirements for licensure of certain jai alai permitholders; amending s. 550.0251, F.S.; requiring an annual report be made by the division to the Governor and the Legislature; specifying content required for the report; amending s. 550.054, F.S.; providing for revocation of a pari-mutuel permit under certain circumstances; prohibiting transfer of a pari-

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 | mutuel permit or license; revising provisions for  
 28 | conversion of a permit from jai alai to greyhound  
 29 | racing; prohibiting relocation of pari-mutuel  
 30 | facilities and conversion of pari-mutuel permits;  
 31 | repealing s. 550.0555, F.S., relating to the  
 32 | relocation of greyhound racing permits; repealing s.  
 33 | 550.0745, F.S., relating to the conversion of pari-  
 34 | mutuel permits to summer jai alai permits; amending s.  
 35 | 550.0951, F.S.; removing provisions for certain  
 36 | credits for a greyhound racing permitholder; revising  
 37 | the tax on handle for live greyhound racing and  
 38 | intertrack wagering if the host track is a dog track;  
 39 | providing for use of fees collected; amending s.  
 40 | 550.09512, F.S.; providing for the revocation of  
 41 | certain harness racing permits; specifying that a  
 42 | revoked permit may not be reissued; amending s.  
 43 | 550.09514, F.S.; removing certain provisions that  
 44 | prohibit tax on handle until a specified amount of tax  
 45 | savings have resulted; revising purse requirements of  
 46 | a greyhound racing permitholder that conducts live  
 47 | racing; amending s. 550.09515, F.S.; providing for the  
 48 | revocation of certain thoroughbred racing permits;  
 49 | specifying that a revoked permit may not be reissued;  
 50 | amending s. 550.1625, F.S.; removing the requirement  
 51 | that a greyhound racing permitholder pay the breaks  
 52 | tax; repealing s. 550.1647, F.S., relating to

53 unclaimed tickets and breaks held by greyhound racing  
54 permitholders; amending s. 550.1648, F.S.; revising  
55 requirements for a greyhound racing permitholder to  
56 provide a greyhound adoption booth at its facility;  
57 defining the term "bona fide organization that  
58 promotes or encourages the adoption of greyhounds";  
59 requiring sterilization of greyhounds before adoption;  
60 creating s. 550.2416, F.S.; requiring injuries to  
61 racing greyhounds to be reported on a form adopted by  
62 the division within a certain timeframe; specifying  
63 information that must be included in the form;  
64 requiring the division to maintain the forms as public  
65 records for a specified time; specifying disciplinary  
66 action that may be taken against a licensee of the  
67 Department of Business and Professional Regulation who  
68 fails to report an injury or who makes false  
69 statements on an injury form; exempting injuries to  
70 certain animals from reporting requirements; requiring  
71 the division to adopt rules; amending s. 550.26165,  
72 F.S.; conforming provisions to changes made by the  
73 act; creating s. 550.3341, F.S.; permitting certain  
74 quarter horse racng permitholders to substitute  
75 certain live nonwagering equine competitions in order  
76 to meet the requirements to run a full schedule of  
77 live racing; providing requirements for payment of  
78 purses for nonwagering equine competitions; limiting

79 | the number of partnerships between quarter horse  
80 | racing permitholders and nowagering permitholders to  
81 | one; providing rulemaking authority; amending s.  
82 | 550.3345, F.S.; revising provisions for a permit  
83 | previously converted from a quarter horse racing  
84 | permit to a thoroughbred racing permit; amending s.  
85 | 550.3551, F.S.; removing a provision that limits the  
86 | number of out-of-state races on which wagers are  
87 | accepted by a greyhound racing permitholder; removing  
88 | greyhound racing permitholders from a live racing  
89 | requirement; amending s. 550.615, F.S.; revising  
90 | provisions relating to intertrack wagering; amending  
91 | s. 550.6305, F.S.; revising provisions requiring  
92 | certain simulcast signals be made available to certain  
93 | permitholders; amending s. 550.6308, F.S.; revising  
94 | the number of days of thoroughbred horse sales  
95 | required to obtain a limited intertrack wagering  
96 | license; revising provisions for such wagering;  
97 | amending s. 551.101, F.S.; revising provisions that  
98 | authorize slot machine gaming at certain facilities;  
99 | amending s. 551.102, F.S.; revising the definition of  
100 | the terms "eligible facility" and "slot machine  
101 | licensee" for purposes of provisions relating to slot  
102 | machines; amending s. 551.104, F.S.; revising  
103 | provisions for approval of a license to conduct slot  
104 | machine gaming; specifying that a greyhound racing

105 |       permitholder is not required to conduct a full  
 106 |       schedule of live racing to receive and maintain a  
 107 |       license to conduct slot machine gaming; amending s.  
 108 |       551.114, F.S.; requiring certain greyhound racing  
 109 |       permitholders to locate their slot machine gaming area  
 110 |       in certain locations; amending s. 551.116, F.S.;  
 111 |       revising the times that a slot machine gaming area may  
 112 |       be open; amending s. 849.086, F.S.; revising times  
 113 |       that a cardroom may operate; exempting a greyhound  
 114 |       racing permitholder from a requirement to conduct a  
 115 |       minimum number of live racing in order to receive,  
 116 |       maintain, or renew a cardroom license under certain  
 117 |       conditions; requiring a greyhound racing permitholder  
 118 |       to conduct intertrack wagering on greyhound signals to  
 119 |       operate a cardroom; creating s. 849.095, F.S.,  
 120 |       relating to destination resort referendums;  
 121 |       authorizing the board of county commissioners of  
 122 |       certain counties to vote whether to authorize  
 123 |       destination resorts within the county or to conduct a  
 124 |       countywide referendum to authorize such resorts;  
 125 |       specifying that the referendum is not binding on state  
 126 |       agencies; providing a ballot statement; requiring that  
 127 |       the results be reported to the Governor and the  
 128 |       Legislature; directing the division to revoke certain  
 129 |       pari-mutuel permits; specifying that the revoked  
 130 |       permits may not be reissued; providing severability;



131 providing an effective date.

132

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

134

135 Section 1. Subsection (11) of section 550.002, Florida  
 136 Statutes, is amended to read:

137 550.002 Definitions.—As used in this chapter, the term:

138 (11) (a) "Full schedule of live racing or games" means: ~~;~~

139 1. For a greyhound racing permitholder or jai alai  
 140 permitholder, the conduct of a combination of at least 100 live  
 141 evening or matinee performances during the preceding year. ~~;~~ ~~for~~  
 142 ~~a permitholder who has a converted permit or filed an~~  
 143 ~~application on or before June 1, 1990, for a converted permit,~~  
 144 ~~the conduct of a combination of at least 100 live evening and~~  
 145 ~~matinee wagering performances during either of the 2 preceding~~  
 146 ~~years;~~

147 2. For a jai alai permitholder that ~~who~~ does not operate  
 148 slot machines in its pari-mutuel facility, ~~who~~ has conducted at  
 149 least 100 live performances per year for at least 10 years after  
 150 December 31, 1992, and has had ~~whose~~ handle on live jai alai  
 151 games conducted at its pari-mutuel facility which was ~~has been~~  
 152 less than \$4 million per state fiscal year for at least 2  
 153 consecutive years after June 30, 1992, the conduct of a  
 154 ~~combination of~~ at least 40 live evening ~~or matinee~~ performances  
 155 during the preceding year. ~~;~~

156 3. For a jai alai permitholder that ~~who~~ operates slot

157 machines in its pari-mutuel facility, the conduct of a  
 158 ~~combination of~~ at least 150 performances during the preceding  
 159 year.†

160 4. For a summer jai alai permitholder, the conduct of at  
 161 least 58 live performances during the preceding year, unless the  
 162 permitholder meets the requirements of subparagraph 2.

163 5. For a harness horse racing permitholder, the conduct of  
 164 at least 100 live regular wagering performances during the  
 165 preceding year.†

166 6. For a quarter horse racing permitholder at its  
 167 facility, unless an alternative schedule of at least 20 live  
 168 regular wagering performances each year is agreed upon by the  
 169 permitholder and either the Florida Quarter Horse Racing  
 170 Association or the horsemen ~~horsemen's~~ association representing  
 171 the majority of the quarter horse owners and trainers at the  
 172 facility and filed with the division along with its annual  
 173 operating license date application.†

174 a. In the 2010-2011 fiscal year, the conduct of at least  
 175 20 regular wagering performances.†

176 b. In the 2011-2012 and 2012-2013 fiscal years, the  
 177 conduct of at least 30 live regular wagering performances.†~~and~~

178 c. For every fiscal year after the 2012-2013 fiscal year,  
 179 the conduct of at least 40 live regular wagering performances.†

180 7. For a quarter horse racing permitholder leasing another  
 181 licensed racetrack, the conduct of 160 events at the leased  
 182 facility during the preceding year.~~†~~~~and~~

183        8. For a thoroughbred racing permitholder, the conduct of  
 184 at least 40 live regular wagering performances during the  
 185 preceding year.

186        (b) ~~For a permitholder which is restricted by statute to~~  
 187 ~~certain operating periods within the year when other members of~~  
 188 ~~its same class of permit are authorized to operate throughout~~  
 189 ~~the year, the specified number of live performances which~~  
 190 ~~constitute a full schedule of live racing or games shall be~~  
 191 ~~adjusted pro rata in accordance with the relationship between~~  
 192 ~~its authorized operating period and the full calendar year and~~  
 193 ~~the resulting specified number of live performances shall~~  
 194 ~~constitute the full schedule of live games for such permitholder~~  
 195 ~~and all other permitholders of the same class within 100 air~~  
 196 ~~miles of such permitholder.~~ A live performance must consist of  
 197 no fewer than eight races or games conducted live for each of a  
 198 minimum of three performances each week at the permitholder's  
 199 licensed facility under a single admission charge.

200        Section 2. Subsections (1), (3), and (6) of section  
 201 550.01215, Florida Statutes, are amended, subsections (3)  
 202 through (6) are renumbered as subsections (4) through (7),  
 203 respectively, and a new subsection (3) is added to that section,  
 204 to read:

205        550.01215 License application; periods of operation; bond,  
 206 conversion of permit.—

207        (1) Each permitholder shall annually, during the period  
 208 between December 15 and January 4, file in writing with the

209 | division its application for an operating a license ~~to conduct~~  
 210 | ~~performances~~ during the next state fiscal year. Each application  
 211 | for live performances shall specify the number, dates, and  
 212 | starting times of all live performances ~~that~~ ~~which~~ the  
 213 | permitholder intends to conduct. It shall also specify which  
 214 | performances will be conducted as charity or scholarship  
 215 | performances.

216 |       (a) In addition, each application for an operating a  
 217 | license shall include:~~7~~

218 |       1. For each permitholder ~~that~~ ~~which~~ elects to accept  
 219 | wagers on broadcast events, the dates for all such events.

220 |       2. For each permitholder that elects to operate a  
 221 | cardroom, the dates and periods of operation the permitholder  
 222 | intends to operate the cardroom. ~~or~~

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

227 |       (b) A greyhound racing permitholder that conducted a full  
 228 | schedule of live racing for a period of at least 10 consecutive  
 229 | state fiscal years after the 1996-1997 state fiscal year or that  
 230 | converted its permit to a permit to conduct greyhound racing  
 231 | after that fiscal year may specify in its application for an  
 232 | operating license that it intends to conduct no live racing or  
 233 | less than a full schedule of live racing in the next state  
 234 | fiscal year. A greyhound racing permitholder may receive an

235 operating license to conduct pari-mutuel wagering activities at  
236 another permitholder's greyhound racing facility pursuant to s.  
237 550.475.

238 (c) Permitholders may ~~shall be entitled to~~ amend their  
239 applications through February 28.

240 (3) Notwithstanding any other provision of law, no more  
241 than 40 pari-mutuel wagering operating licenses may be issued  
242 each year. If more than 40 permitholders are eligible for  
243 licensure, the division shall issue operating licenses first to  
244 those permitholders who conducted pari-mutuel wagering under an  
245 operating license in the previous year.

246 (4)~~(3)~~ The division shall issue each license no later than  
247 March 15. Each permitholder shall operate all performances at  
248 the date and time specified on its license. The division shall  
249 have the authority to approve minor changes in racing dates  
250 after a license has been issued. The division may approve  
251 changes in racing dates after a license has been issued when  
252 there is no objection from any operating permitholder located  
253 within 50 miles of the permitholder requesting the changes in  
254 operating dates. In the event of an objection, the division  
255 shall approve or disapprove the change in operating dates based  
256 upon the impact on operating permitholders located within 50  
257 miles of the permitholder requesting the change in operating  
258 dates. In making the determination to change racing dates, the  
259 division shall take into consideration the impact of such  
260 changes on state revenues. Notwithstanding any other provision

261 of law, and for the 2015-2016 fiscal year only, the division may  
 262 approve any changes in racing dates for greyhound permitholders  
 263 if the request for such changes is received before August 31,  
 264 2015.

