

1
2 An act relating to regulated industries;
3 amending s. 561.501, F.S.; reducing the
4 surcharges on liquor, wine, cider, and beer
5 sold for consumption on the premises; providing
6 an exemption from the surcharge to certain
7 nonprofit organizations; amending s. 561.121,
8 F.S.; increasing the portion of the surcharge
9 which is transferred to the Children and
10 Adolescents Substance Abuse Trust Fund;
11 amending s. 212.20, F.S.; authorizing a
12 distribution of sales and use tax revenues to
13 county governments; repealing s. 550.01215(8),
14 F.S., relating to the use of permitted
15 facilities; amending s. 550.135, F.S.;
16 eliminating the annual distribution of
17 pari-mutuel tax revenues to county governments;
18 amending s. 550.0951, F.S.; providing that the
19 daily license fee tax credit provided by said
20 section and the \$360,000 or \$500,000 tax
21 exemption provided by s. 550.09514(1), F.S.,
22 may be applied to any tax and daily license
23 fees imposed under ch. 550, F.S.; removing
24 restrictions on the transfer of the daily
25 license fee tax credit by greyhound
26 permitholders; authorizing transfer of the
27 \$360,000 or \$500,000 tax exemption by a
28 greyhound permitholder to a greyhound
29 permitholder that acts as host track to such
30 permitholder for intertrack wagering; providing
31 for repayment; providing for rules; reducing

1 the taxes on handle for greyhound dogracing,
2 for intertrack wagering when the host track is
3 a dog track, for intertrack wagers accepted by
4 certain dog tracks, for intertrack wagers when
5 both the host and guest are thoroughbred tracks
6 or other guest tracks within the market area;
7 providing exceptions; removing the additional
8 tax on the surcharge on winning tickets;
9 providing a reduced tax rate to live handle on
10 jai alai; redirecting deposits from the General
11 Revenue Fund to the Pari-mutuel Wagering Trust
12 Fund; revising the time period for remittance
13 of certain fees and taxes; forgiving certain
14 taxes; amending s. 550.09514, F.S.; revising
15 application and administration of the \$360,000
16 or \$500,000 tax exemption provided by said
17 section; providing for payment of additional
18 purses by greyhound permitholders in an amount
19 equal to a percentage of the tax reduction
20 resulting from the reduction of the taxes on
21 handle; providing requirements with respect
22 thereto; providing for audits; amending s.
23 550.09515, F.S.; modifying the tax on handle
24 for thoroughbred performances; removing a
25 penalty for operating in more than one
26 facility; redirecting deposits from the General
27 Revenue Fund to the Pari-mutuel Wagering Trust
28 Fund; providing a credit against taxes on live
29 handle equal to a percentage of the tax paid in
30 prior year; providing for contributions for the
31 health and welfare of jockeys; amending s.

1 550.1645, F.S., to conform; creating s.
2 550.1647, F.S.; providing for payments and
3 credits concerning unclaimed pari-mutuel
4 tickets by greyhound permitholders; amending s.
5 550.615, F.S., relating to intertrack wagering
6 and leased greyhound facilities; authorizing
7 certain permitholders to conduct intertrack
8 wagering at certain additional facilities;
9 amending s. 550.0555, F.S.; providing
10 legislative intent; providing for the
11 relocation of jai alai permittees within a
12 county in the same manner as is currently
13 provided for the relocation of greyhound
14 dogracing permittees within a county; providing
15 that relocation of permittees be consistent
16 with local government comprehensive plan;
17 amending s. 550.09512, F.S.; reducing the tax
18 on handle for live harness performances;
19 amending s. 550.475, F.S.; providing for
20 leasing of jai alai facilities; amending s.
21 550.625, F.S.; increasing the percentage of
22 purses for thoroughbred and quarter horse
23 racing; amending s. 550.155, F.S.; requiring
24 counties to approve certain capital
25 improvements by permitholders in certain
26 situations; amending s. 550.26352, F.S.,
27 relating to the Breeders' Cup Meet; increasing
28 the amount of certain tax credits allowed to
29 permitholders; deleting certain limitations on
30 broadcasts to pari-mutuel facilities;
31 authorizing the Division of Pari-mutuel

1 Wagering of the Department of Business and
2 Professional Regulation to waive certain rules;
3 amending s. 550.6305, F.S.; conforming
4 cross-references; amending s. 550.002, F.S.;
5 substituting the term "same class of races,
6 games, or permit" for the term "same class of
7 race or permit"; amending s. 550.0251, F.S.;
8 providing for the Division of Pari-mutuel
9 Wagering to adopt rules for wagering through a
10 pari-mutuel wagering pool; amending s.
11 550.0351, F.S.; increasing the number of
12 charity performances per fiscal year which a
13 jai alai permitholder may conduct; amending s.
14 550.105, F.S.; revising provisions relating to
15 licenses for persons or entities with access to
16 certain areas of racetracks and frontons;
17 amending s. 550.24055, F.S.; amending standards
18 used in testing certain licensees to determine
19 whether they have abused alcoholic beverages;
20 amending s. 550.26165, F.S.; providing for
21 breeders' awards and stallion awards; providing
22 for certain moneys to be returned to the
23 permitholders that generated the money, in
24 accordance with a plan to be established
25 annually by specified entities; providing an
26 exception; amending s. 550.2625, F.S.; amending
27 minimum purse requirements for thoroughbred and
28 harness horse racing permitholders; amending
29 criteria for the payment of breeders' awards
30 and stallion awards; amending s. 550.3551,
31 F.S.; requiring the written approval of the

1 Florida Horsemen's Benevolent and Protective
2 Association, Inc., before a thoroughbred
3 permitholder may conduct fewer than eight live
4 races on any race day; amending s. 550.6308,
5 F.S.; amending provisions relating to limited
6 intertrack wagering licenses; expanding the
7 types of pari-mutuel races or games on which
8 intertrack wagering may be conducted, subject
9 to certain conditions; requiring a licensee to
10 pay a specified amount to the daily pari-mutuel
11 pool on certain wagers to thoroughbred
12 permitholders conducting live races; amending
13 s. 773.01, F.S.; amending the definition of the
14 term "participant" as used in ss.
15 773.01-773.05, F.S.; amending ss. 773.03, F.S.,
16 relating to limitation on liability for equine
17 activity; providing that the section does apply
18 to the horseracing industry as defined in ch.
19 550, F.S.; creating the Interstate Compact on
20 Licensure of Participants in Pari-mutuel
21 Wagering; providing purposes of the compact;
22 providing definitions; providing for the
23 effective date of the compact; providing
24 criteria for eligibility to join the compact;
25 providing procedures for withdrawing from the
26 compact; creating an interstate governmental
27 entity to be known as the compact committee;
28 providing the powers and duties of the compact
29 committee; providing voting requirements for
30 the committee; providing for the administration
31 and management of the committee; providing that

1 committee employees are governmental employees;
2 providing immunity from liability for
3 performance of official responsibilities and
4 duties of the compact committee; providing
5 rights and responsibilities of each state that
6 is a party to the compact; providing for
7 construction and severability of provisions of
8 the compact; repealing s. 550.615(9), F.S.,
9 relating to limited intertrack wagering
10 license; providing a credit for jai alai
11 permitholders; providing effective dates.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Subsection (1) of section 561.501, Florida
16 Statutes, is amended to read:

17 561.501 Surcharge on sale of alcoholic beverages for
18 consumption on the premises; penalty.--

19 (1) Notwithstanding s. 561.50 or any other provision
20 of the Beverage Law, a surcharge of 3.34 ~~6.67~~ cents is imposed
21 upon each ounce of liquor and each 4 ounces of wine, a
22 surcharge of 2 ~~4~~ cents is imposed on each 12 ounces of cider,
23 and a surcharge of 1.34 ~~2.67~~ cents is imposed on each 12
24 ounces of beer sold at retail for consumption on premises
25 licensed by the division as an alcoholic beverage vendor.
26 However, the surcharges imposed under this subsection need not
27 be paid upon such beverages when they are sold by an
28 organization that is licensed by the division under s.
29 565.02(4) or s. 561.422 as an alcoholic beverage vendor and
30 that is determined by the Internal Revenue Service to be
31 currently exempt from federal income tax under s. 501(c)(3),

1 (4), (5), (6), (7), (8), or (19) of the Internal Revenue Code
2 of 1986, as amended.

3 Section 2. Subsection (4) of section 561.121, Florida
4 Statutes, is amended to read:

5 561.121 Deposit of revenue.--

6 (4) State funds collected pursuant to s. 561.501 shall
7 be paid into the State Treasury and credited to the following
8 accounts:

9 (a) Twenty-seven and two-tenths ~~Thirteen and~~
10 ~~six-tenths~~ percent of the surcharge on the sale of alcoholic
11 beverages for consumption on premises shall be transferred to
12 the Children and Adolescents Substance Abuse Trust Fund, which
13 shall remain with the Department of Children and Family
14 Services for the purpose of funding programs directed at
15 reducing and eliminating substance abuse problems among
16 children and adolescents.

17 (b) The remainder of collections shall be credited to
18 the General Revenue Fund.

19 Section 3. Subsection (6) of section 212.20, Florida
20 Statutes, is amended to read:

21 212.20 Funds collected, disposition; additional powers
22 of department; operational expense; refund of taxes
23 adjudicated unconstitutionally collected.--

24 (6) Distribution of all proceeds under this chapter
25 shall be as follows:

26 (a) Proceeds from the convention development taxes
27 authorized under s. 212.0305 shall be reallocated to the
28 Convention Development Tax Clearing Trust Fund.

29 (b) Proceeds from discretionary sales surtaxes imposed
30 pursuant to ss. 212.054 and 212.055 shall be reallocated to
31 the Discretionary Sales Surtax Clearing Trust Fund.

1 (c) Proceeds from the tax imposed pursuant to s.
2 212.06(5)(a)2. shall be reallocated to the Mail Order Sales
3 Tax Clearing Trust Fund.

4 (d) Proceeds from the fee imposed pursuant to s.
5 212.18(5) shall be deposited in the Solid Waste Management
6 Clearing Trust Fund, which is hereby created to be used by the
7 department, and shall be subsequently transferred to the State
8 Treasurer to be deposited into the Solid Waste Management
9 Trust Fund.

10 (e) Proceeds from the fees imposed under ss.
11 212.05(1)(i)3. and 212.18(3) shall remain with the General
12 Revenue Fund.

13 (f) The proceeds of all other taxes and fees imposed
14 pursuant to this chapter shall be distributed as follows:

15 1. In any fiscal year, the greater of \$500 million,
16 minus an amount equal to 4.6 percent of the proceeds of the
17 taxes collected pursuant to chapter 201, or 5 percent of all
18 other taxes and fees imposed pursuant to this chapter shall be
19 deposited in monthly installments into the General Revenue
20 Fund.

21 2. Two-tenths of one percent shall be transferred to
22 the Solid Waste Management Trust Fund.

23 3. After the distribution under subparagraphs 1. and
24 2., 9.653 percent of the amount remitted by a sales tax dealer
25 located within a participating county pursuant to s. 218.61
26 shall be transferred into the Local Government Half-cent Sales
27 Tax Clearing Trust Fund.

28 4. After the distribution under subparagraphs 1., 2.,
29 and 3., 0.054 percent shall be transferred to the Local
30 Government Half-cent Sales Tax Clearing Trust Fund and
31 distributed pursuant to s. 218.65.

1 5. Of the remaining proceeds:
2 a. Beginning July 1, 2000, and in each fiscal year
3 thereafter, the sum of \$29,915,500 shall be divided into as
4 many equal parts as there are counties in the state, and one
5 part shall be distributed to each county. The distribution
6 among the several counties shall begin each fiscal year on or
7 before January 5th and shall continue monthly for a total of 4
8 months. If a local or special law required that any moneys
9 accruing to a county in fiscal year 1999-2000 under the
10 then-existing provisions of s. 550.135 be paid directly to the
11 district school board, special district, or a municipal
12 government, such payment shall continue until such time that
13 the local or special law is amended or repealed. The state
14 covenants with holders of bonds or other instruments of
15 indebtedness issued by local governments, special districts,
16 or district school boards prior to July 1, 2000, that it is
17 not the intent of this subparagraph to adversely affect the
18 rights of those holders or relieve local governments, special
19 districts, or district school boards of the duty to meet their
20 obligations as a result of previous pledges or assignments or
21 trusts entered into which obligated funds received from the
22 distribution to county governments under then-existing s.
23 550.135. This distribution specifically is in lieu of funds
24 distributed under s. 550.135 prior to July 1, 2000.

25 ~~b.a.~~ Beginning July 1, 1992, \$166,667 shall be
26 distributed monthly by the department to each applicant that
27 has been certified as a "facility for a new professional
28 sports franchise" or a "facility for a retained professional
29 sports franchise" pursuant to s. 288.1162 and \$41,667 shall be
30 distributed monthly by the department to each applicant that
31 has been certified as a "new spring training franchise"

1 facility" pursuant to s. 288.1162. Distributions shall begin
2 60 days following such certification and shall continue for 30
3 years. Nothing contained herein shall be construed to allow an
4 applicant certified pursuant to s. 288.1162 to receive more in
5 distributions than actually expended by the applicant for the
6 public purposes provided for in s. 288.1162(7). However, a
7 certified applicant shall receive distributions up to the
8 maximum amount allowable and undistributed under this section
9 for additional renovations and improvements to the facility
10 for the franchise without additional certification.

11 ~~c.b.~~ Beginning 30 days after notice by the Office of
12 Tourism, Trade, and Economic Development to the Department of
13 Revenue that an applicant has been certified as the
14 professional golf hall of fame pursuant to s. 288.1168 and is
15 open to the public, \$166,667 shall be distributed monthly, for
16 up to 300 months, to the applicant.

17 ~~d.c.~~ Beginning 30 days after notice by the Department
18 of Commerce to the Department of Revenue that the applicant
19 has been certified as the International Game Fish Association
20 World Center facility pursuant to s. 288.1169, and the
21 facility is open to the public, \$83,333 shall be distributed
22 monthly, for up to 180 months, to the applicant. This
23 distribution is subject to reduction pursuant to s. 288.1169.

