



581326

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2012	.	
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The Committee on Regulated Industries (Sachs) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(11) "Full schedule of live racing or games" means, for a  
greyhound or jai alai permitholder, the conduct of a combination  
of at least 100 live evening or matinee performances during the  
preceding year; for a permitholder who has a converted permit or  
filed an application on or before June 1, 1990, for a converted



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13 permit, the conduct of a combination of at least 100 live  
14 evening and matinee wagering performances during either of the 2  
15 preceding years; for a jai alai permitholder who does not  
16 operate slot machines in its pari-mutuel facility, who has  
17 conducted at least 100 live performances per year for at least  
18 10 years after December 31, 1992, and whose handle on live jai  
19 alai games conducted at its pari-mutuel facility has been less  
20 than \$4 million per state fiscal year for at least 2 consecutive  
21 years after June 30, 1992, the conduct of a combination of at  
22 least 40 live evening or matinee performances during the  
23 preceding year; for a jai alai permitholder who operates slot  
24 machines in its pari-mutuel facility, the conduct of a  
25 combination of at least 150 performances during the preceding  
26 year; for a harness permitholder, the conduct of at least 100  
27 live regular wagering performances during the preceding year;  
28 for a quarter horse permitholder at its facility unless an  
29 alternative schedule of at least 20 live regular wagering  
30 performances is agreed upon by the permitholder and either the  
31 Florida Quarter Horse Racing Association or the horsemen's  
32 association representing the majority of the quarter horse  
33 owners and trainers at the facility and filed with the division  
34 along with its annual date application, in the 2010-2011 fiscal  
35 year, the conduct of at least 20 regular wagering performances,  
36 in the 2011-2012 and 2012-2013 fiscal years, the conduct of at  
37 least 30 live regular wagering performances, and for every  
38 fiscal year after the 2012-2013 fiscal year, the conduct of at  
39 least 40 live regular wagering performances; for a quarter horse  
40 permitholder leasing another licensed racetrack, the conduct of  
41 160 events at the leased facility; and for a thoroughbred



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42 permitholder, the conduct of at least 40 live regular wagering  
43 performances during the preceding year. For a permitholder which  
44 is restricted by statute to certain operating periods within the  
45 year when other members of its same class of permit are  
46 authorized to operate throughout the year, the specified number  
47 of live performances which constitute a full schedule of live  
48 racing or games shall be adjusted pro rata in accordance with  
49 the relationship between its authorized operating period and the  
50 full calendar year and the resulting specified number of live  
51 performances shall constitute the full schedule of live games  
52 for such permitholder and all other permitholders of the same  
53 class within 100 air miles of such permitholder. A live  
54 performance must consist of no fewer than eight races or games  
55 conducted live for each of a minimum of three performances each  
56 week at the permitholder's licensed facility under a single  
57 admission charge. Notwithstanding any other provision of law,  
58 beginning with the 2012-2013 fiscal year, there shall be no  
59 minimum requirement of live performances for greyhound  
60 permitholders.

61 Section 2. Subsection (1) of section 550.01215, Florida  
62 Statutes, is amended to read:

63 550.01215 License application; periods of operation; bond,  
64 conversion of permit.-

65 (1) Each permitholder shall annually, during the period  
66 between December 15 and January 4, file in writing with the  
67 division its application for a license to conduct pari-mutuel  
68 wagering activities ~~performances~~ during the next state fiscal  
69 year. Each application requesting live performances, if any,  
70 shall specify the number, dates, and starting times of all



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71 performances which the permitholder intends to conduct. It shall  
72 also specify which performances will be conducted as charity or  
73 scholarship performances. In addition, each application for a  
74 license shall include, for each permitholder which elects to  
75 operate a cardroom, the dates and periods of operation the  
76 permitholder intends to operate the cardroom or, for each  
77 thoroughbred permitholder which elects to receive or rebroadcast  
78 out-of-state races after 7 p.m., the dates for all performances  
79 which the permitholder intends to conduct. A greyhound  
80 permitholder may receive a license to conduct pari-mutuel  
81 wagering activities at a licensed greyhound facility pursuant to  
82 s. 550.475. Permitholders may ~~shall be entitled to~~ amend their  
83 applications through February 28 ~~or, for applications by~~  
84 greyhound permitholders relating to the 2012-2013 fiscal year,  
85 through August 31, 2012.

