

## **Constitution Revision Commission of Florida Public Hearing**

**Presentation by Dr. Piyush C. Agrawal  
Miami, Florida  
April 06, 2017**

**Mr. Chairman, Honorable Commissioners of CRC, Ladies & Gentlemen.**

**My name is Piyush Agrawal and I am honored to make this presentation to CRC on Section 2 of the Constitution related to the Basic Rights.**

**I live in Weston and was a Founding Member of Asian American Federation of Florida, was its President and subsequently its Chairman. Currently I am a Board Member of 80-20 – a national Advocacy Group of Asian Americans.**

**I am a proud citizen of USA – the country which is the torch bearer of upholding the Human Rights. The section 2 on Basic Rights in Florida’s Constitution does not seem to conform to US Standards.**

**I wanted to bring this contradiction to the attention of this august body.**

**In practice no harm has been done yet in the State of Florida despite the existence of the specific phrase: “except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law” that exists in the Section 2 along with the claim that “No person shall be deprived of any right because of race, religion, national origin, or physical disability.” The definition and qualifications for Citizenship have changed a few times since 1790 and 1926 when this phrase was enacted in Florida.**

**The phrase in question may have had some relevance in the distant past, but in today’s times it has no place in the Constitution of a progressive state like Florida. As a point of information, Florida is the only state in the Union that still has such discriminatory language in its Constitution. The time has come now to get rid of this vestige of racism.**

**In the past, several attempts have been made to bring this issue to the attention of the legislature, and Bills have been filed almost every year but to no avail. I do not believe that racism exists in the legislature or it is controlled by discriminators, but definitely two things are missing: care for the image of the state in terms of human rights, and a lack of sensitivity toward a certain section of the society – the Asians. If not so, the Bills put in the Legislature to remove this language would have passed a long time ago. And, then, there would have been no need to bother you with this issue.**

**But, that is the reason this Commission exists. We are grateful to CRC for calling these meetings as “Listening Tours” rather than simple hearings. We Salute the Commission for listening to us.**

**And, Honorable Commissioners, if you are listening to us then we are simply requesting you the Commissioners to delete this discriminatory and racist phrase from the Section 2 of the Florida Constitution.**

# SHARE YOUR IDEAS

## CONSTITUTION REVISION COMMISSION PUBLIC SUBMISSION

Do you have a proposal to amend the Florida Constitution? Please fill out this card with your submission.

4/6/17  
Date

\*Topic/Issue 5 ideas for amendments

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33301

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Are you representing someone other than yourself?  Yes  No

If Yes, who? \_\_\_\_\_

Information submitted on this form is public record.

\*Required

## 2017-2018 Florida Constitution Revision Commission [CRC] Proposals

### 1) Condensing Florida's Constitution

If someone were to print our state constitution from Online Sunshine, they would get a ninety-seven-page document. This is too long for a constitution, and the fact that it contains several obsolete or void provisions likely creates confusion amongst the general public on what their rights are. This Commission should therefore review the Florida Constitution and remove all outdated language. Here are several examples:

- Article 1, section 27 (same-sex marriage ban) - ruled unconstitutional.
- Article 4, sections 11-12. Both of these provisions just respectively say that the Legislature may create a department of elders and veterans affairs. These departments have since been created, and the Legislature already had the inherently authority to create these departments.
- Article V, Section 20 – all of its phase-in deadlines has passed.
- Article VI, Section 4(b)(5)-(6) – the U.S. Supreme Court has held that states may not place term limits on members of Congress.
- Article X, Section 19 – repealed in 2004.
- Article XII, Section 1 – it is established that Florida's 1885 Constitution has been superseded.

### 2) Equal Protection

Article 1, Section 2 should be expanded to bar discrimination based on sexual orientation and gender identity. Florida, after all, has a large LGBT population, and given the anger that North Carolina's HB2 generated, this expansion should help Florida's economy.

### 3) Independent Redistricting

This idea was approved by the 1978 CRC, heavily debated by the 1998 CRC, and the six-year litigation battle over the 2010 redistricting shows that it is time for Florida to adopt a truly independent redistricting commission. When deciding how to amend Article 3, Section 16, this CRC should look to states like Arizona for guidance. An independent redistricting process should help maintain and/or restore public confidence in our election process and system of governance. Less partisan districts should also make it easier for governing to occur because they will incentivize compromising. Local officials should also be required to establish independent redistricting commissions.

### 4) Circuit Court Appellate Reform

Article V, Sections 4 and 5 need to be amended so that a) Florida's District Courts of Appeal are required to resolve conflicts in the appellate jurisprudence of Florida's Circuit Courts; and b) Florida's Circuit Courts can attempt to resolve their jurisprudential conflicts by sitting in "limited en banc" panel, i.e., a number less than the entire bench/division. Currently, there is no feasible method to resolve these conflicts, which creates confusion in the law.

### 5) Statutory Initiatives

In every election cycle, the voters are presented with various ballot initiatives that are designed to change state policy on some issue. However, many of these ideas are better addressed via legislation, but our state constitution does not have a process through which Floridians can compel its Legislature to pass/modify/repeal certain laws. Article XI

should therefore be amended to create a “statutory initiative” process, and this CRC can look to states like California for guidance on this topic. The process, though, should have the same safeguards as current ballot initiative process, such as judicial review and a single subject requirement to limit voter confusion. The process should also be structured so that citizens must generally utilize the statutory initiative before they attempt to amend the state constitution. Successful initiatives would then be placed on each house’s legislative agenda, and the Legislature would not be able to adjourn until it enacted the “Citizen Law(s).” A higher voting threshold should also be required for future legislators to overturn these statutes.

Relatedly, to give future initiative efforts some guidance/examples of what “Citizen Laws” are, the CRC should remove many of the recently passed ballot initiatives from the Florida Constitution and make them the first “Citizen Laws.”

These initiatives include, but are not limited to:

- Classroom Size Limitations (Article IX, Section 1)
- Limiting Marine Net Fishing (Article X, Section 16)
- Pregnant Pigs (Article X, Section 21)
- Land Acquisition Trust Fund (Article X, Section 28)
- Medical Marijuana (Article X, Section 29)



98 Southeast Seventh Street  
Miami, FL 33131  
April 6, 2017

Honorable Carlos Beruff  
Chairman  
Constitution Revision Commission  
The Capitol  
400 South Monroe Street  
Tallahassee, FL 32399

Re: Opposition to Proposed Term Limits for Judges and Justices

Dear Chairman Beruff and Members of the Constitution Revision Commission:

I am a former Judge who served for 22 years on Florida's Third District Court of Appeal, and also served as Chief Judge of that Court.

It is my understanding that proposals may be submitted to the Commission to impose term limits on judges and justices.

Respectfully, judicial term limits would be harmful for Florida and should be rejected by the Commission.

Term limits would force experienced judges out of office, even though they are doing a good job; produce a harmful revolving door in the judiciary; and make it extremely difficult to recruit judges.

