

61D-2.026 Jai Alai Game General Rules.

(1) The permitholder shall notify the division in writing within seven days of any changes to court dimensions or design.

(2) Jai alai permitholders shall at all times maintain their court surfaces in a safe condition by removing all hazards that could harm a player and shall have proper implements to maintain a uniform court surface on any live performance day in accordance with its annual operating license or where the court is utilized for practice.

(3) Jai alai games must be conducted on an indoor, three-walled court meeting the following requirements:

(a) The side wall must be at least 175 feet long and at least 35 feet in height;

(b) The front wall and back wall must be at least 35 feet in width and height;

(c) The front wall must be made of granite, and the other two walls and floor must be made of granite or gunite; and

(d) The fronton enclosure must be at least 20,000 square feet.

(4) Each jai alai game must be played to a minimum of seven points.

(5) Jai alai permitholders must utilize a rotational system of players of at least eight different players or teams.

(6) Jai alai player occupational license applicants must submit written verification with their application from a national or international jai alai association recognized by the division that the player has demonstrated skills to compete in a jai alai game.

(7) Any jai alai game that does not meet the requirements of this rule shall exclude the game from being counted as part of a performance.

(8) If the division has reason to believe a player who competes in a game with design to prevent its team from winning a game or demonstrates absence of effort to win a game, the division shall consider it a violation.

Rulemaking Authority 550.0251(3), 550.105(3), (10)(a) FS. Law Implemented 550.0251, 550.105 FS. History—New

61D-2.027 Performances.

(1) Permitholders may not conduct more than three performances during one operating day.

(2) A performance may not begin within 15 minutes from the end of the previous performance.

(3) A matinee performance shall not begin after 5:00 p.m. and evening performance shall not begin before 5:00 p.m.

(4) Each performance shall have a separation of race numbers and performance numbers in the internal totalisator system.

(5) Each performance shall have a separate racing or game program. Same day performances may be separated within a single program.

Rulemaking Authority 550.0251(3), 550.155(1), 550.3551(10), 550.495, 550.6305 FS. Law Implemented 550.0251, 550.155, 550.3551, 550.495, 550.6305 FS. History—New

61D-2.028 Jockey Requirements.

(1) No person under 18 years of age shall be licensed by the division as a jockey.

(2) A new applicant shall show competence by the demonstration of riding ability. The demonstration of riding ability is defined at a minimum as:

(a) Breaking with a horse in company from the starting gate;

(b) Working a horse in company around the turn and down the stretch;

(c) Switching the riding crop from one hand to the other while maintaining control of the horse in a stretch drive; and

(d) Causing a horse to switch leads coming out of the turn.

(3) The applicant shall submit written verification with their application from the stewards confirming compliance with paragraphs (2)(a) through (d) above.

(4) A jockey shall not be an owner or trainer of any horse competing in the race where the jockey is riding.

(5) Each horse permitholder shall establish a scale of weights for jockeys to carry during a race which shall be published in the race program; however, the permitholder will not allow a horse to carry a total weight to exceed 135 pounds.

61D-2.024 Track General Rules.

(1) The permitholder shall notify the division in writing within seven days of any changes to track dimensions or design.

(2) All racing permitholders shall at all times maintain their track surfaces in a safe condition by removing all hazards that could harm a racing animal and shall have proper implements to maintain a uniform track surface on any live performance day in accordance with its annual operating license or where the track is utilized for training.

(3) All quarter horse and thoroughbred tracks shall have an inner rail and an outer rail. Both rails shall be designed to collapse or break away when a contestant is running parallel to the rail, bumps, lunges or falls into the rail during normal training or racing. For turf courses, one of the rails may be moveable in order to maintain turf surface quality.

(4) All greyhound tracks shall have an inner rail and all harness tracks shall have an outer rail.

(5) A race track shall not require the racing animal to change its course in response to any obstacles on the racing surface during the race.

(6) All race tracks must be oval in shape, exclusive of chutes.

(7) All race tracks shall include a clubhouse enclosure of at least 7,500 square feet.

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251, 550.2415 FS. History–New

61D-2.025 Race General Rules.

(1) Each race must have a minimum of five betting interests competing in the race.

(2) Each race, with the exception of a harness race and a steeplechase race, must start by use of a box or gate.

(3) Each greyhound race:

(a) Must be conducted on a track that is at least 1,100 feet in length and at least 17 feet in width, inclusive of the chute; and

(b) Must not be shorter than 990 feet in length.

(4) Each quarter horse or any statutorily authorized substitute breed race other than thoroughbred conducted under a quarter horse permit:

(a) Must be conducted on a track that is at least 1,300 feet in length and at least 60 feet in width, inclusive of the chute; and

(b) Must not be shorter than 330 feet in length.

(5) Each thoroughbred race:

(a) Must be conducted on a track that is at least 4,000 feet in length and at least 60 feet in width, inclusive of the chute; and

(b) Must not be shorter than 3,200 feet in length.

(6) Each harness race:

(a) Must start by use of a rolling gate;

(b) Must be conducted on a track that is at least 3,300 feet in length and at least 80 feet in width; and

(c) Must not be shorter than 3,300 feet in length.

