



FLORIDA GAMING CONTROL COMMISSION

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Meeting Materials
Wednesday—July 6, 2022
10:00 AM

<https://meet.goto.com/951538269>

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1. Discussion of applicants for the director of the Division of Gaming Enforcement

2. Discussion of Bonita-Fort Myers Corp's application for Transfer of Greyhound Permitholder Tax Credit/Exemption

MEMORANDUM

To: The Florida Gaming Control Commission
From: Division of Pari-Mutuel Wagering
Re: Request to Transfer Tax Credit
Date: June 30, 2022

Executive Summary

A greyhound racing permitholder requests approval to transfer \$360,000.00 in tax credits to another greyhound racing permit-holder. The Commission should approve this request.

Background

Bonita-Fort Myers Corporation, d/b/a Naples-Fort Myers Greyhound Racing and Poker ("Naples") possesses a greyhound racing permit.¹ Naples has been issued a pari-mutuel operating license for the 2022-2023 Fiscal Year.² Daytona Beach Kennel Club, d/b/a Daytona Beach Racing and Card Club ("Daytona") also possesses a greyhound racing permit. Daytona has also been issued a pari-mutuel operating license for the 2022-2023 Fiscal Year.

Naples requests to transfer \$360,000.00 of its tax credits to Daytona. For purposes of intertrack wagering,³ Daytona acts as a host track⁴ for Naples. Naples has \$360,000.00 of tax credits available for transfer. Additionally, Naples has not previously elected to transfer these tax credits. Neither Naples nor Daytona owe any unpaid taxes.

¹ Permitting is a prerequisite for gaming in this state. § 550.054, Fla. Stat.

² A permit-holder must apply for and be issued an annual operating license before conducting any gaming activities. § 550.01215, Fla. Stat.

³ See § 550.002(17), Fla. Stat. (defining "intertrack wagering.").

⁴ See §§ 550.002(12) & (16), Fla. Stat. (defining "guest track" and "host track.").

Analysis

A greyhound racing permitholder may receive tax credits from another greyhound racing permitholder if certain requirements are satisfied.⁵ First, the receiving greyhound racing permitholder must act as the host track for the other greyhound racing permitholder for purposes of intertrack wagering.⁶ Second, the transferring greyhound racing permit-holder can only make this election once per state fiscal year.⁷ Third, the transferring greyhound racing permitholder must have unused tax credits to transfer.⁸ Lastly, neither the receiving nor transferring greyhound racing permit-holder can owe any unpaid taxes to the state.⁹

Daytona and Naples meet these requirements. First, Daytona acts as a host track for Naples. Second, Naples has not elected to transfer its available tax credits this state fiscal year. Third, Naples has \$360,000.00 in tax credits that it seeks to transfer to Daytona. Lastly, neither Naples nor Daytona owe any unpaid taxes. Therefore, Naples should be permitted to transfer \$360,000.00 of its tax credits to Daytona.

Recommendation: The Florida Gaming Control Commission should approve Bonita-Fort Myers Corporation, d/b/a Naples-Fort Myers Greyhound Racing and Poker's request to transfer \$360,000.00 in tax credits to Daytona Beach Kennel Club, d/b/a Daytona Beach Racing and Card Club.

⁵ See § 550.0951(1)(b), Fla. Stat. (outlining requirements for such a transfer).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

3. Discussion of payment of bar dues for FGCC attorneys