**Experience counts.** Becoming a good judge does not happen overnight. Attorneys have many years of experience before becoming appellate judges, but those years of experience usually focus on one area of the law – which is only part of the skills needed to become a good judge. Judges must learn how to manage a caseload, and become proficient in the many areas of law—including civil, criminal, juvenile, family law, probate and trust law and a myriad of other legal disputes coming before the court. The court system spends time and money to train judges and build their expertise. That would be lost if experienced judges are arbitrarily pushed out of office.

The public, the business community, and attorneys need order, consistency, and predictability in the law. That important goal is undercut by term limits, which would greatly increase the turnover of judges in the courts.

**Recruitment of judges.** Term limits would hurt recruitment of attorneys to take the position of judge. When appointed, a judge must close down his or her law practice, and change careers. Most attorneys will not leave a good law practice to become a judge, if term limits will require the judge to go back to law practice and start over.

**Voters have the right to re-elect a judge if they wish.** Right now, the voters are allowed to decide to keep a judge in office if he or she is doing a good job, or vote against the judge if not.

But term limits would arbitrarily take away that choice. Even if the judge is doing a good job, and even if the voters want to keep him or her in office, the judge must leave office after the term limits expire.

**No State has this system.** According to the National Center for State Courts, no state has adopted term limits for judges, with the very limited exception of New Mexico, which has term limits for its (nonlawyer) probate judges.

**Because Florida has term limits for the Governor and Legislature, shouldn't Florida adopt term limits for judges?**

Respectfully, the answer is no.

No state has adopted term limits for trial court or appellate judges (with the limited exception of New Mexico)—even though 15 states have term limits for legislators, according to the National Conference of State Legislatures, and 36 states have term limits for the Governor, according to Ballotpedia.

There are good reasons for this. In Florida, we have public-spirited citizen-legislators who continue to practice their business or profession while serving in the Legislature. Being a judge, however, is a full-time job. When appointed to be a judge, an attorney must give up his or her law practice and send their clients to someone else.

Because entering the judiciary is a change of occupation, Florida currently allows the judge to stay in office for successive terms as long as the voters vote "yes," but cannot serve past mandatory retirement—usually age 70. The logic for term limits in the executive branch is to guard against the much greater and more expansive power exercised by the Executive—but judges have no such power.

Ballot measures in other states to impose judicial term limits failed in Colorado (2006), Nevada (1996), and Mississippi (1995). All 3 of those states have gubernatorial term limits, and Colorado and Nevada (like Florida) have term limits for the Governor and Legislature—but they do not have term limits for judges.

**Retention of judges.** Critics of the current appellate system argue that the system should be changed because so far, no appellate judge has been defeated at the polls in a merit retention election. That argument ignores the facts. Before every election, there is a Florida Bar judicial poll in which lawyers who are familiar with the judges are asked to rate them. In 2016, the approval ratings for appellate judges ran 79% to 92%. These are very high approval ratings, and it should come as no surprise that when incumbent judges have very strong positive ratings, the voters choose to return them to office.

**Conclusion.** I respectfully urge the Commission to reject any proposal to impose term limits for judges. Term limits would force experienced judges off the bench and replace them with inexperienced ones. It would take away the right of the voters to keep good judges on the bench, rather than letting the voters decide. And term limits would adversely affect the ability to attract qualified judges. Term limits for judges should not be adopted in Florida.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald B. Cope, Jr.", written in a cursive style.

Gerald B. Cope, Jr.

# SHARE YOUR IDEAS

## CONSTITUTION REVISION COMMISSION PUBLIC SUBMISSION

Do you have a proposal to amend the Florida Constitution? Please fill out this card with your submission.

\_\_\_\_\_ Date

\*Topic/Issue \_\_\_\_\_

\*Name Daniella Levine Cava

\*Address \_\_\_\_\_  
Street

Phone \_\_\_\_\_

\_\_\_\_\_ City State Zip

\*Email \_\_\_\_\_

Are you representing someone other than yourself?  Yes  No

If Yes, who? \_\_\_\_\_

*Information submitted on this form is public record.*

*\*Required*



**DANIELLA LEVINE CAVA**  
MIAMI-DADE COUNTY COMMISSIONER  
DISTRICT 8

April 6, 2017

Dear Honorable Constitutional Revision Commission Members:

I want to thank you for the opportunity to appear before you at the public hearing being held at Florida International University. Below are the highlights of the remarks that I made at the April 6th hearing covering: basic rights of Floridians to equal treatment and the right to a healthy environment; preservation of voter initiated changes to the Constitution; preservation of Miami-Dade Home Rule adopted by the voters; and renewable energy requirements and rights of property owners to generate solar energy.

#### **Basic Rights of all Floridians**

- Article 1 Section 2 on Basic rights of all persons says that all natural persons [in the State of Florida] are equal before the law and have inalienable rights...
- The declarations in Section 2 are in direct conflict with Section 27 which deprives certain Floridians the right to marry. Section 27 was also rendered unconstitutional by the *Obergefell v. Hodges* US Supreme Court Decision and should be removed from our Document.
- Additionally, all Floridians that are Citizens of the United States should have the right to vote. Florida is only one of a handful of States that does not automatically restore voting rights to its citizens and, unsurprisingly (according to the Pew Charitable Trust) has the largest percentage of disenfranchised citizens in the entire nation.
- The people of Florida should have the explicit right to a clean environment to live and work. A right to clean air to breathe and clean water to drink should be a basic right for all Floridians. That should include recognition that the Waters of Florida belong to the people of Florida and cannot be owned by anyone but the State and local governments of the people.

#### **Preservation of citizen initiatives in the Constitution**

- Besides those provisions of the Florida Constitution found by the Supreme Court to contradict the United States Constitution, those amendments to the Florida Constitution that have been placed there by the voters of the State should remain untouched.



**DANIELLA LEVINE CAVA**  
MIAMI-DADE COUNTY COMMISSIONER  
DISTRICT 8

### **Preservation of home rule for Miami-Dade government**

- The Florida Constitution recognizes that the government closest to the people governed is preferred.
- 60 years ago, then Dade County through a vote of the people, exercised its right to establish Home Rule which is embedded in the Florida Constitution and should remain as is.

### **Renewable energy requirements and preserve the right to self-generate**

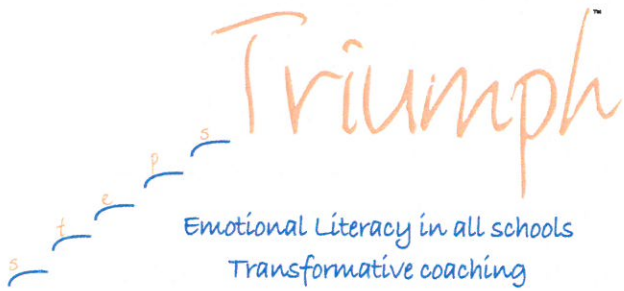
- Florida is one of only one of 13 States that does not have a renewable energy requirement or goal.
- A majority of States in this nation – including oil and coal producing states like Texas, California, Colorado, Kansas, Ohio, West Virginia, and Pennsylvania - have Renewable Energy generation requirements.
- Due to the unique vulnerability of Florida to sea level rise, our abundant sunshine, lack of native fossil resources, and opportunity to grow an industry that has grown more than 80% in just five years, Florida should be a leader in creating Solar energy jobs.
- Florida should have an opportunity to vote to establish an aggressive renewable energy standard
- Finally, the right of Florida property owners to self-generate solar power and to connect legally to the State energy grid, which has been established in State law needs to be protected.

