

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: SB 2

INTRODUCER: Senator Sobel and others

SUBJECT: Greyhound Racing Injuries

DATE: January 20, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>FP</u>	_____

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## I. Summary:

SB 2 requires greyhound track veterinarians to prepare and sign detailed reports under oath, on a form adopted by the Division of Pari-Mutuel Wagering (division) in the Department of Business and Professional Regulation (department), of all injuries to racing greyhound dogs that occur while the dogs are on a racetrack. If an injury occurs at a location other than a racetrack, or during transportation, then the injury report must be prepared and signed under oath by a greyhound owner, trainer or kennel operator who has knowledge of the injury.

Reporting is required within 7 days after the date the injury occurred or is believed to have occurred. The reports are public records that must be maintained for 7 years. False statements in an injury report or the failure to report an injury subjects licensees of the department to disciplinary action under pari-mutuel, regulatory, and professional practice laws. The requirement to report injuries to racing greyhound dogs does not apply to injuries to a service animal, personal pet, or greyhound that has been adopted as a pet.

The Department of Business and Professional Regulation estimates the fiscal impact to that agency from a low of \$60,727 to a high of \$425,163 depending on the number of reports and investigations conducted by the Department.

## II. Present Situation:

As of November 24, 2014, there were 39 pari-mutuel permitholders with operating licenses in Florida, operating at 12 greyhound tracks, 6 jai alai frontons, 5 quarter horse tracks, 3 thoroughbred tracks, and 1 harness track.<sup>1</sup> Of the 20 greyhound racing permitholders with

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<sup>1</sup> See Pari-Mutuel Wagering Permitholders With 2014-2015 Operating Licenses map at <http://www.myfloridalicense.com/dbpr/pmw/documents/MAP-Permitholders--WITH--2014-2015-OperatingLicenses--2014-11-24.pdf> (last visited Jan. 19, 2015).

operating licenses during 2013-2014, three permitholders conducted races at leased facilities.<sup>2</sup> Five pari-mutuel facilities have two permits operating at those locations.<sup>3</sup> One permitholder's operating license was suspended late in 2014,<sup>4</sup> so there are now 19 greyhound racing permitholders with operating licenses.<sup>5</sup>

Racing greyhounds are registered with the National Greyhound Association and are used in racing at a pari-mutuel facility, or have been used, bred, raised, or trained to be used for such racing.<sup>6</sup> According to the division, Florida is the leader in greyhound racing in the United States.<sup>7</sup>

### **Regulation by Division of Pari-Mutuel Wagering**

Greyhound racing is regulated by the Division of Pari-Mutuel Wagering in the Department of Business and Professional Regulation (division). The division has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties.

Under current law, a greyhound permitholder is not required to have an operating license if the permitholder is not currently conducting live racing.<sup>8</sup> There are 12 permitholders that do not have operating licenses for FY 2014-2015: 2 greyhound,<sup>9</sup> 3 jai alai, 1 limited thoroughbred,<sup>10</sup> and 6 quarter horse.

Greyhound permitholders must apply for an annual operating license, specifying the number, dates and starting times of all performances to be conducted.<sup>11</sup> A "performance" is a minimum of 8 consecutive live races.<sup>12</sup> At least three live performances must be held at a track each week.<sup>13</sup>

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<sup>2</sup> According to the Division of Pari-Mutuel Wagering (division), Tampa Greyhound conducts races at St. Petersburg Kennel Club (a.k.a. Derby Lane), and both Jacksonville Kennel Club and Bayard Raceways (St. Johns) conduct races at Orange Park Kennel Club.

<sup>3</sup> The division indicated that H & T Gaming @ Mardi Gras and Mardi Gras operate at a facility in Hallandale Beach, Daytona Beach Kennel Club and West Volusia Racing-Daytona operate at a facility in Daytona Beach, Palm Beach Kennel Club and License Acquisitions-Palm Beach operate at a facility in West Palm Beach, Miami Jai Alai and Summer Jai Alai operate at a facility in Miami, and Sanford-Orlando Kennel Club and Penn Sanford @SOKC operate at a facility in Longwood.

