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

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

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16 Section 1. This act shall be known as the "Victoria Q.
17 Gaetz Animal Rights Act."

18 Section 2. Paragraph (a) of subsection (1), paragraphs (a)
19 and (b) of subsection (3), and subsections (4) and (5) of
20 section 550.2415, Florida Statutes, are amended, and paragraph
21 (f) is added to subsection (6) of that section, to read:

22 550.2415 Racing of animals under certain conditions
23 prohibited; penalties; exceptions.—

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

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

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

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

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59 race the animal has run.

60 (4) A prosecution pursuant to this section for a violation
61 of this section must be commenced within 180 days ~~2 years~~ after
62 the violation was committed. Service of an administrative
63 complaint marks the commencement of administrative action.

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

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

87 (b) If the division ~~state~~ laboratory's findings are not

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88 confirmed by the independent laboratory, no further
89 administrative or disciplinary action under this section may be
90 pursued. The division may adopt rules identifying substances
91 that diminish in a blood or urine sample due to passage of time
92 and that must be taken into account in applying this section.

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

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

114 (6)

115 (f)1. The division shall maintain records regarding
116 injuries incurred by racing greyhounds while they are racing in

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117 this state, including injuries incurred in schooling races. The
118 records must include:

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

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

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

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

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

131 f. The weather conditions, time, and track condition when
132 the injury occurred.

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

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

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

144 4. Knowingly making a false statement on an injury form
145 shall result in a fine not to exceed \$1,500. A second or

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146 subsequent violation of this paragraph shall result in a fine of
147 at least \$3,000.

148 Section 3. This act shall take effect July 1, 2014.