

### **61D-2.001 General Definitions.**

(1) "Board of Relief" means the panel composed of three permitholder officers charged with disbursing monies deposited into the Board of Relief fund to occupational license holders and their immediate families.

(2) "Bookmaker" means a person, other than an authorized betting messenger, who takes or receives wagers as described in Section 849.25, Florida Statutes.

(3) "Condition book" means a document published by the permitholder which sets out conditions, purses, and descriptions of future races for the meeting.

(4) "Conditions" means criteria prepared by the racing secretary to establish guidelines for the makeup of all races.

(5) "Contest" means a race or game between horses, greyhounds, or players for purses, stakes, or reward on any licensed race course or fronton and conducted in the presence of judges or stewards.

(6) "Detention enclosure" means that area of the permitholder's grounds specifically set aside for the collection of racing animal blood, urine or other fluids.

(7) "Director" means the Director of the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering.

(8) "Ownership interest" means any person, corporation, or other business entity who holds in whole or part any right, title, or interest in a permitholder or application of permit.

(9) "Paddock" means the secure and restricted area designated by the permitholder for the activities associated with racing, excluding the stable areas.

(10) "Permitholder" means any person, persons or entity holding a permit issued by the division for a pari-mutuel facility.

(11) "Permitholder employee" means any employee of the permitholder, including, but not limited to, any admission employee, clerical help, security guard, maintenance employee, mutuel employee, parking employee, public relations staff person, and any switchboard, general track or fronton employee.

(12) "Permitholder license" means an annual license issued by the division to conduct pari-mutuel operations at a location specified in the permit for a specific type of pari-mutuel event specified in the permit.

(13) "Post position" means the position assigned to a racing animal or player for the start of a race or game.

(14) "Post time" means the scheduled start of the contest.

(15) "Race" means a contest for purse, stakes or entry fees, on an approved course, and in the presence of duly appointed racing officials.

(16) "Race day" means the calendar day on which the race begins.

(17) "Stable name" means the name used by any configuration of licensed owners other than the individual licensee's name under which the owners race a horse or horses.

(18) "State office" means the division office located at each pari-mutuel facility.

(19) "Tote" or "tote board" means the device used to display pari-mutuel information to the public.

(20) "Vendor" means any business or person providing goods or services to a contractual concessionaire, pari-mutuel licensee, or pari-mutuel permitholder when the goods or services provided require the vendor's employees to be on the stable backside or kennel compound and come into contact with players, racing animals, or provide direct services for the support of players or racing animals at any time during any time a pari-mutuel facility is open for pari-mutuel wagering. Vendors do not include medical professionals, blacksmiths or platers.

(21) "Wagering area" means the area designated for conducting any wagering transactions.

*Specific Authority 550.0251(3), (5), (8)(b), 550.105(2)(b), 550.155(1), 550.1815(5), 550.2415(13), 550.2625(2)(d), 550.3551(10), 550.3615(5), 550.495(2)(a), (4), 550.6305(5) FS. Law Implemented 550.0251, 550.054, 550.105, 550.155, 550.1815, 550.2415, 550.2625, 550.3551, 550.3615, 550.495, 550.6305 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06.*

**61D-2.002 Toe Grabs.**

Toe grabs with a height greater than two millimeters, bends, jar calks, stickers, and any other traction device worn on the front shoes of thoroughbred horses while racing or training on all racing surfaces at a pari-mutuel facility in Florida are prohibited.

*Specific Authority 550.0251 FS. Law Implemented 550.0251(3), (11) FS. History–New12-30-08.*

**61D-2.003 Knowingly Interfering With Division Duties.**

No person shall knowingly engage in conduct that resists, obstructs, or opposes a division employee in the performance of his or her duties and responsibilities on the permit holder's premises.

*Specific Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 6-12-97.*

**61D-2.004 Wagering Prohibitions.**

(1) No jai alai player or game official, racing official, assistant to a game or racing official, totalisator employee, or greyhound leadout shall wager on or receive the benefits from a wager of any live race or game conducted at a track or fronton at which he/she works or officiates.