<sup>4</sup> See <http://www.myfloridalicense.com/dbpr/pmw/documents/CurrentPermitholdersList.pdf> (last visited Jan. 19, 2015) for a list of current permitholders and their licensing status.

<sup>5</sup> Information about racing greyhound permitholders for the fiscal years 2013-2014 and 2014-2015 is available at <http://www.myfloridalicense.com/dbpr/pmw/track.html> (last visited Jan. 19, 2015).

<sup>6</sup> Section 550.002(29), F.S.

<sup>7</sup> See the division's *83rd Annual Report, Fiscal Year 2013-2014*,

<http://www.myfloridalicense.com/dbpr/pmw/documents/AnnualReports/AnnualReport-2013-2014--83rd--20150114.pdf> (last visited Jan. 19, 2015) at page 25.

<sup>8</sup> See *Pari-Mutuel Wagering Permitholders Without 2014-2015 Operating Licenses by Permit Type* at <http://www.myfloridalicense.com/dbpr/pmw/track.html> (Last visited Jan. 19, 2015).

<sup>9</sup> North American Racing Association (Key West) and Jefferson County Kennel Club (Monticello).

<sup>10</sup> Under Section 550.3345, F.S., during Fiscal Year 2010-2011 only, holders of quarter horse permits were allowed to convert their permits to a thoroughbred racing permit, conditioned upon specific use of racing revenues for enhancement of thoroughbred purses and awards, promotion of the thoroughbred horse industry, and the care of retired thoroughbred horses. Two conversions occurred (Gulfstream-GPTARP and Ocala Thoroughbred Racing).

<sup>11</sup> Section 550.01215, F.S.

<sup>12</sup> Section 550.002(25), F.S.

<sup>13</sup> Section 550.002(11), F.S.

When a permitholder conducts at least three live performances in a week, it must pay purses (cash prizes to participants) on wagers accepted at the track on certain greyhound races run at other tracks (in Florida or elsewhere).<sup>14</sup>

In order to receive an operating license, a greyhound permitholder must have conducted a full schedule of live racing during the preceding year,<sup>15</sup> that is, a minimum of 100 live performances.<sup>16</sup>

If a permitholder does not conduct all of the performances specified in its operating license, the division may determine whether to fine the permitholder or suspend<sup>17</sup> the license,<sup>18</sup> unless the failure is due to certain events beyond the permitholder's control.<sup>19</sup> Financial hardship itself is not an acceptable basis to avoid a fine or suspension.<sup>20</sup>

### **Greyhound Care**

The division, by administrative rule adopted pursuant to s. 550.2415(12), F.S., requires notification of the death of a racing greyhound while in training or during a race on the grounds of a greyhound track or kennel compound.<sup>21</sup> The track must notify the division, within 18 hours, of the deceased animal's location, where the death occurred, and how to reach the kennel operator, trainer and the person making the report. Haulers or drivers who transport racing animals must be licensed, and greyhound trainers of record are responsible for physically inspecting the animals in their care for sores, cuts, abrasions, muzzle burns, fleas and ticks,<sup>22</sup>

If an animal is injured and later dies or is euthanized, the division may conduct a postmortem examination.<sup>23</sup>

According to the division, there were 19 license suspensions, and \$80,950 in fines assessed for violations of all pari-mutuel statutes and rules in Fiscal Year 2013-2014.<sup>24</sup>

According to the University of Pennsylvania School of Veterinary Medicine, fractures and dislocations of the racing greyhound can be of any type, but certain injuries are more common. Many of these injuries are rare in other breeds. The following are two examples of common injuries to racing greyhounds. Fractures of the accessory carpal bone in the paw of a racing

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<sup>14</sup> Section 550.09514(2)(c), F.S.