24 6. All other proceeds shall remain with the General
25 Revenue Fund.

26 Section 4. Subsection (8) of section 550.01215 is
27 repealed.

28 Section 5. Section 550.135, Florida Statutes, is
29 amended to read:

30 550.135 Division of moneys derived under this
31 law.--All moneys that are deposited with the Treasurer to the

1 credit of the Pari-mutuel Wagering Trust Fund shall be
2 distributed as follows ~~in the following proportions, in the~~
3 ~~manner and at the times specified in this section:~~

4 ~~(1) In each fiscal year, the sum of \$29,915,500 shall~~
5 ~~be divided into as many equal parts as there are counties in~~
6 ~~the state, and one part shall be distributed to each county;~~
7 ~~any excess of such moneys after the distributions to the~~
8 ~~counties shall be paid into the General Revenue Fund. If the~~
9 ~~sum available for distribution is less than \$29,915,500, the~~
10 ~~deficiency shall be paid into the Pari-mutuel Wagering Trust~~
11 ~~Fund from the General Revenue Fund up to the amount of the~~
12 ~~deficiency if the deficiency does not exceed the deposits of~~
13 ~~pari-mutuel tax collections to the General Revenue Fund for~~
14 ~~that fiscal year.~~

15 ~~(2) The distribution among the several counties~~
16 ~~provided for in subsection (1) shall begin each fiscal year on~~
17 ~~or before January 5 and shall continue monthly for a total of~~
18 ~~4 months. If during the fiscal year the sums available for~~
19 ~~distribution to the counties is not sufficient to make the~~
20 ~~scheduled distributions, the division shall immediately~~
21 ~~transfer to the Pari-mutuel Wagering Trust Fund from deposits~~
22 ~~made by the division to the General Revenue Fund during that~~
23 ~~fiscal year, the sums required to make the distributions. If~~
24 ~~on April 5 the sums distributed to the counties do not equal~~
25 ~~the maximum sum to be distributed, the division shall~~
26 ~~immediately transfer to the Pari-mutuel Wagering Trust Fund,~~
27 ~~from deposits made by the division to the General Revenue Fund~~
28 ~~during that fiscal year, the sums required to pay each county~~
29 ~~the sum entitled and shall make such payments on or before the~~
30 ~~end of that fiscal year. The Comptroller is appointed as the~~
31

1 ~~agent of the division to make the distribution to the counties~~
2 ~~and to make transfers as may be required by this section.~~

3 ~~(1)(3)~~ (1)(3) The daily license fee revenues collected
4 pursuant to s. 550.0951(1) shall be used to fund the operating
5 cost of the division and to provide a proportionate share of
6 the operation of the office of the secretary and the Division
7 of Administration of the Department of Business and
8 Professional Regulation; however, other collections in the
9 Pari-mutuel Wagering Trust Fund, ~~after the payments required~~
10 ~~by subsections (1) and (2),~~ may also be used to fund the
11 operation of the division in accordance with authorized
12 appropriations.

13 ~~(2)(4)~~ (2)(4) ~~After payments to the counties have been~~
14 ~~completed as provided in subsections (1) and (2),~~ All
15 unappropriated funds in excess of \$3.5 million in the
16 Pari-mutuel Wagering Trust Fund shall be deposited to the
17 Treasurer to the credit of the General Revenue Fund ~~as~~
18 ~~provided in subsection (1).~~

19 ~~(5)~~ (5) ~~If a local or special law requires that any moneys~~
20 ~~accruing to a county under this chapter, the same being~~
21 ~~division funds, be paid to the Treasurer of the state, as ex~~
22 ~~officio treasurer of the teachers' salary fund, to the credit~~
23 ~~of a district school board, those moneys shall be paid~~
24 ~~directly to the district school board.~~

25 Section 6. Subsections (1), (3), and (5) and paragraph
26 (b) of subsection (6) of section 550.0951, Florida Statutes,
27 are amended to read:

28 550.0951 Payment of daily license fee and taxes.--

29 (1)(a) DAILY LICENSE FEE.--Each person engaged in the
30 business of conducting race meetings or jai alai games under
31 this chapter, hereinafter referred to as the "permitholder,"

1 "licensee," or "permittee," shall pay to the division, for the
2 use of the division, a daily license fee on each live or
3 simulcast pari-mutuel event of \$100 for each horserace and \$80
4 for each dograce and \$40 for each jai alai game conducted at a
5 racetrack or fronton licensed under this chapter. ~~Effective~~
6 ~~October 1, 1996,~~In addition to the tax exemption specified in
7 s. 550.09514(1) of \$360,000 or \$500,000 per greyhound
8 permitholder per state fiscal year, each greyhound
9 permitholder shall receive in the current state fiscal year a
10 tax credit equal to the number of live greyhound races
11 conducted in the previous state fiscal year times the daily
12 license fee specified for each dograce in this subsection
13 applicable for the previous state fiscal year. This tax
14 credit and the exemption in s. 550.09514(1) shall be
15 applicable to any the tax imposed by this chapter or the daily
16 license fees imposed by this chapter on live handle under
17 ~~subsection (3)~~except during any charity or scholarship
18 performances conducted pursuant to s. 550.0351. ~~Effective~~
19 ~~October 1, 1996,~~Each permitholder shall pay daily license
20 fees not to exceed \$500 per day on any simulcast races or
21 games on which such permitholder accepts wagers regardless of
22 the number of out-of-state events taken or the number of
23 out-of-state locations from which such events are taken. This
24 license fee shall be deposited with the Treasurer to the
25 credit of the Pari-mutuel Wagering Trust Fund.

26 (b) Each permitholder that ~~authorized a maximum tax~~
27 ~~savings of \$500,000 per state fiscal year pursuant to s.~~
28 ~~550.09514(1) or the greyhound permitholder that had the lowest~~
29 ~~live handle during the preceding state fiscal year, which~~
30 cannot utilize the full amount of the exemption of \$360,000 or
31 \$500,000 provided in s. 550.09514(1) or the daily license fee

1 credit provided in this section, may, after notifying the
2 division in writing, elect once per state fiscal year on a
3 form provided by the division to transfer such exemption or
4 credit or any portion thereof to any greyhound permitholder
5 which acts as a host track to such permitholder for the
6 purpose of intertrack wagering. Once an election to transfer
7 such exemption or credit is filed with the division it shall
8 not be rescinded. The division shall disapprove the ~~credit~~
9 transfer when the amount of the exemption or credit or portion
10 thereof is unavailable to the transferring permitholder or
11 when the permitholder, who is entitled to transfer the
12 exemption or credit or who is entitled to receive the
13 exemption or credit, owes taxes to the state pursuant to a
14 deficiency letter or administrative complaint issued by the
15 division. Upon approval of the transfer by the division, the
16 transferred tax exemption or credit shall be effective for the
17 first performance of the next biweekly pay period as specified
18 in subsection (5). The exemption or ~~daily license fee~~ credit
19 transferred to such host track may be applied by such host
20 track against any its taxes imposed by this chapter or daily
21 license fees imposed by this chapter on live racing as
22 ~~provided in this subsection~~. The greyhound permitholder host
23 track to which such exemption or ~~daily license fee~~ credit is
24 transferred shall reimburse such permitholder the exact
25 monetary value of such transferred exemption or credit as
26 actually applied against the taxes and daily license fees of
27 the host track. The division shall ensure that all transfers
28 of exemption or credit are made in accordance with this
29 subsection and shall have the authority to adopt rules to
30 ensure the implementation of this section.
31

1 (3) TAX ON HANDLE.--Each permitholder shall pay a tax
2 on contributions to pari-mutuel pools, the aggregate of which
3 is hereinafter referred to as "handle," on races or games
4 conducted by the permitholder. The tax is imposed daily and is
5 based on the total contributions to all pari-mutuel pools
6 conducted during the daily performance. If a permitholder
7 conducts more than one performance daily, the tax is imposed
8 on each performance separately.

9 (a) The tax on handle for ~~thoroughbred horse racing,~~
10 ~~harness horse racing,~~ and quarter horse racing is 1.0 ~~3.3~~
11 percent of the handle.

12 (b)1. The tax on handle for dogracing is 5.5 ~~7.6~~
13 percent of the handle, except that for live charity
14 performances held pursuant to s. 550.0351, and for intertrack
15 wagering on such charity performances at a guest greyhound
16 track within the market area of the host, the tax is 7.6
17 percent of the handle.~~and~~

18 2. The tax on handle for jai alai is 7.1 percent of
19 the handle.

20 (c)1. The tax on handle for intertrack wagering is 2.0
21 ~~3.3~~ percent of the handle if the host track is a horse track,
22 3.3 percent if the host track is a harness track, 5.5 ~~7.6~~
23 percent if the host track is a dog track, and 7.1 percent if
24 the host track is a jai alai fronton. The tax on handle for
25 intertrack wagering is 0.5 percent if the host track and the
26 guest track are thoroughbred permitholders or if the guest
27 track is located outside the market area of the host track and
28 within the market area of a thoroughbred permitholder currently
29 conducting a live race meet.The tax on handle for intertrack
30 wagering on rebroadcasts of simulcast thoroughbred horseraces
31 is 2.4 percent of the handle and 1.5 percent of the handle for

1 intertrack wagering on rebroadcasts of simulcast harness
2 horseraces. The tax shall be deposited into the Pari-mutuel
3 Wagering Trust ~~General Revenue~~ Fund.

4 2. ~~Effective October 1, 1996,~~The tax on handle for
5 intertrack wagers accepted by any dog track located in an area
6 of the state in which there are only three permitholders, all
7 of which are greyhound permitholders, located in three
8 contiguous counties, from any greyhound permitholder also
9 located within such area or any dog track or jai alai fronton
10 located as specified in s. 550.615(6) or (9)~~(8)~~, on races or
11 games received from the same class of permitholder located
12 within the same market area is 3.9 ~~6~~ percent if the host
13 facility is a greyhound permitholder and, if the host facility
14 is a jai alai permitholder, the rate shall be 6.1 percent
15 except that it shall be 2.3 percent on handle at such time as
16 the total tax on intertrack handle paid to the division by the
17 permitholder during the current state fiscal year exceeds the
18 total tax on intertrack handle paid to the division by the
19 permitholder during the 1992-1993 state fiscal year.

20 3. ~~Any guest track that imposes a surcharge on each~~
21 ~~winning ticket cashed pursuant to s. 550.6335 shall pay an~~
22 ~~additional tax equal to 5 percent of the surcharge so imposed.~~
23 ~~Any taxes so imposed shall be deposited into the General~~
24 ~~Revenue Fund.~~

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

29 (5) PAYMENT AND DISPOSITION OF FEES AND
30 TAXES.--Payment for the admission tax, tax on handle, and the
31 breaks tax imposed by this section shall be paid to the

1 division. The division shall deposit these sums with the
2 Treasurer, to the credit of ~~one-half being credited to the~~
3 ~~Pari-mutuel Wagering Trust Fund, hereby established, and~~
4 ~~one-half being credited to the General Revenue Fund.~~ The
5 permit holder shall remit to the division payment for the daily
6 license fee, the admission tax, the tax on handle, and the
7 breaks tax. Such payments shall be remitted by ~~3 p.m. Friday~~
8 ~~of each week for taxes and fees imposed and collected for the~~
9 ~~preceding Sunday, Monday, and Tuesday, and by 3 p.m. Wednesday~~
10 ~~of each week for taxes imposed and collected for the preceding~~
11 ~~week ending on Sunday~~ Wednesday, Thursday, Friday, and
12 Saturday. Permit holders shall file a report under oath by the
13 5th day of each calendar month for all taxes remitted during
14 the preceding calendar month. Such payments shall be
15 accompanied by a report under oath showing the total of all
16 admissions, the pari-mutuel wagering activities for the
17 preceding calendar month, and such other information as may be
18 prescribed by the division.

19 (6) PENALTIES.--

20 (b) In addition to the civil penalty prescribed in
21 paragraph (a), any willful or wanton failure by any
22 permit holder to make payments of the daily license fee,
23 admission tax, tax on handle, or ~~breaks tax, or surtax~~
24 constitutes sufficient grounds for the division to suspend or
25 revoke the license of the permit holder, to cancel the permit
26 of the permit holder, or to deny issuance of any further
27 license or permit to the permit holder.

28 Section 7. Any double-sum tax liability that accrued
29 under section 550.09515(2)(a)2., Florida Statutes, between
30 January 1, 2000, and the effective date of this act is
31

1 forgiven, and the Department of Business and Professional
2 Regulation may not maintain an action to collect such taxes.

3 Section 8. Section 550.09514, Florida Statutes, is
4 amended to read:

5 550.09514 Greyhound dogracing taxes; purse
6 requirements.--

7 (1) ~~Notwithstanding the provisions of s.~~
8 ~~550.0951(3)(b),~~ Wagering on greyhound racing is subject to a
9 tax on handle for live greyhound racing as specified in s.
10 550.0951(3)~~at the rate of 7.6 percent of handle. However,~~
11 each permitholder shall pay no ~~the~~ tax on live handle in
12 ~~excess of \$100,000 per performance~~ until such time as this
13 subsection has resulted in a tax savings per state fiscal year
14 of \$360,000. Thereafter, each permitholder shall pay the tax
15 as specified in s. 550.0951(3)~~provided in this subsection~~ on
16 all handle for the remainder of the permitholder's current
17 race meet, and the tax must be calculated and commence
18 beginning the day after the biweekly period in which the
19 permitholder reaches the maximum tax savings per state fiscal
20 year provided in this section. For the three permitholders
21 that ~~which~~ conducted a full schedule of live racing in 1995,
22 and are closest to another state that ~~which~~ authorizes
23 greyhound pari-mutuel wagering, the maximum tax savings per
24 state fiscal year shall be \$500,000. The provisions of this
25 subsection relating to tax exemptions shall not apply to any
26 charity or scholarship performances conducted pursuant to s.
27 550.0351.