(2) No jockey, jockey's room attendant, valet, or harness driver shall wager on or receive the benefits of a wager on a race unless the owner or trainer, on behalf of the jockey or driver, makes the wager only to win or to finish first in combination with other horses. Jockeys and drivers must maintain for one year records of wagers made by the owners or trainers on their behalf and must make the records available to the stewards or to the division upon request.

(3) Horse or greyhound trainers shall be allowed to wager on a race in which they have entered a horse or greyhound subject to the following restrictions. All such wagers shall include the trainer's horse or greyhound: Win; Place, in the same or lesser dollar amount as win; Show, in the same or lesser dollar amount as win and place; Quinella; Perfecta, with trainer's horse or greyhound on bottom in the same or lesser dollar amount as on top; Trifecta with the trainer's horse or greyhound on top; Trifecta Box; Daily Double; Daily 3 and pick (N).

*Specific Authority 550.0251(3), 550.105(2)(b) FS. Law Implemented 550.0251, 550.105, 550.235, 550.3615 FS. History--New 10-20-96, Amended 4-12-06.*

**61D-2.005 Violations.**

No person shall conspire with, solicit, aid, abet, counsel, hire, or procure any other person or persons to engage in a violation of Chapter 550, Florida Statutes, or the rules promulgated thereunder, nor shall he/she commit any such act on his/her own.

*Specific Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 6-12-97, Amended 4-12-06.*

**61D-2.006 Electrical or Mechanical Device Prohibition.**

No person having access to the grounds of a pari-mutuel racing permitholder where racing animals are lodged or kept shall have in his/her possession while on the grounds of a pari-mutuel racing permitholder, any electrical or mechanical device designed or used to increase or decrease the speed of a horse or greyhound (or that which tends to do so). This rule does not exclude the use of the ordinary whip in horse racing.

*Specific Authority 550.0251(3), 550.105(2)(b) FS. Law Implemented 550.0251, 550.105, 550.235 FS. History—New 10-20-96, Amended 4-12-06.*

**61D-2.008 Pre-meet Report Required.**

Prior to the commencement of a meet, each permitholder shall submit to the division a list of racing, game, and operating officials as defined by Rule 61D-2.020, Florida Administrative Code, for the meet, the number of races or games per performance, and the types of wagers proposed to be offered. Horse racing and harness racing permitholders shall make available to the division a copy of the conditions books of the races it proposes to hold when published. Jai alai permitholders shall submit a list of the types of games to be played, the point system to be used, and the terms of the award or prize money. Each permitholder shall provide a copy of the daily racing or game program for each performance to the designated division employee before the beginning of each performance. All racing, game, and operating officials must be licensed by the division prior to conducting the duties of their position.

*Specific Authority 550.0251(3), 550.105(2)(b) FS. Law Implemented 550.01215, 550.0251 FS. History—New 10-20-96, Amended 4-12-06.*

**61D-2.009 Ineligible or Disqualified Jai Alai Player or Racing Animal.**

(1) No person shall willfully enter or cause to be entered, or start, a jai alai player or racing animal which he knows or believes to be ineligible or disqualified.

(2) Any animal whose owner or owners do not possess an occupational license shall be ineligible to participate in any race in this state.

*Specific Authority 550.0251(3), 550.105(2)(b) FS. Law Implemented 550.0251, 550.105, 550.235 FS. History—New 10-20-96, Amended 4-12-06.*

**61D-2.010 Photofinish Camera and Video Tape Requirement.**

(1) Each permitholder conducting horse racing, harness racing, or greyhound racing shall have a photofinish camera or digital image as an aid to the stewards/judges. The photograph or digital image of each finish in which the stewards/judges call for a photograph shall be posted or televised on closed circuit television throughout the facility for viewing by the public as promptly as possible after the race and for a reasonable period thereafter of not less than ten minutes.

(2) Each permitholder conducting jai alai games shall video tape each game and shall retain the tape for a period of 30 days from the date of each game.

(3)(a) Each permitholder must keep in a locked storage facility for a one-year period from the date of a race the following:

1. Photofinish photographs;
2. Films; and
3. Digital images and computer disks or tapes containing those digital images.

(b) Only the mutuels manager or his/her designee may have access to such locked storage facility.