<sup>15</sup> Section 550.002(11), F.S. In accordance with s. 550.002(38), F.S., a full schedule of live racing is calculated from July 1 to June 30, which is the state fiscal year.

<sup>16</sup> The performances may be during the day or in the evenings, as set forth in the schedule that is part of the operating license issued by the division.

<sup>17</sup> After Jefferson County Kennel Club failed to conduct scheduled performances, its operating license was suspended September 22, 2014 under a consent order. See the order at <http://www.myfloridalicense.com/dbpr/pmw/PMW-PermitholderOperatingLicenses--2014-2015.html> (last visited Jan. 19, 2015).

<sup>18</sup> Section 550.01215(4), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> See Rule 61D-2.023(3)(k), F.A.C.

<sup>22</sup> See Rules 61D-2.023(4) and (6), F.A.C.

<sup>23</sup> Section 550.2415(9), F.S. also provides that postmortem examinations may be made of any animal that dies while housed at a permitted racetrack, association compound, or licensed kennel or farm.

<sup>24</sup> See *supra* note 7, at page 3.

greyhound are relatively common due to the stresses of racing. The injury, which more commonly affects the right leg, is due to hyperextension of the carpus (the ‘wrist’ of the leg) at speed. Another example is metacarpal-metatarsal fractures to the paw which occur in a young dog that runs a very fast race or in an unfit dog that starts racing prematurely.<sup>25</sup> Prior to the banning of live greyhound racing in Massachusetts by citizen initiative in 2008, the Massachusetts Legislature enacted injury reporting legislation codified at ch. 128C, s. 7A, Massachusetts General Laws. In analyzing the injury reports, Grey2K USA, a national greyhound protection organization, found that for 2002-2004, over 74 percent of reported greyhound injuries were fractures.<sup>26</sup>

According to Grey2K USA, seven states have live greyhound racing. Those states are Alabama, Arizona, Arkansas, Florida, Iowa, Texas, and West Virginia.<sup>27</sup>

Examples of racing greyhound injury reports in use in Florida are shown in a publication issued by Grey2K USA.<sup>28</sup> The information provided in a 2011 Daytona Beach Kennel Club injury report (due no later than 24 hours after an injury occurs),<sup>29</sup> includes the type of injury, its location on the greyhound’s body, and the treatment provided to the greyhound:

- Injury type (e.g., fracture, dislocation, sprain, muscle tear/sore, laceration/cut);
- Area injured (e.g., left hind leg) and bone/joint injured (e.g., toe, shoulder); and
- Treatment (e.g., x-rays, surgery, splint, rest, euthanasia).

The information provided in 2011 Flagler Greyhound Track reports is less extensive.<sup>30</sup> The injury reports cited by Grey2K USA appear to be signed by the racetrack veterinarians.

### III. Effect of Proposed Changes:

SB 2 requires that an injury to a racing greyhound be reported to the Division of Pari-mutuel Wagering within 7 days after the injury occurred or is believed to have occurred (e.g. where the time the injury occurred is uncertain, such as injuries discovered since the last daily inspection of the racing greyhound, or upon the arrival of the greyhound at a kennel if transported) by:

- A racetrack veterinarian, if the injury occurred at the racetrack; or
- An owner, trainer or kennel operator with knowledge of the injury, if the injury occurred at a location other than the racetrack or during transportation.

The bill requires reporting of the following information about an injury:

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<sup>25</sup> See University of Pennsylvania School of Veterinary Medicine Computer Aided Learning Program course supplement at [http://cal.vet.upenn.edu/projects/saortho/chapter\\_35/35mast.htm](http://cal.vet.upenn.edu/projects/saortho/chapter_35/35mast.htm) (last visited Jan. 19, 2015). See also Benjamin G. J. Wernham, BVSc and James K. Roush, DVM, MS, DACVS, *Metacarpal and Metatarsal Fractures in Dogs*, Compendium: Continuing Education for Veterinarians®, Vetlearn.com, (March 2010), available at [https://s3.amazonaws.com/assets.prod.vetlearn.com/mmah/5f/e8eac1e38940cb8b9aab8e862fa06a/filePV0310\\_wernham\\_CE.pdf](https://s3.amazonaws.com/assets.prod.vetlearn.com/mmah/5f/e8eac1e38940cb8b9aab8e862fa06a/filePV0310_wernham_CE.pdf) (last visited Jan. 19, 2015).

