Representative Moskowitz offered the following:

Amendment (with title amendment)

Between lines 3374 and 3375, insert:

Section 163. Section 828.35, Florida Statutes, is created to read:

828.35 Humane treatment of racing animals.—

(1)(a) In order to ensure the humane treatment and welfare of horses racing in this state and notwithstanding any other provision of law, the Division of Pari-mutuel Wagering, in consultation with the Department of Agriculture and Consumer Services and the designated state laboratory, shall adopt rules establishing the conditions of use and maximum concentrations of drugs, medications, and naturally occurring substances
identified in the most recent Controlled Therapeutic Medication Schedule adopted by the Association of Racing Commissioners International, Inc. (ARCI), on or before April 30, 2014.

Controlled therapeutic medications include only the specific medications and concentrations authorized in biological samples that have been approved by ARCI as controlled therapeutic medications. The division shall initiate rulemaking to consider the adoption of any subsequent amendments to the Controlled Therapeutic Medication Schedule, penalties, or laboratory-screening limits adopted by ARCI within 180 days after the adoption of any such amendments. The division shall adopt laboratory-screening limits approved by ARCI for drugs and medications that are not included as controlled therapeutic medications. The division rules must include a classification system for medications and drugs and a corresponding penalty schedule for violations, which must incorporate the Uniform Classification Guidelines for Foreign Substances, revised December 2013, as adopted by ARCI. The rules must specify those drugs considered prohibited substances, the presence of which in a sample in prescribed concentrations may result in administrative sanction by the division.

(b) After consultation with the department and the state laboratory, the division shall, notwithstanding s. 550.2415, designate the appropriate biological specimens by which the administration of medications, drugs, and naturally occurring substances is monitored and the testing methodologies for
screening and confirmation. 

(c) The rules must include conditions for the humane use of furosemide to treat exercise-induced pulmonary hemorrhage. Notwithstanding any other provision of law, furosemide is the only medication that may be administered within 24 hours before or after the officially scheduled post time of a race, but it may not be administered within 4 hours before the officially scheduled post time. 

(2) The division shall implement a split-sample procedure for testing racehorses to ensure their humane treatment. Upon collection, each urine and blood sample shall be split into a primary sample and a secondary (split) sample in accordance with rules adopted by the division. The division shall transfer custody of the primary sample to the state laboratory and retain custody of the split sample except as provided in this subsection. Unless otherwise recommended by the department, serum is the testing medium for phenylbutazone in horses. 

(a) The division shall notify the owner or trainer, the stewards, the department, and the horsemen's association of all drug test results. In the event of a positive test result, and upon request by the affected trainer or owner of the horse from which the sample was obtained, the division shall send the split sample to an approved independent laboratory for analysis. The division shall establish standards and rules for uniform enforcement and maintain a list of at least five approved independent laboratories for an owner or trainer to select from.
in the event of a positive test result.

1. If the laboratory's findings are not confirmed by the independent laboratory, further administrative or disciplinary action under this section may not be pursued. The division may adopt rules identifying substances that diminish in a blood or urine sample due to passage of time and that must be taken into account in applying this section.

2. If the independent laboratory confirms the positive result, the division shall inform the department and may seek administrative sanctions pursuant to chapter 120 against the violator within 180 days after laboratory confirmation which, in addition to license suspension or revocation, may include the imposition of a fine against the violator in an amount not to exceed the purse or sweepstakes earned by the horse in the race at issue or $10,000, whichever is greater. Upon receiving the report, the department may forward the report to the appropriate law enforcement agency for investigation of potential violations of s. 828.12. For the purpose of this subsection, the division shall in good faith attempt to obtain a sufficient quantity of the test fluid to allow both a primary test and a secondary test. If there is an insufficient quantity of the split sample for confirmation of the division laboratory's positive result, the division may not take further action on the matter against the owner or trainer and any resulting license suspension must be immediately lifted.
(b) The division shall require its laboratory and the independent laboratories to annually participate in an externally administered quality assurance program designed to assess testing proficiency in the detection and appropriate quantification of medications, drugs, and naturally occurring substances that may be administered to racehorses. The administrator of the quality assurance program shall report its results and findings to the division and the department.

(3)(a) In order to monitor the humane treatment of racing greyhounds, each licensed greyhound track shall maintain records regarding injuries incurred by racing greyhounds while they are racing in this state, including injuries incurred in schooling races. The records must include:

1. The greyhound's registered name, right and left ear tattoo numbers, and, if applicable, microchip manufacturer and number.

2. The name, business address, and telephone number of the greyhound owner and trainer and the kennel operator.

3. The color, weight, and sex of the greyhound.

4. The location where the injury occurred.

5. If the injury occurred while the greyhound was racing, the racetrack where the injury occurred and the distance, grade, race, and post position of the greyhound when the injury occurred.

6. The weather conditions, time, and track condition when the injury occurred.
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7. The specific type and bodily location of the injury, the cause of the injury, and the estimated recovery time from the injury.

(b) All injury records shall be completed and signed under oath or affirmation under penalty of perjury by the racetrack veterinarian, whose signature must be witnessed by a designated representative of the department or the division.

(c) Injury records created and maintained under this subsection shall be filed monthly with the department with an inspector designated by the department. Injury records shall also be maintained by the track for 7 years and shall be made readily available for inspection and copying by the public upon oral or written request.

(d) A person who knowingly makes a false statement on an injury record is subject to a fine not to exceed $1,500. A person who commits a second or subsequent violation of this paragraph is subject to a fine of at least $3,000.

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

Remove line 154 and insert: administrative fines; creating s. 828.35, F.S.; requiring the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing procedures for testing certain animals for medications or drugs; requiring
the division's laboratory and certain independent laboratories to participate annually in a quality assurance program; requiring the administrator of the quality assurance program to report its results and findings to the division and the Department of Agriculture and Consumer Services; requiring the division to maintain records of greyhounds injured while racing; providing for the content of such records; providing fines for making false statements on an injury record; amending ss. 253.74, 388.46,