(4) Any person requesting a copy of any photofinish photograph or digital image must be permitted to view same on the premises of the permitholder within five days after making such a request. These copies must bear the date, time, race and facility of the race depicted therein.

(5) If a permitholder delegates the duty to create photofinish photographs or digital images to a licensed vendor, it may also delegate the duty to store and retrieve the photographs or images to that vendor, subject to the permitholder's vicarious liability for performance of these duties by the vendor as provided for in this section.

*Specific Authority 550.0251(3) FS. Law Implemented 550.0251, 550.155, 550.2625 FS. History--New 10-20-96, Amended 12-15-97, 4-12-06.*

**61D-2.011 Post Position Drawing Requirement.**

Each permitholder conducting greyhound racing, thoroughbred racing or harness racing, shall ensure that the entries and post positions for each race are drawn by lot, and that the time and place for the drawing are posted in a conspicuous location where such notice can be observed by an occupational licensee at least eight hours prior to the drawing. The eight-hour notice requirement will be waived by the division upon notice to the state steward or judge that a specific race has not been filled and that more time is needed before a drawing can occur. Any drawing conducted on a dark day must comply with the eight-hour notice requirement; however, the eight-hour notice requirement will be waived by the division on a dark day drawing where a specific race has not been filled and more time is needed before a drawing can occur. The division may file an administrative complaint against the permitholder or its agent for failure to notify the state steward or judge of a delay in the draw. However, the action must be requested by the state steward or judge and result from an inability of an occupational licensee to witness the draw due to improper notice. All post position drawings shall be open to any occupational licensee who chooses to witness the draw.

*Specific Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 6-12-97, Amended 5-31-06.*

**61D-2.012 Racing Animal Identification.**

The paddock judge/horse identifier in horse racing and harness racing, and the paddock judge in greyhound racing shall be responsible for confirming the identity of each racing animal by reading the tattoo and verifying the markings on the animal. Each shall be responsible for ensuring the racing animal is properly blanketed and placed in the appropriate starting gate or starting box. No racing animal shall be permitted to be entered or started unless tattooed and a registration certificate is on file with the racing secretary.

*Specific Authority 550.0251(3), 550.105(2)(b) FS. Law Implemented 550.0251, 550.235 FS. History--New 10-20-96, Amended 12-15-97, 4-12-06.*

**61D-2.016 Altered Identification Exclusion.**

If it is determined that a racing animal was knowingly entered and raced under a different name with an altered registration or altered tattoo, in this state or any other jurisdiction, that racing animal shall be denied all future access to race tracks under the supervision of the division.

*Specific Authority 550.0251(3) FS. Law Implemented 550.0251, 550.235 FS. History—New 10-20-96, Repromulgated 4-12-06.*

**61D-2.018 Pooling of Prize Money in Jai Alai Prohibited.**

Any pooling or sharing of prize money or awards among jai alai players is prohibited.

*Specific Authority 550.0251(3) FS. Law Implemented 550.0251, 550.105, 550.235 FS. History—New 10-20-96, Repromulgated 4-12-06.*

**61D-2.019 Starting Time Notice Requirement.**

Permitholder management shall notify the division of the post time or starting time of the first race or first game of each performance of the meeting.

*Specific Authority 550.01215(4), 550.0251(3), 550.105(2)(c), (4)(b) FS. Law Implemented 120.80, 550.01215, 550.0251, 550.1155 FS. History– New 10-20-96.*

### **61D-2.020 Pari-Mutuel Wagering Racing and Game Officials.**

(1) Each licensed pari-mutuel wagering permitholder shall designate persons, if required by the permitholder, for horse racing, harness racing, greyhound racing, or jai alai games, depending upon the type of permit held, for the following functions as racing or game officials:

(a) Horse Racing: authorized stewards, racing secretary, paddock judge, horse identifier, patrol judges, placing judges, clerk of scales, starter, timer, veterinarian, and chief of security.

