

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Moskowitz offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 3374 and 3375, insert:

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

7 828.35 Humane treatment of racing animals.-

8 (1) (a) In order to ensure the humane treatment and welfare
9 of horses racing in this state and notwithstanding any other
10 provision of law, the Division of Pari-mutuel Wagering, in
11 consultation with the Department of Agriculture and Consumer
12 Services and the designated state laboratory, shall adopt rules
13 establishing the conditions of use and maximum concentrations of
14 drugs, medications, and naturally occurring substances

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15 identified in the most recent Controlled Therapeutic Medication
16 Schedule adopted by the Association of Racing Commissioners
17 International, Inc. (ARCI), on or before April 30, 2014.
18 Controlled therapeutic medications include only the specific
19 medications and concentrations authorized in biological samples
20 that have been approved by ARCI as controlled therapeutic
21 medications. The division shall initiate rulemaking to consider
22 the adoption of any subsequent amendments to the Controlled
23 Therapeutic Medication Schedule, penalties, or laboratory-
24 screening limits adopted by ARCI within 180 days after the
25 adoption of any such amendments. The division shall adopt
26 laboratory-screening limits approved by ARCI for drugs and
27 medications that are not included as controlled therapeutic
28 medications. The division rules must include a classification
29 system for medications and drugs and a corresponding penalty
30 schedule for violations, which must incorporate the Uniform
31 Classification Guidelines for Foreign Substances, revised
32 December 2013, as adopted by ARCI. The rules must specify those
33 drugs considered prohibited substances, the presence of which in
34 a sample in prescribed concentrations may result in
35 administrative sanction by the division.

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

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41 screening and confirmation.

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

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

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

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67 in the event of a positive test result.

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

74 2. If the independent laboratory confirms the positive
75 result, the division shall inform the department and may seek
76 administrative sanctions pursuant to chapter 120 against the
77 violator within 180 days after laboratory confirmation which, in
78 addition to license suspension or revocation, may include the
79 imposition of a fine against the violator in an amount not to
80 exceed the purse or sweepstakes earned by the horse in the race
81 at issue or \$10,000, whichever is greater. Upon receiving the
82 report, the department may forward the report to the appropriate
83 law enforcement agency for investigation of potential violations
84 of s. 828.12. For the purpose of this subsection, the division
85 shall in good faith attempt to obtain a sufficient quantity of
86 the test fluid to allow both a primary test and a secondary
87 test. If there is an insufficient quantity of the split sample
88 for confirmation of the division laboratory's positive result,
89 the division may not take further action on the matter against
90 the owner or trainer and any resulting license suspension must
91 be immediately lifted.

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92 (b) The division shall require its laboratory and the
93 independent laboratories to annually participate in an
94 externally administered quality assurance program designed to
95 assess testing proficiency in the detection and appropriate
96 quantification of medications, drugs, and naturally occurring
97 substances that may be administered to racehorses. The
98 administrator of the quality assurance program shall report its
99 results and findings to the division and the department.

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

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

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

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

111 4. The location where the injury occurred.

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

116 6. The weather conditions, time, and track condition when
117 the injury occurred.

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118 7. The specific type and bodily location of the injury,
119 the cause of the injury, and the estimated recovery time from
120 the injury.

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

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

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

136
137 **T I T L E A M E N D M E N T**

138 Remove line 154 and insert:
139 administrative fines; creating s. 828.35, F.S.;
140 requiring the Division of Pari-mutuel Wagering within
141 the Department of Business and Professional Regulation
142 to adopt rules; providing procedures for testing
143 certain animals for medications or drugs; requiring

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144 the division's laboratory and certain independent
145 laboratories to participate annually in a quality
146 assurance program; requiring the administrator of the
147 quality assurance program to report its results and
148 findings to the division and the Department of
149 Agriculture and Consumer Services; requiring the
150 division to maintain records of greyhounds injured
151 while racing; providing for the content of such
152 records; providing fines for making false statements
153 on an injury record; amending ss. 253.74, 388.46,

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