265 (7)(6) A summer jai alai permitholder may apply for an  
 266 operating license to operate a jai alai fronton only during the  
 267 summer season beginning May 1 and ending November 30 of each  
 268 year on such dates as may be selected by the permitholder. Such  
 269 permitholder is subject to the same taxes and rules and  
 270 provisions of this chapter which apply to the operation of  
 271 winter jai alai frontons. A summer jai alai permitholder is not  
 272 eligible for licensure to conduct a cardroom or a slot machine  
 273 facility. A summer jai alai permitholder and a winter jai alai  
 274 permitholder may not operate on the same days or in competition  
 275 with each other. This subsection does not prevent a summer jai  
 276 alai licensee from leasing the facilities of a winter jai alai  
 277 licensee for the operation of a summer meet. Any permit which  
 278 ~~was converted from a jai alai permit to a greyhound permit may~~  
 279 ~~be converted to a jai alai permit at any time if the~~  
 280 ~~permitholder never conducted greyhound racing or if the~~  
 281 ~~permitholder has not conducted greyhound racing for a period of~~  
 282 ~~12 consecutive months.~~

283 Section 3. Subsection (1) of section 550.0251, Florida  
 284 Statutes, is amended to read:

285 550.0251 The powers and duties of the Division of Pari-  
 286 mutuel Wagering of the Department of Business and Professional

287 Regulation.—The division shall administer this chapter and  
 288 regulate the pari-mutuel industry under this chapter and the  
 289 rules adopted pursuant thereto, and:

290 (1) The division shall make an annual report to the  
 291 Governor, the President of the Senate, and the Speaker of the  
 292 House of Representatives. The report shall include, at a  
 293 minimum:

294 (a) Recent events in the gaming industry, including  
 295 pending litigation, pending facility license applications, and  
 296 new and pending rules.

297 (b) Actions of the department relative to the  
 298 implementation and administration of this chapter.

299 (c) The state revenues and expenses associated with each  
 300 form of authorized gaming. Revenues and expenses associated with  
 301 pari-mutuel wagering shall be further delineated by the class of  
 302 license.

303 (d) The performance of each pari-mutuel wagering licensee,  
 304 cardroom licensee, and slot licensee.

305 (e) A summary of disciplinary actions taken by the  
 306 department.

307 (f) Any suggestions to more effectively achieve ~~showing~~  
 308 ~~its own actions, receipts derived under the provisions of this~~  
 309 ~~chapter, the practical effects of the application of this~~  
 310 ~~chapter, and any suggestions it may approve for the more~~  
 311 ~~effectual accomplishments of the purposes of this chapter.~~

312 Section 4. Paragraph (b) of subsection (9), paragraph (a)

313 of subsection (11), and subsections (13) and (14) of section  
 314 550.054, Florida Statutes, are amended, and paragraphs (c)  
 315 through (g) are added to subsection (9) of that section, to  
 316 read:

317 550.054 Application for permit to conduct pari-mutuel  
 318 wagering.—

319 (9)

320 (b) The division may revoke or suspend any permit or  
 321 license issued under this chapter upon the willful violation by  
 322 the permitholder or licensee of any provision of this chapter or  
 323 of any rule adopted under this chapter. In lieu of suspending or  
 324 revoking a permit or license, the division may impose a civil  
 325 penalty against the permitholder or licensee for a violation of  
 326 this chapter or any rule adopted by the division, except as  
 327 provided for in subparagraphs (c)-(h). The penalty so imposed  
 328 may not exceed \$1,000 for each count or separate offense. All  
 329 penalties imposed and collected must be deposited with the Chief  
 330 Financial Officer to the credit of the General Revenue Fund.

331 (c) The division shall revoke the permit of any  
 332 permitholder that has not obtained an operating license in  
 333 accordance with s. 550.01215 for a period of more than 24  
 334 consecutive months after June 30, 2012. The division shall  
 335 revoke the permit upon adequate notice to the permitholder  
 336 unless such failure was the direct result of fire, strike, war,  
 337 or other disaster or event beyond the permitholder's control.  
 338 Financial hardship to the permitholder does not, in and of



339 itself, constitute just cause for failure to operate.

340 (d) The division shall revoke the permit of any  
 341 permitholder that fails to make payments pursuant to s.  
 342 550.0951(5) for more than 24 consecutive months unless such  
 343 failure to pay tax on handle was the direct result of fire,  
 344 strike, war, or other disaster or event beyond the  
 345 permitholder's control. Financial hardship to the permitholder  
 346 does not, in and of itself, constitute just cause for failure to  
 347 pay tax on handle.

348 (e) Notwithstanding any other provision of law, a new  
 349 permit to conduct pari-mutuel wagering may not be approved or  
 350 issued after July 1, 2015.

351 (f) A permit revoked under this subsection is void and may  
 352 not be reissued.

353 (g) A permitholder may apply to the division to place the  
 354 permit into inactive status for a period of 12 months pursuant  
 355 to the rules adopted under this chapter. The division, upon good  
 356 cause shown by the permitholder, may renew inactive status for  
 357 up to 12 months. A permit may not be in inactive status for a  
 358 period of more than 24 consecutive months. Holders of permits in  
 359 inactive status are not eligible for licensure for pari-mutuel  
 360 wagering, slot machines, or cardrooms.

361 (11)(a) A permit granted under this chapter may not be  
 362 transferred or assigned except upon written approval by the  
 363 division pursuant to s. 550.1815, ~~except that the holder of any~~  
 364 ~~permit that has been converted to a jai alai permit may lease or~~

365 ~~build anywhere within the county in which its permit is located.~~

366 (13) ~~(a)~~ Notwithstanding any provisions of this chapter, a  
 367 pari-mutuel ~~no thoroughbred horse racing~~ permit or license  
 368 issued under this chapter may not ~~shall~~ be transferred, or  
 369 reissued when such reissuance is in the nature of a transfer so  
 370 as to permit or authorize a licensee to change the location of a  
 371 pari-mutuel facility, cardroom, or slot machine facility.

372 ~~thoroughbred horse racetrack except upon proof in such form as~~  
 373 ~~the division may prescribe that a referendum election has been~~  
 374 ~~held:~~

375 1. ~~If the proposed new location is within the same county~~  
 376 ~~as the already licensed location, in the county where the~~  
 377 ~~licensee desires to conduct the race meeting and that a majority~~  
 378 ~~of the electors voting on that question in such election voted~~  
 379 ~~in favor of the transfer of such license.~~

380 2. ~~If the proposed new location is not within the same~~  
 381 ~~county as the already licensed location, in the county where the~~  
 382 ~~licensee desires to conduct the race meeting and in the county~~  
 383 ~~where the licensee is already licensed to conduct the race~~  
 384 ~~meeting and that a majority of the electors voting on that~~  
 385 ~~question in each such election voted in favor of the transfer of~~  
 386 ~~such license.~~

387 ~~(b) Each referendum held under the provisions of this~~  
 388 ~~subsection shall be held in accordance with the electoral~~  
 389 ~~procedures for ratification of permits, as provided in s.~~  
 390 ~~550.0651. The expense of each such referendum shall be borne by~~

391 ~~the licensee requesting the transfer.~~

392 (14) (a) Notwithstanding any other provision of law, no  
 393 pari-mutuel facility, cardroom, or slot machine facility may be  
 394 relocated, except as provided in paragraph (b), and no pari-  
 395 mutuel permit may be converted to another class of permit.

396 (b) The division, upon application from a holder of a  
 397 permit converted pursuant to s. 550.054(14), Florida Statutes  
 398 2014, as created by s. 6 of chapter 2009-170, Laws of Florida,  
 399 may approve the relocation of such permit to another location  
 400 within a 30-mile radius of the location fixed in the permit,  
 401 provided the application is received by July 31, 2015, the move  
 402 does not cross the county boundary, and the new location is  
 403 approved under the zoning regulations of the county or  
 404 municipality in which the permit is located.

405 ~~(a) Any holder of a permit to conduct jai alai may apply~~  
 406 ~~to the division to convert such permit to a permit to conduct~~  
 407 ~~greyhound racing in lieu of jai alai if:~~

408 ~~1. Such permit is located in a county in which the~~  
 409 ~~division has issued only two pari mutuel permits pursuant to~~  
 410 ~~this section;~~

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

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

416 ~~(b) The division, upon application from the holder of a~~

417 ~~jai alai permit meeting all conditions of this section, shall~~  
 418 ~~convert the permit and shall issue to the permit holder a permit~~  
 419 ~~to conduct greyhound racing. A permit holder of a permit~~  
 420 ~~converted under this section shall be required to apply for and~~  
 421 ~~conduct a full schedule of live racing each fiscal year to be~~  
 422 ~~eligible for any tax credit provided by this chapter. The holder~~  
 423 ~~of a permit converted pursuant to this subsection or any holder~~  
 424 ~~of a permit to conduct greyhound racing located in a county in~~  
 425 ~~which it is the only permit issued pursuant to this section who~~  
 426 ~~operates at a leased facility pursuant to s. 550.475 may move~~  
 427 ~~the location for which the permit has been issued to another~~  
 428 ~~location within a 30-mile radius of the location fixed in the~~  
 429 ~~permit issued in that county, provided the move does not cross~~  
 430 ~~the county boundary and such location is approved under the~~  
 431 ~~zoning regulations of the county or municipality in which the~~  
 432 ~~permit is located, and upon such relocation may use the permit~~  
 433 ~~for the conduct of pari-mutuel wagering and the operation of a~~  
 434 ~~cardroom. The provisions of s. 550.6305(9)(d) and (f) shall~~  
 435 ~~apply to any permit converted under this subsection and shall~~  
 436 ~~continue to apply to any permit which was previously included~~  
 437 ~~under and subject to such provisions before a conversion~~  
 438 ~~pursuant to this section occurred.~~

439       Section 5. Section 550.0555, Florida Statutes, is  
 440 repealed.

441       Section 6. Section 550.0745, Florida Statutes, is  
 442 repealed.

443 Section 7. Section 550.0951, Florida Statutes, is amended  
 444 to read:

445 550.0951 Payment of daily license fee and taxes;  
 446 penalties.—

447 (1) ~~(a)~~ DAILY LICENSE FEE.—Each person engaged in the  
 448 business of conducting race meetings or jai alai games under  
 449 this chapter, hereinafter referred to as the "permitholder,"  
 450 "licensee," or "permittee," shall pay to the division, for the  
 451 use of the division, a daily license fee on each live or  
 452 simulcast pari-mutuel event of \$100 for each horserace and \$80  
 453 for each greyhound race ~~dograce~~ and \$40 for each jai alai game  
 454 conducted at a racetrack or fronton licensed under this chapter.  
 455 ~~A In addition to the tax exemption specified in s. 550.09514(1)~~  
 456 ~~of \$360,000 or \$500,000 per greyhound permitholder per state~~  
 457 ~~fiscal year, each greyhound permitholder shall receive in the~~  
 458 ~~current state fiscal year a tax credit equal to the number of~~  
 459 ~~live greyhound races conducted in the previous state fiscal year~~  
 460 ~~times the daily license fee specified for each dograce in this~~  
 461 ~~subsection applicable for the previous state fiscal year. This~~  
 462 ~~tax credit and the exemption in s. 550.09514(1) shall be~~  
 463 ~~applicable to any tax imposed by this chapter or the daily~~  
 464 ~~license fees imposed by this chapter except during any charity~~  
 465 ~~or scholarship performances conducted pursuant to s. 550.0351.~~  
 466 Each permitholder may not be required to ~~shall~~ pay daily license  
 467 fees in excess of ~~not to exceed~~ \$500 per day on any simulcast  
 468 races or games on which such permitholder accepts wagers

469 regardless of the number of out-of-state events taken or the  
 470 number of out-of-state locations from which such events are  
 471 taken. This license fee shall be deposited with the Chief  
 472 Financial Officer to the credit of the Pari-mutuel Wagering  
 473 Trust Fund.