Sincerely,

A handwritten signature in black ink that reads "Daniella Levine Cava".

Daniella Levine Cava  
Miami-Dade County Commissioner, District 8





Dear CRC Commissioner,

It is my honor to have the opportunity to present to the Florida Constitution Revision Commission with what I know is a missing piece to our educational system, and an area very dear to my heart, Emotional Literacy.

As you know, our schools and universities have curricula for everything: math, science, language arts, and social studies all have rigorous national guidelines. But what about emotional literacy?

Did you know that according to the Centers for Disease Control and Prevention (CDC)

- Suicide is the **TENTH** leading cause of death for the general population, but it is the **THIRD** cause of death among individuals between ages 10-24?
- in the past four months, a 14 and a 12-year-old girl committed suicide while streaming it live on social media (one from Miami)?
- the deaths related to the use of heroin have almost quadrupled after 2010?
- homicide is the number one leading cause of death for non-Hispanic black male teenagers? For all other groups, homicide is not listed in any of the ten leading causes of death.

Isn't it alarming that despite these distressing facts emotional literacy is still not an integral class in schools?

We are so concerned with test scores and pumping our children full of knowledge, we have forgotten to teach them about the most important element of life: emotional intelligence. Schools must help children develop the right thought patterns to avoid self-defeating behaviors later on in life. They must give students the necessary training, experience and practice so they can develop the extraordinary life they deserve.

I am a licensed psychotherapist with over twenty-five years of experience in mental health, and I would like to make my expertise and time available to you or anyone who wants to transform education. My hope is that the children who are exposed to a complete emotional literacy program will not end up in my mental health center or any other center in the world.

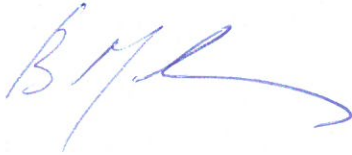


By bringing a complete emotional literacy curriculum, schools can:

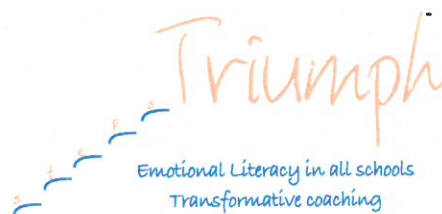
- Provide students with the mindset that breaks the chains of poverty.
- Assist in raising self-sufficient, independent individuals free from social services.
- Improve economic growth
- Improve overall health
- Help students tap into their unlimited potential
- Improve student and parent satisfaction
- Improve mental stability and creativity
- Improve social responsibility
- Inspire and motivate educators

With your guidance, the state of Florida could become the pioneer state in having a complete education, one that includes factual knowledge as well as emotional intelligence. This initiative will make sure to be one that pushes not only our nation, but humanity forward.

Always at your service,



Beatriz Martinez-Penalver, LMHC



# SHARE YOUR IDEAS

## CONSTITUTION REVISION COMMISSION PUBLIC SUBMISSION

Do you have a proposal to amend the Florida Constitution? Please fill out this card with your submission.

4/6/17  
Date

\*Topic/Issue Article 1, Section 23

\*Name Teresita C. Miglio

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State

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Zip

Phone 305-491-6554

\*Email temiglio@gmail.com

Are you representing someone other than yourself?  Yes  No

If Yes, who? Christian Family Coalition of Florida

Information submitted on this form is public record.

\*Required

**Why the Constitutional Revision Commission (CRC) needs to look into and correct Article 1, Section 23, the privacy clause, of the Florida Constitution.**

In 1978, the CRC discussed Article 1, Section 23 and it passed the legislature in 1980 and was voted by the voters in 1980.

It is clear that the original intent of this privacy clause was to protect the citizens and residents of this country from intrusion by the government into their INFORMATIONAL PRIVACY. This right to privacy was clearly about DOCUMENTATION INFORMATIONAL PRIVACY . Or more clearly stated, the right NOT TO BE SPIED ON BY THE GOVERNMENT.

This is an even more urgent issue today with the advanced technology that now exists, including the internet, drones, smart cell phones, traffic light cameras, and the list goes on.

In 1989, the Florida Supreme Court decided to falsely and capriciously interpret Article 1, Section 23, to apply to abortion, and opened the door to allow minors, without the consent of their parents, to have abortions. This clearly undermines our democracy. The deliberate intention of a few to subvert and ignore the will of the voters must be stopped.

I escaped from a country that does just that. Communism, with all of its varied forms, uses judicial tyranny to rule against the will of the people. This is what we are seeing in this country today.

That Florida Supreme Court violated and disrespected an act of direct democracy by the people of Florida and also ignored Article I, Section 1 of the Florida constitution which states "all political power is inherent with the people."

The CRC needs to fix the privacy amendment by restoring it to its original purpose of informational privacy and to remedy the wrongful acts of the activist judges who abused their power and created a new and illegitimate law which is harmful women and their children.



# SHARE YOUR IDEAS

## CONSTITUTION REVISION COMMISSION PUBLIC SUBMISSION

Do you have a proposal to amend the Florida Constitution? Please fill out this card with your submission.

\*Topic/Issue Proposed Amendment to Make E-Verify Mandatory in Florida 04/06/17  
Date  
\*Name Dr. Maria Peiro  
\*Address 601 NW 25th Court Phone 786-715-7524  
Street  
Miami, FL 33125 \*Email maripero@dol.com  
City State Zip

Are you representing someone other than yourself?  Yes  No

If Yes, who? Floridians for E-Verify

Information submitted on this form is public record.

\*Required

## **SUMMARY OF PROPOSED E-VERIFY CONSTITUTIONAL AMENDMENT**

### **Employers' Mandate to Verify the Employment Eligibility of all New Employees**

Effective on July 1 of the year following passage of this amendment by the voters, all Florida employers who hold business licenses shall verify the employment eligibility of all new employees through the U.S. Department of Homeland Security's E-Verify system. The Department of Business and Professional Regulation shall administer this amendment through regulations, random audits, investigations of complaints, and enforcement actions. Authorizes penalties for violations of this amendment. Provides definitions.

## **FULL TEXT OF PROPOSED E-VERIFY CONSTITUTIONAL AMENDMENT**

### **(A) PUBLIC POLICY.**

- (1) An employer who knowingly or intentionally employs an unauthorized alien violates the employer's licenses.
- (2) Effective on July 1 of the year following passage of this section by the voters, every employer shall, after making an offer of employment which has been accepted by an employee, verify the employment eligibility of each new employee using the Employment Authorization Program. Such verification shall occur within the period stipulated by federal law or regulations after the hiring of the employee.
- (3) The provisions of this section shall be enforceable without regard to race, religion, gender, ethnicity, or national origin.