86 Section 3. Paragraph (b) of subsection (14) of section  
87 550.054, Florida Statutes, is amended to read:

88 550.054 Application for permit to conduct pari-mutuel  
89 wagering.—

90 (14)

91 (b) The division, upon application from the holder of a jai  
92 alai permit meeting all conditions of this section, shall  
93 convert the permit and shall issue to the permitholder a permit  
94 to conduct greyhound racing. ~~A permitholder of a permit~~  
95 ~~converted under this section shall be required to apply for and~~  
96 ~~conduct a full schedule of live racing each fiscal year to be~~  
97 ~~eligible for any tax credit provided by this chapter.~~ The holder  
98 of a permit converted pursuant to this subsection or any holder  
99 of a permit to conduct greyhound racing located in a county in



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100 which it is the only permit issued pursuant to this section who  
101 operates at a leased facility pursuant to s. 550.475 may move  
102 the location for which the permit has been issued to another  
103 location within a 30-mile radius of the location fixed in the  
104 permit issued in that county, provided the move does not cross  
105 the county boundary and such location is approved under the  
106 zoning regulations of the county or municipality in which the  
107 permit is located, and upon such relocation may use the permit  
108 for the conduct of pari-mutuel wagering and the operation of a  
109 cardroom. The provisions of s. 550.6305(9)(d) and (f) shall  
110 apply to any permit converted under this subsection and shall  
111 continue to apply to any permit which was previously included  
112 under and subject to such provisions before a conversion  
113 pursuant to this section occurred.

114 Section 4. Subsection (1) and paragraph (c) of subsection  
115 (3) of section 550.0951, Florida Statutes, are amended to read:  
116 550.0951 Payment of daily license fee and taxes;  
117 penalties.—

118 (1) ~~(a)~~ DAILY LICENSE FEE.—Each person engaged in the  
119 business of conducting race meetings or jai alai games under  
120 this chapter, hereinafter referred to as the "permitholder,"  
121 "licensee," or "permittee," shall pay to the division, for the  
122 use of the division, a daily license fee on each live or  
123 simulcast pari-mutuel event of \$100 for each horserace and \$80  
124 for each dograce and \$40 for each jai alai game conducted at a  
125 racetrack or fronton licensed under this chapter. In addition to  
126 the tax exemption specified in s. 550.09514(1) of \$360,000 or  
127 \$500,000 per greyhound permitholder per state fiscal year, each  
128 greyhound permitholder shall receive in the current state fiscal



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129 year a tax credit equal to the number of live greyhound races  
130 conducted in the previous state fiscal year times the daily  
131 license fee specified for each dograce in this subsection  
132 applicable for the previous state fiscal year. This tax credit  
133 and the exemption in s. 550.09514(1) shall be applicable to any  
134 tax imposed by this chapter or the daily license fees imposed by  
135 this chapter except during any charity or scholarship  
136 performances conducted pursuant to s. 550.0351. Each  
137 permitholder shall pay daily license fees not to exceed \$500 per  
138 day on any simulcast races or games on which such permitholder  
139 accepts wagers regardless of the number of out-of-state events  
140 taken or the number of out-of-state locations from which such  
141 events are taken. This license fee shall be deposited with the  
142 Chief Financial Officer to the credit of the Pari-mutuel  
143 Wagering Trust Fund.

144 ~~(b) Each permitholder that cannot utilize the full amount~~  
145 ~~of the exemption of \$360,000 or \$500,000 provided in s.~~  
146 ~~550.09514(1) or the daily license fee credit provided in this~~  
147 ~~section may, after notifying the division in writing, elect once~~  
148 ~~per state fiscal year on a form provided by the division, to~~  
149 ~~transfer such exemption or credit or any portion thereof to any~~  
150 ~~greyhound permitholder which acts as a host track to such~~  
151 ~~permitholder for the purpose of intertrack wagering. Once an~~  
152 ~~election to transfer such exemption or credit is filed with the~~  
153 ~~division, it shall not be rescinded. The division shall~~  
154 ~~disapprove the transfer when the amount of the exemption or~~  
155 ~~credit or portion thereof is unavailable to the transferring~~  
156 ~~permitholder or when the permitholder who is entitled to~~  
157 ~~transfer the exemption or credit or who is entitled to receive~~



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158 ~~the exemption or credit owes taxes to the state pursuant to a~~  
159 ~~deficiency letter or administrative complaint issued by the~~  
160 ~~division. Upon approval of the transfer by the division, the~~  
161 ~~transferred tax exemption or credit shall be effective for the~~  
162 ~~first performance of the next payment period as specified in~~  
163 ~~subsection (5). The exemption or credit transferred to such host~~  
164 ~~track may be applied by such host track against any taxes~~  
165 ~~imposed by this chapter or daily license fees imposed by this~~  
166 ~~chapter. The greyhound permitholder host track to which such~~  
167 ~~exemption or credit is transferred shall reimburse such~~  
168 ~~permitholder the exact monetary value of such transferred~~  
169 ~~exemption or credit as actually applied against the taxes and~~  
170 ~~daily license fees of the host track. The division shall ensure~~  
171 ~~that all transfers of exemption or credit are made in accordance~~  
172 ~~with this subsection and shall have the authority to adopt rules~~  
173 ~~to ensure the implementation of this section.~~

174 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on  
175 contributions to pari-mutuel pools, the aggregate of which is  
176 hereinafter referred to as "handle," on races or games conducted  
177 by the permitholder. The tax is imposed daily and is based on  
178 the total contributions to all pari-mutuel pools conducted  
179 during the daily performance. If a permitholder conducts more  
180 than one performance daily, the tax is imposed on each  
181 performance separately.