(7) All racing contestants must compete simultaneously on a common track with a common start and finish line.

(8) Any race that does not meet the requirements of this rule shall exclude the race from being counted as part of a performance.

(9) Horse races must be recorded by at least three video cameras.

(a) Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, shall be provided in the stewards' stand.

(b) Recordings of each race shall be maintained by the permitholder for at least six months from the last day of live racing as indicated by the annual operating license.

(c) Copies of race recording must be provided to the division upon request.

(10) If the division has reason to believe that a jockey or driver who competes in a race with design to prevent its horse from winning a race or demonstrates absence of effort to win a race, the division shall consider it a violation.

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251, 550.2415 FS. History–New Draft (11/18/14)

(6) Each horse permitholder shall maintain a copy of a current passed physical exam for each jockey entered to compete in a race at the permitted facility.

(7) During the conduct of a pari-mutuel race, each jockey shall wear unique racing colors and white pants registered with the racing secretary. The stewards may authorize a temporary substitution of racing colors when necessary.

(8) The racing colors to be worn by each jockey in a race shall be described in the program, and any change shall be announced prior to the start of the race.

(9) Jockeys must wear a protective helmet, vest, and boots which have been specifically designed for horse racing when riding in races or when exercising horses.

Rulemaking Authority 550.0251(3), 550.105(3), (10)(a), 550.2415(12) FS. Law Implemented 550.0251, 550.0425, 550.105, 550.2415 FS.History–New _____.

61D-2.0281 Sulky Driver Requirements.

(1) No person under 18 years of age shall be licensed by the division as a driver.

(2) Each driver must hold and maintain a valid and current driver's license issued by the United States Trotting Association.

(3) A driver shall not be an owner or trainer of any horse competing in the race where the jockey is riding.

(4) Each horse permitholder shall maintain a copy of a current passed physical exam for each driver entered to compete in a race at the permitted facility.

(5) During the conduct of a pari-mutuel race, each driver shall wear unique racing colors and white pants registered with the racing secretary. The stewards may authorize a temporary substitution of racing colors when necessary.

(6) The racing colors to be worn by each driver in a race shall be described in the program, and any change shall be announced prior to the start of the race.

(7) Drivers must wear a protective helmet, vest, and boots which have been specifically designed for horse racing when driving in races or when exercising horses.

Rulemaking Authority 550.0251(3), 550.105(3), (10)(a), 550.2415(12) FS. Law Implemented 550.0251, 550.0425, 550.105, 550.2415 FS.History–New _____.

61D-2.029 Qualifications of Horses to Start.

Before a horse is permitted to start, the racing secretary shall ensure that at least five published past performances, whether in races or workouts, are available to enable the public to make a reasonable assessment of the horse's capabilities.

Rulemaking Authority 550.0251(2) FS. Law Implemented 550.0251 FS. History–New _____.

61D-4.002 Evaluating a Permit Application for a Pari-Mutuel Facility.

(1) An applicant for a new or existing pari-mutuel Florida Pari-Mutuel Facility permit shall submit to the division, all of the following completed forms:

- (a) a Form DBPR PMW-3010, Permit Application; <https://www.flrules.org/gateway/reference.asp?NO=Ref-01552;>
- (b) a Form DBPR PMW-3030, Personal History Record; <https://www.flrules.org/gateway/reference.asp?NO=Ref-01553;> and
- (c) ~~and~~ a Form DBPR PMW-3195, Request for Release of Information and Authorization to Release Information; <https://www.flrules.org/gateway/reference.asp?NO=Ref-01555>, all of which are effective 9-12-12 and adopted herein by reference. The forms can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037.

~~(1) In evaluating a permit application, the division shall take into consideration the following:~~

- ~~(a) The potential profitability and financial soundness of the prospective permitholder;~~
- ~~(b) The ability to preserve and protect the pari-mutuel revenues of the state and to ensure the integrity of the wagering pool;~~
- ~~(c) The holdings, transactions, and investments of the applicant connected to previous business ventures;~~
- ~~(d) The existence of any judgment or current litigation, whether civil, criminal, or administrative, involving the applicant.~~

~~(2) After initial approval of the permit and the source of financing, the terms and parties of any subsequent financing shall be disclosed by the applicant or the permitholder, to the division within 30 days.~~

~~(2)(3) A pari-mutuel wagering permitholder transferring who transfers an ownership or equity interest in its permit to another licensed pari-mutuel wagering permitholder or transferring who transfers a permit to an entity exclusively composed of ownership interests that have been approved under the provisions of Sections 550.054 and 550.1815, F.S., must file with the division prior to the transfer Form DBPR PMW-3040, Permit Transfer Request from Application From One Existing Permitholder to a New or Another Existing Permitholder, effective 9-12-12, adopted herein by reference, <https://www.flrules.org/gateway/reference.asp?NO=Ref-01554>, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037.~~

~~(3) In evaluating a permit application, the division shall take into consideration the following:~~