28 (2)(a) The division shall determine for each greyhound
29 permitholder the annual purse percentage rate of live handle
30 for the state fiscal year 1993-1994 by dividing total purses
31 paid on live handle by the permitholder, exclusive of payments

1 made from outside sources, during the 1993-1994 state fiscal
2 year by the permitholder's live handle for the 1993-1994 state
3 fiscal year. Each permitholder shall pay as purses for live
4 races conducted during its current race meet a percentage of
5 its live handle not less than the percentage determined under
6 this paragraph, exclusive of payments made by outside sources,
7 for its 1993-1994 state fiscal year.

8 (b)1. Except as otherwise provided herein, in addition
9 to the minimum purse percentage required by paragraph (a),
10 each permitholder shall pay as purses, for fiscal year
11 1996-1997, an amount equal to 75 percent of the permitholder's
12 tax credit pursuant to s. 550.0951(1).

13 2. Except as otherwise set forth herein, in addition
14 to the minimum purse percentage required by paragraph (a),
15 ~~beginning July 1, 1997,~~ each permitholder shall pay as purses
16 an annual amount equal to 75 percent of the daily license fees
17 paid by each permitholder for the 1994-1995 fiscal year. This
18 purse supplement shall be disbursed weekly during the
19 permitholder's race meet in an amount determined by dividing
20 the annual purse supplement by the number of performances
21 approved for the permitholder pursuant to its annual license
22 and multiplying that amount by the number of performances
23 conducted each week. For the greyhound permitholders in the
24 county where there are two greyhound permitholders located as
25 specified in s. 550.615(6), such permitholders shall pay in
26 the aggregate an amount equal to 75 percent of the daily
27 license fees paid by such permitholders for the 1994-1995
28 fiscal year. These permitholders shall be jointly and
29 severally liable for such purse payments.

30
31

1 The additional purses provided by this paragraph must be used
2 exclusively for purses other than stakes. The division shall
3 conduct audits necessary to ensure compliance with this
4 section.

5 (c)1. Each greyhound permitholder when conducting at
6 least three live performances during any week shall pay purses
7 in that week on wagers it accepts as a guest track on
8 intertrack and simulcast greyhound races at the same rate as
9 it pays on live races. Each greyhound permitholder when
10 conducting at least three live performances during any week
11 shall pay purses in that week, at the same rate as it pays on
12 live races, on wagers accepted on greyhound races at a guest
13 track which is not conducting live racing and is located
14 within the same market area as the greyhound permitholder
15 conducting at least three live performances during any week.

16 2. Each host greyhound permitholder shall pay purses
17 on its simulcast and intertrack broadcasts of greyhound races
18 to guest facilities that are located outside its market area
19 in an amount equal to one quarter of an amount determined by
20 subtracting the transmission costs of sending the simulcast or
21 intertrack broadcasts from an amount determined by adding the
22 fees received for greyhound simulcast races plus 3 percent of
23 the greyhound intertrack handle at guest facilities that are
24 located outside the market area of the host and that paid
25 contractual fees to the host for such broadcasts of greyhound
26 races.

27 (d) The division shall require sufficient
28 documentation from each greyhound permitholder regarding
29 purses paid on live racing to assure that the annual purse
30 percentage rates paid by each permitholder on the live races
31 are not reduced below those paid during the 1993-1994 state

1 fiscal year. The division shall require sufficient
2 documentation from each greyhound permitholder to assure that
3 the purses paid by each permitholder on the greyhound
4 intertrack and simulcast broadcasts are in compliance with the
5 requirements of paragraph (c).

6 (e) In addition to the purse requirements of
7 paragraphs (a)-(c), each greyhound permitholder shall pay as
8 purses an amount equal to one-third of the amount of the tax
9 reduction on live and simulcast handle applicable to such
10 permitholder as a result of the reductions in tax rates
11 provided by this act through the amendments to s. 550.0951(3).
12 With respect to intertrack wagering when the host and guest
13 tracks are greyhound permitholders not within the same market
14 area, an amount equal to the tax reduction applicable to the
15 guest track handle as a result of the reduction in tax rate
16 provided by this act through the amendment to s. 550.0951(3)
17 shall be distributed to the guest track, one-third of which
18 amount shall be paid as purses at the guest track. However, if
19 the guest track is a greyhound permitholder within the market
20 area of the host or if the guest track is not a greyhound
21 permitholder, an amount equal to such tax reduction applicable
22 to the guest track handle shall be retained by the host track,
23 one-third of which amount shall be paid as purses at the host
24 track. These purse funds shall be disbursed in the week
25 received if the permitholder conducts at least one live
26 performance during that week. If the permitholder does not
27 conduct at least one live performance during the week in which
28 the purse funds are received, the purse funds shall be
29 disbursed weekly during the permitholder's next race meet in
30 an amount determined by dividing the purse amount by the
31 number of performances approved for the permitholder pursuant

1 to its annual license, and multiplying that amount by the
2 number of performances conducted each week. The division shall
3 conduct audits necessary to ensure compliance with this
4 paragraph.

5 (f)~~(e)~~ Each greyhound permitholder shall, during the
6 permitholder's race meet, supply kennel operators and the
7 Division of Pari-Mutuel Wagering with a weekly report showing
8 purses paid on live greyhound races and all greyhound
9 intertrack and simulcast broadcasts, including both as a guest
10 and a host together with the handle or commission calculations
11 on which such purses were paid and the transmission costs of
12 sending the simulcast or intertrack broadcasts, so that the
13 kennel operators may determine statutory and contractual
14 compliance.

15 (g)~~(f)~~ Each greyhound permitholder shall make direct
16 payment of purses to the greyhound owners who have filed with
17 such permitholder appropriate federal taxpayer identification
18 information based on the percentage amount agreed upon between
19 the kennel operator and the greyhound owner.

20 (h)~~(g)~~ At the request of a majority of kennel
21 operators under contract with a greyhound permitholder, the
22 permitholder shall make deductions from purses paid to each
23 kennel operator electing such deduction and shall make a
24 direct payment of such deductions to the local association of
25 greyhound kennel operators formed by a majority of kennel
26 operators under contract with the permitholder. The amount of
27 the deduction shall be at least 1 percent of purses, as
28 determined by the local association of greyhound kennel
29 operators. No deductions may be taken pursuant to this
30 paragraph without a kennel operator's specific approval before
31 or after the effective date of this act.

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

5 Section 9. Subsections (2), (5), and (6) of section
6 550.09515, Florida Statutes, are amended, and subsection (7)
7 is added to that section, to read:

8 550.09515 Thoroughbred horse taxes; abandoned interest
9 in a permit for nonpayment of taxes.--

10 (2)

11 (a) Notwithstanding the provisions of s.
12 550.0951(3)(a), the tax on handle for live thoroughbred
13 horserace ~~horse~~ performances shall be subject to the
14 following:

15 1. The tax on handle per performance for live
16 thoroughbred performances is 0.5 ~~2.0~~ percent of handle for
17 performances conducted during the period beginning on January
18 3 and ending March 16; 0.2 ~~2.0~~ percent of handle for
19 performances conducted during the period beginning March 17
20 and ending May 22; and 0.5 ~~1.25~~ percent of handle for
21 performances conducted during the period beginning May 23 and
22 ending January 2.

23 2. If any thoroughbred permitholder conducts
24 performances during more than one time period ~~or if~~
25 ~~performances are conducted during more than one period at any~~
26 ~~facility~~, the tax on handle per performance is double the sum
27 of the tax percentages for the periods in which performances
28 are being conducted, except:

29 a. Pursuant to s. 550.01215, two permitholders, by
30 mutual written agreement, may agree to the operation by one of
31 them in the other permitholder's tax period for up to 3 days,

1 if the 3 days are either the first 3 days or the last 3 days
2 of the racing period in which the permitholders intend to
3 operate.

4 b. If, on March 31 of any year, there is no
5 permitholder holding a license for operating any one of the
6 three race periods set forth in this section or if the
7 permitholder who is licensed to operate in any period fails to
8 operate for 10 consecutive days, a permitholder already
9 licensed to operate in another period may apply for and be
10 issued a license to operate the period in question, in
11 addition to the period already licensed.

12 c. Two permitholders who operated in different periods
13 in the preceding fiscal year may, by mutual written agreement,
14 switch periods for the current racing season, even if it
15 results in either permitholder or the facility of a
16 permitholder being operated in two different periods.

17
18 However, any thoroughbred permitholder whose total handle on
19 live performances during the 1991-1992 state fiscal year was
20 not greater than \$34 million is authorized to conduct live
21 performances at any time of the year and shall pay 0.5 percent
22 on live handle per performance.

23 ~~3. For the period beginning on April 1 and ending May~~
24 ~~23 during the state fiscal year 1992-1993, any permitholder~~
25 ~~which has operated less than 51 racing days in the last 18~~
26 ~~months may operate said period and pay 1.25 percent tax on~~
27 ~~live handle per performance. In the event this provision~~
28 ~~takes effect after April 1, 1993, it shall be construed to~~
29 ~~apply retroactively from April 1, 1993, through May 23, 1993.~~

30 ~~4. In the event any licenses have been issued to any~~
31 ~~thoroughbred permitholders for racing dates prior to April 26,~~

1 ~~1993, then, notwithstanding the provisions of s. 550.525(2),~~
2 ~~amendments may be filed to the racing dates up to May 1, 1993.~~

3 (b) For purposes of this section, the term "handle"
4 shall have the same meaning as in s. 550.0951, and shall not
5 include handle from intertrack wagering.

6 (5) Notwithstanding the provisions of s.
7 550.0951(3)(c), the tax on handle for intertrack wagering on
8 rebroadcasts of simulcast horseraces is 2.4 percent of the
9 handle; provided however, that if the guest track is a
10 thoroughbred track located more than 35 miles from the host
11 track, the host track shall pay a tax of .5 percent of the
12 handle, and additionally the host track shall pay to the guest
13 track 1.9 percent of the handle to be used by the guest track
14 solely for purses. The tax shall be deposited into the
15 Pari-mutuel Wagering Trust ~~General Revenue~~ Fund.

16 (6) Notwithstanding the provisions of s.
17 550.0951(3)(c), the tax on handle is 0.2 percent for
18 intertrack wagering and for intertrack wagering on
19 rebroadcasts of simulcast horseraces for a thoroughbred
20 permitholder that conducts performances during the period
21 beginning March 17 and ending May 22. This subsection applies
22 only to thoroughbred permitholders located in any area of the
23 state where there are three or more thoroughbred permitholders
24 within 25 miles of each other. The tax shall be deposited
25 into the Pari-mutuel Wagering Trust ~~General Revenue~~ Fund.
26 Effective July 1, 2001, this subsection is repealed.

27 (7) A credit equal to the amount of contributions made
28 by a thoroughbred permitholder during the taxable year
29 directly to the Jockeys' Guild or its health and welfare fund
30 to be used to provide health and welfare benefits for active,
31 disabled, and retired Florida jockeys and their dependents

1 pursuant to reasonable rules of eligibility established by the
2 Jockeys' Guild is allowed against taxes on live handle due for
3 a taxable year under this section. A thoroughbred permitholder
4 may not receive a credit greater than an amount equal to 1
5 percent of its paid taxes for the previous taxable year.

6 Section 10. Effective July 1, 2001, paragraph (a) of
7 subsection (2) of section 550.09515, Florida Statutes, as
8 amended by section 4 of chapter 98-190, Laws of Florida, is
9 reenacted to read:

10 550.09515 Thoroughbred horse taxes; abandoned interest
11 in a permit for nonpayment of taxes.--

12 (2)(a) ~~Notwithstanding the provisions of s.~~
13 ~~550.0951(3)(a),~~The tax on handle for live thoroughbred
14 horserace horse performances shall be 0.5 percent.~~subject to~~
15 ~~the following:~~

16 1. ~~The tax on handle per performance for live~~
17 ~~thoroughbred performances is 2.25 percent of handle for~~
18 ~~performances conducted during the period beginning on January~~
19 ~~3 and ending March 16; .70 percent of handle for performances~~
20 ~~conducted during the period beginning March 17 and ending May~~
21 ~~22; and 1.5 percent of handle for performances conducted~~
22 ~~during the period beginning May 23 and ending January 2.~~

23 2. ~~However, any thoroughbred permitholder whose total~~
24 ~~handle on live performances during the 1991-1992 state fiscal~~
25 ~~year was not greater than \$34 million is authorized to conduct~~
26 ~~live performances at any time of the year and shall pay 0.5~~
27 ~~percent on live handle per performance.~~

28 Section 11. Section 550.1645, Florida Statutes, is
29 amended to read:

30 550.1645 Escheat to state of abandoned interest in or
31 contribution to pari-mutuel pools.--

1 (1) It is the public policy of the state, while
2 protecting the interest of the owners, to possess all
3 unclaimed and abandoned interest in or contribution to certain
4 ~~any~~ pari-mutuel pools ~~pool~~ conducted in this state under this
5 chapter, for the benefit of all the people of the state; and
6 this law shall be liberally construed to accomplish such
7 purpose.

8 (2) Except as otherwise provided in this chapter, all
9 money or other property represented by any unclaimed,
10 uncashed, or abandoned pari-mutuel ticket which has remained
11 in the custody of or under the control of any licensee
12 authorized to conduct pari-mutuel pools in this state for a
13 period of 1 year after the date the pari-mutuel ticket was
14 issued, if the rightful owner or owners thereof have made no
15 claim or demand for such money or other property within the
16 aforesaid period of time, is hereby declared to have escheated
17 to or to escheat to, and to have become the property of, the
18 state.

19 (3) All money or other property that has escheated to
20 and become the property of the state as provided herein, and
21 which is held by such licensee authorized to conduct
22 pari-mutuel pools in this state, shall be paid by such
23 licensee to the Treasurer annually within 60 days after the
24 close of the race meeting of the licensee. Such moneys so
25 paid by the licensee to the Treasurer shall be deposited in
26 the State School Fund to be used for the support and
27 maintenance of public free schools as required by s. 6, Art.
28 IX of the State Constitution.