182 (c)1. The tax on handle for intertrack wagering is 2.0  
183 percent of the handle if the host track is a horse track, 3.3  
184 percent if the host track is a harness track, 5.5 percent if the  
185 host track is a dog track, and 7.1 percent if the host track is  
186 a jai alai fronton. The tax on handle for intertrack wagering is



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187 0.5 percent if the host track and the guest track are  
188 thoroughbred permitholders or if the guest track is located  
189 outside the market area of the host track and within the market  
190 area of a thoroughbred permitholder currently conducting a live  
191 race meet. The tax on handle for intertrack wagering on  
192 rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent  
193 of the handle and 1.5 percent of the handle for intertrack  
194 wagering on rebroadcasts of simulcast harness horseraces. The  
195 tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

196 2. The tax on handle for intertrack wagers accepted by any  
197 dog track located in an area of the state in which there are  
198 only three permitholders, all of which are greyhound  
199 permitholders, located in three contiguous counties, from any  
200 greyhound permitholder also located within such area or any dog  
201 track or jai alai fronton located as specified in s. 550.615(6)  
202 or (8)~~(9)~~, on races or games received from the same class of  
203 permitholder located within the same market area is 3.9 percent  
204 if the host facility is a greyhound permitholder and, if the  
205 host facility is a jai alai permitholder, the rate shall be 6.1  
206 percent except that it shall be 2.3 percent on handle at such  
207 time as the total tax on intertrack handle paid to the division  
208 by the permitholder during the current state fiscal year exceeds  
209 the total tax on intertrack handle paid to the division by the  
210 permitholder during the 1992-1993 state fiscal year.

211 Section 5. Subsection (1) and paragraphs (b), (c), and (e)  
212 of subsection (2) of section 550.09514, Florida Statutes, are  
213 amended to read:

214 550.09514 Greyhound dogracing taxes; purse requirements.—

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





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216 handle for live greyhound racing as specified in s. 550.0951(3).  
217 However, each permitholder shall pay no tax on handle until such  
218 time as this subsection has resulted in a tax savings per state  
219 fiscal year of \$360,000. Thereafter, each permitholder shall pay  
220 the tax as specified in s. 550.0951(3) on all handle for the  
221 remainder of the permitholder's current race meet. For the three  
222 permitholders that conducted a full schedule of live racing in  
223 1995, and are closest to another state that authorizes greyhound  
224 pari-mutuel wagering, the maximum tax savings per state fiscal  
225 year shall be \$500,000. The provisions of this subsection  
226 relating to tax exemptions shall not apply to any charity or  
227 scholarship performances conducted pursuant to s. 550.0351.

228 (b) Each permitholder licensed to conduct at least 100 live  
229 performances of at least eight races during a fiscal year who  
230 cannot use the full amount of the exemption of \$360,000 or  
231 \$500,000 provided in paragraph (a) or the daily license fee  
232 credit provided in s. 550.0951(1) may, at any time after  
233 notifying the division in writing on a form provided by the  
234 division, transfer such exemption or credit or any portion  
235 thereof to any greyhound permitholder that acts as a host track  
236 to such permitholder for the purpose of intertrack wagering.  
237 Once an election to transfer such exemption or credit is filed  
238 with the division, it may not be rescinded. The division shall  
239 disapprove the transfer when the amount of the exemption or  
240 credit or portion thereof is unavailable to the transferring  
241 permitholder for any reason, including being unavailable because  
242 the transferring permitholder is not licensed to conduct at  
243 least 100 live performances of at least eight races during the  
244 fiscal year, or when the permitholder who is entitled to



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245 transfer the exemption or credit or who is entitled to receive  
246 the exemption or credit owes taxes to the state pursuant to a  
247 deficiency letter or administrative complaint issued by the  
248 division. The greyhound permitholder host track to which such  
249 exemption or credit is transferred shall reimburse such  
250 permitholder the exact monetary value of such transferred  
251 exemption or credit as actually applied against the taxes and  
252 daily license fees of the host track.

253 (c) Each permitholder who is not licensed to conduct at  
254 least 100 live performances of at least eight races during a  
255 fiscal year forfeits the exemption of \$360,000 or \$500,000  
256 provided in paragraph (a). Annually, the division shall pool  
257 such forfeited exemptions from greyhound permitholders and each  
258 greyhound permitholder who is licensed to conduct at least 100  
259 live performances of at least eight races during the fiscal year  
260 is entitled to an additional tax credit in an amount equal to  
261 the product of the respective permitholder's percentage share of  
262 live and intertrack wagering handle under s. 550.0951(3) during  
263 the previous fiscal year and the total value of tax credits  
264 available in the pool.