474 ~~(b) Each permitholder that cannot utilize the full amount~~  
 475 ~~of the exemption of \$360,000 or \$500,000 provided in s.~~  
 476 ~~550.09514(1) or the daily license fee credit provided in this~~  
 477 ~~section may, after notifying the division in writing, elect once~~  
 478 ~~per state fiscal year on a form provided by the division to~~  
 479 ~~transfer such exemption or credit or any portion thereof to any~~  
 480 ~~greyhound permitholder which acts as a host track to such~~  
 481 ~~permitholder for the purpose of intertrack wagering. Once an~~  
 482 ~~election to transfer such exemption or credit is filed with the~~  
 483 ~~division, it shall not be rescinded. The division shall~~  
 484 ~~disapprove the transfer when the amount of the exemption or~~  
 485 ~~credit or portion thereof is unavailable to the transferring~~  
 486 ~~permitholder or when the permitholder who is entitled to~~  
 487 ~~transfer the exemption or credit or who is entitled to receive~~  
 488 ~~the exemption or credit owes taxes to the state pursuant to a~~  
 489 ~~deficiency letter or administrative complaint issued by the~~  
 490 ~~division. Upon approval of the transfer by the division, the~~  
 491 ~~transferred tax exemption or credit shall be effective for the~~  
 492 ~~first performance of the next payment period as specified in~~  
 493 ~~subsection (5). The exemption or credit transferred to such host~~  
 494 ~~track may be applied by such host track against any taxes~~

495 ~~imposed by this chapter or daily license fees imposed by this~~  
 496 ~~chapter. The greyhound permitholder host track to which such~~  
 497 ~~exemption or credit is transferred shall reimburse such~~  
 498 ~~permitholder the exact monetary value of such transferred~~  
 499 ~~exemption or credit as actually applied against the taxes and~~  
 500 ~~daily license fees of the host track. The division shall ensure~~  
 501 ~~that all transfers of exemption or credit are made in accordance~~  
 502 ~~with this subsection and shall have the authority to adopt rules~~  
 503 ~~to ensure the implementation of this section.~~

504 (2) ADMISSION TAX.—

505 (a) An admission tax equal to 15 percent of the admission  
 506 charge for entrance to the permitholder's facility and  
 507 grandstand area, or 10 cents, whichever is greater, is imposed  
 508 on each person attending a horserace, greyhound race ~~dograee~~, or  
 509 jai alai game. The permitholder shall be responsible for  
 510 collecting the admission tax.

511 (b) No admission tax under this chapter or chapter 212  
 512 shall be imposed on any free passes or complimentary cards  
 513 issued to persons for which there is no cost to the person for  
 514 admission to pari-mutuel events.

515 (c) A permitholder may issue tax-free passes to its  
 516 officers, officials, and employees or other persons actually  
 517 engaged in working at the racetrack, including accredited press  
 518 representatives such as reporters and editors, and may also  
 519 issue tax-free passes to other permitholders for the use of  
 520 their officers and officials. The permitholder shall file with

521 the division a list of all persons to whom tax-free passes are  
522 issued under this paragraph.

523 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on  
524 contributions to pari-mutuel pools, the aggregate of which is  
525 hereinafter referred to as "handle," on races or games conducted  
526 by the permitholder. The tax is imposed daily and is based on  
527 the total contributions to all pari-mutuel pools conducted  
528 during the daily performance. If a permitholder conducts more  
529 than one performance daily, the tax is imposed on each  
530 performance separately.

531 (a) The tax on handle for quarter horse racing is 1.0  
532 percent of the handle.

533 (b)1. The tax on handle for greyhound racing ~~dogracing~~ is  
534 1.28 ~~5.5~~ percent of the handle, ~~except that for live charity~~  
535 ~~performances held pursuant to s. 550.0351, and for intertrack~~  
536 ~~wagering on such charity performances at a guest greyhound track~~  
537 ~~within the market area of the host, the tax is 7.6 percent of~~  
538 ~~the handle.~~

539 2. The tax on handle for jai alai is 7.1 percent of the  
540 handle.

541 (c)1.a. The tax on handle for intertrack wagering is:

542 (I) If the host track is a horse track, 2.0 percent of the  
543 handle.

544 (II) If the host track is a harness track ~~horse track~~, 3.3  
545 percent of the handle.

546 (III) If the host track is a dog track ~~harness track~~, 1.28



547 ~~5.5 percent of the handle to be remitted by the guest track. if~~  
 548 ~~the host track is a dog track, and~~

549 (IV) If the host track is a jai alai fronton, 7.1 percent  
 550 ~~if the host track is a jai alai fronton.~~

551 b. The tax on handle for intertrack wagering is 0.5  
 552 percent if the host track and the guest track are thoroughbred  
 553 racing permitholders or if the guest track is located outside  
 554 the market area of a nongreyhound the host track and within the  
 555 market area of a thoroughbred racing permitholder currently  
 556 conducting a live race meet.

557 c. The tax on handle for intertrack wagering on  
 558 rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent  
 559 of the handle and 1.5 percent of the handle for intertrack  
 560 wagering on rebroadcasts of simulcast harness horseraces.

561 2. The tax under subparagraph 1. shall be deposited into  
 562 the Pari-mutuel Wagering Trust Fund.

563 3.2. The tax on handle for intertrack wagers accepted by  
 564 ~~any dog track located in an area of the state in which there are~~  
 565 ~~only three permitholders, all of which are greyhound~~  
 566 ~~permitholders, located in three contiguous counties, from any~~  
 567 ~~greyhound permitholder also located within such area or any dog~~  
 568 ~~track or jai alai fronton located as specified in s. 550.615(7)~~  
 569 ~~550.615(6) or (9), on races or games received from any jai alai~~  
 570 ~~the same class of permitholder located within the same market~~  
 571 ~~area is 3.9 percent if the host facility is a greyhound~~  
 572 ~~permitholder and, if the host facility is a jai alai~~

573 ~~permitholder, the rate shall be 6.1 percent except that it shall~~  
 574 ~~be 2.3 percent on handle at such time as the total tax on~~  
 575 ~~intertrack handle paid to the division by the permitholder~~  
 576 ~~during the current state fiscal year exceeds the total tax on~~  
 577 ~~intertrack handle paid to the division by the permitholder~~  
 578 ~~during the 1992-1993 state fiscal year.~~

579 (d) Notwithstanding any other provision of this chapter,  
 580 in order to protect the Florida jai alai industry, effective  
 581 July 1, 2000, a jai alai permitholder may not be taxed on live  
 582 handle at a rate higher than 2 percent.

583 (4) BREAKS TAX.—Effective October 1, 1996, each  
 584 permitholder conducting jai alai performances shall pay a tax  
 585 equal to the breaks. The "breaks" represents that portion of  
 586 each pari-mutuel pool which is not redistributed to the  
 587 contributors or withheld by the permitholder as commission.

588 (5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments  
 589 imposed by this section shall be paid to the division. The  
 590 division shall deposit these sums with the Chief Financial  
 591 Officer, to the credit of the Pari-mutuel Wagering Trust Fund,  
 592 hereby established. The permitholder shall remit to the division  
 593 payment for the daily license fee, the admission tax, the tax on  
 594 handle, and the breaks tax. Such payments shall be remitted by 3  
 595 p.m. Wednesday of each week for taxes imposed and collected for  
 596 the preceding week ending on Sunday. Beginning on July 1, 2012,  
 597 such payments shall be remitted by 3 p.m. on the 5th day of each  
 598 calendar month for taxes imposed and collected for the preceding

599 calendar month. If the 5th day of the calendar month falls on a  
600 weekend, payments shall be remitted by 3 p.m. the first Monday  
601 following the weekend. Permitholders shall file a report under  
602 oath by the 5th day of each calendar month for all taxes  
603 remitted during the preceding calendar month. Such payments  
604 shall be accompanied by a report under oath showing the total of  
605 all admissions, the pari-mutuel wagering activities for the  
606 preceding calendar month, and such other information as may be  
607 prescribed by the division.

608 (6) PENALTIES.—

609 (a) The failure of any permitholder to make payments as  
610 prescribed in subsection (5) is a violation of this section, and  
611 the permitholder may be subjected by the division to a civil  
612 penalty of up to \$1,000 for each day the tax payment is not  
613 remitted. All penalties imposed and collected shall be deposited  
614 in the General Revenue Fund. If a permitholder fails to pay  
615 penalties imposed by order of the division under this  
616 subsection, the division may suspend or revoke the license of  
617 the permitholder, cancel the permit of the permitholder, or deny  
618 issuance of any further license or permit to the permitholder.

619 (b) In addition to the civil penalty prescribed in  
620 paragraph (a), any willful or wanton failure by any permitholder  
621 to make payments of the daily license fee, admission tax, tax on  
622 handle, or breaks tax constitutes sufficient grounds for the  
623 division to suspend or revoke the license of the permitholder,  
624 to cancel the permit of the permitholder, or to deny issuance of

625 any further license or permit to the permitholder.

626 Section 8. Subsection (3) of section 550.09512, Florida  
627 Statutes, is amended to read:

628 550.09512 Harness racing horse taxes; abandoned interest  
629 in a permit for nonpayment of taxes.—

630 (3) ~~(a)~~ The division shall revoke the permit of a harness  
631 horse permitholder who does not pay tax on handle for live  
632 harness horse performances for a full schedule of live races for  
633 more than 24 consecutive months during any 2 consecutive state  
634 fiscal years shall be void and shall escheat to and become the  
635 property of the state unless such failure to operate and pay tax  
636 on handle was the direct result of fire, strike, war, or other  
637 disaster or event beyond the ability of the permitholder to  
638 control. Financial hardship to the permitholder does ~~shall~~ not,  
639 in and of itself, constitute just cause for failure to operate  
640 and pay tax on handle. A permit revoked under this subsection is  
641 void and may not be reissued.

642 ~~(b) In order to maximize the tax revenues to the state,~~  
643 ~~the division shall reissue an escheated harness horse permit to~~  
644 ~~a qualified applicant pursuant to the provisions of this chapter~~  
645 ~~as for the issuance of an initial permit. However, the~~  
646 ~~provisions of this chapter relating to referendum requirements~~  
647 ~~for a pari mutuel permit shall not apply to the reissuance of an~~  
648 ~~escheated harness horse permit. As specified in the application~~  
649 ~~and upon approval by the division of an application for the~~  
650 ~~permit, the new permitholder shall be authorized to operate a~~

651 ~~harness horse facility anywhere in the same county in which the~~  
 652 ~~escheated permit was authorized to be operated, notwithstanding~~  
 653 ~~the provisions of s. 550.054(2) relating to mileage limitations.~~

654 Section 9. Section 550.09514, Florida Statutes, is amended  
 655 to read:

656 550.09514 Greyhound racing ~~dogracing~~ taxes; purse  
 657 requirements.—

658 ~~(1) Wagering on greyhound racing is subject to a tax on~~  
 659 ~~handle for live greyhound racing as specified in s. 550.0951(3).~~  
 660 ~~However, each permitholder shall pay no tax on handle until such~~  
 661 ~~time as this subsection has resulted in a tax savings per state~~  
 662 ~~fiscal year of \$360,000. Thereafter, each permitholder shall pay~~  
 663 ~~the tax as specified in s. 550.0951(3) on all handle for the~~  
 664 ~~remainder of the permitholder's current race meet. For the three~~  
 665 ~~permitholders that conducted a full schedule of live racing in~~  
 666 ~~1995, and are closest to another state that authorizes greyhound~~  
 667 ~~pari mutuel wagering, the maximum tax savings per state fiscal~~  
 668 ~~year shall be \$500,000. The provisions of this subsection~~  
 669 ~~relating to tax exemptions shall not apply to any charity or~~  
 670 ~~scholarship performances conducted pursuant to s. 550.0351.~~

671 (1)(2)(a) The division shall determine for each greyhound  
 672 racing permitholder the annual purse percentage rate of live  
 673 handle for the state fiscal year 1993-1994 by dividing total  
 674 purses paid on live handle by the permitholder, exclusive of  
 675 payments made from outside sources, during the 1993-1994 state  
 676 fiscal year by the permitholder's live handle for the 1993-1994

677 state fiscal year. A greyhound ~~Each~~ permitholder conducting live  
678 racing during a fiscal year shall pay as purses for such live  
679 races conducted during its current race meet a percentage of its  
680 live handle not less than the percentage determined under this  
681 paragraph, exclusive of payments made by outside sources, for  
682 its 1993-1994 state fiscal year.

683 (b) Except as otherwise set forth herein, in addition to  
684 the minimum purse percentage required by paragraph (a), each  
685 greyhound racing permitholder conducting live racing during a  
686 fiscal year shall pay as purses an annual amount of \$60 for each  
687 live race conducted ~~equal to 75 percent of the daily license~~  
688 ~~fees paid by the greyhound each permitholder in for the~~  
689 preceding 1994-1995 fiscal year. ~~This purse supplement shall be~~  
690 ~~disbursed weekly during the permitholder's race meet in an~~  
691 ~~amount determined by dividing the annual purse supplement by the~~  
692 ~~number of performances approved for the permitholder pursuant to~~  
693 ~~its annual license and multiplying that amount by the number of~~  
694 ~~performances conducted each week. For the greyhound~~  
695 ~~permitholders in the county where there are two greyhound~~  
696 ~~permitholders located as specified in s. 550.615(6), such~~  
697 ~~permitholders shall pay in the aggregate an amount equal to 75~~  
698 ~~percent of the daily license fees paid by such permitholders for~~  
699 ~~the 1994-1995 fiscal year. These permitholders shall be jointly~~  
700 ~~and severally liable for such purse payments.~~ The additional  
701 purses provided by this paragraph must be used exclusively for  
702 purses other than stakes and shall be disbursed weekly during

703 the permitholder's race meet. The division shall conduct audits  
704 necessary to ensure compliance with this section.