### **(B) DEFINITIONS.**

- (1) "Department" means the Department of Business and Professional Regulation or its successor agency.
- (2) "Employee" means any person who performs employment services in this state for an employer pursuant to an employment relationship between the person and employer.
- (3) "Employer" means any individual or type of organization transacting business in this state which holds or has applied for a license issued by an agency in this state and employs individuals who perform employment services in this state. The term does not include an entity that hires a bona fide independent contractor or the occupant or owner of a residence who hires casual domestic labor to perform work customarily performed by a homeowner entirely within a residence.
- (4) "Employment Authorization Program" means the E-verify Program (formerly the "Basic Pilot Program") under Pub. L. No. 104-208, Div. C, title IV, Subtitle A, 110 Stat. 3009-655 (Sept. 30, 1996), as amended or any successor program designated by the federal government for verification that an employee is not an unauthorized alien.



(5) "Employment of unauthorized alien" means an employment-related act designated as unlawful under section 274A of the Immigration and Nationality Act, 8 U.S.C. § 1324a, as amended.

(6) "License" means an agency permit, certificate, approval, registration, charter, or similar form of authorization that is required by law and that is issued by any agency or political subdivision of this state for the purpose of operating a business in this state, excluding professional licenses, but including employment licenses, articles of organization, articles of incorporation, a certificate of partnership, a partnership registration, a certificate to transact business, or similar forms of authorization issued by the state.

(7) "Unauthorized alien" means an unauthorized alien as defined by 8 U.S.C. § 1324a(h)(3).

(C) COMPLIANCE.

(1) The Department shall issue reasonable regulations necessary for the implementation and enforcement of this section no later than 6 months after the effective date of this section. •(a) In the event the Department does not issue regulations within the time limits set forth in this section, any Florida citizen shall have standing to seek judicial relief to compel compliance with the Department's constitutional duties.

(2) The Department shall develop and administer a statewide random auditing program to inspect employers for compliance with the provisions of this section. •(a) The Department, its inspectors, agents, or designees, upon proper presentation of credentials to the owner, manager, or agent of the employer, may enter at reasonable times and have the right to question either publicly or privately any employer, owner, manager, or agent and the employees of the employer and inspect, investigate, reproduce, or photograph original business records relevant to determining compliance with the provisions of this section.

(3) Any person who has actual or constructive knowledge that an employer has within the previous 90 days employed an unauthorized alien may file a complaint with the Department. •(a) A person who knowingly files a false and frivolous complaint under this subsection commits a misdemeanor of the second degree.

(4) Employer fails to verify eligibility of new employee within 3 business days. Penalty: For a first occurrence by an employer of failure to verify a new employee through the Employment Authorization Program within 3 business days of hiring, the Department shall place the employer on probation for a period of one year, during which time the employer must submit quarterly reports to the Department demonstrating compliance. A subsequent violation within 3 years shall result in the suspension of the employer's licenses for at least 10 days but not more than 30 days.

(5) Employer knowingly employs an unauthorized alien. Penalty: •(a) When the Department has determined that a licensee knowingly or intentionally employs an unauthorized alien, the Department

shall, upon 72 hours written notice, suspend all licenses held by the employer. The employer's licenses shall be reinstated when the employer demonstrates to the satisfaction of the Department that the unauthorized alien has been terminated, and the employer has paid a reinstatement fee equal to the cost of investigating and enforcing the matter, not to exceed \$1,000 for each investigation.

(b) If the investigation determined that at least 5 unauthorized aliens were employed by the licensee on the same date, the Department shall suspend the licenses for at least an additional 7 but not more than 30 days following compliance by the employer with the requirements of subparagraph (a). For a subsequent violation under this subparagraph, within 3 years of the first suspension, the employer's licenses shall be suspended for at least an additional 30 days but not more than 60 days following compliance with (5)(a). For a third occurrence within 6 years of the first suspension, and for each subsequent violation of this subparagraph, the employer's licenses shall be suspended for an additional 180 days.

(c) During the period of suspension, it shall be unlawful for the employer to engage in activities for which the suspended license or licenses was required by law.

(6) Employer Compliance Assistance by State. •(a) The Department shall establish a dedicated website to assist employers with compliance with this section. The Department shall maintain a public database of violations of this section which shall be posted on the website.

(b) Notice of the requirements of this section shall be included with all license applications.

(c) The Department shall submit a report of each investigation for which a penalty has been imposed pursuant to subsection (C)(4) or (5) to the United States Immigration and Customs Enforcement agency.

#### (D) SEVERABILITY.

The provisions of this section are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by any court of competent jurisdiction other provisions shall continue to be in effect to the fullest extent possible.

#### (E) LEGISLATION.

Nothing in this section shall limit the Legislature from enacting laws consistent with this section.

#### (F) PRESUMPTION OF COMPLIANCE.

An employer who in good faith verifies the immigration status of a new employee pursuant to the Employment Authorization Program shall be presumed to have complied with the provisions of this section. An employer who terminates an employee in order to comply with the provisions of this section shall not be subject to a civil action for wrongful termination of the employee.

# SHARE YOUR IDEAS

## CONSTITUTION REVISION COMMISSION PUBLIC SUBMISSION

Do you have a proposal to amend the Florida Constitution? Please fill out this card with your submission.

4/6/17  
Date

\*Topic/Issue Greyhound Racing

\*Name Kathy Pelton

\*Address \_\_\_\_\_  
Street

Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

\*Email \_\_\_\_\_

Are you representing someone other than yourself?  Yes  No

If Yes, who? \_\_\_\_\_

*Information submitted on this form is public record.*

*\*Required*

# FACT SHEET

# GREY2K USA WORLDWIDE



## CRUEL & INHUMANE: DOG RACING IN FLORIDA

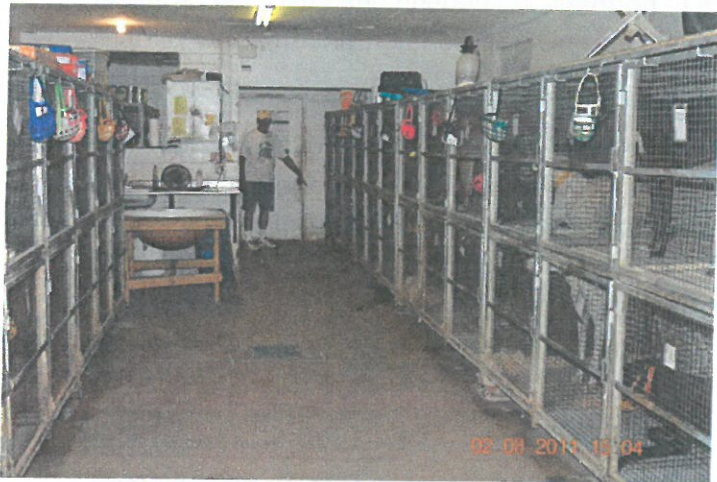
### Overview

There are currently twelve operational dog tracks in Florida.