(b) Harness Racing: authorized stewards, racing secretary, paddock judge, patrol judge, clerk of course, starter, timer, veterinarian, and chief of security.

(c) Greyhound Racing: authorized judges, racing secretary, paddock judge, patrol judge, clerk of scales, kennel master, greyhound leadout, lure operator, starter, veterinarian, and chief of security.

(d) Jai Alai: court judges, players' manager, match maker, announcer, and chief of security.

(2) If a permitholder prescribes rules and duties for their appointed racing and game officials such rules shall not conflict with Chapter 550, Florida Statutes, and the rules adopted thereto. A permitholder shall file a copy of any house rules with the division together with any amendments to such house rules when adopted.

(3) No racing official shall have or maintain an ownership interest, direct or indirect, in any racing animal participating at any licensed meeting where he works or officiates.

(4) In addition to the duties prescribed by the permitholder's house rules, in greyhound racing the Kennel Master shall:

(a) Inspect the lock-out kennels to ensure that the kennels are in good repair and that nothing has been deposited in any of the crates that could be consumed by the greyhounds. He shall ensure that the crates have been cleaned, sprayed, and disinfected and are in sanitary condition.

(b) Receive the greyhounds immediately after they are weighed and ensure that they are placed in the proper crate by race and post position. No persons other than the kennel master, paddock judge, veterinarian, clerk-of-scales, lead-outs, judges or division representatives shall be allowed in the lock-out kennel once loading starts.

(c) Remain on duty at the lock-out kennel to ensure security of the kennel from the time the first greyhounds are received until the greyhounds are removed for the last race. Only authorized persons shall be allowed in the lock-out kennel and at no time shall the kennel master allow any less than two authorized persons to be present in the lock-out kennel after the greyhounds are loaded. Lead-outs entering the lock-out area must be under the direct supervision of or accompanied by a racing or division official.

(5) In addition to the duties prescribed by the permitholder's house rules, in greyhound racing the patrol judge shall ensure that following a race, racing blankets are not removed from the greyhounds until the greyhounds are accepted by their respective kennel owner/operator, trainer, or authorized representative.

(6) A jai alai permitholder shall maintain separate facilities for the court judges and the players. Court judges shall have no contact at any time with players other than in an official capacity while at the fronton.

(7) No jai alai judge shall be under contract as an active player in a fronton in which that judge officiates. In event of an emergency, a temporary judge shall be chosen by fronton management from the roster of active players and such appointment shall be reported to the division judge.

*Specific Authority 550.0251(3), (11), 550.105(2)(c), (4)(b), (9), 550.2415(13), 550.2625(2)(d) FS. Law Implemented 550.0251, 550.09514, 550.105, 550.235, 550.2415, 550.2625 FS. History—New 10-20-96, Amended 12-15-97.*

**61D-2.021 Aggravating and Mitigating Circumstances.**

Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

- (1) The impact of the offense to the integrity of the pari-mutuel industry.
- (2) The danger to the public and/or racing animals.
- (3) The number of repetitions of offenses.
- (4) The number of complaints filed against the licensee or permitholder, which have resulted in prior discipline.
- (5) The length of time the licensee or permitholder has practiced.
- (6) The deterrent effect of the penalty imposed.
- (7) Any efforts at rehabilitation.
- (8) Any other mitigating or aggravating circumstances.

*Specific Authority 550.0251(3), 550.2415(13) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History--New 12-30-01.*

**61D-2.022 Use of Whips.**

(1) Any jockey or driver who uses a whip during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

(2) In all races where a jockey or driver participates without a whip, an announcement of such fact shall be made over the public address system.

(3) A whip shall not be used by any person:

(a) On any part of a horse's body other than the shoulders or hindquarters;

(b) During the post parade or after the finish of the race;

(c) In any manner that causes welts or breaks in a horse's skin;

(d) When a horse is clearly out of the race or has obtained its maximum placing in a race;

(e) Persistently, even though the horse is showing no response under the whip; or

(f) To strike a person, another horse, or any other animal.

*Specific Authority 550.0251 FS. Law Implemented 550.0251(3), (11) FS. History--New 12-30-08.*