

By the Committee on Gaming; and Senators Sobel, Soto, Clemens,  
and Abruzzo

584-04017-14

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A bill to be entitled  
An act relating to racing animals; amending s.  
550.2415, F.S.; revising the prohibition on the use of  
medication or drugs on animals; revising penalties for  
such use; revising procedures for testing animals for  
medication or drugs; requiring the Division of Pari-  
mutuel Wagering within the Department of Business and  
Professional Regulation to maintain records of  
greyhounds injured while racing; providing for the  
content of such records; providing fines for making  
false statements on an injury form; providing an  
effective date.

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

Section 1. Paragraph (a) of subsection (1), paragraphs (a)  
and (b) of subsection (3), and subsections (4) and (5) of  
section 550.2415, Florida Statutes, are amended, and paragraph  
(f) is added to subsection (6) of that section, to read:

550.2415 Racing of animals under certain conditions  
prohibited; penalties; exceptions.—

(1)(a) The racing of an animal that has been impermissibly  
medicated or drugged ~~with any drug, medication, stimulant,~~  
~~depressant, hypnotic, narcotic, local anesthetic, or drug-~~  
~~masking agent~~ is prohibited. It is a violation of this section  
for a person to impermissibly medicate or drug an animal  
resulting ~~administer or cause to be administered any drug,~~  
~~medication, stimulant, depressant, hypnotic, narcotic, local~~  
~~anesthetic, or drug masking agent to an animal which will result~~

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30 in a positive test for such substance based on samples taken  
31 from the animal ~~immediately~~ prior to or immediately after the  
32 racing of that animal. Test results and the identities of the  
33 animals being tested and of their trainers and owners of record  
34 are confidential and exempt from s. 119.07(1) and from s. 24(a),  
35 Art. I of the State Constitution for 10 days after testing of  
36 all samples collected on a particular day has been completed and  
37 any positive test results derived from such samples have been  
38 reported to the director of the division or administrative  
39 action has been commenced.

40 (3)(a) Upon the finding of a violation of this section, the  
41 division may revoke or suspend the license or permit of the  
42 violator or deny a license or permit to the violator; impose a  
43 fine against the violator in an amount not exceeding the purse  
44 or sweepstakes earned by the animal in the race at issue or  
45 \$10,000, whichever is greater ~~\$5,000~~; require the full or  
46 partial return of the purse, sweepstakes, and trophy of the race  
47 at issue; or impose against the violator any combination of such  
48 penalties. The finding of a violation of this section in no way  
49 prohibits a prosecution for criminal acts committed.

50 (b) The division, notwithstanding the provisions of chapter  
51 120, may summarily suspend the license of an occupational  
52 licensee responsible under this section or division rule for the  
53 condition of a race animal if the division laboratory reports  
54 the presence of a prohibited ~~an impermissible~~ substance in the  
55 animal or its blood, urine, saliva, or any other bodily fluid,  
56 either before a race in which the animal is entered or after a  
57 race the animal has run.

58 (4) A prosecution pursuant to this section for a violation

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59 of this section must be commenced within 180 days ~~2 years~~ after  
60 the violation was committed. Service of an administrative  
61 complaint marks the commencement of administrative action.

62 (5) The division shall implement a split-sample procedure  
63 for testing animals under this section. Each urine and blood  
64 sample shall be split into a primary sample and a secondary  
65 (split) sample upon collection, under rules adopted by the  
66 division. The division shall transfer custody of the primary  
67 sample to the division laboratory, with custody of the split  
68 sample to remain with the division except as provided in this  
69 subsection.

70 (a) ~~Upon finding a positive drug test result, The division~~  
71 ~~department shall notify the owner or trainer, the stewards, and~~  
72 ~~the horsemen's association of all drug test the results. The~~  
73 ~~owner may request that each urine and blood sample be split into~~  
74 ~~a primary sample and a secondary (split) sample. Such splitting~~  
75 ~~must be accomplished in the laboratory under rules approved by~~  
76 ~~the division. Custody of both samples must remain with the~~  
77 ~~division. In the event of a positive test result~~ However, upon  
78 request by the affected trainer or owner of the animal from  
79 which the sample was obtained, the division shall send the split  
80 sample to an approved independent laboratory for analysis. The  
81 division shall establish standards and rules for uniform  
82 enforcement and shall maintain a list of at least five approved  
83 independent laboratories for an owner or trainer to select from  
84 in the event of a positive test result ~~sample~~.

85 (b) If the division ~~state~~ laboratory's findings are not  
86 confirmed by the independent laboratory, no further  
87 administrative or disciplinary action under this section may be

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88 pursued. The division may adopt rules identifying substances  
89 that diminish in a blood or urine sample due to passage of time  
90 and that must be taken into account in applying this section.

91 (c) If the independent laboratory confirms the division  
92 ~~state~~ laboratory's positive result, ~~or if there is an~~  
93 ~~insufficient quantity of the secondary (split) sample for~~  
94 ~~confirmation of the state laboratory's positive result,~~ the  
95 division may commence administrative proceedings as prescribed  
96 in this chapter and consistent with chapter 120. For purposes of  
97 this subsection, the department shall in good faith attempt to  
98 obtain a sufficient quantity of the test fluid to allow both a  
99 primary test and a secondary test to be made. If there is an  
100 insufficient quantity of the split sample for confirmation of  
101 the division laboratory's positive result, the division may not  
102 take further action on the matter against the owner or trainer,  
103 and any resulting license suspension must be immediately lifted.

104 (d) The division shall require its laboratory and the  
105 independent laboratories to annually participate in an  
106 externally administered quality assurance program designed to  
107 assess testing proficiency in the detection and appropriate  
108 quantification of medications, drugs, and naturally occurring  
109 substances that may be administered to racing animals. The  
110 administrator of the quality assurance program shall report its  
111 results and findings to the division.

112 (6)

113 (f)1. The division shall maintain records regarding  
114 injuries incurred by racing greyhounds while they are racing in  
115 this state, including injuries incurred in schooling races. The  
116 records must include:

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117 a. The greyhound's registered name, right and left ear  
118 tattoo numbers, and, if any, the microchip manufacturer and  
119 number.

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

122 c. The color, weight, and sex of the greyhound.

123 d. The location where the injury took place, whether on a  
124 racetrack or in another area.

125 e. If the injury occurred while the greyhound was racing,  
126 the racetrack where the injury occurred and the distance, grade,  
127 race, and post position of the greyhound when the injury  
128 occurred.

129 f. The weather conditions, time, and track condition when  
130 the injury occurred.

131 g. The specific type and bodily location of injury, the  
132 cause of the injury, and the estimated recovery time from the  
133 injury.

134 2. All injury forms shall be completed and signed under  
135 oath or affirmation under penalty of perjury by the racetrack  
136 veterinarian, whose signature must be witnessed by a designated  
137 representative of the division.

138 3. Injury records created and maintained under this  
139 paragraph shall be maintained by the division for a period of 7  
140 years and shall be made readily available to the public upon  
141 oral or written request to the division.

142 4. Knowingly making a false statement on an injury form  
143 shall result in a fine not to exceed \$1,500. A second or  
144 subsequent violation of this paragraph shall result in a fine of  
145 at least \$3,000.

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Section 2. This act shall take effect July 1, 2014.