29 Section 12. Section 550.1647, Florida Statutes, is
30 created to read:

31

1 550.1647 Greyhound permitholders; unclaimed tickets;
2 breaks.--All money or other property represented by any
3 unclaimed, uncashed, or abandoned pari-mutuel ticket which has
4 remained in the custody of or under the control of any
5 permitholder authorized to conduct greyhound racing
6 pari-mutuel pools in this state for a period of 1 year after
7 the date the pari-mutuel ticket was issued, if the rightful
8 owner or owners thereof have made no claim or demand for such
9 money or other property within that period of time, shall,
10 with respect to live races conducted by the permitholder, be
11 remitted to the state pursuant to s. 550.1645; however, such
12 permitholder shall be entitled to a credit in each state
13 fiscal year in an amount equal to the actual amount remitted
14 in the prior state fiscal year which may be applied against
15 any taxes imposed pursuant to this chapter. In addition, each
16 permitholder shall pay, from any source, including the
17 proceeds from performances conducted pursuant to s. 550.0351,
18 an amount not less than 10 percent of the amount of the credit
19 provided by this section to any bonafide organization that
20 promotes or encourages the adoption of greyhounds.

21 Section 13. Section 550.615, Florida Statutes, is
22 amended to read:

23 550.615 Intertrack wagering.--

24 (1) Any horserace permitholder licensed under this
25 chapter which has conducted a full schedule of live racing
26 may, at any time, receive broadcasts of horseraces and accept
27 wagers on horseraces conducted by horserace permitholders
28 licensed under this chapter at its facility.

29 (2) Any track or fronton licensed under this chapter
30 which in the preceding year conducted a full schedule of live
31 racing is qualified to, at any time, receive broadcasts of any

1 class of pari-mutuel race or game and accept wagers on such
2 races or games conducted by any class of permitholders
3 licensed under this chapter.

4 (3) If a permitholder elects to broadcast its signal
5 to any permitholder in this state, any permitholder that is
6 eligible to conduct intertrack wagering under the provisions
7 of ss. 550.615-550.6345 is entitled to receive the broadcast
8 and conduct intertrack wagering under this section; provided,
9 however, that the host track may require a guest track within
10 25 miles of another permitholder to receive in any week at
11 least 60 percent of the live races that the host track is
12 making available on the days that the guest track is otherwise
13 operating live races or games. A host track may require a
14 guest track not operating live races or games and within 25
15 miles of another permitholder to accept within any week at
16 least 60 percent of the live races that the host track is
17 making available. A person may not restrain or attempt to
18 restrain any permitholder that is otherwise authorized to
19 conduct intertrack wagering from receiving the signal of any
20 other permitholder or sending its signal to any permitholder.

21 (4) In no event shall any intertrack wager be accepted
22 on the same class of live races or games of any permitholder
23 without the written consent of such operating permitholders
24 conducting the same class of live races or games if the guest
25 track is within the market area of such operating
26 permitholder.

27 (5) No permitholder within the market area of the host
28 track shall take an intertrack wager on the host track without
29 the consent of the host track.

30 (6) Notwithstanding the provisions of subsection (3),
31 in any area of the state where there are three or more

1 horserace permitholders within 25 miles of each other,
2 intertrack wagering between permitholders in said area of the
3 state shall only be authorized under the following conditions:
4 Any permitholder, other than a thoroughbred permitholder, may
5 accept intertrack wagers on races or games conducted live by a
6 permitholder of the same class or any harness permitholder
7 located within such area and any harness permitholder may
8 accept wagers on games conducted live by any jai alai
9 permitholder located within its market area and from a jai
10 alai permitholder located within the area specified in this
11 subsection when no jai alai permitholder located within its
12 market area is conducting live jai alai performances; any
13 greyhound or jai alai permitholder may receive broadcasts of
14 and accept wagers on any permitholder of the other class
15 provided that a permitholder, other than the host track, of
16 such other class is not operating a contemporaneous live
17 performance within the market area.

18 (7) In any county of the state where there are only
19 two permits, one for dogracing and one for jai alai, no
20 intertrack wager may be taken during the period of time when a
21 permitholder is not licensed to conduct live races or games
22 without the written consent of the other permitholder that is
23 conducting live races or games. However, if neither
24 permitholder is conducting live races or games, either
25 permitholder may accept intertrack wagers on horseraces or on
26 the same class of races or games, or on both horseraces and
27 the same class of races or games as is authorized by its
28 permit.

29 (8) In any three contiguous counties of the state
30 where there are only three permitholders, all of which are
31 greyhound permitholders, if any permitholder leases the

1 facility of another permitholder for all or any portion of the
2 conduct of its live race meet pursuant to s. 550.475, such
3 lessee may conduct intertrack wagering at its pre-lease
4 permitted facility throughout the entire year, including while
5 its live meet is being conducted at the leased facility, if
6 such permitholder has conducted a full schedule of live racing
7 during the preceding fiscal year at its pre-lease permitted
8 facility or at a leased facility, or combination thereof.

9 ~~(9)(8)~~ In any two contiguous counties of the state in
10 which there are located only four active permits, one for
11 thoroughbred horse racing, two for greyhound dogracing, and
12 one for jai alai games, no intertrack wager may be accepted on
13 the same class of live races or games of any permitholder
14 without the written consent of such operating permitholders
15 conducting the same class of live races or games if the guest
16 track is within the market area of such operating
17 permitholder.

18 ~~(10)(9)~~(a) Upon application to the division on or
19 before January 31 of each year, any quarter horse permitholder
20 that has conducted at least 15 days of thoroughbred horse
21 sales at a permanent sales facility for at least 3 consecutive
22 years, and conducted at least one day of nonwagering
23 thoroughbred racing, with a purse structure of at least
24 \$250,000 per year for 2 consecutive years prior to such
25 application, shall be issued a license to conduct intertrack
26 wagering for thoroughbred racing for up to 21 days in
27 connection with thoroughbred sales, to conduct intertrack
28 wagering at such permanent sales facility between November 1
29 and May 8 of the following year, to conduct intertrack
30 wagering at such permanent sales facility between May 9 and
31 October 31 at such times and on such days as any jai alai

1 permitholder in the same county is not conducting live
2 performances, and to conduct intertrack wagering under the
3 provisions of this subsection during the weekend of the
4 Kentucky Derby, the Preakness, the Belmont, and a Breeders'
5 Cup Meet that is conducted before November 1 and after May 8,
6 subject to conditions set forth in this subsection, provided
7 that no more than one such license may be issued.

8 (b) If more than one permitholder applies, the
9 division shall determine which permitholder shall be granted
10 the license. In making its determination, the division shall
11 consider the length of time the permitholder has been
12 conducting thoroughbred horse sales in this state, the length
13 of time the applicant has had a permanent location in this
14 state, and the volume of sales of thoroughbred horses in this
15 state, giving the greater weight to the applicant that meets
16 these criteria.

17 (c) The applicant must comply with the provisions of
18 ss. 550.125 and 550.1815.

19 (d) Intertrack wagering under this subsection may not
20 be conducted within 50 miles of any greyhound racetrack that
21 conducted a full schedule of live racing prior to June 1,
22 1990.

23 (e) For each year such quarter horse permitholder must
24 obtain the license set forth in paragraph (a), any provisions
25 relating to suspension or revocation of a quarter horse permit
26 for failure to conduct live quarter horse racing do not apply.

27 (f) Intertrack wagering under this subsection may only
28 be conducted on thoroughbred horse racing, and intertrack
29 wagering under this subsection may not be conducted on evening
30 performances.

31

1 ~~(11)(10)~~ All costs of receiving the transmission of
2 the broadcasts shall be borne by the guest track; and all
3 costs of sending the broadcasts shall be borne by the host
4 track.

5 (12)~~(11)~~ Notwithstanding any other provision of this
6 section, any thoroughbred permitholder that conducts
7 performances during the period beginning May 23 and ending
8 January 2 must make available any live pari-mutuel event
9 conducted and any simulcast pari-mutuel event received by such
10 permitholder to any thoroughbred permitholder that conducts
11 performances during the period beginning March 17 and ending
12 May 22, and such guest permitholder is authorized to accept
13 wagers on such signals. Notwithstanding s. 550.0951(3)(c),
14 the tax on wagers accepted by the guest permitholder on such
15 events shall be 2 percent, but such amount shall be retained
16 by the host track as compensation for lost revenues and
17 purses. At least 50 percent of the amount retained shall be
18 paid as purses at the host track. This subsection applies only
19 to thoroughbred permitholders located in any area of the state
20 where there are three or more thoroughbred permitholders
21 within 25 miles of each other.

22 Section 14. Subsection (2) of section 550.0555,
23 Florida Statutes, is amended to read:

24 550.0555 Greyhound dogracing permits; relocation
25 within a county; conditions.--

26 (2) Any holder of a valid outstanding permit for
27 greyhound dogracing in a county in which there is only one
28 dogracing permit issued, as well as any holder of a valid
29 outstanding permit for jai alai in a county where only one jai
30 alai permit is issued, is authorized, without the necessity of
31 an additional county referendum required under s. 550.0651, to

1 move the location for which the permit has been issued to
2 another location within a 30-mile radius of the location fixed
3 in the permit issued in that county, provided the move does
4 not cross the county boundary, that such relocation is
5 approved under the zoning regulations of the county or
6 municipality in which the permit is to be located as a planned
7 development use, consistent with the comprehensive plan, and
8 that such move is approved by the department after it is
9 determined at a proceeding pursuant to chapter 120 in the
10 county affected that the move is necessary to ensure the
11 revenue-producing capability of the permittee without
12 deteriorating the revenue-producing capability of any other
13 pari-mutuel permittee within 50 miles; the distance shall be
14 measured on a straight line from the nearest property line of
15 one racing plant or jai alai fronton to the nearest property
16 line of the other.

17 Section 15. Paragraph (a) of subsection (2) of section
18 550.09512, Florida Statutes, is amended to read:

19 550.09512 Harness horse taxes; abandoned interest in a
20 permit for nonpayment of taxes.--

21 (2)(a) ~~Notwithstanding the provisions of s.~~
22 ~~550.0951(3)(a),~~The tax on handle for live harness horse
23 performances is 0.5 ± percent of handle per performance.

24 Section 16. Section 550.475, Florida Statutes, is
25 amended to read:

26 550.475 Lease of pari-mutuel facilities by pari-mutuel
27 permitholders.--Holders of valid pari-mutuel permits for the
28 conduct of any jai alai games, dogracing, or thoroughbred and
29 standardbred horse racing in this state ~~are shall be~~ entitled
30 to lease any and all of their facilities to any other holder
31 of a same class valid pari-mutuel permit for jai alai games,

1 dogracing, or thoroughbred or standardbred horse racing, when
2 located within a 35-mile radius of each other; and such lessee
3 is ~~shall be~~ entitled to a permit and license to operate its
4 race meet or jai-alai games at the leased premises.

5 Section 17. Subsection (1) of section 550.625, Florida
6 Statutes, is amended to read:

7 550.625 Intertrack wagering; purses; breeders'
8 awards.--If a host track is a horse track:

9 (1) A host track racing under either a thoroughbred or
10 quarter horse permit shall pay an amount equal to 7.0 ~~6.125~~
11 percent of all wagers placed pursuant to the provisions of s.
12 550.615, as purses during its current race meet. However, up
13 to 0.50 percent of all wagers placed pursuant to s. 550.615
14 may, at the option of the host track, be deducted from the
15 amount retained by the host track for purses to supplement the
16 awards program for owners of Florida-bred horses as set forth
17 in s. 550.2625(6). A host track racing under a harness permit
18 shall pay an amount equal to 7 percent of all wagers placed
19 pursuant to the provisions of s. 550.615, as purses during its
20 current race meet. If a host track underpays or overpays
21 purses required by this section and s. 550.2625, the
22 provisions of s. 550.2625 apply to the overpayment or
23 underpayment.

24 Section 18. Subsection (2) of section 550.155, Florida
25 Statutes, is amended to read:

26 550.155 Pari-mutuel pool within track enclosure;
27 takeouts; breaks; penalty for purchasing part of a pari-mutuel
28 pool for or through another in specified circumstances.--

29 (2) The permitholder's share of the takeout is that
30 portion of the takeout that remains after the pari-mutuel tax
31 imposed upon the contributions to the pari-mutuel pool is

1 deducted from the takeout and paid by the permitholder. The
2 takeout is deducted from all pari-mutuel pools but may be
3 different depending on the type of pari-mutuel pool. The
4 permitholder shall inform the patrons, either through the
5 official program or via the posting of signs at conspicuous
6 locations, as to the takeout currently being applied to handle
7 at the facility. A capital improvement proposed by a
8 permitholder licensed under this chapter to a pari-mutuel
9 facility existing on June 23, 1981, which capital improvement
10 requires, pursuant to any municipal or county ordinance,
11 resolution, or regulation, the qualification or approval of
12 the municipality or county wherein the permitholder conducts
13 its business operations, shall receive approval unless the
14 municipality or county is able to show that the proposed
15 improvement presents a justifiable and immediate hazard to the
16 health and safety of municipal or county residents, provided
17 the permitholder pays to the municipality or county the cost
18 of a building permit and provided the capital improvement
19 meets the following criteria:

20 (a) The improvement does not qualify as a development
21 of regional impact as defined in s. 380.06; and

22 (b) The improvement is contiguous to or within the
23 existing pari-mutuel facility site. To be contiguous, the
24 site of the improvement must share a sufficient common
25 boundary with the present pari-mutuel facility to allow full
26 and free access without crossing a public roadway, public
27 waterway, or similar barrier.

28 Section 19. Subsections (3), (5), (6), (8), and (10)
29 of section 550.26352, Florida Statutes, are amended to read:
30
31

1 550.26352 Breeders' Cup Meet; pools authorized;
2 conflicts; taxes; credits; transmission of races; rules;
3 application.--

4 (3) If the permitholder conducting the Breeders' Cup
5 Meet is located within 35 miles of one or more permitholders
6 scheduled to conduct a thoroughbred race meet on any of the 3
7 days of the Breeders' Cup Meet, then operation on any of those
8 3 days by the other permitholders is prohibited. As
9 compensation for the loss of racing days caused thereby, such
10 operating permitholders shall receive a credit against the
11 taxes otherwise due and payable to the state under ss.
12 550.0951 and 550.09515. This credit shall be in an amount
13 equal to the operating loss determined to have been suffered
14 by the operating permitholders as a result of not operating on
15 the prohibited racing days, but shall not exceed a total of
16 \$950,000~~\$500,000~~. The determination of the amount to be
17 credited shall be made by the division upon application by the
18 operating permitholder. The tax credits provided in this
19 subsection shall not be available unless an operating
20 permitholder is required to close a bona fide meet consisting
21 in part of no fewer than 10 scheduled performances in the 15
22 days immediately preceding or 10 scheduled performances in the
23 15 days immediately following the Breeders' Cup Meet. Such
24 tax credit shall be in lieu of any other compensation or
25 consideration for the loss of racing days. There shall be no
26 replacement or makeup of any lost racing days.