265 (d) Upon approval of a transfer under paragraph (b) or  
266 additional credit under paragraph (c) by the division, the tax  
267 exemption or credit shall be effective for the first performance  
268 of the next payment period as specified in s. 550.0951(5).

269 (e) Exemptions or credits issued or transferred pursuant to  
270 this subsection may be applied against any taxes imposed by this  
271 chapter or daily license fees imposed by this chapter, except  
272 during any charity or scholarship performances conducted  
273 pursuant to s. 550.0351. No credit or exemption authorized under



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274 this section or s. 550.0951 shall carry forward to subsequent  
275 fiscal years. The division shall ensure that all transfers of  
276 exemptions or credits are made in accordance with this  
277 subsection and may adopt rules to ensure the implementation of  
278 this section.

279 (2)

280 (b) Except as otherwise set forth herein, in addition to  
281 the minimum purse percentage required by paragraph (a), each  
282 permitholder conducting live racing during a fiscal year shall  
283 pay as purses an annual amount equal to 75 percent of the daily  
284 license fees paid by each permitholder for the 1994-1995 fiscal  
285 year. This purse supplement shall be disbursed weekly during the  
286 permitholder's race meet in an amount determined by dividing the  
287 annual purse supplement by the number of performances approved  
288 for the permitholder pursuant to its annual license and  
289 multiplying that amount by the number of performances conducted  
290 each week. ~~For the greyhound permitholders in the county where~~  
291 ~~there are two greyhound permitholders located as specified in s.~~  
292 ~~550.615(6), such permitholders shall pay in the aggregate an~~  
293 ~~amount equal to 75 percent of the daily license fees paid by~~  
294 ~~such permitholders for the 1994-1995 fiscal year. These~~  
295 ~~permitholders shall be jointly and severally liable for such~~  
296 ~~purse payments.~~ The additional purses provided by this paragraph  
297 must be used exclusively for purses other than stakes. The  
298 division shall conduct audits necessary to ensure compliance  
299 with this section.

300 (c)1. Each greyhound permitholder when conducting at least  
301 three live performances during any week shall pay purses in that  
302 week on wagers it accepts as a guest track on intertrack and



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303 simulcast greyhound races at the same rate as it pays on live  
304 races. Each greyhound permitholder when conducting at least  
305 three live performances during any week shall pay purses in that  
306 week, at the same rate as it pays on live races, on wagers  
307 accepted on greyhound races at a guest track which is not  
308 conducting live racing and is located within the same market  
309 area as the greyhound permitholder conducting at least three  
310 live performances during any week.

311 2. Each host greyhound permitholder shall pay purses on its  
312 simulcast and intertrack broadcasts of greyhound races to guest  
313 facilities that are located outside its market area in an amount  
314 equal to one quarter of an amount determined by subtracting the  
315 transmission costs of sending the simulcast or intertrack  
316 broadcasts from an amount determined by adding the fees received  
317 for greyhound simulcast races plus 3 percent of the greyhound  
318 intertrack handle at guest facilities that are located outside  
319 the market area of the host and that paid contractual fees to  
320 the host for such broadcasts of greyhound races. For guest  
321 greyhound permitholders not conducting live racing during a  
322 fiscal year and not subject to the purse requirements of  
323 subparagraph 1., 3 percent of the greyhound intertrack handle  
324 shall be paid to the host greyhound permitholder for payment of  
325 purses at the host track.

326 (e) In addition to the purse requirements of paragraphs  
327 (a)-(c), each greyhound permitholder shall pay as purses an  
328 amount equal to one-third of the amount of the tax reduction on  
329 live and simulcast handle applicable to such permitholder as a  
330 result of the reductions in tax rates provided ~~by this act~~  
331 through the amendments to s. 550.0951(3) by chapter 2000-354,