1. Daytona Beach Kennel Club & Poker Room (Daytona Beach)
2. Derby Lane (St. Petersburg)
3. Ebro Greyhound Park (Ebro)
4. Flagler Greyhound Track (Miami)
5. Mardi Gras Gaming (Hallandale)
6. Melbourne Greyhound Park (Melbourne)
7. Naples-Ft. Myers Greyhound Track (Bonita Springs)
8. Orange Park Kennel Club (Orange Park)
9. Palm Beach Kennel Club (West Palm Beach)
10. Pensacola Greyhound Track (Pensacola)
11. Sanford Orlando Kennel Club (Longwood)
12. Sarasota Kennel Club (Sarasota)



### Thousands of Dogs Endure Lives of Confinement at Florida Racetracks



Inside a greyhound kennel at Daytona Beach Kennel Club. Photograph by the Florida Department of Business and Professional Regulation, 2011.

At Florida tracks, greyhounds are kept in warehouse-style kennels in rows of stacked cages, with shredded paper or carpet remnants as bedding. Greyhounds are normally confined in these cages for 20 to 23 hours per day.<sup>1</sup> As many as 8,000 dogs are housed in these conditions.<sup>2</sup>

The state currently has no rules or regulations governing turn out times, but does require dog track cages to measure at least two feet wide, three feet long, and thirty-two inches high.<sup>3</sup> Large greyhounds cannot stand erect in these cages.

<sup>1</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report for Case No. 2006029115* (Tallahassee, FL: July 20, 2006).

<sup>2</sup> Stephanie Tinoco, "Organizations push to pass laws protecting racing greyhounds," *WUFT 5*, December 4, 2013, <http://www.wuft.org/news/2013/12/04/greyhound-racing/> (accessed February 14, 2014).

<sup>3</sup> Jill Blackman (Chief of Operations for the Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering), letter to GREY2K USA, May 23, 2007; Fla. Admin. Code R.61D-2.2023.

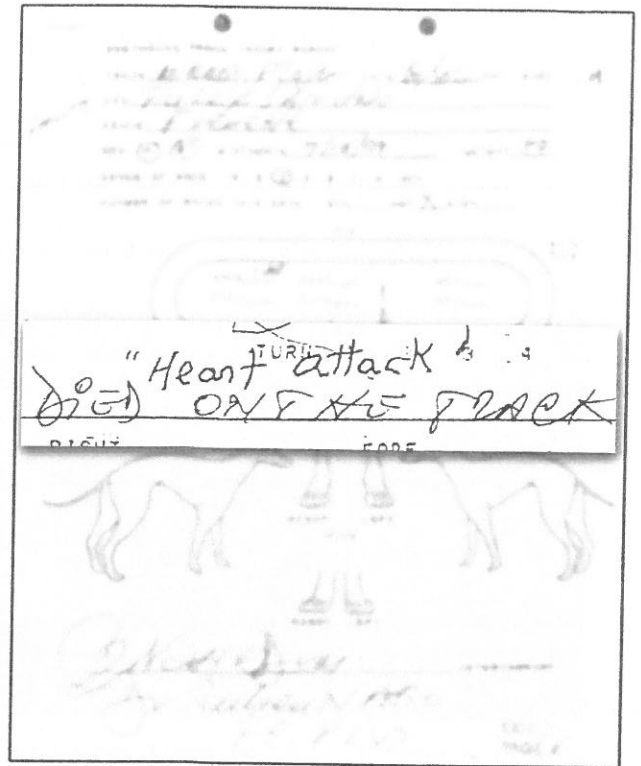


## Greyhounds Suffer Serious Injuries

Unlike most states with greyhound racing, Florida does not require tracks to report injuries to the public. Minimal injury data has become available through Florida Department of Business and Professional Regulation (DBPR) investigative files, death notifications, and inspection reports. An examination of these records identified 186 greyhound injuries between 2008 and 2014, including at least 124 dogs that died or were euthanized.

Injuries that have been documented include dogs that suffered broken legs, dogs that died from heart attacks and dogs that were electrocuted. For example:

- On May 21, 2014 a three-year-old greyhound named **Jiminy Landon** was euthanized after he fell and broke his back during a race at Derby Lane.<sup>4</sup>
- On February 28, 2014 a two-year-old red brindle greyhound named **WWW Ray of Grey** broke her leg during a race at Naples-Ft. Myers Greyhound Park.<sup>5</sup> The track's veterinarian, Dr. Hakim Hamici, admitted that he left the facility when **WWW Ray of Grey** suffered her injury and needed his attention.<sup>6</sup> Dr. Hamici was euthanizing another racing greyhound at his clinic across the street from the track at that time.
- On February 9, 2013 a twenty-three month old greyhound named **Raiders Uncle Mo** died after he fell into the racetrack rail at Sarasota Kennel Club and was electrocuted.<sup>7</sup>
- According to state records, twenty greyhounds were injured at Flagler between June 4, 2011 and July 24, 2011.<sup>8</sup> At least fifteen of these greyhounds suffered broken legs.<sup>9</sup> Additionally a greyhound named



Track injury report for Fuzzys San Jose, who died after suffering a heart attack at Flagler on June 4, 2011.

<sup>4</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report for Case No. 2014021914* (Tallahassee, FL: Florida Department of Business and Professional Regulation, May 22, 2014).

<sup>5</sup> "Dog Details of WWW Ray of Grey," *Track Info*, <http://www.trackinfo.com/dog.jsp?runname=WWW%20Ray%20Of%20Grey> (accessed July 25, 2014); Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Facility Inspection* (Tallahassee, FL: Florida Department of Business and Professional Regulation, April 8, 2014).

<sup>6</sup> Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Facility Inspection* (Tallahassee, FL: Florida Department of Business and Professional Regulation, April 28, 2014).

<sup>7</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report for Case No. 2013005735* (Tallahassee, FL: Florida Department of Business and Professional Regulation, March 6, 2013); "Pedigree of Raiders Uncle Mo," *Greyhound Data*, <http://www.greyhound-data.com/d?i=1917536> (accessed April 15, 2014).

<sup>8</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report for Case No. 2011036678* (Tallahassee, FL: Florida Department of Business and Professional Regulation, August 15, 2011).

<sup>9</sup> *Ibid.*

**GMC Kook Keever** was euthanized after suffering a broken back, and a dog named **Fuzzys San Jose** died on the track after suffering a heart attack.<sup>10</sup>

- At Ebro Greyhound Park, twenty-eight greyhounds suffered “substantial” injuries and ten greyhounds were euthanized in a six-week period between May 21, 2011 and July 5, 2011.<sup>11</sup>
- On May 7, 2011 a two-year-old brindle greyhound named **Gossip** was euthanized after she was struck by other dogs, flipped over, and broke her left shoulder during a race at Sanford Orlando Kennel Club.<sup>12</sup>
- On April 22, 2011 a two-year-old black greyhound named **Hang Aue** was euthanized after breaking several bones in his right front leg during a race at Palm Beach Kennel Club.<sup>13</sup>
- On January 17, 2011 a three-year-old brindle greyhound named **SV Weihl Cool** collapsed and died shortly after racing at Daytona Beach Kennel Club.<sup>14</sup>
- On January 5, 2011 a three-year-old red brindle greyhound named **Crystal B Disco** died after she collided with another dog during a race at Sanford Orlando Kennel Club, struck the rail with her forehead, and suffered an open skull fracture.<sup>15</sup>



The final race of **Crystal B Disco**, who died in 2011 after she struck the rail with her forehead. Still image from a video by Sanford Orlando Kennel Club.