27 (5) The permitholder conducting the Breeders' Cup Meet
28 shall receive a credit against the taxes otherwise due and
29 payable to the state under ss. 550.0951 and 550.09515
30 generated during said permitholder's next ensuing regular
31 thoroughbred race meet. This credit shall be in an amount not

1 to exceed \$950,000~~\$800,000~~ and shall be utilized by the
2 permitholder to pay the purses offered by the permitholder
3 during the Breeders' Cup Meet in excess of the purses which
4 the permitholder is otherwise required by law to pay. The
5 amount to be credited shall be determined by the division upon
6 application of the permitholder which is subject to audit by
7 the division.

8 (6) The permitholder conducting the Breeders' Cup Meet
9 shall receive a credit against the taxes otherwise due and
10 payable to the state under ss. 550.0951 and 550.09515
11 generated during said permitholder's next ensuing regular
12 thoroughbred race meet. This credit shall be in an amount not
13 to exceed \$950,000~~\$800,000~~ and shall be utilized by the
14 permitholder for such capital improvements and extraordinary
15 expenses as may be necessary for operation of the Breeders'
16 Cup Meet. The amount to be credited shall be determined by
17 the division upon application of the permitholder which is
18 subject to audit by the division.

19 (8)(a) Pursuant to s. 550.3551(2), the permitholder
20 conducting the Breeders' Cup Meet is authorized to transmit
21 broadcasts of the races conducted during the Breeders' Cup
22 Meet to locations outside of this state for wagering purposes.
23 The division may approve broadcasts to pari-mutuel
24 permitholders and other betting systems authorized under the
25 laws of any other state or country. Wagers accepted by any
26 out-of-state pari-mutuel permitholder or betting system on any
27 races broadcast under this section may be, but are not
28 required to be, commingled with the pari-mutuel pools of the
29 permitholder conducting the Breeders' Cup Meet. The
30 calculation of any payoff on national pari-mutuel pools with
31 commingled wagers may be performed by the permitholder's

1 totalisator contractor at a location outside of this state.
2 Pool amounts from wagers placed at pari-mutuel facilities or
3 other betting systems in foreign countries before being
4 commingled with the pari-mutuel pool of the Florida
5 permitholder conducting the Breeders' Cup Meet shall be
6 calculated by the totalisator contractor and transferred to
7 the commingled pool in United States currency in cycles
8 customarily used by the permitholder. Pool amounts from wagers
9 placed at any foreign pari-mutuel facility or other betting
10 system shall not be commingled with a Florida pool until a
11 determination is made by the division that the technology
12 utilized by the totalisator contractor is adequate to assure
13 commingled pools will result in the calculation of accurate
14 payoffs to Florida bettors. Any totalisator contractor at a
15 location outside of this state shall comply with the
16 provisions of s. 550.495 relating to totalisator licensing.

17 (b) The permitholder conducting the Breeders' Cup Meet
18 is authorized to transmit broadcasts of the races conducted
19 during the Breeders' Cup Meet to other pari-mutuel facilities
20 located in this state for wagering purposes; however, the
21 permitholder conducting the Breeders' Cup Meet shall not be
22 required to transmit broadcasts to any pari-mutuel facility
23 located within 25 miles of the facility at which the Breeders'
24 Cup Meet is conducted ~~and, further, shall not transmit~~
25 ~~broadcasts to any pari-mutuel facility located within 25 miles~~
26 ~~of the facility at which the Breeders' Cup Meet is conducted~~
27 ~~without the consent of all operating permitholders in the~~
28 ~~market area. Wagers accepted by all pari-mutuel facilities~~
29 ~~located in the state on any races broadcast under this section~~
30 ~~shall be included in the pari-mutuel pools of the permitholder~~
31 ~~conducting the Breeders' Cup Meet.~~

1 (10) The division is authorized to adopt such rules as
2 are necessary to facilitate the conduct of the Breeders' Cup
3 Meet as authorized in this section. Included within this
4 grant of authority shall be the adoption or waiver of rules
5 regarding the overall conduct of racing during the Breeders'
6 Cup Meet so as to ensure the integrity of the races, licensing
7 for all participants, special stabling and training
8 requirements for foreign horses, commingling of pari-mutuel
9 pools, and audit requirements for tax credits and other
10 benefits.

11 Section 20. Paragraph (a) of subsection (9) of section
12 550.6305, Florida Statutes, is amended to read:

13 550.6305 Intertrack wagering; guest track payments;
14 accounting rules.--

15 (9) A host track that has contracted with an
16 out-of-state horse track to broadcast live races conducted at
17 such out-of-state horse track pursuant to s. 550.3551(5) may
18 broadcast such out-of-state races to any guest track and
19 accept wagers thereon in the same manner as is provided in s.
20 550.3551.

21 (a) For purposes of this section, "net proceeds" means
22 the amount of takeout remaining after the payment of state
23 taxes, purses required pursuant to s. 550.0951(3)(c)1., the
24 cost to the permitholder required to be paid to the
25 out-of-state horse track, breeders' awards paid to the Florida
26 Thoroughbred Breeders' Association and the Florida
27 Standardbred Breeders and Owners Association, to be used as
28 set forth in s. 550.625(2)(a) and (b), and the deduction of
29 any amount retained pursuant to s. 550.615(12)~~(11)~~.

30 Section 21. Subsection (31) of section 550.002,
31 Florida Statutes, is amended to read:

1 550.002 Definitions.--As used in this chapter, the
2 term:

3 (31) "Same class of races, games, ~~race~~ or permit"
4 means, with respect to a jai alai permitholder, jai alai games
5 or other jai alai permitholders; with respect to a greyhound
6 permitholder, greyhound races or other greyhound
7 permitholders; with respect to a thoroughbred permitholder,
8 thoroughbred races or other thoroughbred permitholders; with
9 respect to a harness permitholder, harness races or other
10 harness permitholders; with respect to a quarter horse
11 permitholder, quarter horse races or other quarter horse
12 permitholders.

13 Section 22. Subsections (8) and (9) of section
14 550.0351, Florida Statutes, are amended to read:

15 550.0351 Charity racing days.--

16 (8) In addition to the eligible charities that meet
17 the criteria set forth in this section, a jai alai
18 permitholder is authorized to conduct two ~~one~~ additional
19 charity performances ~~performance~~ each fiscal year for a fund
20 to benefit retired jai alai players. This performance shall
21 be known as the "Retired Jai Alai Players Charity Day." The
22 administration of this fund shall be determined by rule by the
23 division.

24 ~~(9) Notwithstanding the limitations set forth in~~
25 ~~subsection (8), any jai alai permitholder who has not~~
26 ~~conducted one "Retired Jai Alai Players Charity Day"~~
27 ~~performance per year since the 1992-1993 fiscal year is~~
28 ~~authorized to conduct up to two performances per fiscal year~~
29 ~~until the time when the total number of such performances is~~
30 ~~equivalent to the total number of fiscal years. This~~
31 ~~subsection shall be repealed on July 1, 2000.~~

1 Section 23. Section 550.105, Florida Statutes, is
2 amended to read:

3 550.105 Occupational licenses of racetrack employees;
4 fees; denial, suspension, and revocation of license; penalties
5 and fines.--

6 (1) Each person connected with a racetrack or jai alai
7 fronton, as specified in paragraph (2)(a), shall purchase from
8 the division an annual occupational license, which license is
9 valid from May 1 until June 30 of the following year. All
10 moneys collected pursuant to this section each fiscal year
11 shall be deposited into the Pari-mutuel Wagering Trust Fund.
12 ~~if the division determines that it is in the best interest of~~
13 ~~the division and persons connected with racetracks, the~~
14 ~~division may issue a license valid for one season at one~~
15 ~~racetrack but may not make that determination apply to any~~
16 ~~person who objects to such determination. In any event, the~~
17 ~~season license fee must be equal to the annual occupational~~
18 ~~license fee.~~ Any person may, at her or his option and
19 pursuant to the rules adopted by the division, purchase an
20 occupational license valid for a period of 3 years if the
21 purchaser of the license pays the full occupational license
22 fee for each of the years for which the license is purchased
23 at the time the 3-year license is requested. The occupational
24 license shall be valid during its specified term at any
25 pari-mutuel facility.

26 (2)(a) The following ~~Unrestricted~~ licenses shall be
27 issued to persons or entities with access to the backside,
28 racing animals, jai alai players' room, jockeys' room,
29 drivers' room, totalisator room, the mutuels, or money room,
30 or to persons who, by virtue of the position they hold, might
31 be granted access to these areas or to any other person or

1 entity in one of the following categories and with scheduled
2 annual fees as follows:-
3 1. Business licenses: any business such as a vendor,
4 contractual concessionaire, contract kennel, business owning
5 racing animals, trust or estate, totalisator company, stable
6 name, or other fictitious name: \$50.
7 2. Professional occupational licenses: professional
8 persons with access to the backside of a racetrack or players'
9 quarters in jai alai such as trainers, officials,
10 veterinarians, doctors, nurses, EMT's, jockeys and
11 apprentices, drivers, jai alai players, owners, trustees, or
12 any management or officer or director or shareholder or any
13 other professional-level person who might have access to the
14 jockeys' room, the drivers' room, the backside, racing
15 animals, kennel compound, or managers or supervisors requiring
16 access to mutuels machines, the money room, or totalisator
17 equipment: \$40.
18 3. General occupational licenses: general employees
19 with access to the jockeys' room, the drivers' room, racing
20 animals, the backside of a racetrack or players' quarters in
21 jai alai, such as grooms, kennel helpers, leadouts, pelota
22 makers, cesta makers, or ball boys, or a practitioner of any
23 other occupation who would have access to the animals, the
24 backside, or the kennel compound, or who would provide the
25 security or maintenance of these areas, or mutuel employees,
26 totalisator employees, money-room employees, or any employee
27 with access to mutuels machines, the money room, or
28 totalisator equipment or who would provide the security or
29 maintenance of these areas: \$10.
30
31

1 The individuals and entities that are licensed under this
2 paragraph ~~Persons issued an unrestricted license~~ require
3 heightened the most state scrutiny, including the submission
4 by the individual licensees or persons associated with the
5 entities described in this chapter of fingerprints for a
6 Federal Bureau of Investigation criminal records check.

7 ~~(b) Restricted licenses shall be issued to persons~~
8 ~~without access to the backside, racing animals, jai alai~~
9 ~~players' room, jockeys' room, drivers' room, totalisator room,~~
10 ~~the mutuels, or money room. Persons issued a restricted~~
11 ~~license require the less state scrutiny and will not require~~
12 ~~routine criminal records check. The division may require~~
13 ~~persons issued the restricted license to submit fingerprints~~
14 ~~for a criminal records check as needed for investigations.~~

15 ~~(b)(c)~~ The division shall adopt promulgate rules
16 pertaining to pari-mutuel ~~regarding unrestricted and~~
17 ~~restricted occupational licenses.~~

18 ~~(d) Pari-mutuel occupational licenses shall be issued~~
19 ~~in the categories and with scheduled annual fees as follows:~~

20 1. ~~Business licenses: any business such as vendors,~~
21 ~~contractual concessionaires, contract kennels, businesses~~
22 ~~owning racing animals, trusts or estates, totalisator~~
23 ~~companies, stable names, or other fictitious names: \$50.~~

24 2. ~~Unrestricted licenses: professional persons with~~
25 ~~access to the backside of a racetrack or players' quarters in~~
26 ~~jai alai such as trainers, officials, veterinarians, doctors,~~
27 ~~nurses, EMT's, jockeys and apprentices, drivers, jai alai~~
28 ~~players, owners, trustees, or any management or officer or~~
29 ~~director or shareholder or any other professional level person~~
30 ~~who might have access to the jockeys' room, drivers' room, the~~
31 ~~backside, racing animals, or kennel compound: \$40.~~

1 ~~3. Unrestricted licenses: general employees with~~
2 ~~access to the jockeys' room, drivers' room, racing animals,~~
3 ~~the backside of a racetrack or players' quarters in jai alai~~
4 ~~such as grooms, kennel helpers, leadouts, pelota makers, cesta~~
5 ~~makers, ball boys, vendor representatives, or any other~~
6 ~~occupation who would have access to the animals, the backside,~~
7 ~~or the kennel compound, or the security or maintenance of~~
8 ~~these areas: \$10.~~

9 ~~4. Unrestricted licenses: managers or supervisors~~
10 ~~requiring access to mutuels machines, the money room, or~~
11 ~~totalisator equipment but not requiring access to the~~
12 ~~backside: \$40.~~

13 ~~5. Unrestricted licenses: mutuel employees,~~
14 ~~totalisator employees, money room employees, and any employee~~
15 ~~with access to mutuels machines, the money room, or~~
16 ~~totalisator equipment or the security or maintenance of these~~
17 ~~areas: \$10.~~

18 ~~6. Restricted licenses: managers, supervisors, and~~
19 ~~other professionals who do not require access to the jockeys'~~
20 ~~room, drivers' room, racing animals, the backside, the kennel~~
21 ~~compound, mutuels areas, or money room or totalisator~~
22 ~~equipment: \$40.~~

23 ~~7. Restricted licenses: general employees or~~
24 ~~occupations which do not require access to the jockeys' room,~~
25 ~~drivers' room, racing animals, the backside, kennel compound,~~
26 ~~mutuels areas, money room, or totalisator equipment: \$10.~~

27 (3) Certified public accountants and attorneys
28 licensed to practice in this state shall not be required to
29 hold an occupational license under this section while
30 providing accounting or legal services to a permitholder if
31

1 the certified public accountant's or attorney's primary place
2 of employment is not on the permitholder premises.