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332 Laws of Florida. With respect to intertrack wagering when the  
333 host and guest tracks are greyhound permitholders not within the  
334 same market area, an amount equal to the tax reduction  
335 applicable to the guest track handle as a result of the  
336 reduction in tax rates ~~rate~~ provided ~~by this act~~ through the  
337 amendments ~~amendment~~ to s. 550.0951(3) by chapter 2000-354, Laws  
338 of Florida, shall be distributed to the guest track, one-third  
339 of which amount shall be paid as purses at those guest tracks  
340 conducting live racing ~~the guest track~~. However, if the guest  
341 track is a greyhound permitholder within the market area of the  
342 host or if the guest track is not a greyhound permitholder, an  
343 amount equal to such tax reduction applicable to the guest track  
344 handle shall be retained by the host track, one-third of which  
345 amount shall be paid as purses at the host track. These purse  
346 funds shall be disbursed in the week received if the  
347 permitholder conducts at least one live performance during that  
348 week. If the permitholder does not conduct at least one live  
349 performance during the week in which the purse funds are  
350 received, the purse funds shall be disbursed weekly during the  
351 permitholder's next race meet in an amount determined by  
352 dividing the purse amount by the number of performances approved  
353 for the permitholder pursuant to its annual license, and  
354 multiplying that amount by the number of performances conducted  
355 each week. The division shall conduct audits necessary to ensure  
356 compliance with this paragraph.

357 Section 6. Subsection (1) of section 550.26165, Florida  
358 Statutes, is amended to read:

359 550.26165 Breeders' awards.—

360 (1) The purpose of this section is to encourage the



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361 agricultural activity of breeding and training racehorses in  
362 this state. Moneys dedicated in this chapter for use as  
363 breeders' awards and stallion awards are to be used for awards  
364 to breeders of registered Florida-bred horses winning horseraces  
365 and for similar awards to the owners of stallions who sired  
366 Florida-bred horses winning stakes races, if the stallions are  
367 registered as Florida stallions standing in this state. Such  
368 awards shall be given at a uniform rate to all winners of the  
369 awards, shall not be greater than 20 percent of the announced  
370 gross purse, and shall not be less than 15 percent of the  
371 announced gross purse if funds are available. In addition, no  
372 less than 17 percent nor more than 40 percent, as determined by  
373 the Florida Thoroughbred Breeders' Association, of the moneys  
374 dedicated in this chapter for use as breeders' awards and  
375 stallion awards for thoroughbreds shall be returned pro rata to  
376 the permitholders that generated the moneys for special racing  
377 awards to be distributed by the permitholders to owners of  
378 thoroughbred horses participating in prescribed thoroughbred  
379 stakes races, nonstakes races, or both, all in accordance with a  
380 written agreement establishing the rate, procedure, and  
381 eligibility requirements for such awards entered into by the  
382 permitholder, the Florida Thoroughbred Breeders' Association,  
383 and the Florida Horsemen's Benevolent and Protective  
384 Association, Inc., except that the plan for the distribution by  
385 any permitholder located in the area described in s.  
386 550.615(8)(9) shall be agreed upon by that permitholder, the  
387 Florida Thoroughbred Breeders' Association, and the association  
388 representing a majority of the thoroughbred racehorse owners and  
389 trainers at that location. Awards for thoroughbred races are to



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390 be paid through the Florida Thoroughbred Breeders' Association,  
391 and awards for standardbred races are to be paid through the  
392 Florida Standardbred Breeders and Owners Association. Among  
393 other sources specified in this chapter, moneys for thoroughbred  
394 breeders' awards will come from the 0.955 percent of handle for  
395 thoroughbred races conducted, received, broadcast, or simulcast  
396 under this chapter as provided in s. 550.2625(3). The moneys for  
397 quarter horse and harness breeders' awards will come from the  
398 breaks and uncashed tickets on live quarter horse and harness  
399 racing performances and 1 percent of handle on intertrack  
400 wagering. The funds for these breeders' awards shall be paid to  
401 the respective breeders' associations by the permitholders  
402 conducting the races.

403 Section 7. Section 550.475, Florida Statutes, is amended to  
404 read:

405 550.475 Lease of pari-mutuel facilities by pari-mutuel  
406 permitholders.—Holders of valid pari-mutuel permits for the  
407 conduct of any jai alai games, dogracing, or thoroughbred and  
408 standardbred horse racing in this state are entitled to lease  
409 any and all of their facilities to any other holder of a same  
410 class valid pari-mutuel permit for jai alai games, dogracing, or  
411 thoroughbred or standardbred horse racing, when located within a  
412 35-mile radius of each other; and such lessee is entitled to a  
413 ~~permit and~~ license to operate its race meet or jai alai games at  
414 the leased premises.

415 Section 8. Section 550.615, Florida Statutes, is amended to  
416 read:

417 550.615 Intertrack wagering.—

418 (1) Any horserace permitholder licensed under this chapter



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419 which has conducted a full schedule of live racing may, at any  
420 time, receive broadcasts of horseraces and accept wagers on  
421 horseraces conducted by horserace permitholders licensed under  
422 this chapter at its facility.

423 (2) A ~~Any~~ track or fronton licensed under this chapter that  
424 conducted a full schedule of live racing or games ~~which~~ in the  
425 preceding year, or any greyhound permitholder that has held an  
426 annual license to conduct pari-mutuel wagering activities in  
427 each of the preceding 10 years or was converted pursuant to s.  
428 550.054(14), ~~conducted a full schedule of live racing~~ is  
429 qualified to, at any time, receive broadcasts of any class of  
430 pari-mutuel race or game and accept wagers on such races or  
431 games conducted by any class of permitholders licensed under  
432 this chapter.