705 (c)1. Each greyhound racing permitholder, when conducting  
706 at least three live performances during any week, shall pay  
707 purses in that week on wagers it accepts as a guest track on  
708 intertrack and simulcast greyhound races at the same rate as it  
709 pays on live races. Each greyhound racing permitholder, when  
710 conducting at least three live performances during any week,  
711 shall pay purses in that week, at the same rate as it pays on  
712 live races, on wagers accepted on greyhound races at a guest  
713 track which is not conducting live racing and is located within  
714 the same market area as the greyhound racing permitholder  
715 conducting at least three live performances during any week.

716 2. Each host greyhound racing permitholder shall pay  
717 purses on its simulcast and intertrack broadcasts of greyhound  
718 races to guest facilities that are located outside its market  
719 area in an amount equal to one quarter of an amount determined  
720 by subtracting the transmission costs of sending the simulcast  
721 or intertrack broadcasts from an amount determined by adding the  
722 fees received for greyhound simulcast races plus 3 percent of  
723 the greyhound intertrack handle at guest facilities that are  
724 located outside the market area of the host and that paid  
725 contractual fees to the host for such broadcasts of greyhound  
726 races.

727 (d) The division shall require sufficient documentation  
728 from each greyhound racing permitholder regarding purses paid on

729 live racing to assure that the annual purse percentage rates  
 730 paid by each greyhound racing permitholder conducting ~~on the~~  
 731 live races are not reduced below those paid during the 1993-1994  
 732 state fiscal year. The division shall require sufficient  
 733 documentation from each greyhound racing permitholder to assure  
 734 that the purses paid by each permitholder on the greyhound  
 735 intertrack and simulcast broadcasts are in compliance with the  
 736 requirements of paragraph (c).

737 (e) In addition to the purse requirements of paragraphs  
 738 (a)-(c), each greyhound racing permitholder conducting live  
 739 races shall pay as purses an amount equal to one-third of the  
 740 amount of the tax reduction on live and simulcast handle  
 741 applicable to such permitholder as a result of the reductions in  
 742 tax rates provided by s. 6 of chapter 2000-354, Laws of Florida  
 743 ~~this act through the amendments to s. 550.0951(3)~~. With respect  
 744 to intertrack wagering when the host and guest tracks are  
 745 greyhound racing permitholders not within the same market area,  
 746 an amount equal to the tax reduction applicable to the guest  
 747 track handle as a result of the reduction in tax rate provided  
 748 by s. 6 of chapter 2000-354, Laws of Florida, ~~this act through~~  
 749 ~~the amendment to s. 550.0951(3)~~ shall be distributed to the  
 750 guest track, one-third of which amount shall be paid as purses  
 751 at the guest track. However, if the guest track is a greyhound  
 752 racing permitholder within the market area of the host or if the  
 753 guest track is not a greyhound racing permitholder, an amount  
 754 equal to such tax reduction applicable to the guest track handle



755 shall be retained by the host track, one-third of which amount  
 756 shall be paid as purses at the host track. These purse funds  
 757 shall be disbursed in the week received if the permitholder  
 758 conducts at least one live performance during that week. If the  
 759 permitholder does not conduct at least one live performance  
 760 during the week in which the purse funds are received, the purse  
 761 funds shall be disbursed weekly during the permitholder's next  
 762 race meet in an amount determined by dividing the purse amount  
 763 by the number of performances approved for the permitholder  
 764 pursuant to its annual license, and multiplying that amount by  
 765 the number of performances conducted each week. The division  
 766 shall conduct audits necessary to ensure compliance with this  
 767 paragraph.

768 (f) Each greyhound racing permitholder conducting live  
 769 racing shall, during the permitholder's race meet, supply kennel  
 770 operators and the Division of Pari-Mutuel Wagering with a weekly  
 771 report showing purses paid on live greyhound races and all  
 772 greyhound intertrack and simulcast broadcasts, including both as  
 773 a guest and a host together with the handle or commission  
 774 calculations on which such purses were paid and the transmission  
 775 costs of sending the simulcast or intertrack broadcasts, so that  
 776 the kennel operators may determine statutory and contractual  
 777 compliance.

778 (g) Each greyhound racing permitholder conducting live  
 779 racing shall make direct payment of purses to the greyhound  
 780 owners who have filed with such permitholder appropriate federal

781 taxpayer identification information based on the percentage  
 782 amount agreed upon between the kennel operator and the greyhound  
 783 owner.

784 (h) At the request of a majority of kennel operators under  
 785 contract with a greyhound racing permitholder conducting live  
 786 racing, the permitholder shall make deductions from purses paid  
 787 to each kennel operator electing such deduction and shall make a  
 788 direct payment of such deductions to the local association of  
 789 greyhound kennel operators formed by a majority of kennel  
 790 operators under contract with the permitholder. The amount of  
 791 the deduction shall be at least 1 percent of purses, as  
 792 determined by the local association of greyhound kennel  
 793 operators. ~~No~~ Deductions may not be taken pursuant to this  
 794 paragraph without a kennel operator's specific approval before  
 795 or after the effective date of this act.

796 ~~(2)(3)~~ For the purpose of this section, the term "live  
 797 handle" means the handle from wagers placed at the  
 798 permitholder's establishment on the live greyhound races  
 799 conducted at the permitholder's establishment.

800 Section 10. Paragraph (b) of subsection (3) of section  
 801 550.09515, Florida Statutes, is amended to read:

802 550.09515 Thoroughbred racing ~~horse~~ taxes; abandoned  
 803 interest in a permit for nonpayment of taxes.—

804 (3)~~(a)~~ The division shall revoke the permit of a  
 805 thoroughbred horse permitholder that ~~who~~ does not pay tax on  
 806 handle for live thoroughbred horse performances for a full

807 schedule of live races for more than 24 consecutive months  
 808 ~~during any 2 consecutive state fiscal years shall be void and~~  
 809 ~~shall escheat to and become the property of the state unless~~  
 810 such failure to operate and pay tax on handle was the direct  
 811 result of fire, strike, war, or other disaster or event beyond  
 812 the ability of the permitholder to control. Financial hardship  
 813 to the permitholder does ~~shall~~ not, in and of itself, constitute  
 814 just cause for failure to operate and pay tax on handle. A  
 815 permit revoked under this subsection is void and may not be  
 816 reissued.

817 ~~(b) In order to maximize the tax revenues to the state,~~  
 818 ~~the division shall reissue an escheated thoroughbred horse~~  
 819 ~~permit to a qualified applicant pursuant to the provisions of~~  
 820 ~~this chapter as for the issuance of an initial permit. However,~~  
 821 ~~the provisions of this chapter relating to referendum~~  
 822 ~~requirements for a pari-mutuel permit shall not apply to the~~  
 823 ~~reissuance of an escheated thoroughbred horse permit. As~~  
 824 ~~specified in the application and upon approval by the division~~  
 825 ~~of an application for the permit, the new permitholder shall be~~  
 826 ~~authorized to operate a thoroughbred horse facility anywhere in~~  
 827 ~~the same county in which the escheated permit was authorized to~~  
 828 ~~be operated, notwithstanding the provisions of s. 550.054(2)~~  
 829 ~~relating to mileage limitations.~~

830 Section 11. Subsection (2) of section 550.1625, Florida  
 831 Statutes, is amended to read:

832 550.1625 Greyhound racing degrading; taxes.—

833 (2) A permitholder that conducts a greyhound race ~~degrace~~  
 834 meet under this chapter must pay the daily license fee, the  
 835 admission tax, ~~the breaks tax,~~ and the tax on pari-mutuel handle  
 836 as provided in s. 550.0951 and is subject to all penalties and  
 837 sanctions provided in s. 550.0951(6).

838 Section 12. Section 550.1647, Florida Statutes, is  
 839 repealed.

840 Section 13. Section 550.1648, Florida Statutes, is amended  
 841 to read:

842 550.1648 Greyhound adoptions.—

843 ~~(1)~~ A greyhound racing ~~Each degracing~~ permitholder  
 844 conducting live racing at ~~operating~~ a greyhound racing ~~degracing~~  
 845 facility in this state shall provide for a greyhound adoption  
 846 booth to be located at the facility.

847 (1) (a) The greyhound adoption booth must be operated on  
 848 weekends by personnel or volunteers from a bona fide  
 849 organization that promotes or encourages the adoption of  
 850 greyhounds ~~pursuant to s. 550.1647.~~ Such bona fide organization,  
 851 as a condition of adoption, must provide sterilization of  
 852 greyhounds by a licensed veterinarian before relinquishing  
 853 custody of the greyhound to the adopter. The fee for  
 854 sterilization may be included in the cost of adoption. As used  
 855 in this section, the term "weekend" includes the hours during  
 856 which live greyhound racing is conducted on Friday, Saturday, or  
 857 Sunday, and the term "bona fide organization that promotes or  
 858 encourages the adoption of greyhounds" means an organization

859 that provides evidence of compliance with chapter 496 and  
 860 possesses a valid exemption from federal taxation issued by the  
 861 Internal Revenue Service. Information pamphlets and application  
 862 forms shall be provided to the public upon request.

863 (b) ~~In addition,~~ The kennel operator or owner shall notify  
 864 the permitholder that a greyhound is available for adoption and  
 865 the permitholder shall provide information concerning the  
 866 adoption of a greyhound in each race program and shall post  
 867 adoption information at conspicuous locations throughout the  
 868 greyhound racing ~~degrading~~ facility. Any greyhound that is  
 869 participating in a race and that will be available for future  
 870 adoption must be noted in the race program. The permitholder  
 871 shall allow greyhounds to be walked through the track facility  
 872 to publicize the greyhound adoption program.

873 (2) In addition to the charity days authorized under s.  
 874 550.0351, a greyhound racing permitholder may fund the greyhound  
 875 adoption program by holding a charity racing day designated as  
 876 "Greyhound Adopt-A-Pet Day." All profits derived from the  
 877 operation of the charity day must be placed into a fund used to  
 878 support activities at the racing facility which promote the  
 879 adoption of greyhounds. The division may adopt rules for  
 880 administering the fund. Proceeds from the charity day authorized  
 881 in this subsection may not be used as a source of funds for the  
 882 purposes set forth in s. 550.1647.

883 (3) (a) Upon a violation of this section by a permitholder  
 884 or licensee, the division may impose a penalty as provided in s.

885 550.0251(10) and require the permitholder to take corrective  
886 action.

887 (b) A penalty imposed under s. 550.0251(10) does not  
888 exclude a prosecution for cruelty to animals or for any other  
889 criminal act.

890 Section 14. Section 550.2416, Florida Statutes, is created  
891 to read:

892 550.2416 Reporting of racing greyhound injuries.-

893 (1) An injury to a racing greyhound which occurs while the  
894 greyhound is located in this state must be reported on a form  
895 adopted by the division within 7 days after the date on which  
896 the injury occurred or is believed to have occurred.

897 (2) The form shall be completed and signed under oath or  
898 affirmation under penalty of perjury by the:

899 (a) Racetrack veterinarian, if the injury occurred at the  
900 racetrack facility; or

901 (b) Owner, trainer, or kennel operator who had knowledge  
902 of the injury, if the injury occurred at a location other than  
903 the racetrack facility, including during transportation.

904 (3) The form must include all of the following:

905 (a) The greyhound's registered name, right-ear and left-  
906 ear tattoo numbers, and, if any, the microchip manufacturer and  
907 number.

908 (b) The name, business address, and telephone number of  
909 the greyhound owner, the trainer, and the kennel operator.

910 (c) The color, weight, and sex of the greyhound.

911 (d) The specific type and bodily location of the injury,  
 912 the cause of the injury, and the estimated recovery time from  
 913 the injury.

914 (e) If the injury occurred when the greyhound was racing:

915 1. The racetrack where the injury occurred;

916 2. The distance, grade, race, and post position of the  
 917 greyhound when the injury occurred; and

918 3. The weather conditions, time, and track conditions when  
 919 the injury occurred.

920 (f) If the injury occurred when the greyhound was not  
 921 racing:

922 1. The location where the injury occurred; and

923 2. The circumstances surrounding the injury.

924 (g) Other information that the division determines is  
 925 necessary to identify injuries to racing greyhounds in this  
 926 state.

927 (4) An injury form created pursuant to this section shall  
 928 be maintained as a public record by the division for at least 7  
 929 years after the date it was received.

930 (5) A licensee of the department who knowingly makes a  
 931 false statement concerning an injury or fails to report an  
 932 injury is subject to disciplinary action under this chapter or  
 933 chapters 455 and 474.

934 (6) This section does not apply to injuries to a service  
 935 animal, personal pet, or greyhound that has been adopted as a  
 936 pet.

937           (7) The division shall adopt rules to implement this  
 938 section.