## A Racing Greyhound Dies Every Three Days in Florida

Although injury reporting is not required, greyhound death reporting became mandatory in Florida in May 2013, under Administrative Code Rule 61D-2.2023. Between May 31, 2013 and December 31, 2016 a total of 376 greyhound deaths were reported to the state.<sup>16</sup> This amounts to a greyhound death every three days, on average. A majority of the deaths were caused by racing related injuries, including broken bones, electrocution, and heat exhaustion.

<sup>10</sup> *Ibid.*

<sup>11</sup> Florida Department of Business and Professional Regulation, *Division of Pari-Mutuel Wagering, Investigative Report for Case No. 2011028746* (Tallahassee, FL: Florida Department of Business and Professional Regulation, July 22, 2011).

<sup>12</sup> Florida Department of Business and Professional Regulation, *Division of Pari-Mutuel Wagering, Investigative Report for Case No. 2011023955* (Tallahassee, FL: Florida Department of Business and Professional Regulation, May 13, 2011); “Pedigree of Gossip,” *Greyhound Data*, <http://www.greyhound-data.com/d?i=1714270> (accessed April 15, 2014).

<sup>13</sup> Florida Department of Business and Professional Regulation, *Division of Pari-Mutuel Wagering, Investigative Report for Case No. 2011021558* (Tallahassee, FL: Florida Department of Business and Professional Regulation, May 3, 2011); “Pedigree of Hang Aue,” *Greyhound Data*, <http://www.greyhound-data.com/d?i=1697832> (accessed April 15, 2014).

<sup>14</sup> Florida Department of Business and Professional Regulation, *Division of Pari-Mutuel Wagering, Investigative Report for Case No. 2011004076* (Tallahassee, FL: Florida Department of Business and Professional Regulation, February 27, 2011); “Pedigree of SV Weihl Cool,” *Greyhound Data*, <http://www.greyhound-data.com/d?i=1618902> (accessed April 15, 2014).

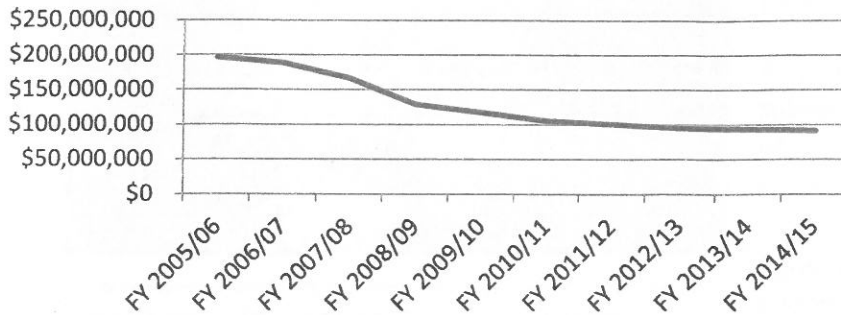
<sup>15</sup> Florida Department of Business and Professional Regulation, *Division of Pari-Mutuel Wagering, Investigative Report for Case No. 2011001942* (Tallahassee, FL: Florida Department of Business and Professional Regulation, February 28, 2011); “Pedigree of Crystal B Disco,” *Greyhound Data*, <http://www.greyhound-data.com/d?i=1522167> (accessed April 15, 2014).

<sup>16</sup> Florida Department of Business and Professional Regulation, *Division of Pari-Mutuel Wagering, Greyhound Death Notifications* (Tallahassee, FL: Florida Department of Business and Professional Regulation, 2013-2014).



## Greyhound Racing is a Dying Industry

AMOUNT GAMBLED ON LIVE RACING AT FLORIDA  
DOG TRACKS, FY 2006-2015



Between fiscal years 2006 and 2015, the total amount gambled on live racing at Florida dog tracks declined by 53.2%.<sup>17</sup> Similarly, between 2004 and 2012 tax revenue from live greyhound racing declined by 77%.<sup>18</sup> According to a report by Spectrum Gaming Group, in 2012 Florida racetracks sustained a combined loss of \$35 million on dog racing.<sup>19</sup>

## Cases of Neglect Have Been Documented at Florida Dog Tracks

Since 2008, state investigators have documented at least eight cases of severe neglect and cruelty at Florida dog tracks and associated kennel compounds. For example:

- On July 13, 2014 a greyhound named **Where's Fly In** broke his leg and shoulder during a race at Palm Beach Kennel Club. A kennel helper named Loyce Metcalfe took **Where's Fly In** directly to the track veterinarian, Dr. Neger. According to Dr. Neger, he advised Metcalfe that the dog needed to be transported to an emergency veterinary practice for additional care.<sup>20</sup> However, the dog's trainer, Michael Marsella, waited until the following morning to attempt to obtain emergency treatment for the dog. Marsella arrived at the veterinarian's on the morning of July 14 to find that the facility was not yet open. He then left **Where's Fly In** in his transport truck while he schooled the other greyhounds in his kennel. When Marsella returned to the veterinarian's thirty minutes later, he found **Where's Fly In** deceased in the truck.<sup>21</sup>
- On October 29, 2010 state investigators discovered 37 dead greyhounds during an inspection of the Ebro Greyhound Park kennel compound.<sup>22</sup> Five other dogs were alive but severely emaciated, including one greyhound that was unable to stand.<sup>23</sup> Many of the dogs were double crated, and at least some of

<sup>17</sup> "Permitholder Activity Reports," *Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering*, 2013, <http://www.myfloridalicense.com/dbpr/pmw/PMW-Statistics.html> (accessed April 15, 2014).

<sup>18</sup> "Division of Pari-Mutuel Wagering, 74th Annual Report for Fiscal Year 2004-2005," *Florida Department of Business and Professional Regulation*, <http://www.myfloridalicense.com/dbpr/pmw/documents/AR/AnnualReport2004-2005--74th.pdf> (accessed April 16, 2014); Ken Lawson, Secretary for the Florida Department of Business and Professional Regulation, enclosed with letter to Representative Dana Young dated August 19, 2011.

<sup>19</sup> "Division of Pari-Mutuel Wagering, 74th Annual Report for Fiscal Year 2004-2005," *Florida Department of Business and Professional Regulation*, <http://www.myfloridalicense.com/dbpr/pmw/documents/AR/AnnualReport2004-2005--74th.pdf> (accessed April 16, 2014); Ken Lawson, Secretary for the Florida Department of Business and Professional Regulation, enclosed with letter to Representative Dana Young dated August 19, 2011.