433 (3) If a permitholder elects to broadcast its signal to any  
434 permitholder in this state, any permitholder that is eligible to  
435 conduct intertrack wagering under the provisions of ss. 550.615-  
436 550.6345 is entitled to receive the broadcast and conduct  
437 intertrack wagering under this section; provided, however, that  
438 the host track may require a guest track within 25 miles of  
439 another permitholder to receive in any week at least 60 percent  
440 of the live races that the host track is making available on the  
441 days that the guest track is otherwise operating live races or  
442 games. A host track may require a guest track not operating live  
443 races or games and within 25 miles of another permitholder to  
444 accept within any week at least 60 percent of the live races  
445 that the host track is making available. A person may not  
446 restrain or attempt to restrain any permitholder that is  
447 otherwise authorized to conduct intertrack wagering from





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448 receiving the signal of any other permitholder or sending its  
449 signal to any permitholder.

450 (4) In no event shall any intertrack wager be accepted on  
451 the same class of live races or games of any permitholder  
452 without the written consent of such operating permitholders  
453 conducting the same class of live races or games if the guest  
454 track is within the market area of such operating permitholder.  
455 A greyhound permitholder licensed under chapter 551 that accepts  
456 intertrack wagers on live greyhound signals is not required to  
457 obtain the written consent required by this subsection from any  
458 operating greyhound permitholder within its market area.

459 (5) No permitholder within the market area of the host  
460 track shall take an intertrack wager on the host track without  
461 the consent of the host track.

462 (6) Notwithstanding the provisions of subsection (3), in  
463 any area of the state where there are three or more horserace  
464 permitholders within 25 miles of each other, intertrack wagering  
465 between permitholders in said area of the state shall only be  
466 authorized under the following conditions: Any permitholder,  
467 other than a thoroughbred permitholder, may accept intertrack  
468 wagers on races or games conducted live by a permitholder of the  
469 same class or any harness permitholder located within such area  
470 and any harness permitholder may accept wagers on games  
471 conducted live by any jai alai permitholder located within its  
472 market area and from a jai alai permitholder located within the  
473 area specified in this subsection when no jai alai permitholder  
474 located within its market area is conducting live jai alai  
475 performances; any greyhound or jai alai permitholder may receive  
476 broadcasts of and accept wagers on any permitholder of the other



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477 class provided that a permitholder, other than the host track,  
478 of such other class is not operating a contemporaneous live  
479 performance within the market area.

480 ~~(7) In any county of the state where there are only two~~  
481 ~~permits, one for dogracing and one for jai alai, no intertrack~~  
482 ~~wager may be taken during the period of time when a permitholder~~  
483 ~~is not licensed to conduct live races or games without the~~  
484 ~~written consent of the other permitholder that is conducting~~  
485 ~~live races or games. However, if neither permitholder is~~  
486 ~~conducting live races or games, either permitholder may accept~~  
487 ~~intertrack wagers on horseraces or on the same class of races or~~  
488 ~~games, or on both horseraces and the same class of races or~~  
489 ~~games as is authorized by its permit.~~

490 ~~(7)-(8) In any three contiguous counties of the state where~~  
491 ~~there are only three permitholders, all of which are greyhound~~  
492 ~~permitholders, If any greyhound permitholder leases the facility~~  
493 ~~of another greyhound permitholder for the purpose of conducting~~  
494 ~~all or any portion of the conduct of its live race meet pursuant~~  
495 ~~to s. 550.475, such lessee may conduct intertrack wagering at~~  
496 ~~its pre-lease permitted facility throughout the entire year,~~  
497 ~~including while its race live meet is being conducted at the~~  
498 ~~leased facility, if such permitholder has conducted a full~~  
499 ~~schedule of live racing during the preceding fiscal year at its~~  
500 ~~pre-lease permitted facility or at a leased facility, or~~  
501 ~~combination thereof.~~

502 ~~(8)-(9) In any two contiguous counties of the state in which~~  
503 ~~there are located only four active permits, one for thoroughbred~~  
504 ~~horse racing, two for greyhound dogracing, and one for jai alai~~  
505 ~~games, no intertrack wager may be accepted on the same class of~~



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506 live races or games of any permitholder without the written  
507 consent of such operating permitholders conducting the same  
508 class of live races or games if the guest track is within the  
509 market area of such operating permitholder.

510 ~~(9)~~ (10) All costs of receiving the transmission of the  
511 broadcasts shall be borne by the guest track; and all costs of  
512 sending the broadcasts shall be borne by the host track.