<sup>26</sup> See *Injuries in Racing Greyhounds, A Report to the Massachusetts General Court July 2005* [www.grey2kusa.org/pdf/injuryreport.pdf](http://www.grey2kusa.org/pdf/injuryreport.pdf) (last visited Jan. 19, 2015).

<sup>27</sup> See <http://www.grey2kusa.org/action/states.html> (last visited Jan. 19, 2015).

<sup>28</sup> See *Greyhound Racing in Florida (December 2011)* <http://www.grey2kusa.org/pdf/FLreport.pdf> (last visited Jan. 19, 2015).

<sup>29</sup> *Id.* at p. 31.

<sup>30</sup> *Id.* at pages 32-34.

- Specific identification of the injured greyhound (name, tattoos, microchip information), with contact information for the greyhound's owner, trainer, and kennel operator; and
- The type and location of the injury, its cause, and estimated recovery time.

Further, if the injury occurs during a race, an injury report must state:

- The name of the racetrack and the time injury occurred;
- The distance, grade, race, and post position of the injured greyhound; and
- The weather and track conditions at the time of the injury.

If the injury occurs when the greyhound is not racing, an injury report must state the location where the injury occurred and the circumstances.

The bill provides that injury reports are public records that must be maintained by the division for 7 years.

Racing greyhound injury reports must be sworn to under penalty of perjury.<sup>31</sup> In addition, false statements in an injury report by a veterinarian, owner, trainer, or kennel operator may result in discipline of that licensee by the division as permitted by the provisions of chapter 550 (Parimutuel Wagering, chapter 455 (Business and Professional Regulation: General Provisions) or chapter 474 (Veterinary Medical Practice).

The bill does not apply to injuries to a service animal, personal pet, or greyhound that has been adopted as a pet.

The bill provides for an effective date of July 1, 2015.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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<sup>31</sup> Section 837.012, F.S., provides that makers of false statements under oath in regard to any material matter (such as those made in an injury reporting form) which he or she does not believe to be true, are guilty of a first degree misdemeanor and may be sentenced to a term of imprisonment up to one year and required to pay a fine not to exceed \$1,000).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Additional reporting will have an indeterminate impact on greyhound permitholders and operating racetracks. If numerous injury reports are made for injuries occurring at a specific racetrack or kennel, actions taken to address the causes of injuries may increase operational expenses for a greyhound permitholder or other licensee. If transport of racing greyhounds results in numerous injuries, licensees may determine not to use the services of those haulers or drivers. If the Division of Pari-Mutuel Wagering determines that numerous injuries have occurred at a particular location, an investigation may be instituted to assess violations of chapter 550, Florida Statutes, by licensees.

**C. Government Sector Impact:**

Recordkeeping and producing documents in response to public records requests for injury reports on racing greyhounds will have an indeterminate impact on the workload of the Division of Pari-Mutuel Wagering, depending on the number of injury reports that are filed. The department estimates the fiscal impact to the state in 2014-2015 from a low of \$60,727 if it collects reports and serves as a repository (one additional staff), to a high of \$425,163 if it reviews the reports, assesses the accuracy of reports, and investigates false statements, and pursues administrative action (five additional staff and three additional vehicles).<sup>32</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 550.2416 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

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<sup>32</sup> See 2015 Department of Business and Professional Regulation Legislative Bill Analysis, January 15, 2015 (on file with Senate Committee on Regulated Industries).

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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