3 (4)~~(3)~~ It is unlawful ~~for any person~~ to take part in
4 or officiate in any way ~~or to serve in any capacity~~ at any
5 pari-mutuel facility without first having secured a license
6 and paid the occupational license fee.

7 (5)~~(4)~~(a) The division may:

8 1. Deny a license to or revoke, suspend, or place
9 conditions upon or restrictions on a license of any person who
10 has been refused a license by any other state racing
11 commission or racing authority;

12 2. Deny, suspend, or place conditions on a license of
13 any person who is under suspension or has unpaid fines in
14 another jurisdiction;

15
16 if the state racing commission or racing authority of such
17 other state or jurisdiction extends to the division reciprocal
18 courtesy to maintain the disciplinary control.

19 (b) The division may deny, suspend, revoke, or declare
20 ineligible any occupational license if the applicant for or
21 holder thereof has violated the provisions of this chapter or
22 the rules of the division governing the conduct of persons
23 connected with racetracks and frontons. In addition, the
24 division may deny, suspend, revoke, or declare ineligible any
25 occupational license if the applicant for such license has
26 been convicted in this state, in any other state, or under the
27 laws of the United States of a capital felony, a felony, or an
28 offense in any other state which would be a felony under the
29 laws of this state involving arson; trafficking in, conspiracy
30 to traffic in, smuggling, importing, conspiracy to smuggle or
31 import, or delivery, sale, or distribution of a controlled

1 substance; or a crime involving a lack of good moral
2 character, or has had a pari-mutuel license revoked by this
3 state or any other jurisdiction for an offense related to
4 pari-mutuel wagering.

5 (c) The division may deny, declare ineligible, or
6 revoke any occupational license if the applicant for such
7 license has been convicted of a felony or misdemeanor in this
8 state, in any other state, or under the laws of the United
9 States, if such felony or misdemeanor is related to gambling
10 or bookmaking, as contemplated in s. 849.25, or involves
11 cruelty to animals. If the applicant establishes that she or
12 he is of good moral character, that she or he has been
13 rehabilitated, and that the crime she or he was convicted of
14 is not related to pari-mutuel wagering and is not a capital
15 offense, the restrictions excluding offenders may be waived by
16 the director of the division.

17 (d) If an occupational license will expire by division
18 rule during the period of a suspension the division intends to
19 impose, or if a license would have expired but for pending
20 administrative charges and the occupational licensee is found
21 to be in violation of any of the charges, the license may be
22 revoked and a time period of license ineligibility may be
23 declared. The division may bring administrative charges
24 against any person not holding a current license for
25 violations of statutes or rules which occurred while such
26 person held an occupational license, and the division may
27 declare such person ineligible to hold a license for a period
28 of time. The division may impose a civil fine of up to \$1,000
29 for each violation of the rules of the division in addition to
30 or in lieu of any other penalty provided for in this section.
31 In addition to any other penalty provided by law, the division

1 may exclude from all pari-mutuel facilities in this state, for
2 a period not to exceed the period of suspension, revocation,
3 or ineligibility, any person whose occupational license
4 application has been denied by the division, who has been
5 declared ineligible to hold an occupational license, or whose
6 occupational license has been suspended or revoked by the
7 division.

8 (e) The division may cancel any occupational license
9 that has been voluntarily relinquished by the licensee.

10 (6)~~(5)~~ In order to promote the orderly presentation of
11 pari-mutuel meets authorized in this chapter, the division may
12 issue a temporary occupational license. The division shall
13 adopt rules to implement this subsection. However, no
14 temporary occupational license shall be valid for more than 30
15 days, and no more than one temporary license may be issued for
16 any person in any year.

17 (7)~~(6)~~ The division may deny, revoke, or suspend any
18 occupational license if the applicant therefor or holder
19 thereof accumulates unpaid obligations or defaults in
20 obligations, or issues drafts or checks that are dishonored or
21 for which payment is refused without reasonable cause, if such
22 unpaid obligations, defaults, or dishonored or refused drafts
23 or checks directly relate to the sport of jai alai or racing
24 being conducted at a pari-mutuel facility within this state.

25 (8)~~(7)~~ The division may fine, or suspend or revoke, or
26 place conditions upon, the license of any licensee who under
27 oath knowingly provides false information regarding an
28 investigation by the division.

29 (9)~~(8)~~ The tax imposed by this section is in lieu of
30 all license, excise, or occupational taxes to the state or any
31 county, municipality, or other political subdivision, except

1 that, if a race meeting or game is held or conducted in a
2 municipality, the municipality may assess and collect an
3 additional tax against any person conducting live racing or
4 games within its corporate limits, which tax may not exceed
5 \$150 per day for horseracing or \$50 per day for dogracing or
6 jai alai. Except as provided in this chapter, a municipality
7 may not assess or collect any additional excise or revenue tax
8 against any person conducting race meetings within the
9 corporate limits of the municipality or against any patron of
10 any such person.

11 (10)~~(9)~~ Upon application for an occupational license,
12 the division may require the applicant's full legal name; any
13 nickname, alias, or maiden name for the applicant; name of the
14 applicant's spouse; the applicant's date of birth, residence
15 address, mailing address, residence address and business phone
16 number, and social security number; disclosure of any felony
17 or any conviction involving bookmaking, illegal gambling, or
18 cruelty to animals; disclosure of any past or present
19 enforcement or actions by any racing or gaming agency against
20 the applicant; and any information the division determines is
21 necessary to establish the identity of the applicant or to
22 establish that the applicant is of good moral character.
23 Fingerprints shall be taken in a manner approved by the
24 division and then shall be submitted to the Federal Bureau of
25 Investigation, or to the association of state officials
26 regulating pari-mutuel wagering pursuant to the Federal
27 Pari-mutuel Licensing Simplification Act of 1988. The cost of
28 processing fingerprints shall be borne by the applicant and
29 paid to the association of state officials regulating
30 pari-mutuel wagering from the trust fund to which the
31 processing fees are deposited. The division shall require

1 each applicant for an occupational license to have the
2 applicant's signature witnessed and notarized or signed in the
3 presence of a division official. The division, by rule, may
4 require additional information from licensees which is
5 reasonably necessary to regulate the industry. The division
6 may, by rule, exempt certain occupations or groups of persons
7 from the fingerprinting requirements.

8 Section 24. Subsection (2) of section 550.24055,
9 Florida Statutes, is amended to read:

10 550.24055 Use of controlled substances or alcohol
11 prohibited; testing of certain occupational licensees;
12 penalty; evidence of test or action taken and admissibility
13 for criminal prosecution limited.--

14 (2) The occupational licensees, by applying for and
15 holding such licenses, are deemed to have given their consents
16 to submit to an approved chemical test of their breath for the
17 purpose of determining the alcoholic content of their blood
18 and to a urine or blood test for the purpose of detecting the
19 presence of controlled substances. Such tests shall only be
20 conducted upon reasonable cause that a violation has occurred
21 as shall be determined solely by the stewards at a horseracing
22 meeting or the judges or board of judges at a dogtrack or jai
23 alai meet. The failure to submit to such test may result in a
24 suspension of the person's occupational license for a period
25 of 10 days or until this section has been complied with,
26 whichever is longer.

27 (a) If there was at the time of the test 0.05 percent
28 or less by weight of alcohol in the person's blood, the person
29 is presumed not to have been under the influence of alcoholic
30 beverages to the extent that the person's normal faculties

31

1 were impaired, and no action of any sort may be taken by the
2 stewards, judges, or board of judges or the division.

3 (b) If there was at the time of the test an excess of
4 0.05 percent but less than 0.08 ~~0.10~~ percent by weight of
5 alcohol in the person's blood, that fact does not give rise to
6 any presumption that the person was or was not under the
7 influence of alcoholic beverages to the extent that the
8 person's faculties were impaired, but the stewards, judges, or
9 board of judges may consider that fact in determining whether
10 or not the person will be allowed to officiate or participate
11 in any given race or jai alai game.

12 (c) If there was at the time of the test 0.08 ~~0.10~~
13 percent or more by weight of alcohol in the person's blood,
14 that fact is prima facie evidence that the person was under
15 the influence of alcoholic beverages to the extent that the
16 person's normal faculties were impaired, and the stewards or
17 judges may take action as set forth in this section, but the
18 person may not officiate at or participate in any race or jai
19 alai game on the day of such test.

20
21 All tests relating to alcohol must be performed in a manner
22 substantially similar, or identical, to the provisions of s.
23 316.1934 and rules adopted pursuant to that section.
24 Following a test of the urine or blood to determine the
25 presence of a controlled substance as defined in chapter 893,
26 if a controlled substance is found to exist, the stewards,
27 judges, or board of judges may take such action as is
28 permitted in this section.

29 Section 25. Subsection (1) of section 550.26165,
30 Florida Statutes, is amended to read:

31 550.26165 Breeders' awards.--

1 (1) The purpose of this section is to encourage the
2 agricultural activity of breeding and training racehorses in
3 this state. Moneys dedicated in this chapter for use as
4 breeders' awards and stallion awards ~~from breaks and uncashed~~
5 ~~tickets from pari-mutuel wagering and horseraces~~ are to be
6 used for awards ~~of up to 20 percent of the announced gross~~
7 ~~purse at any race~~ to breeders of registered Florida-bred
8 horses winning horseraces and for similar awards to the owners
9 of stallions who sired Florida-bred horses winning stakes
10 races, if the stallions are registered as Florida stallions
11 standing in this state. Such awards shall be given at a
12 uniform rate to all winners of the awards, shall not be
13 greater than 20 percent of the announced gross purse, and
14 shall not be less than 15 percent of the announced gross purse
15 if funds are available. In addition, no less than 17 percent
16 nor more than 40 percent, as determined by the Florida
17 Thoroughbred Breeders' Association, of the moneys dedicated in
18 this chapter for use as breeders' awards and stallion awards
19 for thoroughbreds shall be returned prorata to the
20 permitholders that generated the moneys for awards to be
21 distributed by the permitholders to owners of registered
22 Florida-bred thoroughbred horses winning in thoroughbred races
23 and winning or placing in thoroughbred stakes races, all in
24 accordance with a plan established annually no later than 120
25 days before the first day of the permitholders' racing meet
26 and agreed upon by the permitholder, the Florida Thoroughbred
27 Breeders' Association, and the Florida Horsemen's Benevolent
28 and Protective Association, Inc., except that the plan for the
29 distribution by any permitholder located in the area described
30 in s. 550.615(9) shall be agreed upon by that permitholder,
31 the Florida Thoroughbred Breeders' Association, and the

1 association representing a majority of the thoroughbred
2 racehorse owners and trainers at that location.Awards for
3 thoroughbred races are to be paid through the Florida
4 Thoroughbred Breeders' Association, and awards for
5 standardbred races are to be paid through the Florida
6 Standardbred Breeders and Owners Association. Among other
7 sources specified in this chapter,~~The~~ moneys for thoroughbred
8 breeders' awards will come from the 0.955 ~~0.75~~ percent of
9 handle for thoroughbred races conducted, received, broadcast,
10 or simulcast under this chapter as provided in s. 550.2625(3).
11 The moneys for quarter horse and harness breeders' awards will
12 come from the breaks and uncashed tickets on live quarter
13 horse and harness racing performances and 1 percent of handle
14 on intertrack wagering. The funds for these breeders' awards
15 shall be paid to the respective breeders' associations by the
16 permitholders conducting the races. ~~The awards are to be given~~
17 ~~at a uniform rate to all winners of the awards and may not be~~
18 ~~less than 15 percent of the announced gross purse if funds are~~
19 ~~available.~~

20 Section 26. Subsections (2) and (3) of section
21 550.2625, Florida Statutes, are amended to read:

22 550.2625 Horseracing; minimum purse requirement,
23 Florida breeders' and owners' awards.--

24 (2) Each permitholder conducting a horserace meet is
25 required to pay from the takeout withheld on pari-mutuel pools
26 a sum for purses in accordance with the type of race
27 performed.

28 (a) A permitholder conducting a thoroughbred horse
29 race meet under this chapter must pay from the takeout
30 withheld a sum not less than 7.75 ~~7.5~~ percent of all
31 contributions to pari-mutuel pools conducted during the race

1 meet as purses. In addition to the 7.75 ~~7.5~~ percent minimum
2 purse payment, permitholders conducting live thoroughbred
3 performances shall be required to pay as additional purses
4 .625 percent of live handle for performances conducted during
5 the period beginning on January 3 and ending March 16; .225
6 percent for performances conducted during the period beginning
7 March 17 and ending May 22; and .85 percent for performances
8 conducted during the period beginning May 23 and ending
9 January 2. Except that any thoroughbred permitholder whose
10 total handle on live performances during the 1991-1992 state
11 fiscal year was not greater than \$34 million is not subject to
12 this additional purse payment. A permitholder authorized to
13 conduct thoroughbred racing may withhold from the handle an
14 additional amount equal to 1 percent on exotic wagering for
15 use as owners' awards, and may withhold from the handle an
16 amount equal to 2 percent on exotic wagering for use as
17 overnight purses. No permitholder may withhold in excess of
18 20 percent from the handle without withholding the amounts set
19 forth in this subsection.

20 (b)1. A permitholder conducting a harness horse race
21 meet under this chapter must pay to the purse pool from the
22 takeout withheld a purse requirement that totals an amount not
23 less than 8.25 ~~8~~ percent of all contributions to pari-mutuel
24 pools conducted during the race meet. An amount not less than
25 7.75 ~~7.5~~ percent of the total handle shall be paid from this
26 purse pool as purses.