939           Section 15. Subsection (1) of section 550.26165, Florida  
 940 Statutes, is amended to read:

941           550.26165 Breeders' awards.—

942           (1) The purpose of this section is to encourage the  
 943 agricultural activity of breeding and training racehorses in  
 944 this state. Moneys dedicated in this chapter for use as  
 945 breeders' awards and stallion awards are to be used for awards  
 946 to breeders of registered Florida-bred horses winning horseraces  
 947 and for similar awards to the owners of stallions who sired  
 948 Florida-bred horses winning stakes races, if the stallions are  
 949 registered as Florida stallions standing in this state. Such  
 950 awards shall be given at a uniform rate to all winners of the  
 951 awards, shall not be greater than 20 percent of the announced  
 952 gross purse, and shall not be less than 15 percent of the  
 953 announced gross purse if funds are available. In addition, no  
 954 less than 17 percent nor more than 40 percent, as determined by  
 955 the Florida Thoroughbred Breeders' Association, of the moneys  
 956 dedicated in this chapter for use as breeders' awards and  
 957 stallion awards for thoroughbreds shall be returned pro rata to  
 958 the permitholders that generated the moneys for special racing  
 959 awards to be distributed by the permitholders to owners of  
 960 thoroughbred horses participating in prescribed thoroughbred  
 961 stakes races, nonstakes races, or both, all in accordance with a  
 962 written agreement establishing the rate, procedure, and



963 eligibility requirements for such awards entered into by the  
 964 permitholder, the Florida Thoroughbred Breeders' Association,  
 965 and the Florida Horsemen's Benevolent and Protective  
 966 Association, Inc., except that the plan for the distribution by  
 967 any permitholder located in the area described in s. 550.615(7)  
 968 ~~s. 550.615(9)~~ shall be agreed upon by that permitholder, the  
 969 Florida Thoroughbred Breeders' Association, and the association  
 970 representing a majority of the thoroughbred racehorse owners and  
 971 trainers at that location. Awards for thoroughbred races are to  
 972 be paid through the Florida Thoroughbred Breeders' Association,  
 973 and awards for standardbred races are to be paid through the  
 974 Florida Standardbred Breeders and Owners Association. Among  
 975 other sources specified in this chapter, moneys for thoroughbred  
 976 breeders' awards will come from the 0.955 percent of handle for  
 977 thoroughbred races conducted, received, broadcast, or simulcast  
 978 under this chapter as provided in s. 550.2625(3). The moneys for  
 979 quarter horse and harness breeders' awards will come from the  
 980 breaks and uncashed tickets on live quarter horse and harness  
 981 racing performances and 1 percent of handle on intertrack  
 982 wagering. The funds for these breeders' awards shall be paid to  
 983 the respective breeders' associations by the permitholders  
 984 conducting the races.

985 Section 16. Section 550.3341, Florida Statutes, is created  
 986 to read:

987 550.3341 Nonwagering quarter horse racing partnerships.--  
 988 In recognition of the economic and cultural importance of

989 nonwagering equine competitions to this state's growing rural  
 990 communities, the importance of agricultural arenas as a key  
 991 focal point for nonwagering equine competitions, and to  
 992 recognize the differences between nonwagering equine  
 993 competitions and traditional quarter horse racing, if a  
 994 qualifying application is received under this section, the  
 995 division shall annually approve one partnership between a  
 996 quarter horse racing permitholder and a licensed nonwagering  
 997 permitholder under s. 550.505 in order to promote the continued  
 998 development of nonwagering equine competitions in growing rural  
 999 communities.

1000 (1) As part of its license application under s. 550.01215,  
 1001 a quarter horse racing permitholder may apply to fully or  
 1002 partially substitute live nonwagering equine competitions for  
 1003 its live pari-mutuel quarter horse races, pursuant to a written  
 1004 agreement with a licensed nonwagering permitholder under s.  
 1005 550.505, provided that:

1006 (a) The quarter horse racing permitholder's facility is  
 1007 located in a county with a population of between 30,000 and  
 1008 75,000 according to the most recent decennial census.

1009 (b) The quarter horse racing permitholder's facility is  
 1010 located in a community that is, or was previously, included  
 1011 within a rural area of opportunity as designated by the Governor  
 1012 pursuant to s. 288.0656.

1013 (c) The live nonwagering equine competitions are conducted  
 1014 by the licensed nonwagering permitholder, pursuant to lease

1015 agreements, at the quarter horse racing permitholder's pari-  
 1016 mutuel facility or at a publicly owned agricultural arena  
 1017 located adjacent to the quarter horse racing permitholder's  
 1018 pari-mutuel facility.

1019 (d) The nonwagering permit and license are held by the  
 1020 horsemen's association representing the majority of the quarter  
 1021 horse owners and trainers at the quarter horse racing  
 1022 permitholder's pari-mutuel facility, and the horsemen's  
 1023 association has been issued a nonwagering license for the  
 1024 previous two calendar years.

1025 (e) The quarter horse racing permitholder has conducted a  
 1026 full schedule of live races as defined in s. 550.002(11), either  
 1027 with or without the use of qualifying nonwagering equine  
 1028 competitions described in this section, for the previous two  
 1029 state fiscal years.

1030 (2) The live nonwagering equine competitions shall consist  
 1031 of barrel racing, pole bending, or other rodeo or gymkhana-style  
 1032 competitions.

1033 (3) Twenty live equine competitions, conducted pursuant to  
 1034 an agreement approved under this section, shall be considered a  
 1035 full schedule of live racing in satisfaction of the requirements  
 1036 of ss. 550.002(11) and 550.334(8).

1037 (4) Payment of purses and breeders awards from quarter  
 1038 horse racing permitholders who qualify to conduct live  
 1039 nonwagering equine competitions in accordance with this section  
 1040 shall be governed by a binding written agreement between the

1041 permitholder and the association representing a majority of the  
 1042 horse owners and trainers at the permitholder's pari-mutuel  
 1043 facility.

1044 (5) If more than one quarter horse racing permitholder  
 1045 applies for division approval of a partnership with a licensed  
 1046 non-wagering permitholder under this section, the division must  
 1047 approve the partnership it determines will best promote the  
 1048 continued development of nonwagering equine competitions in this  
 1049 state and will make the most significant contribution to the  
 1050 rural communities in which the competitions take place.

1051 (6) Quarter horse racing permitholders who qualify to  
 1052 conduct live nonwagering equine competitions in accordance with  
 1053 this section are entitled to amend licenses for the 2015-2016  
 1054 fiscal year through August 31, 2015.

1055 (7) The department may adopt rules as necessary to  
 1056 administer this section.

1057 Section 17. Subsections (2) and (3) of section 550.3345,  
 1058 Florida Statutes, are amended to read:

1059 550.3345 ~~Conversion of quarter horse permit to a Limited~~  
 1060 ~~thoroughbred racing permit.-~~

1061 (2) A limited thoroughbred racing permit previously  
 1062 converted from ~~Notwithstanding any other provision of law, the~~  
 1063 ~~holder of a quarter horse racing permit pursuant to chapter~~  
 1064 2010-29, Laws of Florida, issued under s. 550.334 may only be  
 1065 held by, within 1 year after the effective date of this section,  
 1066 ~~apply to the division for a transfer of the quarter horse racing~~

1067 ~~permit to~~ a not-for-profit corporation formed under state law to  
 1068 serve the purposes of the state as provided in subsection (1).  
 1069 The board of directors of the not-for-profit corporation must be  
 1070 comprised of 11 members, 4 of whom shall be designated by the  
 1071 applicant, 4 of whom shall be designated by the Florida  
 1072 Thoroughbred Breeders' Association, and 3 of whom shall be  
 1073 designated by the other 8 directors, with at least 1 of these 3  
 1074 members being an authorized representative of another  
 1075 thoroughbred permitholder in this state. A limited thoroughbred  
 1076 racing ~~The not for profit corporation shall submit an~~  
 1077 ~~application to the division for review and approval of the~~  
 1078 ~~transfer in accordance with s. 550.054. Upon approval of the~~  
 1079 ~~transfer by the division, and notwithstanding any other~~  
 1080 ~~provision of law to the contrary, the not for profit corporation~~  
 1081 ~~may, within 1 year after its receipt of the permit, request that~~  
 1082 ~~the division convert the quarter horse racing permit to a permit~~  
 1083 ~~authorizing the holder to conduct pari mutuel wagering meets of~~  
 1084 ~~thoroughbred racing. Neither the transfer of the quarter horse~~  
 1085 ~~racing permit nor its conversion to a limited thoroughbred~~  
 1086 ~~permit shall be subject to the mileage limitation or the~~  
 1087 ~~ratification election as set forth under s. 550.054(2) or s.~~  
 1088 ~~550.0651. Upon receipt of the request for such conversion, the~~  
 1089 ~~division shall timely issue a converted permit. The converted~~  
 1090 ~~permit and the not-for-profit corporation are shall be subject~~  
 1091 ~~to the following requirements:~~

1092 (a) All net revenues derived by the not-for-profit

1093 corporation under the thoroughbred horse racing permit, after  
 1094 the funding of operating expenses and capital improvements,  
 1095 shall be dedicated to the enhancement of thoroughbred purses and  
 1096 breeders', stallion, and special racing awards under this  
 1097 chapter; the general promotion of the thoroughbred horse  
 1098 breeding industry; and the care in this state of thoroughbred  
 1099 horses retired from racing.

1100 (b) From December 1 through April 30, no live thoroughbred  
 1101 racing may be conducted under the permit on any day during which  
 1102 another thoroughbred permitholder is conducting live  
 1103 thoroughbred racing within 125 air miles of the not-for-profit  
 1104 corporation's pari-mutuel facility unless the other thoroughbred  
 1105 permitholder gives its written consent.

1106 (c) ~~After the conversion of the quarter horse racing~~  
 1107 ~~permit and~~ the issuance of its initial license to conduct pari-  
 1108 mutuel wagering meets of thoroughbred racing, the not-for-profit  
 1109 corporation shall annually apply to the division for a license  
 1110 pursuant to s. 550.5251.

1111 (d) Racing under the permit may take place only at the  
 1112 location for which the original quarter horse racing permit was  
 1113 issued, which may be leased by the not-for-profit corporation  
 1114 for that purpose, ~~however, the not for profit corporation may,~~  
 1115 ~~without the conduct of any ratification election pursuant to s.~~  
 1116 ~~550.054(13) or s. 550.0651, move the location of the permit to~~  
 1117 ~~another location in the same county provided that such~~  
 1118 ~~relocation is approved under the zoning and land use regulations~~

1119 ~~of the applicable county or municipality.~~

1120 (e) A limited thoroughbred racing ~~No permit converted~~  
 1121 ~~under this section~~ is not eligible for transfer to another  
 1122 person or entity.

1123 (3) Unless otherwise provided in this section, ~~after~~  
 1124 ~~conversion,~~ the permit and the not-for-profit corporation shall  
 1125 be treated under the laws of this state as a thoroughbred racing  
 1126 permit and as a thoroughbred racing permitholder, respectively,  
 1127 with the exception of ss. 550.054(9)(c) and (d) and s.  
 1128 550.09515(3).

1129 Section 18. Paragraph (a) of subsection (6) of section  
 1130 550.3551, Florida Statutes, is amended to read:

1131 550.3551 Transmission of racing and jai alai information;  
 1132 commingling of pari-mutuel pools.—

1133 (6) (a) ~~A maximum of 20 percent of the total number of~~  
 1134 ~~races on which wagers are accepted by a greyhound permitholder~~  
 1135 ~~not located as specified in s. 550.615(6) may be received from~~  
 1136 ~~locations outside this state.~~ A horseracing or a jai alai  
 1137 permitholder may not conduct fewer than eight live races or  
 1138 games on any authorized race day except as provided in this  
 1139 subsection. A thoroughbred racing permitholder may not conduct  
 1140 fewer than eight live races on any race day without the written  
 1141 approval of the Florida Thoroughbred Breeders' Association and  
 1142 the Florida Horsemen's Benevolent and Protective Association,  
 1143 Inc., unless it is determined by the department that another  
 1144 entity represents a majority of the thoroughbred racehorse

1145 owners and trainers in the state. A harness permitholder may  
 1146 conduct fewer than eight live races on any authorized race day,  
 1147 except that such permitholder must conduct a full schedule of  
 1148 live racing during its race meet consisting of at least eight  
 1149 live races per authorized race day for at least 100 days. Any  
 1150 harness ~~horse~~ permitholder that during the preceding racing  
 1151 season conducted a full schedule of live racing may, at any time  
 1152 during its current race meet, receive full-card broadcasts of  
 1153 harness horse races conducted at harness racetracks outside this  
 1154 state at the harness track of the permitholder and accept wagers  
 1155 on such harness races. With specific authorization from the  
 1156 division for special racing events, a permitholder may conduct  
 1157 fewer than eight live races or games when the permitholder also  
 1158 broadcasts out-of-state races or games. The division may not  
 1159 grant more than two such exceptions a year for a permitholder in  
 1160 any 12-month period, and those two exceptions may not be  
 1161 consecutive.