513 Section 9. Paragraph (g) of subsection (9) of section  
514 550.6305, Florida Statutes, is amended to read:

515 550.6305 Intertrack wagering; guest track payments;  
516 accounting rules.-

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

522 (g)1. Any thoroughbred permitholder which accepts wagers on  
523 a simulcast signal must make the signal available to any  
524 permitholder that is eligible to conduct intertrack wagering  
525 under the provisions of ss. 550.615-550.6345.

526 2. Any thoroughbred permitholder which accepts wagers on a  
527 simulcast signal received after 6 p.m. must make such signal  
528 available to any permitholder that is eligible to conduct  
529 intertrack wagering under the provisions of ss. 550.615-  
530 550.6345, including any permitholder located as specified in s.  
531 550.615(6). Such guest permitholders are authorized to accept  
532 wagers on such simulcast signal, notwithstanding any other  
533 provision of this chapter to the contrary.

534 3. Any thoroughbred permitholder which accepts wagers on a



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535 simulcast signal received after 6 p.m. must make such signal  
536 available to any permitholder that is eligible to conduct  
537 intertrack wagering under the provisions of ss. 550.615-  
538 550.6345, including any permitholder located as specified in s.  
539 550.615(8) ~~(9)~~. Such guest permitholders are authorized to accept  
540 wagers on such simulcast signals for a number of performances  
541 not to exceed that which constitutes a full schedule of live  
542 races for a quarter horse permitholder pursuant to s.  
543 550.002(11), notwithstanding any other provision of this chapter  
544 to the contrary, except that the restrictions provided in s.  
545 550.615(8) ~~(9)~~(a) apply to wagers on such simulcast signals.  
546

547 No thoroughbred permitholder shall be required to continue  
548 to rebroadcast a simulcast signal to any in-state permitholder  
549 if the average per performance gross receipts returned to the  
550 host permitholder over the preceding 30-day period were less  
551 than \$100. Subject to the provisions of s. 550.615(4), as a  
552 condition of receiving rebroadcasts of thoroughbred simulcast  
553 signals under this paragraph, a guest permitholder must accept  
554 intertrack wagers on all live races conducted by all then-  
555 operating thoroughbred permitholders.

556 Section 10. Paragraph (c) of subsection (4) of section  
557 551.104, Florida Statutes, is amended to read:

558 551.104 License to conduct slot machine gaming.-

559 (4) As a condition of licensure and to maintain continued  
560 authority for the conduct of slot machine gaming, the slot  
561 machine licensee shall:

562 (c) Conduct no fewer than a full schedule of live racing or  
563 games as defined in s. 550.002(11), except for holders of



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564 greyhound permits, which have no live racing requirement. A  
565 permitholder's responsibility to conduct such number of live  
566 races or games shall be reduced by the number of races or games  
567 that could not be conducted due to the direct result of fire,  
568 war, hurricane, or other disaster or event beyond the control of  
569 the permitholder.

570 Section 11. Subsections (2) and (4) of section 551.114,  
571 Florida Statutes, are amended to read:

572 551.114 Slot machine gaming areas.—

573 (2) The slot machine licensee shall display pari-mutuel  
574 races or games within the designated slot machine gaming areas  
575 and offer patrons within the designated slot machine gaming  
576 areas the ability to engage in pari-mutuel wagering on any live,  
577 intertrack, and simulcast races conducted or offered to patrons  
578 of the licensed facility.

579 (4) Designated slot machine gaming areas may be located  
580 within the current live gaming facility or in an existing  
581 building that must be contiguous and connected to the live  
582 gaming facility, if applicable. If a designated slot machine  
583 gaming area is to be located in a building that is to be  
584 constructed, that new building must be contiguous and connected  
585 to the live gaming facility.

586 Section 12. Paragraphs (a) and (b) of subsection (5) and  
587 paragraph (d) of subsection (13) of section 849.086, Florida  
588 Statutes, are amended to read:

589 849.086 Cardrooms authorized.—

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



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593 (a) Only those persons holding a valid cardroom license  
594 issued by the division may operate a cardroom. A cardroom  
595 license may only be issued to a licensed pari-mutuel  
596 permitholder and an authorized cardroom may only be operated at  
597 the same facility at which the permitholder is authorized under  
598 its valid pari-mutuel wagering permit to conduct pari-mutuel  
599 wagering activities. An initial cardroom license shall be issued  
600 to a pari-mutuel permitholder only after its facilities are in  
601 place and after it conducts its first day of live racing or  
602 games or, for a greyhound permitholder, only after it has  
603 conducted a full schedule of live racing in each of the  
604 preceding 10 years or after it was converted pursuant to s.  
605 550.054(14). A new cardroom license may not be issued in an area  
606 unless the local government has approved such activity within  
607 its boundaries in accordance with subsection (16).