27 2. An amount not to exceed 0.5 percent of the total
28 handle on all harness horse races that are subject to the
29 purse requirement of subparagraph 1., must be available for
30 use to provide medical, dental, surgical, life, funeral, or
31 disability insurance benefits for occupational licensees who

1 work at tracks in this state at which harness horse races are
2 conducted. Such insurance benefits must be paid from the
3 purse pool specified in subparagraph 1. An annual plan for
4 payment of insurance benefits from the purse pool, including
5 qualifications for eligibility, must be submitted by the
6 Florida Standardbred Breeders and Owners Association for
7 approval to the division. An annual report of the implemented
8 plan shall be submitted to the division. All records of the
9 Florida Standardbred Breeders and Owners Association
10 concerning the administration of the plan must be available
11 for audit at the discretion of the division to determine that
12 the plan has been implemented and administered as authorized.
13 If the division finds that the Florida Standardbred Breeders
14 and Owners Association has not complied with the provisions of
15 this section, the division may order the association to cease
16 and desist from administering the plan and shall appoint the
17 division as temporary administrator of the plan until the
18 division reestablishes administration of the plan with the
19 association.

20 (c) A permitholder conducting a quarter horse race
21 meet under this chapter shall pay from the takeout withheld a
22 sum not less than 6 percent of all contributions to
23 pari-mutuel pools conducted during the race meet as purses.

24 (d) The division shall adopt reasonable rules to
25 ensure the timely and accurate payment of all amounts withheld
26 by horserace permitholders regarding the distribution of
27 purses, owners' awards, and other amounts collected for
28 payment to owners and breeders. Each permitholder that fails
29 to pay out all moneys collected for payment to owners and
30 breeders shall, within 10 days after the end of the meet
31 during which the permitholder underpaid purses, deposit an

1 amount equal to the underpayment into a separate
2 interest-bearing account to be distributed to owners and
3 breeders in accordance with division rules.

4 (e) An amount equal to 8.5 percent of the purse
5 account generated through intertrack wagering and interstate
6 simulcasting will be used for Florida Owners' Awards as set
7 forth in subsection (3). Any thoroughbred permitholder with
8 an average blended takeout which does not exceed 20 percent
9 and with an average daily purse distribution excluding
10 sponsorship, entry fees, and nominations exceeding \$225,000 is
11 exempt from the provisions of this paragraph.

12 (3) Each horseracing permitholder conducting any
13 thoroughbred race under this chapter, including any intertrack
14 race taken pursuant to ss. 550.615-550.6305 or any interstate
15 simulcast taken pursuant to s. 550.3551(3) shall pay a sum
16 equal to 0.955 ~~0.75~~ percent on all pari-mutuel pools conducted
17 during any such race for the payment of breeders' and stallion
18 awards as authorized in this section. This subsection also
19 applies to all Breeder's Cup races conducted outside this
20 state taken pursuant to s. 550.3551(3). On any race
21 originating live in this state which is broadcast out-of-state
22 to any location at which wagers are accepted pursuant to s.
23 550.3551(2), the host track is required to pay 3.475 ~~3.3~~
24 percent of the gross revenue derived from such out-of-state
25 broadcasts as breeders' and stallion awards. The Florida
26 Thoroughbred Breeders' Association is authorized to receive
27 these payments from the permitholders and make payments of
28 awards earned. The Florida Thoroughbred Breeders' Association
29 has the right to withhold up to 10 percent of the
30 permitholder's payments under this section as a fee for
31 administering the payments of awards and for general promotion

1 of the industry. The permitholder shall remit these payments
2 to the Florida Thoroughbred Breeders' Association by the 5th
3 day of each calendar month for such sums accruing during the
4 preceding calendar month and shall report such payments to the
5 division as prescribed by the division. With the exception of
6 the 10-percent fee, the moneys paid by the permitholders shall
7 be maintained in a separate, interest-bearing account, and
8 such payments together with any interest earned shall be used
9 exclusively for the payment of breeders' awards and stallion
10 awards in accordance with the following provisions:

11 (a) The breeder of each Florida-bred thoroughbred
12 horse winning a thoroughbred horse race is entitled to an
13 award of up to, but not exceeding, 20 percent of the announced
14 gross purse, including nomination fees, eligibility fees,
15 starting fees, supplementary fees, and moneys added by the
16 sponsor of the race.

17 (b) The owner or owners of the sire of a Florida-bred
18 thoroughbred horse that wins a stakes race is entitled to a
19 stallion award of up to, but not exceeding, 20 percent of the
20 announced gross purse, including nomination fees, eligibility
21 fees, starting fees, supplementary fees, and moneys added by
22 the sponsor of the race.

23 (c) The owners of registered Florida-bred thoroughbred
24 horses winning or placing in thoroughbred stakes races may
25 receive an award in accordance with a plan established in s.
26 550.26165(1).

27 (d)(c) In order for a breeder of a Florida-bred
28 thoroughbred horse to be eligible to receive a breeder's
29 award, or for the owners of a registered Florida-bred
30 thoroughbred horse to be eligible to receive an award under
31 paragraph (c), the horse ~~winning the race~~ must have been

1 registered as a Florida-bred horse with the Florida
2 Thoroughbred Breeders' Association, and the Jockey Club
3 certificate for the ~~winning~~ horse must show that it ~~the winner~~
4 has been duly registered as a Florida-bred horse as evidenced
5 by the seal and proper serial number of the Florida
6 Thoroughbred Breeders' Association registry. The Florida
7 Thoroughbred Breeders' Association shall be permitted to
8 charge the registrant a reasonable fee for this verification
9 and registration.

10 (e)~~(d)~~ In order for an owner of the sire of a
11 thoroughbred horse winning a stakes race to be eligible to
12 receive a stallion award, the stallion must have been
13 registered with the Florida Thoroughbred Breeders'
14 Association, and the breeding of the registered Florida-bred
15 horse must have occurred in this state. The stallion must be
16 standing permanently in this state during the period of time
17 between February 1 and June 15 of each year or, if the
18 stallion is dead, must have stood permanently in this state
19 for a period of not less than 1 year immediately prior to its
20 death. The removal of a stallion from this state during the
21 period of time between February 1 and June 15 of any year for
22 any reason, other than exclusively for prescribed medical
23 treatment, as approved by the Florida Thoroughbred Breeders'
24 Association, renders the owner or owners of the stallion
25 ineligible to receive a stallion award under any circumstances
26 for offspring sired prior to removal; however, if a removed
27 stallion is returned to this state, all offspring sired
28 subsequent to the return make the owner or owners of the
29 stallion eligible for the stallion award but only for those
30 offspring sired subsequent to such return to this state. The
31 Florida Thoroughbred Breeders' Association shall maintain

1 complete records showing the date the stallion arrived in this
2 state for the first time, whether or not the stallion remained
3 in the state permanently, the location of the stallion, and
4 whether the stallion is still standing in this state and
5 complete records showing awards earned, received, and
6 distributed. The association may charge the owner, owners, or
7 breeder a reasonable fee for this service.

8 (f)~~(e)~~ A permitholder conducting a thoroughbred horse
9 race under the provisions of this chapter shall, within 30
10 days after the end of the race meet during which the race is
11 conducted, certify to the Florida Thoroughbred Breeders'
12 Association such information relating to the thoroughbred
13 horses winning a stakes or other horserace at the meet as may
14 be required to determine the eligibility for payment of
15 breeders' awards and stallion awards.

16 (g)~~(f)~~ The Florida Thoroughbred Breeders' Association
17 shall maintain complete records showing the starters and
18 winners in all races conducted at thoroughbred tracks in this
19 state; shall maintain complete records showing awards earned,
20 received, and distributed; and may charge the owner, owners,
21 or breeder a reasonable fee for this service.

22 (h)~~(g)~~ The Florida Thoroughbred Breeders' Association
23 shall annually establish a uniform rate and procedure for the
24 payment of breeders' and stallion awards and shall make
25 breeders' and stallion award payments in strict compliance
26 with the established uniform rate and procedure plan. The
27 plan may set a cap on winnings and may limit, exclude, or
28 defer payments to certain classes of races, such as the
29 Florida stallion stakes races, in order to assure that there
30 are adequate revenues to meet the proposed uniform rate. Such
31 plan must include proposals for the general promotion of the

1 industry. Priority shall be placed upon imposing such
2 restrictions in lieu of allowing the uniform rate to be less
3 than 15 percent of the total purse payment. The uniform rate
4 and procedure plan must be approved by the division before
5 implementation. In the absence of an approved plan and
6 procedure, the authorized rate for breeders' and stallion
7 awards is 15 percent of the announced gross purse for each
8 race. Such purse must include nomination fees, eligibility
9 fees, starting fees, supplementary fees, and moneys added by
10 the sponsor of the race. If the funds in the account for
11 payment of breeders' and stallion awards are not sufficient to
12 meet all earned breeders' and stallion awards, those breeders
13 and stallion owners not receiving payments have first call on
14 any subsequent receipts in that or any subsequent year.

15 (i)~~(h)~~ The Florida Thoroughbred Breeders' Association
16 shall keep accurate records showing receipts and disbursements
17 of such payments and shall annually file a full and complete
18 report to the division showing such receipts and disbursements
19 and the sums withheld for administration. The division may
20 audit the records and accounts of the Florida Thoroughbred
21 Breeders' Association to determine that payments have been
22 made to eligible breeders and stallion owners in accordance
23 with this section.

24 (j)~~(i)~~ If the division finds that the Florida
25 Thoroughbred Breeders' Association has not complied with any
26 provision of this section, the division may order the
27 association to cease and desist from receiving funds and
28 administering funds received under this section. If the
29 division enters such an order, the permitholder shall make the
30 payments authorized in this section to the division for
31 deposit into the Pari-mutuel Wagering Trust Fund; and any

1 funds in the Florida Thoroughbred Breeders' Association
2 account shall be immediately paid to the Division of
3 Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering
4 Trust Fund. The division shall authorize payment from these
5 funds to any breeder or stallion owner entitled to an award
6 that has not been previously paid by the Florida Thoroughbred
7 Breeders' Association in accordance with the applicable rate.

8 Section 27. Paragraph (a) of subsection (6) of section
9 550.3551, Florida Statutes, is amended to read:

10 550.3551 Transmission of racing and jai alai
11 information; commingling of pari-mutuel pools.--

12 (6)(a) A maximum of 20 percent of the total number of
13 races on which wagers are accepted by a greyhound permitholder
14 not located as specified in s. 550.615(6) may be received from
15 locations outside this state. A permitholder may not conduct
16 fewer than eight live races or games on any authorized race
17 day except as provided in this subsection. A thoroughbred
18 permitholder may not conduct fewer than eight live races on
19 any race day without the written approval of the Florida
20 Thoroughbred Breeders' Association and the Florida Horsemen's
21 Benevolent and Protective Association, Inc., unless it is
22 determined by the department that another entity represents a
23 majority of the thoroughbred racehorse owners and trainers in
24 the state.~~horsemen's group representing the majority of~~
25 ~~thoroughbred racehorse owners and trainers in this state.~~ A
26 harness permitholder may conduct fewer than eight live races
27 on any authorized race day, except that such permitholder must
28 conduct a full schedule of live racing during its race meet
29 consisting of at least eight live races per authorized race
30 day for at least 100 days. Any harness horse permitholder
31 that during the preceding racing season conducted a full

1 schedule of live racing may, at any time during its current
2 race meet, receive full-card broadcasts of harness horse races
3 conducted at harness racetracks outside this state at the
4 harness track of the permitholder and accept wagers on such
5 harness races. With specific authorization from the division
6 for special racing events, a permitholder may conduct fewer
7 than eight live races or games when the permitholder also
8 broadcasts out-of-state races or games. The division may not
9 grant more than two such exceptions a year for a permitholder
10 in any 12-month period, and those two exceptions may not be
11 consecutive.

12 Section 28. Subsections (1) and (4) of section
13 550.6308, Florida Statutes, are amended, and subsection (5) is
14 added to that section, to read:

15 550.6308 Limited intertrack wagering license.--In
16 recognition of the economic importance of the thoroughbred
17 breeding industry to this state, its positive impact on
18 tourism, and of the importance of a permanent thoroughbred
19 sales facility as a key focal point for the activities of the
20 industry, a limited license to conduct intertrack wagering is
21 established to ensure the continued viability and public
22 interest in thoroughbred breeding in Florida.

23 (1) Upon application to the division on or before
24 January 31 of each year, any person that is licensed to
25 conduct public sales of thoroughbred horses pursuant to s.
26 535.01, that has conducted at least 15 days of thoroughbred
27 horse sales at a permanent sales facility in this state for at
28 least 3 consecutive years, and that has conducted at least 1
29 day of nonwagering thoroughbred racing in this state, with a
30 purse structure of at least \$250,000 per year for 2
31 consecutive years before such application, shall be issued a

1 license, subject to the conditions set forth in this section,
2 to conduct intertrack wagering at such a permanent sales
3 facility during the following periods:~~for thoroughbred racing~~
4 ~~for~~

5 (a) Up to 21 days in connection with thoroughbred
6 sales;~~to conduct intertrack wagering at such permanent sales~~
7 ~~facility~~

8 (b) Between November 1 and May 8;~~to conduct~~
9 ~~intertrack wagering at such permanent sales facility~~

10 (c) Between May 9 and October 31 at such times and on
11 such days as any thoroughbred, jai alai, or a greyhound
12 permitholder in the same county is not conducting live
13 performances; provided that any such permitholder may waive
14 this requirement, in whole or in part, and allow the licensee
15 under this section to conduct intertrack wagering during one
16 or more of the permitholder's live performances; and,~~and to~~
17 ~~conduct intertrack wagering under the provisions of this~~
18 ~~subsection~~

19 (d) During the weekend of the Kentucky Derby, the
20 Preakness, the Belmont, and a Breeders' Cup Meet that is
21 conducted before November 1 and after May 8,~~subject to~~
22 ~~conditions set forth in this section but~~

23
24 No more than one such license may be issued, and no such
25 license may be issued for a facility located within 50 miles
26 of any thoroughbred permitholder's track.

27 (4) Intertrack wagering under this section may be
28 conducted only on thoroughbred horse racing, except that
29 intertrack wagering may be conducted on any class of
30 pari-mutuel race or game conducted by any class of
31 permitholders licensed under this chapter if all thoroughbred,

1 jai alai, and greyhound permitholders in the same county as
2 the licensee under this section give their consent.