1162 Section 19. Subsections (2), (4), (6), and (7) of section  
 1163 550.615, Florida Statutes, are amended, subsections (8), (9),  
 1164 and (10) are renumbered as subsections (6), (7), and (8),  
 1165 respectively, and amended, and a new subsection (9) is added to  
 1166 that section, to read:

1167 550.615 Intertrack wagering.—

1168 (2) A ~~Any~~ track or fronton licensed under this chapter  
 1169 which conducted a full schedule of live racing or games in the  
 1170 preceding year and any greyhound racing permitholder that



1171 conducted a full schedule of live racing for a period of at  
 1172 least 10 consecutive state fiscal years after the 1996-1997  
 1173 state fiscal year or that converted its permit to a permit to  
 1174 conduct greyhound racing after that fiscal year is qualified to,  
 1175 at any time, receive broadcasts of any class of pari-mutuel race  
 1176 or game and accept wagers on such races or games conducted by  
 1177 any class of permitholders licensed under this chapter.

1178 (4) In no event shall any intertrack wager be accepted on  
 1179 the same class of live races or games of any permitholder  
 1180 without the written consent of such operating permitholders  
 1181 conducting the same class of live races or games if the guest  
 1182 track is within the market area of such operating permitholder.  
 1183 A greyhound racing permitholder licensed under this chapter  
 1184 which accepts intertrack wagers on live greyhound signals is not  
 1185 required to obtain the written consent required by this  
 1186 subsection from any operating greyhound racing permitholder  
 1187 within its market area.

1188 ~~(6) Notwithstanding the provisions of subsection (3), in~~  
 1189 ~~any area of the state where there are three or more horserace~~  
 1190 ~~permitholders within 25 miles of each other, intertrack wagering~~  
 1191 ~~between permitholders in said area of the state shall only be~~  
 1192 ~~authorized under the following conditions: Any permitholder,~~  
 1193 ~~other than a thoroughbred permitholder, may accept intertrack~~  
 1194 ~~wagers on races or games conducted live by a permitholder of the~~  
 1195 ~~same class or any harness permitholder located within such area~~  
 1196 ~~and any harness permitholder may accept wagers on games~~

1197 ~~conducted live by any jai alai permitholder located within its~~  
 1198 ~~market area and from a jai alai permitholder located within the~~  
 1199 ~~area specified in this subsection when no jai alai permitholder~~  
 1200 ~~located within its market area is conducting live jai alai~~  
 1201 ~~performances; any greyhound or jai alai permitholder may receive~~  
 1202 ~~broadcasts of and accept wagers on any permitholder of the other~~  
 1203 ~~class provided that a permitholder, other than the host track,~~  
 1204 ~~of such other class is not operating a contemporaneous live~~  
 1205 ~~performance within the market area.~~

1206 ~~(7) In any county of the state where there are only two~~  
 1207 ~~permits, one for dogracing and one for jai alai, no intertrack~~  
 1208 ~~wager may be taken during the period of time when a permitholder~~  
 1209 ~~is not licensed to conduct live races or games without the~~  
 1210 ~~written consent of the other permitholder that is conducting~~  
 1211 ~~live races or games. However, if neither permitholder is~~  
 1212 ~~conducting live races or games, either permitholder may accept~~  
 1213 ~~intertrack wagers on horseraces or on the same class of races or~~  
 1214 ~~games, or on both horseraces and the same class of races or~~  
 1215 ~~games as is authorized by its permit.~~

1216 ~~(6)(8)~~ (6) In any three contiguous counties of the state where  
 1217 there are only three permitholders, all of which are greyhound  
 1218 permitholders, if a greyhound racing any permitholder leases the  
 1219 facility of another greyhound racing permitholder for the  
 1220 purpose of conducting all or any portion of ~~the conduct of~~ its  
 1221 live race meet pursuant to s. 550.475, such lessee may conduct  
 1222 intertrack wagering at its pre-lease permitted facility

1223 throughout the entire year, including while its live race meet  
 1224 is being conducted at the leased facility, ~~if such permitholder~~  
 1225 ~~has conducted a full schedule of live racing during the~~  
 1226 ~~preceding fiscal year at its pre-lease permitted facility or at~~  
 1227 ~~a leased facility, or combination thereof.~~

1228 (7)-(9) In any two contiguous counties of the state in  
 1229 which there are located only four active permits, one for  
 1230 thoroughbred horse racing, two for greyhound racing ~~degracing~~,  
 1231 and one for jai alai games, no intertrack wager may be accepted  
 1232 on the same class of live races or games of any permitholder  
 1233 without the written consent of such operating permitholders  
 1234 conducting the same class of live races or games if the guest  
 1235 track is within the market area of such operating permitholder.

1236 (8)-(10) All costs of receiving the transmission of the  
 1237 broadcasts shall be borne by the guest track; and all costs of  
 1238 sending the broadcasts shall be borne by the host track.

1239 (9) A greyhound racing permitholder, identified in  
 1240 subsection (2), operating pursuant to a current year's operating  
 1241 license that specifies no live performances or less than a full  
 1242 schedule of live performances is qualified to:

1243 (a) Receive broadcasts at any time of any class of pari-  
 1244 mutuel race or game and accept wagers on such races or games  
 1245 conducted by any class of permitholder licensed under this  
 1246 chapter; and

1247 (b) Accept wagers on live races conducted at out-of-state  
 1248 greyhound tracks only on the days when such permitholder

1249 receives all live races that any greyhound host track in this  
 1250 state makes available.

1251 Section 20. Paragraphs (d), (f), and (g) of subsection (9)  
 1252 of section 550.6305, Florida Statutes, are amended to read:

1253 550.6305 Intertrack wagering; guest track payments;  
 1254 accounting rules.—

1255 (9) A host track that has contracted with an out-of-state  
 1256 horse track to broadcast live races conducted at such out-of-  
 1257 state horse track pursuant to s. 550.3551(5) may broadcast such  
 1258 out-of-state races to any guest track and accept wagers thereon  
 1259 in the same manner as is provided in s. 550.3551.

1260 (d) Any permitholder located in any area of the state  
 1261 where there are only two permits, one for dogracing and one for  
 1262 jai alai, and any permitholder that converted its permit to  
 1263 conduct jai alai to a permit to conduct greyhound racing in lieu  
 1264 of jai alai under s. 550.054(14), Florida Statutes 2014, as  
 1265 created by s. 6 of chapter 2009-170, Laws of Florida, may accept  
 1266 wagers on rebroadcasts of out-of-state thoroughbred horse races  
 1267 from an in-state thoroughbred horse racing permitholder and  
 1268 shall not be subject to the provisions of paragraph (b) if such  
 1269 thoroughbred horse racing permitholder located within the area  
 1270 specified in this paragraph is both conducting live races and  
 1271 accepting wagers on out-of-state horseraces. In such case, the  
 1272 guest permitholder shall be entitled to 45 percent of the net  
 1273 proceeds on wagers accepted at the guest facility. The remaining  
 1274 proceeds shall be distributed as follows: one-half shall be

1275 retained by the host facility and one-half shall be paid by the  
 1276 host facility as purses at the host facility.

1277 (f) Any permitholder located in any area of the state  
 1278 where there are only two permits, one for dogracing and one for  
 1279 jai alai, and any permitholder that converted its permit to  
 1280 conduct jai alai to a permit to conduct greyhound racing in lieu  
 1281 of jai alai under s. 550.054(14), Florida Statutes 2014, as  
 1282 created by s. 6 of chapter 2009-170, Laws of Florida, may accept  
 1283 wagers on rebroadcasts of out-of-state harness horse races from  
 1284 an in-state harness horse racing permitholder and shall not be  
 1285 subject to the provisions of paragraph (b) if such harness horse  
 1286 racing permitholder located within the area specified in this  
 1287 paragraph is conducting live races. In such case, the guest  
 1288 permitholder shall be entitled to 45 percent of the net proceeds  
 1289 on wagers accepted at the guest facility. The remaining proceeds  
 1290 shall be distributed as follows: one-half shall be retained by  
 1291 the host facility and one-half shall be paid by the host  
 1292 facility as purses at the host facility.

1293 (g)1.a. Any thoroughbred racing permitholder that ~~which~~  
 1294 accepts wagers on a simulcast signal must make the signal  
 1295 available to any permitholder that is eligible to conduct  
 1296 intertrack wagering under the provisions of ss. 550.615-  
 1297 550.6345.

1298 ~~b.2.~~ Any thoroughbred racing permitholder that ~~which~~  
 1299 accepts wagers on a simulcast signal received after 6 p.m. must  
 1300 make such signal available to any permitholder that is eligible

1301 to conduct intertrack wagering under the provisions of ss.  
 1302 550.615-550.6345, ~~including any permitholder located as~~  
 1303 ~~specified in s. 550.615(6)~~. Such guest permitholders are  
 1304 authorized to accept wagers on such simulcast signal,  
 1305 notwithstanding any other provision of this chapter to the  
 1306 contrary.

1307 c.3. Any thoroughbred racing permitholder that ~~which~~  
 1308 accepts wagers on a simulcast signal received after 6 p.m. must  
 1309 make such signal available to any permitholder that is eligible  
 1310 to conduct intertrack wagering under the provisions of ss.  
 1311 550.615-550.6345, ~~including any permitholder located as~~  
 1312 ~~specified in s. 550.615(9)~~. Such guest permitholders are  
 1313 authorized to accept wagers on such simulcast signals for a  
 1314 number of performances not to exceed that which constitutes a  
 1315 full schedule of live races for a quarter horse permitholder  
 1316 pursuant to s. 550.002(11), notwithstanding any other provision  
 1317 of this chapter to the contrary, ~~except that the restrictions~~  
 1318 ~~provided in s. 550.615(9)(a) apply to wagers on such simulcast~~  
 1319 ~~signals.~~

1320 2. A ~~No~~ thoroughbred racing permitholder may not ~~shall~~ be  
 1321 required to continue to rebroadcast a simulcast signal to any  
 1322 in-state permitholder if the average per performance gross  
 1323 receipts returned to the host permitholder over the preceding  
 1324 30-day period were less than \$100. Subject to the provisions of  
 1325 s. 550.615(4), as a condition of receiving rebroadcasts of  
 1326 thoroughbred simulcast signals under this paragraph, a guest

1327 permitholder must accept intertrack wagers on all live races  
 1328 conducted by all then-operating thoroughbred racing  
 1329 permitholders.

1330 Section 21. Section 550.6308, Florida Statutes, is amended  
 1331 to read:

1332 550.6308 Limited intertrack wagering license.—In  
 1333 recognition of the economic importance of the thoroughbred  
 1334 breeding industry to this state, its positive impact on tourism,  
 1335 and of the importance of a permanent thoroughbred sales facility  
 1336 as a key focal point for the activities of the industry, a  
 1337 limited license to conduct intertrack wagering is established to  
 1338 ensure the continued viability and public interest in  
 1339 thoroughbred breeding in Florida.

1340 (1) (a) Upon application to the division on or before  
 1341 January 31 of each year, any person that is licensed to conduct  
 1342 public sales of thoroughbred horses pursuant to s. 535.01, that  
 1343 has conducted at least 8 ~~15~~ days of thoroughbred horse sales at  
 1344 a permanent sales facility in this state for at least 3  
 1345 consecutive years, ~~and that has conducted at least 1 day of~~  
 1346 ~~nonwagering thoroughbred racing in this state, with a purse~~  
 1347 ~~structure of at least \$250,000 per year for 2 consecutive years~~  
 1348 ~~before such application,~~ shall be issued a license, subject to  
 1349 the conditions set forth in this section, to conduct intertrack  
 1350 wagering at such a permanent sales facility during the following  
 1351 periods:

1352 1.(a) Up to 21 days in connection with thoroughbred sales;

1353            2.~~(b)~~ Between November 1 and May 8;

1354            3.~~(e)~~ Between May 9 and October 31 at such times and on

1355 such days as any thoroughbred, jai alai, or a greyhound racing

1356 permitholder in the same county is not conducting live

1357 performances; provided that any such permitholder may waive this

1358 requirement, in whole or in part, and allow the licensee under

1359 this section to conduct intertrack wagering during one or more

1360 of the permitholder's live performances; and

1361            4.~~(d)~~ During the weekend of the Kentucky Derby, the

1362 Preakness, the Belmont, and a Breeders' Cup Meet that is

1363 conducted before November 1 and after May 8.

1364            (b) Only ~~no more than~~ one such license may be issued, and

1365 the no such license may not be issued for a facility located

1366 within 50 miles of any for-profit thoroughbred racing

1367 permitholder's licensed track.

1368            (2) If more than one application is submitted for such

1369 license, the division shall determine which applicant shall be

1370 granted the license. In making its determination, the division

1371 shall grant the license to the applicant demonstrating superior

1372 capabilities, as measured by the length of time the applicant

1373 has been conducting thoroughbred sales within this state or

1374 elsewhere, the applicant's total volume of thoroughbred horse

1375 sales, within this state or elsewhere, the length of time the

1376 applicant has maintained a permanent thoroughbred sales facility

1377 in this state, and the quality of the facility.