<sup>20</sup> Palm Beach County Sheriff's Office, *Probable Cause Affidavit* (West Palm Beach, FL: Palm Beach County Sheriff's Office, September 2, 2014).

<sup>21</sup> *Ibid.*

<sup>22</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report for Case No. 2010054357* (Tallahassee, FL: Florida Department of Business and Professional Regulation, May 13, 2011); Felicia Kitzmiller, "Greyhound abuse defendant ready for plea bargain," *Panama City News Herald*, February 10, 2011.

<sup>23</sup> *Ibid.*



*A severely emaciated greyhound that was discovered in a kennel at Ebro Greyhound Park. Photograph by the Florida Department of Business and Professional Regulation, 2010.*

the dogs had silver duct tape wrapped around their necks.<sup>24</sup> The tape was wrapped so tightly that it could not be cut off and had to be unwrapped.<sup>25</sup> A necropsy later determined that the greyhounds died from dehydration or starvation.<sup>26</sup>

A greyhound trainer named Ronald Williams was subsequently arrested and charged with 42 counts of felony animal cruelty.<sup>27</sup> Williams spent a year in jail before agreeing to plead no contest to thirty-nine counts of felony cruelty to animals.<sup>28</sup> He also agreed to waive the jail credit for his time served, and was sentenced to five years in prison for each count, to be served concurrently.<sup>29</sup>

- In 2009, trainer Osman Martinez was arrested for felony cruelty to animals after a greyhound was found with a large, infected neck wound at Palm Beach Kennel Club.<sup>30</sup> Martinez had failed to get the dog veterinary care and lied about the cause of the injury. He agreed to a plea deal that same year, but it took the state until 2011 to bar Martinez from all state greyhound facilities. However, Martinez did not surrender his license until 2012, after a dog in his control tested positive for drugs.<sup>31</sup>
- On July 2010 a veterinarian and a track official documented unsanitary conditions in a kennel at the Sanford Orlando Kennel Club.<sup>32</sup> According to witness statements the kennel had "a strong smell of ammonia" from urine, "indicating that the kennel was not being properly cleaned."<sup>33</sup> The trainer responsible for the kennel was banned from the facility, but no further action was taken.<sup>34</sup>



*Dooley, an injured greyhound found at Palm Beach Kennel Club. Photograph from the Palm Beach Sheriff's Office, 2009.*

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> "PDL man charged with 37 counts of animal cruelty," *Washington County News*, November 1, 2010; "Williams pleads guilty to animal cruelty charges," *WMBB TV News*, October 20, 2011, <http://www.wmbb.com/story/15740794/williams-pleads-guilty-to> (accessed April 11, 2014).

<sup>28</sup> "Williams pleads guilty to animal cruelty charges," *WMBB TV News*, October 20, 2011, <http://www.wmbb.com/story/15740794/williams-pleads-guilty-to> (accessed April 11, 2014).

<sup>29</sup> *Ibid.*

<sup>30</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Waiver Investigative Report No. 2013049611* (Tallahassee, FL: Florida Department of Business and Professional Regulation, April 3, 2014).

<sup>31</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Consent Order Case No. 2012022902* (Tallahassee, FL: Florida Department of Business and Professional Regulation, June 20, 2012).

<sup>32</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report for Case No. 2010035789* (Tallahassee, FL: Florida Department of Business and Professional Regulation, October 4, 2010).

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*



## Greyhounds Repeatedly Test Positive for Drugs, Including Cocaine

Over the past decade, greyhounds at Florida tracks have repeatedly tested positive for serious drugs, including cocaine. For example:

- According to state records, a greyhound tested positive for cocaine at Sanford Orlando Kennel Club in September 2015.<sup>35</sup>
- In December 2013, a greyhound named **Rude Reuben** tested positive for cocaine at Mardi Gras Racetrack in Florida.<sup>36</sup> Less than a month later, another dog at the same track also tested positive for the prohibited substance.<sup>37</sup>
- According to a January 2011 news report, seven greyhounds tested positive for cocaine at Daytona Beach Kennel Club.<sup>38</sup>
- A greyhound named **Scotty Smalls** tested positive for a cocaine metabolite after racing at Orange Park on January 6, 2010.<sup>39</sup> As a result of this positive test, a greyhound trainer was fined \$1,000.<sup>40</sup>
- According to the University of Florida Racing Laboratory, there were 49 positive greyhound drug tests in fiscal year 2009/2010, including nine positive tests for cocaine or a cocaine metabolite.<sup>41</sup>

In addition to these cocaine positives, the Department of Business and Professional Regulation has investigated other cases involving drugs. For example, on May 18, 2011 state investigators discovered a vial of testosterone propionate in a racing kennel at Derby Lane in St. Petersburg.<sup>42</sup> Testosterone propionate is an oil-based, injectable anabolic steroid.<sup>43</sup>

According to a 2010 investigative report, the state does not test racing greyhounds for steroids.<sup>44</sup> In the same report, Dr. Richard Sams of the University of Florida Racing Laboratory indicated that anabolic steroids, such as Stanozolol, would be "excellent" for enhancing performance.<sup>45</sup>

## State Inspection Reports Have Documented Humane Issues

GREY2K USA conducted an analysis of 2,480 greyhound kennel inspection forms that were filed by the Florida Department of Business and Professional Regulation between January 1, 2009 and April 27, 2010 and January

<sup>35</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Weekly Report September 17, 2015* (Tallahassee, FL: Florida Department of Business and Professional Regulation, September 17, 2015).

<sup>36</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report No. 2014000975* (Tallahassee, FL: Florida Department of Business and Professional Regulation, January 24, 2014).

<sup>37</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report No. 2014004823* (Tallahassee, FL: Florida Department of Business and Professional Regulation, February 11, 2014).

<sup>38</sup> "Dogs at Daytona Beach Kennel Club Test Positive for Cocaine," *WFTV TV News*, January 15, 2011, <http://www.wftv.com/news/news/dogs-at-daytona-beach-kennel-club-test-positive-fo/nFDD6/> (accessed April 11, 2014).

<sup>39</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Administrative Complaint for Case No. 2010010453* (Tallahassee, FL: April 14, 2010); Kate Howard, "Cocaine in Jacksonville racing greyhounds leads to arrest," *Florida Times Union*, July 14, 2010.

<sup>40</sup> *Ibid.*

<sup>41</sup> University of Florida Racing Laboratory, Drug Positives for Fiscal Year 2009/2010.

<sup>42</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report for Case No. 201102568* (Tallahassee, FL: Florida Department of Business and Professional Regulation, June 21, 2011).

<sup>43</sup> "Testosterone propionate," *Anabolic Bible*, [http://www.anabolic-bible.org/Profile.aspx?callpage=testosterone\\_propionate](http://www.anabolic-bible.org/Profile.aspx?callpage=testosterone_propionate) (accessed April 11, 2014).

<sup>44</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report for Case No. 2009043310* (Tallahassee, FL: Florida Department of Business and Professional Regulation, February 26, 2010).