- ~~(a) The potential profitability and financial soundness of the prospective permitholder;~~
- ~~(b) The ability to produce, preserve, and protect pari-mutuel revenues of the state and to ensure the integrity of the wagering pool;~~
- ~~(c) The holdings, transactions, and investments of the applicant connected to previous business ventures;~~
- ~~(d) The existence of any judgment, gaming jurisdiction proceedings, or current litigation, whether civil, criminal, or administrative, involving the applicant or its five percent or greater equitable owner(s);~~
- ~~(e) The existence of appropriate land use zoning for the property identified in the application or a letter signed from all members of local government zoning authority stating that zoning for such pari-mutuel activities would be viewed favorably at property identified in the application;~~

~~(f) For greyhound and horse permit applicants, the inclusion of a detention area in its site plan to facilitate the sampling of racing animals by the division for impermissible substances;~~

~~(g) A survey map submitted by the applicant outlining distance in miles to existing pari-mutuel facilities within 100 miles;~~

~~(h) The existence of any other permits located at, or operating at, the desired site; and~~

~~(i) All information contained in the application materials submitted as provided in subsections (1) and (2) above.~~

~~(4) After initial approval of the permit and the source of financing, the terms and parties of any subsequent financing shall be disclosed by the applicant or the permitholder to the division within 30 days.~~

Rulemaking Authority 550.0251(2), (3), 550.054(8)(b), 550.1815(5) FS. Law Implemented 550.0251, 550.054, 550.0951, 550.155, 550.1815, 559.79 FS. History--New 10-20-96, Amended 12-15-97, 3-4-07, 9-12-12, _____.

61D-4.004 Application for Annual Racing License and Operating Dates.

(1) Any permitholder authorized to submit an application for an annual license to conduct races or games pursuant to Section 550.0115, F.S., shall make such application to the division on Form DBPR PMW-3060, Permitholder Application for Annual License and Operating Dates; <https://www.flrules.org/gateway/reference.asp?NO=Ref-01556>, either Form DBPR PMW-3105, Surety Bond for Florida Pari-Mutuel Wagering, or provide continuation certificate; Form DBPR PMW-3080, Permitholder Calendar; <https://www.flrules.org/gateway/reference.asp?NO=Ref-01557>, and Form DBPR PMW-3190, Officers and Directors; <https://www.flrules.org/gateway/reference.asp?NO=Ref-01558>, all of which are effective 9-12-12 and adopted herein by reference. The forms can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037. The required forms shall be submitted during the period between December 15 and January 4 for performances to be conducted during the next state fiscal year.

(2) Any permitholder authorized to submit an application for an amendment to the annual license to conduct races or games pursuant to Section 550.01215, F.S., shall make such application to the division on Form DBPR PMW-3060, Permitholder Application for License and Operating Dates; Form DBPR PMW-3080, Permitholder Calendar; and Form DBPR PMW-3190, Officers and Directors; adopted by reference in subsection (1) above.

(3) Once the annual operating license is issued, a minor amendment is an amendment to the license representing no more than 15 percent of the total performances from the current year's initial license. Adding or deleting the date of a scheduled performance will be calculated in the 15 percent maximum. If more than one amendment is requested on the same operating license, the requests will be aggregated to determine the 15 percent maximum. Moving performances within an existing license period where the net sum change in performances is zero will not be counted towards the 15 percent maximum.

(4)(2) Any request to amend racing dates submitted to the division shall include documentation from operating permitholders located within 50 miles of the applicant indicating whether they object to the issuance of an amended license.

(5) Objections will only be considered once the 15 percent maximum is exceeded and only from those permitholders conducting a live performance on the date(s) of the requested amendment. Objections must include an estimated fiscal impact with supporting data regarding impacts on handle and revenue.

(6) The division may consider the availability of staffing resources when approving or denying an amendment request.

Rulemaking Authority 550.0251(2), (3), 550.01215(2) FS. Law Implemented 550.0115, 550.01215, 550.5251, 559.79 FS. History—New 3-4-07, Amended 9-12-12, _____.

61D-4.005 Annual Notification of Permitholder Ownership Interest.

Every permitholder shall, within 45 days of the effective date of this rule and on or before July 31 of each year, submit to the division written notification of the following:

(1) If a corporation:

(a) The names, addresses, number of shares, and percentage of total shares of any shareholder holding five percent or more equity at the time of the first day of the previous fiscal year;

(b) A ledger that reflects ownership transfers of five percent or more of the stock for all times during the previous fiscal year; and

(c) The names, addresses, number of shares, and percentage of total shares of any shareholder holding five percent or more equity on the last day of the previous fiscal year.

(2) If a business entity other than a corporation:

(a) The names, addresses, and amount of ownership equity of any principals, partners, or shareholders holding five percent or more equity at the time of the first day of that fiscal year;

(b) A ledger that reflects ownership transfers of five percent or more equity of any principals, partners, or shareholders for all times during the previous fiscal year; and

(c) The names, addresses, and amount of ownership equity of any principals, partners, or shareholders holding five percent or more equity at the time of the last day of the previous fiscal year.

Rulemaking Authority 550.0251(3), 550.1815(5) FS. Law Implemented 550.054(12) FS. History—New _____.

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