1378            (3) The applicant must comply with the provisions of ss.



1379 550.125 and 550.1815.

1380 ~~(4) Intertrack wagering under this section may be~~  
 1381 ~~conducted only on thoroughbred horse racing, except that~~  
 1382 ~~intertrack wagering may be conducted on any class of pari-mutuel~~  
 1383 ~~race or game conducted by any class of permitholders licensed~~  
 1384 ~~under this chapter if all thoroughbred, jai alai, and greyhound~~  
 1385 ~~permitholders in the same county as the licensee under this~~  
 1386 ~~section give their consent.~~

1387 (4)~~(5)~~ The licensee shall be considered a guest track  
 1388 under this chapter. The licensee shall pay 2.5 percent of the  
 1389 total contributions to the daily pari-mutuel pool on wagers  
 1390 accepted at the licensee's facility on greyhound races or jai  
 1391 alai games to the thoroughbred racing permitholder that is  
 1392 conducting live races for purses to be paid during its current  
 1393 racing meet. If more than one thoroughbred racing permitholder  
 1394 is conducting live races on a day during which the licensee is  
 1395 conducting intertrack wagering on greyhound races or jai alai  
 1396 games, the licensee shall allocate these funds between the  
 1397 operating thoroughbred racing permitholders on a pro rata basis  
 1398 based on the total live handle at the operating permitholders'  
 1399 facilities.

1400 Section 22. Section 551.101, Florida Statutes, is amended  
 1401 to read:

1402 551.101 Slot machine gaming authorized. Possession of slot  
 1403 machines and conduct of slot machine gaming is only allowed at  
 1404 licensed eligible facilities pursuant to this part and

1405 ~~department rule. Any licensed pari-mutuel facility located in~~  
 1406 ~~Miami Dade County or Broward County existing at the time of~~  
 1407 ~~adoption of s. 23, Art. X of the State Constitution that has~~  
 1408 ~~conducted live racing or games during calendar years 2002 and~~  
 1409 ~~2003 may possess slot machines and conduct slot machine gaming~~  
 1410 ~~at the location where the pari-mutuel permit holder is authorized~~  
 1411 ~~to conduct pari-mutuel wagering activities pursuant to such~~  
 1412 ~~permit holder's valid pari-mutuel permit provided that a majority~~  
 1413 ~~of voters in a countywide referendum have approved slot machines~~  
 1414 ~~at such facility in the respective county. Notwithstanding any~~  
 1415 ~~other provision of law, it is not a crime for a person to~~  
 1416 ~~participate in slot machine gaming at a pari-mutuel facility~~  
 1417 ~~licensed to possess slot machines and conduct slot machine~~  
 1418 ~~gaming or to participate in slot machine gaming described in~~  
 1419 ~~this chapter.~~

1420 Section 23. Subsections (4) and (11) of section 551.102,  
 1421 Florida Statutes, are amended to read:

1422 551.102 Definitions.—As used in this chapter, the term:

1423 (4) "Eligible facility" means a any licensed pari-mutuel  
 1424 facility that meets the requirements of s. 551.104(2) located in  
 1425 ~~Miami Dade County or Broward County existing at the time of~~  
 1426 ~~adoption of s. 23, Art. X of the State Constitution that has~~  
 1427 ~~conducted live racing or games during calendar years 2002 and~~  
 1428 ~~2003 and has been approved by a majority of voters in a~~  
 1429 ~~countywide referendum to have slot machines at such facility in~~  
 1430 ~~the respective county; any licensed pari-mutuel facility located~~

1431 ~~within a county as defined in s. 125.011, provided such facility~~  
 1432 ~~has conducted live racing for 2 consecutive calendar years~~  
 1433 ~~immediately preceding its application for a slot machine~~  
 1434 ~~license, pays the required license fee, and meets the other~~  
 1435 ~~requirements of this chapter; or any licensed pari-mutuel~~  
 1436 ~~facility in any other county in which a majority of voters have~~  
 1437 ~~approved slot machines at such facilities in a countywide~~  
 1438 ~~referendum held pursuant to a statutory or constitutional~~  
 1439 ~~authorization after the effective date of this section in the~~  
 1440 ~~respective county, provided such facility has conducted a full~~  
 1441 ~~schedule of live racing for 2 consecutive calendar years~~  
 1442 ~~immediately preceding its application for a slot machine~~  
 1443 ~~license, pays the required license licensed fee, and meets the~~  
 1444 ~~other requirements of this chapter.~~

1445 (11) "Slot machine licensee" means a pari-mutuel  
 1446 permitholder that ~~who~~ holds a slot machine license ~~issued by the~~  
 1447 ~~division pursuant to this chapter that authorizes such person to~~  
 1448 ~~possess a slot machine within facilities specified in s. 23,~~  
 1449 ~~Art. X of the State Constitution and allows slot machine gaming.~~

1450 Section 24. Subsection (2) and paragraph (c) of subsection  
 1451 (4) of section 551.104, Florida Statutes, are amended, and  
 1452 subsection (3) of that section is republished, to read:

1453 551.104 License to conduct slot machine gaming.—

1454 (2) An application may be approved by the division only  
 1455 if:

1456 (a) The facility at which the applicant seeks to operate

1457 slot machines is:

1458 1. A licensed pari-mutuel facility where live racing or  
 1459 games were conducted during calendar years 2002 and 2003,  
 1460 located in Miami-Dade County or Broward County, and authorized  
 1461 for slot machine licensure pursuant to s. 23, Art. X of the  
 1462 State Constitution;

1463 2. A licensed pari-mutuel facility where a full schedule  
 1464 of live horseracing has been conducted for 2 consecutive  
 1465 calendar years immediately preceding its application for a slot  
 1466 machine license and located within a county as defined in s.  
 1467 125.011; or

1468 3. A licensed pari-mutuel facility located in a county in  
 1469 which a majority of voters have approved slot machines at  
 1470 eligible facilities in a countywide referendum held concurrently  
 1471 with a general election in which the offices of President and  
 1472 Vice President of the United States were on the ballot, if the  
 1473 permitholder has conducted at least 250 live performances at the  
 1474 facility in accordance with that permitholder's annual operating  
 1475 license for 25 consecutive years immediately preceding its  
 1476 initial application for a slot machine license, pays the  
 1477 required license fee, and meets the other requirements of this  
 1478 chapter. However, a license to conduct slot machine gaming may  
 1479 not be granted by the division pursuant to this subparagraph  
 1480 unless the Gaming Compact between the Seminole Tribe of Florida  
 1481 and the State of Florida authorized pursuant to s. 285.710 is  
 1482 amended to exempt the slot machine gaming conducted by such slot

1483 machine licensees from the Seminole Tribe of Florida's exclusive  
 1484 gaming rights.

1485 (b) ~~after~~ The voters of the county where the applicant's  
 1486 facility is located have authorized by referendum slot machines  
 1487 within pari-mutuel facilities in that county ~~as specified in s.~~  
 1488 ~~23, Art. X of the State Constitution.~~

1489 (c) Issuance of the license would not trigger a reduction  
 1490 in revenue-sharing payments under the Gaming Compact between the  
 1491 Seminole Tribe of Florida and the State of Florida.

1492 (3) A slot machine license may be issued only to a  
 1493 licensed pari-mutuel permitholder, and slot machine gaming may  
 1494 be conducted only at the eligible facility at which the  
 1495 permitholder is authorized under its valid pari-mutuel wagering  
 1496 permit to conduct pari-mutuel wagering activities.

1497 (4) As a condition of licensure and to maintain continued  
 1498 authority for the conduct of slot machine gaming, the slot  
 1499 machine licensee shall:

1500 (c) Conduct no fewer than a full schedule of live racing  
 1501 or games as defined in s. 550.002(11). A permitholder's  
 1502 responsibility to conduct such number of live races or games  
 1503 shall be reduced by the number of races or games that could not  
 1504 be conducted due to the direct result of fire, war, hurricane,  
 1505 or other disaster or event beyond the control of the  
 1506 permitholder. A greyhound racing permitholder is exempt from the  
 1507 live racing requirement of this paragraph if the permitholder  
 1508 conducted a full schedule of live racing for a period of at

1509 least 10 consecutive state fiscal years after the 2002-2003  
 1510 state fiscal year.

1511 Section 25. Subsections (2) and (4) of section 551.114,  
 1512 Florida Statutes, are amended to read:

1513 551.114 Slot machine gaming areas.—

1514 (2) The slot machine licensee shall display pari-mutuel  
 1515 races or games within the designated slot machine gaming areas  
 1516 and offer patrons within the designated slot machine gaming  
 1517 areas the ability to engage in pari-mutuel wagering on any live,  
 1518 intertrack, and simulcast races conducted or offered to patrons  
 1519 of the licensed facility.

1520 (4) Designated slot machine gaming areas may be located  
 1521 within the current live gaming facility or in an existing  
 1522 building that must be contiguous and connected to the live  
 1523 gaming facility. If a designated slot machine gaming area is to  
 1524 be located in a building that is to be constructed, that new  
 1525 building must be contiguous and connected to the live gaming  
 1526 facility. For a greyhound racing permitholder licensed to  
 1527 conduct pari-mutuel activities pursuant to a current year's  
 1528 operating license that does not require live performances,  
 1529 designated slot machine gaming areas may be located only within  
 1530 the eligible facility for which the initial annual slot machine  
 1531 license was issued.

1532 Section 26. Section 551.116, Florida Statutes, is amended  
 1533 to read:

1534 551.116 Days and hours of operation.—Slot machine gaming

1535 areas may be open daily throughout the year. The slot machine  
 1536 gaming areas may be open a ~~cumulative amount of 18 hours per day~~  
 1537 ~~on Monday through Friday and 24 hours per day on Saturday and~~  
 1538 ~~Sunday and on those holidays specified in s. 110.117(1).~~

1539 Section 27. Paragraph (b) of subsection (5), paragraph (b)  
 1540 of subsection (7), paragraph (d) of subsection (13), and  
 1541 subsections (16) and (17) of section 849.086, Florida Statutes,  
 1542 are amended, paragraphs (c) and (d) of subsection (5) are  
 1543 redesignated as paragraphs (d) and (e), respectively, and a new  
 1544 paragraph (c) is added to that subsection, to read:

1545 849.086 Cardrooms authorized.—

1546 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may  
 1547 operate a cardroom in this state unless such person holds a  
 1548 valid cardroom license issued pursuant to this section.

1549 (b) After the initial cardroom license is granted, the  
 1550 application for the annual license renewal shall be made in  
 1551 conjunction with the applicant's annual application for its  
 1552 pari-mutuel license. If a permitholder has operated a cardroom  
 1553 during any of the 3 previous fiscal years and fails to include a  
 1554 renewal request for the operation of the cardroom in its annual  
 1555 application for license renewal, the permitholder may amend its  
 1556 annual application to include operation of the cardroom. In  
 1557 order for a cardroom license to be renewed the applicant must  
 1558 have requested, as part of its pari-mutuel annual license  
 1559 application, to conduct at least 90 percent of the total number  
 1560 of live performances conducted by such permitholder during

1561 either the state fiscal year in which its initial cardroom  
 1562 license was issued or the state fiscal year immediately prior  
 1563 thereto if the permitholder ran at least a full schedule of live  
 1564 racing or games in the prior year. If the application is for a  
 1565 harness permitholder cardroom, the applicant must have requested  
 1566 authorization to conduct a minimum of 140 live performances  
 1567 during the state fiscal year immediately prior thereto. If more  
 1568 than one permitholder is operating at a facility, each  
 1569 permitholder must have applied for a license to conduct a full  
 1570 schedule of live racing.

1571 (c) A greyhound racing permitholder is exempt from the  
 1572 live racing requirements of this section if it conducted a full  
 1573 schedule of live racing for a period of at least 10 consecutive  
 1574 state fiscal years after the 1996-1997 state fiscal year or if  
 1575 it converted its permit to a permit to conduct greyhound racing  
 1576 after that fiscal year. However, as a condition of cardroom  
 1577 licensure, greyhound racing permitholders who are not conducting  
 1578 a full schedule of live racing must conduct intertrack wagering  
 1579 on greyhound signals, to the extent available, on each day of  
 1580 cardroom operation.

1581 (7) CONDITIONS FOR OPERATING A CARDROOM.—

1582 (b) Any cardroom operator may operate a cardroom at the  
 1583 pari-mutuel facility daily throughout the year, if the  
 1584 permitholder meets the requirements under paragraph (5) (b). The  
 1585 cardroom may be open ~~a cumulative amount of 18 hours per day on~~  
 1586 ~~Monday through Friday and 24 hours per day on Saturday and~~



1587 ~~Sunday and on the holidays specified in s. 110.117(1).~~

1588 (13) TAXES AND OTHER PAYMENTS.—

1589 (d)1. Each greyhound racing permitholder conducting live  
 1590 racing and jai alai permitholder that operates a cardroom  
 1591 facility shall use at least 4 percent of such permitholder's  
 1592 cardroom monthly gross receipts to supplement greyhound purses  
 1593 or jai alai prize money, respectively, during the permitholder's  
 1594 current or next ensuing pari-mutuel meet.

