

House Bill No. 181

An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; revising the definition of “full schedule of live racing or games” for certain jai alai permitholders; amending s. 550.09511, F.S.; providing for license fees and taxes for certain jai alai permitholders; amending s. 550.334, F.S.; revising permitting and operational requirements for quarter horse permitholders; deleting a provision to allow quarter horse racing by vote of the county commission in lieu of referendum approval of such racing within a county; providing that specified provisions relating to elections to ratify permits and elections to revoke permits shall apply to quarter horse racing; revising requirements for substitution of thoroughbred horse racing for quarter horse racing; removing certain restrictions on such substitutions and requiring written consent from other permitholders within a certain area; revising restrictions on intertrack wagering for quarter horse permitholders and requiring written consent from other permitholders within a certain area; amending s. 849.086, F.S.; removing a prohibition on transfer of cardroom licenses; providing for transfer of the cardroom license when a permit is relocated within a county under certain conditions; providing an effective date.

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

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 permit, the conduct of a combination of at least 100 live evening and matinee wagering performances during either of the 2 preceding years; for a jai alai permitholder who does not operate slot machines in its pari-mutuel facility, who has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and whose handle on live jai alai games conducted at its pari-mutuel facility has been less than \$4 million per state fiscal year for at least 2 consecutive years after June 30, 1992, the conduct of a combination of at least 40 live evening or matinee performances during the preceding year; for a jai alai permitholder who operates slot machines in its pari-mutuel facility, the conduct of a combination of at least 150 performances during the preceding year; for a harness permitholder, the conduct of at least 100 live regular wagering performances during the preceding year; for a quarter horse permitholder, the conduct of at least 40 live regular wagering performances during the preceding year; and for a thoroughbred permitholder, the conduct of at least 40 live regular wagering performances during the preceding year. For a permitholder which is restricted by statute to certain operating periods within the year when other

members of its same class of permit are authorized to operate throughout the year, the specified number of live performances which constitute a full schedule of live racing or games shall be adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year and the resulting specified number of live performances shall constitute the full schedule of live games for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder. A live performance must consist of no fewer than eight races or games conducted live for each of a minimum of three performances each week at the permitholder's licensed facility under a single admission charge.

Section 2. Subsection (4) of section 550.09511, Florida Statutes, is re-numbered as subsection (5) and a new subsection (4) is added to said section to read:

550.09511 Jai alai taxes; abandoned interest in a permit for nonpayment of taxes.—

(4) A jai alai permitholder conducting fewer than 100 live performances in any calendar year shall pay to the state the same aggregate amount of daily license fees on live jai alai games, admissions tax, and tax on live handle as that permitholder paid to the state during the most recent prior calendar year in which the jai alai permitholder conducted at least 100 live performances.

Section 3. Subsections (1), (4), (7), and (10) of section 550.334, Florida Statutes, are amended to read:

550.334 Quarter horse racing; substitutions.—

(1) Subject to all the applicable provisions of this chapter, any person who possesses the qualifications prescribed in this chapter may apply to the division for a permit to conduct quarter horse race meetings and racing under this chapter. The applicant must demonstrate that the location or locations where the permit will be used are available for such use and that she or he has the financial ability to satisfy the reasonably anticipated operational expenses of the first racing year following final issuance of the permit. If the racing facility is already built, the application must contain a statement, with reasonable supporting evidence, that the permit will be used for quarter horse racing within 1 year after the date on which it is granted; if the facility is not already built, the application must contain a statement, with reasonable supporting evidence, that substantial construction will be started within 1 year after the issuance of the permit. After receipt of an application, the division shall convene to consider and act upon permits applied for. The division shall disapprove an application if it fails to meet the requirements of this chapter. Upon each application filed and approved, a permit shall be issued setting forth the name of the applicant and a statement showing qualifications of the applicant to conduct racing under this chapter. If a favorable referendum on a pari-mutuel facility has not been held previously within the county, then, before a quarter horse permit may be issued by the division, a referendum ratified by a majority of the electors in the county is required on the question of allowing quarter horse races within that county; ~~but if there is an extraordinary vote of the~~

board of county commissioners of that county to allow quarter horse racing, the requirement for a referendum does not apply.