608 (b) After the initial cardroom license is granted, the  
609 application for the annual license renewal shall be made in  
610 conjunction with the applicant's annual application for its  
611 pari-mutuel license. If a permitholder has operated a cardroom  
612 during any of the 3 previous fiscal years and fails to include a  
613 renewal request for the operation of the cardroom in its annual  
614 application for license renewal, the permitholder may amend its  
615 annual application to include operation of the cardroom. Except  
616 for greyhound permitholders, in order for a cardroom license to  
617 be renewed the applicant must have requested, as part of its  
618 pari-mutuel annual license application, to conduct at least 90  
619 percent of the total number of live performances conducted by  
620 such permitholder during either the state fiscal year in which  
621 its initial cardroom license was issued or the state fiscal year



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622 immediately prior thereto if the permitholder ran at least a  
623 full schedule of live racing or games in the prior year. If the  
624 application is for a harness permitholder cardroom, the  
625 applicant must have requested authorization to conduct a minimum  
626 of 140 live performances during the state fiscal year  
627 immediately prior thereto. If more than one permitholder is  
628 operating at a facility, each permitholder must have applied for  
629 a license to conduct a full schedule of live racing. However, a  
630 minimum number of requested or conducted live performances is  
631 not required in order for a greyhound permitholder to maintain  
632 or renew a cardroom license.

633 (13) TAXES AND OTHER PAYMENTS.—

634 (d)1. Each greyhound and jai alai permitholder that  
635 operates a cardroom facility shall use at least 4 percent of  
636 such permitholder's cardroom monthly gross receipts to  
637 supplement greyhound purses if live racing is conducted during a  
638 fiscal year, or jai alai prize money, respectively, during the  
639 permitholder's current or next ensuing pari-mutuel meet.

640 2. Each thoroughbred and harness horse racing permitholder  
641 that operates a cardroom facility shall use at least 50 percent  
642 of such permitholder's cardroom monthly net proceeds as follows:  
643 47 percent to supplement purses and 3 percent to supplement  
644 breeders' awards during the permitholder's next ensuing racing  
645 meet.

646 3. No cardroom license or renewal thereof shall be issued  
647 to an applicant holding a permit under chapter 550 to conduct  
648 pari-mutuel wagering meets of quarter horse racing unless the  
649 applicant has on file with the division a binding written  
650 agreement between the applicant and the Florida Quarter Horse



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651 Racing Association or the association representing a majority of  
652 the horse owners and trainers at the applicant's eligible  
653 facility, governing the payment of purses on live quarter horse  
654 races conducted at the licensee's pari-mutuel facility. The  
655 agreement governing purses may direct the payment of such purses  
656 from revenues generated by any wagering or gaming the applicant  
657 is authorized to conduct under Florida law. All purses shall be  
658 subject to the terms of chapter 550.

659 Section 13. This act shall take effect July 1, 2012.

660

661

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

663 And the title is amended as follows:

664 Delete everything before the enacting clause  
665 and insert:

666 A bill to be entitled

667 An act relating to greyhound racing; amending s.  
668 550.002, F.S., which defines the term "full schedule  
669 of live racing or games"; providing that a greyhound  
670 permitholder shall not be required to conduct a  
671 minimum number of live performances; amending s.  
672 550.01215, F.S.; revising requirements for an  
673 application for a license to conduct performances;  
674 extending the period of time allowed to amend certain  
675 applications; amending s. 550.054, F.S.; removing a  
676 requirement for holders of certain converted permits  
677 to conduct a full schedule of live racing to qualify  
678 for certain tax credits; amending s. 550.0951, F.S.;  
679 deleting provisions relating to transfer of certain





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680 unused exemptions or credits; conforming a cross-  
681 reference; amending s. 550.09514, F.S.; providing for  
682 transfer of certain unused exemptions or credits;  
683 revising purse requirements for greyhound racing and  
684 provisions for payment of purses; amending s. 550.475,  
685 F.S., relating to lease of pari-mutuel facilities by  
686 pari-mutuel permitholders; revising terminology to  
687 conform to changes made by the act; amending s.  
688 550.615, F.S.; revising provisions for intertrack  
689 wagering; amending ss. 550.26165 and 550.6305, F.S.;  
690 conforming cross-references to changes made by the  
691 act; amending s. 551.104, F.S.; revising a condition  
692 of licensure for the conduct of slot machine gaming;  
693 amending s. 551.114, F.S.; revising requirements for  
694 designated slot machine gaming areas; amending s.  
695 849.086, F.S.; revising requirements for initial and  
696 renewal issuance of a cardroom license to a greyhound  
697 permitholder; providing that a minimum number of  
698 requested or conducted live performances is not  
699 required in order for a greyhound permitholder to  
700 maintain or renew a cardroom license; providing an  
701 effective date.