3 (5) The licensee shall be considered a guest track
4 under this chapter. The licensee shall pay 2.5 percent of the
5 total contributions to the daily pari-mutuel pool on wagers
6 accepted at the licensee's facility on greyhound races or jai
7 alai games to the thoroughbred permitholder that is conducting
8 live races for purses to be paid during its current racing
9 meet. If more than one thoroughbred permitholder is conducting
10 live races on a day during which the licensee is conducting
11 intertrack wagering on greyhound races or jai alai games, the
12 licensee shall allocate these funds between the operating
13 thoroughbred permitholders on a prorata basis based on the
14 total live handle at the operating permitholders' facilities.

15 Section 29. Subsection (7) of section 773.01, Florida
16 Statutes, is amended to read:

17 773.01 Definitions.--As used in ss. 773.01-773.05:

18 (7) "Participant" means any person, whether amateur or
19 professional, who engages in or any equine that participates
20 in an equine activity, whether or not a fee is paid to
21 participate in the equine activity.

22 Section 30. Subsection (1) of section 773.03, Florida
23 Statutes, is amended to read:

24 773.03 Limitation on liability for equine activity;
25 exceptions.--

26 (1) This section applies ~~shall not apply~~ to the
27 horseracing industry as defined in chapter 550.

28 Section 31. Interstate Compact on Licensure of
29 Participants in Pari-mutuel Wagering.--There is created the
30 Interstate Compact on Licensure of Participants in Pari-mutuel
31 Wagering.

1 Section 32. Purposes.--The purposes of this compact
2 are to:

3 (1) Establish uniform requirements among the party
4 states for the licensing of participants with pari-mutuel
5 wagering, and ensure that all licensed participants meet a
6 uniform minimum standard of honesty and integrity.

7 (2) Facilitate the growth of the pari-mutuel wagering
8 industry in each party state and nationwide by simplifying the
9 process for licensing participants in pari-mutuel wagering,
10 and reduce the duplicative and costly process of separate
11 licensing by the regulatory agency in each state that conducts
12 pari-mutuel wagering.

13 (3) Authorize the Department of Business and
14 Professional Regulation to participate in this compact.

15 (4) Provide for participation in this compact by
16 officials of the party states, and permit those officials,
17 through the compact committee established by this compact, to
18 enter into contracts with governmental agencies and
19 nongovernmental persons to carry out the purposes of this
20 compact.

21 (5) Establish the compact committee created by this
22 compact as an interstate governmental entity duly authorized
23 to request and receive criminal-history record information
24 from the Federal Bureau of Investigation and other state and
25 local law enforcement agencies.

26 Section 33. Definitions.--As used in this compact, the
27 term:

28 (1) "Compact committee" means the organization of
29 officials from the party states which is authorized and
30 empowered to carry out the purposes of this compact.

31

1 (2) "Official" means the appointed, elected,
2 designated, or otherwise duly selected member of a racing
3 commission, or the equivalent thereof, in a party state who
4 represents that party state as a member of the compact
5 committee.

6 (3) "Participants in pari-mutuel wagering" means
7 participants in horseracing, greyhound racing, and jai alai
8 games with pari-mutuel wagering in the party states.

9 (4) "Party state" means each state that has enacted
10 this compact.

11 (5) "State" means each of the several states of the
12 United States, the District of Columbia, the Commonwealth of
13 Puerto Rico, and each territory or possession of the United
14 States.

15 Section 34. Entry into force.--This compact shall come
16 into force when enacted by any four states. Thereafter, this
17 compact shall become effective in any other state upon that
18 state's enactment of this compact and upon the affirmative
19 vote of a majority of the officials on the compact committee
20 as provided in section 41.

21 Section 35. States eligible to join compact.--Any
22 state that has adopted or authorized pari-mutuel wagering
23 shall be eligible to become a party to this compact.

24 Section 36. Withdrawal from compact; impact on force
25 and effect.--

26 (1) Any party state may withdraw from this compact by
27 enacting a statute repealing this compact, but such a
28 withdrawal becomes effective only when the head of the
29 executive branch of the withdrawing party state has given
30 written notice of the withdrawal to the heads of the executive
31 branch of all other party states.

1 (2) If, as a result of withdrawals, participation in
2 this compact decreases to fewer than three party states, this
3 compact shall no longer be in force and effect until
4 participation in this compact increases to three or more party
5 states.

6 Section 37. Compact committee.--

7 (1) There is created an interstate governmental entity
8 to be known as the "compact committee," which shall be
9 composed of one official from the racing commission, or the
10 equivalent thereof, in each party state who shall be
11 appointed, serve, and be subject to removal in accordance with
12 the laws of the party state that she or he represents. The
13 official from Florida shall be appointed by the Secretary of
14 Business and Professional Regulation. Pursuant to the laws of
15 her or his party state, each official shall have the
16 assistance of her or his state's racing commission, or the
17 equivalent thereof, in considering issues related to licensing
18 of participants in pari-mutuel wagering and in fulfilling her
19 or his responsibilities as the representative from her or his
20 state to the compact committee.

21 (2) If an official is unable to perform any of her or
22 his duties as a member of the compact committee, the racing
23 commission, or the equivalent thereof, from her or his state
24 shall designate another of its members as an alternate who
25 shall serve in her or his place and represent the party state
26 as its official on the compact committee, until that racing
27 commission, or the equivalent thereof, determines that the
28 original representative official is once again able to perform
29 her or his duties as that party state's representative
30 official on the compact committee. The designation of an
31 alternate shall be communicated by the affected state's racing

1 commission, or the equivalent thereof, to the compact
2 committee as the committee's bylaws provide.

3 Section 38. Powers and duties of compact
4 committee.--In order to carry out the purposes of this
5 compact, the compact committee has the power and duty to:

6 (1)(a) Determine which categories of participants in
7 pari-mutuel wagering, including, but not limited to, owners,
8 trainers, jockeys, jai alai players, drivers, grooms, mutuel
9 clerks, racing officials, veterinarians, and farriers, should
10 be licensed by the committee, and to establish the
11 requirements for the initial licensure of applicants in each
12 category, the term of the license for each category, and the
13 requirements for renewal of licenses in each category.

14 (b) With regard to requests for criminal-history
15 record information on each applicant for a license, and with
16 regard to the effect of a criminal record on the issuance or
17 renewal of a license, determine for each category of
18 participants in pari-mutuel wagering which licensure
19 requirements for that category are, in its judgment, the
20 most-restrictive licensure requirements of any party state for
21 that category and to adopt licensure requirements for that
22 category which are, in its judgment, comparable to those
23 most-restrictive requirements.

24 (2) Investigate applicants for licensure by the
25 compact committee and, as permitted by federal and state law,
26 gather information on such applicants, including
27 criminal-history record information from the Federal Bureau of
28 Investigation and relevant state and local law enforcement
29 agencies, and, where appropriate, from the Royal Canadian
30 Mounted Police and law enforcement agencies of other
31 countries, which is necessary to determine whether a license

1 should be issued under the licensure requirements established
2 by the committee under subsection (1). The fingerprints of
3 each applicant for licensure by the compact committee shall be
4 taken by the compact committee, its employees, or its
5 designee, and, pursuant to Pub. L. No. 92-544 or Pub. L. No.
6 100-413, shall be forwarded to a state identification bureau
7 or to the Association of Racing Commissioners International,
8 Inc., for submission to the Federal Bureau of Investigation
9 for a criminal-history record check. Such fingerprints may be
10 submitted on a fingerprint card or by electronic or other
11 means authorized by the Federal Bureau of Investigation or
12 other receiving law enforcement agency.

13 (3) Issue licenses to, and renew the licenses of,
14 participants in pari-mutuel wagering who are found by the
15 committee to have met the licensure and renewal requirements
16 established by the committee under subsection (1). The compact
17 committee shall not have the power or authority to deny a
18 license. If the compact committee determines that an
19 applicant is not eligible for the issuance or renewal of a
20 compact committee license, the compact committee shall notify
21 the applicant that her or his application will not be
22 processed further. Such notification does not constitute and
23 shall not be considered to be the denial of a license. Any
24 such applicant shall have the right to present additional
25 evidence to, and be heard by, the compact committee, but the
26 final decision on issuance or renewal of the license shall be
27 made by the compact committee using the requirements
28 established under subsection (1).

29 (4) Enter into contracts or agreements with
30 governmental agencies and nongovernmental persons to provide
31

- 1 personal services for its activities and such other services
2 as are necessary to effectuate the purposes of this compact.
- 3 (5) Create, appoint, and abolish those offices,
4 employments, and positions, including that of executive
5 director, that it considers necessary for the purposes of this
6 compact; prescribe the powers, duties, and qualifications of,
7 and hire persons to fill, such offices, employments, and
8 positions; and provide for the removal, term, tenure,
9 compensation, fringe benefits, retirement benefits, and other
10 conditions of employment of persons filling such offices,
11 employments, and positions.
- 12 (6) Borrow, accept, or contract for the services of
13 personnel from any state, the United States, or any other
14 governmental agency, or from any person, firm, association,
15 corporation, or other entity.
- 16 (7) Acquire, hold, and dispose of real and personal
17 property by gift, purchase, lease, or license, or in other
18 similar manner, in furtherance of the purposes of this
19 compact.
- 20 (8) Charge a fee to each applicant for an initial
21 license or renewal of a license.
- 22 (9) Receive other funds through gifts, grants, and
23 appropriations.
- 24 Section 39. Voting requirements.--
- 25 (1) Each member of the compact committee is entitled
26 to one vote.
- 27 (2) All action taken by the compact committee with
28 regard to the addition of party states, the licensure of
29 participants in pari-mutuel wagering, and the receipt and
30 disbursement of funds requires a majority vote of the members
31 of the compact committee or their alternates. All other action

1 by the compact committee requires a majority vote of the
2 members present or their alternates.

3 (3) The compact committee may not take any action
4 unless a quorum is present. A majority of the members of the
5 compact committee or their alternates constitutes a quorum.

6 Section 40. Administration and management.--

7 (1) The compact committee shall elect annually from
8 among its members a chairperson, a vice chairperson, and a
9 secretary/treasurer.

10 (2) The compact committee shall adopt bylaws for the
11 conduct of its business by a two-thirds vote of the members of
12 the committee or their alternates and may, by the same vote,
13 amend and rescind these bylaws. The compact committee shall
14 publish its bylaws in convenient form and shall file a copy
15 thereof and a copy of any amendments thereto with the
16 Secretary of State or equivalent agency of each of the party
17 states.

18 (3) The compact committee may delegate the day-to-day
19 management and administration of its duties and
20 responsibilities to an executive director and her or his
21 support staff.

22 (4) Employees of the compact committee shall be
23 considered governmental employees.

24 Section 41. Immunity from liability for performance of
25 official responsibilities and duties.--A member or employee of
26 the compact committee may not be held personally liable for
27 any good-faith act or omission that occurs during the
28 performance and within the scope of her or his
29 responsibilities and duties under this compact.

30 Section 42. Rights and responsibilities of each party
31 state.--

- 1 (1) By enacting this compact, each party state:
2 (a) Agrees to:
3 1. Accept the decisions of the compact committee
4 regarding the issuance of compact committee licenses to
5 participants in pari-mutuel wagering pursuant to the
6 committee's licensure requirements.
7 2. Reimburse or otherwise pay the expenses of its
8 official representative on the compact committee or her or his
9 alternate.
10 (b) Agrees not to treat a notification to an applicant
11 by the compact committee described in subsection (3) of
12 section 42 as the denial of a license, or to penalize such an
13 applicant in any other way based solely on such a decision by
14 the compact committee.
15 (c) Reserves the right to:
16 1. Apply its own standards in determining whether, on
17 the facts of a particular case, a compact committee license
18 should be suspended or revoked. Any party state that suspends
19 or revokes a compact committee license shall, through its
20 racing commission or the equivalent thereof, or otherwise,
21 promptly notify the compact committee of that suspension or
22 revocation.
23 2. Apply its own standards in determining licensure
24 eligibility, under the laws of that party state, for
25 categories of participants in pari-mutuel wagering which the
26 compact committee decides not to license and for individual
27 participants in pari-mutuel wagering who do not meet the
28 licensure requirements of the compact committee.
29 3. Establish its own licensure standards for those who
30 are not covered by the compact committee license.
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1 (2) A party state may not be held liable for the debts
2 or other financial obligations incurred by the compact
3 committee.

4 Section 43. Construction and severability.--

5 (1) This compact shall be liberally construed so as to
6 effectuate its purposes. The provisions of this compact shall
7 be severable, and, if any phrase, clause, sentence, or
8 provision of this compact is declared to be contrary to the
9 Constitution of the United States or of any party state, or if
10 the applicability of this compact to any government, agency,
11 person, or circumstance is held invalid, the validity of the
12 remainder of this compact and the applicability thereof to any
13 government, agency, person, or circumstance shall not be
14 affected thereby.

15 (2) If all or some portion of this compact is held to
16 be contrary to the constitution of any party state, the
17 compact shall remain in full force and effect as to the
18 remaining party states and in full force and effect as to the
19 state affected as to all severable matters.

20 Section 44. Subsection (9) of section 550.615, Florida
21 Statutes, is repealed.

22 Section 45. All money or other property represented by
23 any unclaimed, uncashed, or abandoned pari-mutuel ticket that
24 has remained in the custody of or under the control of any
25 permitholder authorized to conduct jai alai pari-mutuel pools
26 in this state for a period of 1 year after the date the
27 pari-mutuel ticket was issued, if the rightful owners thereof
28 have made no claim or demand for such money or other property
29 within that period of time, shall, with respect to live games
30 conducted by the permitholder, be remitted to the state
31 pursuant to s. 550.1645; however, such permitholder shall be

1 entitled to a credit in each state fiscal year in an amount
2 equal to 25 percent of the actual amount remitted in the prior
3 state fiscal year which may be applied against any taxes
4 imposed under this chapter. Funds equal to such credit from
5 any live jai alai games shall be paid by the permitholder to
6 the National Association of Jai Alai Frontons, to be used for
7 the general promotion of the sport of jai alai in the state,
8 including professional tournaments and amateur jai alai youth
9 programs. These youth programs shall focus on benefiting
10 children in after-school and anti-drug programs with special
11 attention to inner-city areas.

12 Section 46. Except as otherwise expressly provided in
13 this act, this act shall take effect July 1, 2000.

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