(4) ~~Section Sections 550.054 is, 550.0651, and 550.175 are~~ inapplicable to quarter horse racing as permitted under this section. All other provisions of this chapter apply to, govern, and control such racing, and the same must be conducted in compliance therewith.

(7)(a) Any quarter horse racing permitholder operating under a valid permit issued by the division is authorized to substitute ~~other~~ races of other breeds of horses, except thoroughbreds, which are, respectively, registered with the American Paint Horse Association, Appaloosa Horse Club, Arabian Horse Registry of America, ~~Jockey Club~~, Palomino Horse Breeders of America, or United States Trotting Association, for no more than 50 percent of the quarter horse races daily, and may substitute races of thoroughbreds registered with the Jockey Club for no more than 50 percent of the quarter horse races daily with the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are located within 50 air miles of such quarter horse racing permitholder's pari-mutuel facility.

(b) Any permittee operating within an area of 50 air miles of a licensed thoroughbred track may not substitute thoroughbred races under this section while a thoroughbred horse race meet is in progress within that 50 miles. Any permittee operating within an area of 125 air miles of a licensed thoroughbred track may not substitute live thoroughbred races under this section while a thoroughbred permittee who pays taxes under s. 550.09515(2)(a) is conducting a thoroughbred meet within that 125 miles. These mileage restrictions do not apply to any permittee that holds a non-wagering permit issued pursuant to s. 550.505. ~~Races comprised of thoroughbred horses under this section registered with the Jockey Club may not be permitted during the period beginning September 1 and ending January 5 of each year in any county where there are one or more licensed dog tracks conducting race meets. This section does not affect the competitive award of matinee performances to jai alai frontons or dog tracks in opposition to races comprised of thoroughbred horses registered with the Jockey Club under this section.~~

(10) Intertrack wagering shall not be authorized for any quarter horse permitholder without the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are located within 50 air miles of such quarter horse permitholder's pari-mutuel facility an existing greyhound track unless such quarter horse permitholder has incurred a minimum capital expenditure of at least \$7.5 million. "Capital expenditure" means an expenditure, including an expenditure for a construction project undertaken by a quarter horse permitholder as its own contractor, which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance; and includes the cost, in current value, of the studies, surveys, designs, plans, working drawings, specifications, refinancing costs, and other activities essential to the acquisition, improvement, expansion, or replacement of the plant and equipment.

Section 4. Paragraph (a) of subsection (5) and paragraph (a) of subsection (17) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

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

(a) Only those persons holding a valid cardroom license issued by the division may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities. ~~Cardroom licenses are not transferable.~~

(17) CHANGE OF LOCATION; REFERENDUM.—

(a) Notwithstanding any provisions of this section, no cardroom gaming license issued under this section shall be transferred, or reissued when such reissuance is in the nature of a transfer, so as to permit or authorize a licensee to change the location of the cardroom except upon proof in such form as the division may prescribe that a referendum election has been held:

1. If the proposed new location is within the same county as the already licensed location, in the county where the licensee desires to conduct cardroom gaming and that a majority of the electors voting on the question in such election voted in favor of the transfer of such license. However, the division shall transfer, without requirement of a referendum election, the cardroom license of any permitholder that relocated its permit pursuant to s. 550.0555.

2. If the proposed new location is not within the same county as the already licensed location, in the county where the licensee desires to conduct cardroom gaming and that a majority of the electors voting on that question in each such election voted in favor of the transfer of such license.

Section 5. This act shall take effect July 1, 2005.

Became a law without the Governor's approval June 23, 2005.

Filed in Office Secretary of State June 23, 2005.