1595 2. Each thoroughbred and harness horse racing permitholder  
 1596 that operates a cardroom facility shall use at least 50 percent  
 1597 of such permitholder's cardroom monthly net proceeds as follows:  
 1598 47 percent to supplement purses and 3 percent to supplement  
 1599 breeders' awards during the permitholder's next ensuing racing  
 1600 meet.

1601 3. A ~~No~~ cardroom license or renewal thereof may not shall  
 1602 be issued to an applicant holding a permit under chapter 550 to  
 1603 conduct pari-mutuel wagering meets of quarter horse racing  
 1604 unless the applicant has on file with the division a binding  
 1605 written agreement between the applicant and the Florida Quarter  
 1606 Horse Racing Association or the association representing a  
 1607 majority of the horse owners and trainers at the applicant's  
 1608 eligible facility, governing the payment of purses on live  
 1609 quarter horse races conducted at the licensee's pari-mutuel  
 1610 facility. The agreement governing purses may direct the payment  
 1611 of such purses from revenues generated by any wagering or gaming  
 1612 the applicant is authorized to conduct under Florida law. All

1613 purses shall be subject to the terms of chapter 550.

1614 (16) LOCAL GOVERNMENT APPROVAL.—The Division of Pari-  
 1615 mutuel Wagering may ~~shall~~ not issue any initial license under  
 1616 this section except upon proof in such form as the division may  
 1617 prescribe that the local government where the applicant for such  
 1618 license desires to conduct cardroom gaming has voted to approve  
 1619 such activity by a majority vote of the governing body of the  
 1620 municipality or the governing body of the county if the facility  
 1621 is not located in a municipality.

1622 (17) CHANGE OF LOCATION; REFERENDUM.—

1623 ~~(a)~~ Notwithstanding any provisions of this section, no  
 1624 cardroom gaming license issued under this section shall be  
 1625 transferred, or reissued when such reissuance is in the nature  
 1626 of a transfer, so as to permit or authorize a licensee to change  
 1627 the location of the cardroom. except upon proof in such form as  
 1628 ~~the division may prescribe that a referendum election has been~~  
 1629 ~~held.~~

1630 ~~1. If the proposed new location is within the same county~~  
 1631 ~~as the already licensed location, in the county where the~~  
 1632 ~~licensee desires to conduct cardroom gaming and that a majority~~  
 1633 ~~of the electors voting on the question in such election voted in~~  
 1634 ~~favor of the transfer of such license. However, the division~~  
 1635 ~~shall transfer, without requirement of a referendum election,~~  
 1636 ~~the cardroom license of any permitholder that relocated its~~  
 1637 ~~permit pursuant to s. 550.0555.~~

1638 ~~2. If the proposed new location is not within the same~~

1639 ~~county as the already licensed location, in the county where the~~  
 1640 ~~licensee desires to conduct cardroom gaming and that a majority~~  
 1641 ~~of the electors voting on that question in each such election~~  
 1642 ~~voted in favor of the transfer of such license.~~

1643 ~~(b) The expense of each referendum held under the~~  
 1644 ~~provisions of this subsection shall be borne by the licensee~~  
 1645 ~~requesting the transfer.~~

1646 Section 28. Section 849.095, Florida Statutes, is created  
 1647 to read:

1648 849.095 Destination resorts referendums.-

1649 (1) The board of county commissioners in a county where an  
 1650 eligible facility as defined in s. 551.102(4) is located may  
 1651 conduct a countywide referendum of qualified electors or a  
 1652 majority-plus-one vote of the board of county commissioners on  
 1653 whether to permit the location of a destination resort in that  
 1654 county. The outcome of the referendum does not bind any state  
 1655 government agency. The ballot question shall be stated as  
 1656 follows:

1657 A destination resort is defined as a free-standing  
 1658 land-based structure in which class III casino gaming  
 1659 may be operated and which also consists of a  
 1660 combination of various tourism amenities and  
 1661 facilities, including, but not limited to, hotels,  
 1662 villas, restaurants, gaming facilities, convention and  
 1663 meeting facilities, entertainment facilities,  
 1664 attractions, service centers, and shopping centers.

1665 Examples of class III casino games include slot  
 1666 machines, poker, banked card games, roulette, craps,  
 1667 and banked games using a wheel, dice, tiles, or other  
 1668 equipment.

1669 Should the operation of a destination resort, as  
 1670 defined above, be authorized in .... County, subject  
 1671 to a minimum private capital investment of \$1.5  
 1672 billion by the operators of the proposed destination  
 1673 resort?

1674 ... YES

1675 ... NO

1676  
 1677 A referendum of the electors under this section shall take  
 1678 place, if held, during the general election held during  
 1679 November, 2016. A vote of the board of county commissioners  
 1680 shall take place, if held, no later than December 31, 2016.

1681 (2) No later than 30 days after conducting a referendum or  
 1682 vote pursuant to subsection (1), the results of such referendum  
 1683 or vote of the board of county commissioners shall be reported  
 1684 in writing by the board of county commissioners to the Governor,  
 1685 the President of the Senate, and the Speaker of the House of  
 1686 Representatives.

1687 Section 29. The Division of Pari-mutuel Wagering of the  
 1688 Department of Business and Professional Regulation shall revoke  
 1689 any permit to conduct pari-mutuel wagering when a permit holder  
 1690 has not conducted live events within the 24 months preceding the

PCS for CS/HB 1233

2015

1691 effective date of this act, unless the permit was issued under  
1692 s. 550.3345. A permit revoked under this section may not be  
1693 reissued.

1694 Section 30. If any provision of this act or its  
1695 application to any person or circumstance is held invalid, the  
1696 invalidity does not affect other provisions or applications of  
1697 this act which can be given effect without the invalid provision  
1698 or application, and to this end the provisions of this act are  
1699 severable.

1700 Section 31. This act shall take effect upon becoming a  
1701 law.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Finance & Tax Committee  
2 Representative Rogers offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove line 238 and insert:

6 (c) Notwithstanding any other law or regulation, if any  
7 greyhound racing permitholder with a slot machine license  
8 discontinues the operation of live racing, all pari-mutuel  
9 permitholders with slot machine licenses may also discontinue  
10 the operation of live racing or games, shall have the same  
11 related rights and exemptions provided to such greyhound racing  
12 permitholder, and are entitled, but not required, to be a guest  
13 track for purposes of intertrack wagering and interstate  
14 simulcast and to obtain a cardroom license.

15 (d) Permitholders ~~may~~ shall be entitled to amend their  
16

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 1

17  
18  
19  
20  
21  
22  
23

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T I T L E A M E N D M E N T

Remove line 9 and insert:

performances; providing circumstances for certain permitholders  
to discontinue live racing or games while continuing intertrack  
wagering and maintaining slot machines or cardrooms; limiting  
the number of pari-mutuel

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Finance & Tax Committee  
2 Representative Workman offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove line 238 and insert:

6 (c) As a condition precedent on the validity of its  
7 permit, any greyhound permitholder which does not apply to  
8 conduct a full schedule of live racing following the passage of  
9 this act shall contribute an amount equal to thirty percent of  
10 the operating loss declared from its pari-mutuel operations on  
11 its most recent uniform annual report filed with the Division  
12 prior to the passage of this act. The contribution shall be made  
13 annually prior to the issuance of its annual operating license  
14 by the division. Failure to conduct a full schedule of live  
15 racing pursuant to its annual operating license shall obligate  
16 the permitholder to make the contribution required by this  
17 paragraph for the previous year prior to the issuance of any



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 2

18 future license to conduct wagering or gaming activities. The  
19 division shall aggregate these contributions into a purse pool  
20 from which permitholders conducting live races or games may  
21 apply and receive subsidies for wagering and non-wagering purses  
22 and players awards paid by the permitholders conducting live  
23 races or games in the upcoming state fiscal year. In the event  
24 there is more than one application submitted by a pari-mutuel  
25 permitholder conducting live races or games, the division shall  
26 divide the purse pool pro rata based upon the total amount of  
27 live wagering handle and non-wagering purses conducted or  
28 offered by the permitholders conducting live races or games in  
29 the prior state fiscal year.

30 (d) Permitholders may ~~shall be entitled to~~ amend their  
31

32 -----

33 T I T L E A M E N D M E N T

34 Remove line 6 and insert:

35 operating licenses; requiring greyhound racing permitholders  
36 that do not conduct a full schedule of live racing to contribute  
37 funds to a pool of money that will be distributed by the  
38 division to pari-mutuel permitholders that conduct live racing  
39 or games; authorizing a greyhound racing

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Finance & Tax Committee  
2 Representative Workman offered the following:

3

4 **Amendment**

5 Remove line 401 and insert:

6 provided the application is received by July 31, 2018, the move

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                              \_\_\_ (Y/N)  
OTHER                                    \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Finance & Tax Committee  
2 Representative Workman offered the following:

3  
4           **Amendment**

5           Remove lines 896-904 and insert:

6 the injury occurred or is believed to have occurred. The  
7 Division is authorized to adopt rules defining the term  
8 "injury."

9           (2) The form shall be completed and signed under oath or  
10 affirmation by the:

11           (a) Racetrack veterinarian or director of racing, if the  
12 injury occurred at the racetrack facility; or

13           (b) Owner, trainer, or kennel operator who had knowledge of  
14 the injury, if the injury occurred at a location other than the  
15 racetrack facility, including during transportation.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 4

16           (3) The Division is authorized to fine, suspend, or revoke  
17 the license of any individual who knowingly violates the  
18 provisions of this section.

19           (4) The form must include all of the following:



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 5

18 the slot machine licensee shall remit to the division payment  
19 for the tax on slot machine revenues by 3 p.m. on the 5th day of  
20 each calendar month for taxes imposed and collected for the  
21 preceding calendar month. If the 5th day of the calendar month  
22 falls on a weekend, payments shall be remitted by 3 p.m. the  
23 first Monday following the weekend. The slot machine licensee  
24 shall file a report under oath by the 5th day of each calendar  
25 month for all taxes remitted during the preceding calendar  
26 month. Such payments shall be accompanied by a report under oath  
27 showing all slot machine gaming activities for the preceding  
28 calendar month and such other information as may be prescribed  
29 by the division.

30 (b) Upon issuance of a license pursuant to s.  
31 551.104(2)(a)3. and the payment of slot machine revenue taxes by  
32 such licensees in accordance with s. 551.106(2), the division  
33 shall allocate 10 percent of such slot machine revenue tax  
34 payments to any thoroughbred permitholder that has conducted a  
35 full schedule of live races for fifteen consecutive years, that  
36 has never held a slot machine license, and that is located in a  
37 county in which Class III gaming is conducted on Indian Lands.  
38 The permitholder must use the allocation for thoroughbred racing  
39 purses and the operations of the permitholder's thoroughbred  
40 racing facility. If more than one permitholder is eligible for  
41 such an allocation, the division shall equally allocate such  
42 funds between eligible permitholders. The allocation or  
43 allocations made by the division for payment in accordance with

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 5

44 this provision shall be deposited into the Pari-mutuel Wagering  
45 Trust Fund for immediate transfer by the Chief Financial Officer  
46 to any qualifying permitholders within 30 days after the  
47 conclusion of the state's fiscal year.

48

49

50

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51

**T I T L E   A M E N D M E N T**

52

Between lines 107 and 108, insert:

53

551.106, F.S.; requiring the division to allocate ten percent of  
54 slot machine tax revenues received from certain permitholders to  
55 certain other permitholders for the purpose of funding purses  
56 and facility operations; amending s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Finance & Tax Committee  
2 Representative Artiles offered the following:

3  
4 **Amendment**

5 Remove lines 178-179 and insert:

6 c. For every fiscal year after the 2012-2013 fiscal year,  
7 the conduct of no less than 5 and no more than ~~at least~~ 40 live  
8 regular wagering performances.†



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Finance & Tax Committee  
2 Representative Artiles offered the following:

**Amendment (with title amendment)**

5 Remove line 1567 and insert:  
6 during the state fiscal year immediately prior thereto. If the  
7 application is for a quarter horse racing permitholder cardroom,  
8 the applicant must have requested, as part of its pari-mutuel  
9 annual license application, to conduct a full schedule of live  
10 racing. If more

11 -----  
12  
13 **T I T L E A M E N D M E N T**

14 Remove line 113 and insert:  
15 that a cardroom may operate; requiring a quarter horse racing  
16 permitholder to conduct a full schedule of live racing in order

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1233 (2015)

Amendment No. 7

17 | to receive, maintain, or renew a cardroom license; exempting a  
18 | greyhound