<sup>45</sup> *Ibid.*

2013 through October 2014.<sup>46</sup> These reports documented several humane concerns, including poor kennel conditions, injured dogs, dozens of incidents where greyhounds were double caged, possible drug violations and fire hazards.<sup>47</sup>

## Greyhounds Have Died from a Form of Horse Flu

In the summer of 2004, hundreds of greyhounds fell ill with a respiratory illness and ten dogs died at racetracks across Florida.<sup>48</sup> Greyhounds died from the illness at Naples-Ft. Myers Greyhound Track, Palm Beach Kennel Club, Sanford Orlando Kennel Club and Derby Lane.<sup>49</sup> Six greyhounds had died from the illness the previous year.<sup>50</sup>

It was later proven that the dogs died from a form of horse flu that had never before jumped species.<sup>51</sup> Within a year, this new dog flu had spread beyond the greyhound racing industry to pet dogs and was detected in several states throughout the country.<sup>52</sup>

In 2006, seventeen greyhounds died from a respiratory illness at Naples-Ft. Myers Greyhound Track.<sup>53</sup> According to a spokesperson for the Florida Department of Business and Professional Regulation, at least two additional greyhounds died from the same illness at other tracks in the state.<sup>54</sup>

## Dog Track Acknowledges That a Pesticide Was Used on Dogs

In November 2011, the general manager of Daytona Beach Kennel Club admitted that greyhounds at the track had been given a pesticide named Termidor for years, in an attempt to control fleas and ticks.<sup>55</sup> After an investigation by the state Department of Agriculture and the U.S. Occupational Safety and Health Administration, the track agreed to stop the practice.<sup>56</sup> In announcing its decision, Daytona's general manager stated that the use of Termidor was an "industry standard" practice and it was used by greyhound kennels because it is "cheaper" than flea and tick repellants.<sup>57</sup>

## Greyhounds Have Died While Being Transported to Florida Tracks

Because greyhounds often compete at multiple facilities during their career, they are frequently moved over long distances. On at least two recent occasions, greyhounds have died while being transported to Florida racetracks:

<sup>46</sup> Florida Department of Business and Professional Regulation; analysis by GREY2K USA.

<sup>47</sup> *Ibid.*

<sup>48</sup> Kristen Zambo, "Sick racetrack dogs suffering relapses," *Naples Daily News*, July 31, 2004, [http://www.naplesnews.com/news/2004/jul/31/ndn\\_sick\\_racetrack\\_dogs\\_suffering\\_relapses/?print=1](http://www.naplesnews.com/news/2004/jul/31/ndn_sick_racetrack_dogs_suffering_relapses/?print=1) (accessed April 11, 2014).

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> Rob Stein, "Dog flu jumped from horses," *Washington Post*, September 27, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/26/AR2005092601854.html> (accessed April 11, 2014). (after the publication of this news report the illness was detected in additional states).

<sup>52</sup> *Ibid.*

<sup>53</sup> Anne Marie Apollo, "Illness continues to kill greyhounds at track," *Naples Daily News*, June 17, 2006, [http://www.naplesnews.com/news/2006/jun/17/2\\_more\\_greyhounds\\_track\\_die\\_virus/](http://www.naplesnews.com/news/2006/jun/17/2_more_greyhounds_track_die_virus/) (accessed April 11, 2014).

<sup>54</sup> *Ibid.*

<sup>55</sup> Tom Knox, "Daytona Beach Kennel Club halts use of pesticide on dogs," *Daytona Beach News-Journal*, November 5, 2011, <http://dndev.ny.atl.publicus.com/article/20111105/ARTICLES/311059954?Title=Daytona-Beach-Kennel-Club-halts-use-of-pesticide-on-dogs> (accessed April 11, 2014).

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

- Three greyhounds died in August 2008 while being transported from Iowa to the Palm Beach Kennel Club.<sup>58</sup> The dogs apparently died of heat related illness.<sup>59</sup>
- On September 14, 2005, ten greyhounds were killed and several others injured when a trailer caught fire on State Road 434.<sup>60</sup> The dogs were being taken to Jacksonville to race.<sup>61</sup>

## At Florida Tracks, Greyhounds are Fed Cheap Meat to Reduce Costs

According to the industry handbook *Care of the Racing and Retired Greyhound*, greyhound trainers routinely use "4-D" meat from dying, diseased, disabled, and dead animals.<sup>62</sup> This meat is used because "it is the most economically feasible for the Greyhound industry at this time."<sup>63</sup> To discourage human use, 4-D meat contains denatured charcoal.<sup>64</sup> As a result of eating 4-D meat dogs can be exposed to pathogenic microorganisms, including *Salmonella*, *Campylobacter jejuni*, and *Escherichia coli*.<sup>65</sup> In 2014, two dogs died and close to 100 fell ill at Daytona Beach Kennel Club from a suspected case of "bad meat."<sup>66</sup>

## Regulation of Florida Greyhound Racing is Insufficient

Under current Florida law, felons can be licensed in the greyhound racing industry if they are given a special waiver from the state Division of Pari-Mutuel Wagering.<sup>67</sup> As a result of this law, violent felons are sometimes directly responsible for the health and welfare of racing greyhounds. For example, an individual named Saul Mays, who had a criminal history involving assault and kidnapping, was given a waiver by the state.

From January 2013 through July 2014, 79 applications for waivers were granted by the Division and 114 were denied.

In addition, Florida regulators are slow to act on disciplinary matters. In many cases it has taken years to punish licensees who violate rules, including animal welfare regulations, and sometimes the penalties handed down are also insufficient.

*Last Updated on March 6, 2017*

<sup>58</sup> Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, *Investigative Report for Case No. 2008044972* (Tallahassee, FL: Florida Department of Business and Professional Regulation, January 8, 2009).

<sup>59</sup> *Ibid.*

<sup>60</sup> Gary Taylor, "10 racing greyhounds die in trailer fire," *Orlando Sentinel*, September 14, 2005, [http://articles.orlandosentinel.com/2005-09-15/news/DOGS15\\_1\\_dogs-seminole-county-trailer](http://articles.orlandosentinel.com/2005-09-15/news/DOGS15_1_dogs-seminole-county-trailer) (accessed April 11, 2014).

<sup>61</sup> *Ibid.*

<sup>62</sup> Linda L. Blythe et al., *Care of the Racing and Retired Greyhound* (Topeka: American Greyhound Council Inc., 2007), 151.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> Paul S. Morley et al., "Evaluation of the association between feeding raw meat and *Salmonella enterica* infections at a greyhound breeding facility," *Journal of the American Veterinary Medical Association* 228, no. 10 (2006): 1524-1532; Linda L. Blythe et al., *Care of the Racing and Retired Greyhound*.  
<sup>66</sup> Jeffrey Cassady, "2 dogs die, 97 sickened at Daytona Beach greyhound track," *The Daytona Beach News-Journal*, August 6, 2014, <http://www.news-journalonline.com/article/20140806/NEWS/140809638> (accessed September 26, 2014).

<sup>67</sup> Rule 61D-5.001.



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