

61D-5.001 Occupational Licensure.

(1)(a) The permitholder shall provide to the division the weekly payroll without compensation amounts for verification that all persons working at a permitholder's facility are licensed.

(b) The permitholder shall provide a weekly list of persons whose employment with the permitholder has been terminated, resigned or abandoned.

(2) Any person desiring an occupational license pursuant to Chapter 550, Florida Statutes, shall pay the appropriate occupational and fingerprint fees as set forth by Section 550.105, Florida Statutes, and shall file with the division a completed Form DBPR PMW-3120, Individual Occupational License Application, or DBPR PMW-3130, Business Occupational License Application, all adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(3) All occupational and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error.

(4) Application forms may be obtained and filed at each pari-mutuel facility in Florida or the Division of Pari-Mutuel Wagering, Licensing Section, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-1037. Applicants shall use the following forms adopted and incorporated by Rule 61D-10.001, Florida Administrative Code:

(a) Business Occupational License Application shall be made on Form DBPR PMW-3130, Business Occupational License Application.

(b) Individual Occupational License Application shall be made on Form DBPR PMW-3120, Individual Occupational License Application.

(c) Request for Waiver shall be made on Form DBPR PMW-3180, Request for Waiver.

(d) Request to Upgrade License shall be made on Form DBPR PMW-3170, Upgrade License Application.

(5) License application forms and fingerprint cards produced by and submitted through the Association of Racing Commissioners International (ARCI) or the National Racing Compact (NRC) under the Federal Pari-Mutuel Licensing Act of 1988 will be accepted by the division.

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

61D-5.002 Possession of a License.

(1) Unless exempted in subsection (2) of this rule, when on the grounds of a permitholder, licensees shall conspicuously wear their current Pari-Mutuel Wagering Occupational License issued by the division.

(2) When performing their pari-mutuel occupations, the following persons shall retain on the permitholder's premises their current license:

- (a) Jockeys;
- (b) Jai alai players;
- (c) Jai alai judges;
- (d) Harness drivers; and
- (e) Exercise persons; and
- (f) Leadouts.

Specific Authority 550.0251(3), 550.105(2)(b), (6), (10) FS. Law Implemented 550.0251, 550.105 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06.

61D-5.003 Applications for Licensure; Fingerprint Requirements; Exemptions from Fingerprinting.

The following occupations or groups of persons are exempt from the fingerprint requirements of Section 550.105, Florida Statutes:

- (1) Any person who has applied for and been granted an occupational license by the division in the previous five years, provided that such person was fingerprinted as part of the application for such license;
- (2) Any applicant for a restricted license who has not been previously convicted of a crime included in Sections 550.105(4)(b) or (c), Florida Statutes;
- (3) A sworn law enforcement or corrections officer certified pursuant to Section 943.1395, Florida Statutes, who provides the division evidence of current certification from the Florida Criminal Justice Standards and Training Commission;
- (4) An applicant who has been granted a diplomatic status by the United States Government; and
- (5) An applicant who is 70 years of age or older. Applicants 70 years of age or older must instead submit \$23 for a background information records check through the Florida Department of Law Enforcement.

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

61D-5.004 Temporary Occupational Licenses.

(1) A temporary license can be obtained on behalf of a greyhound owner, horse owner, stable name, or kennel name upon submission to the division of Form DBPR PMW-3110, Animal Owners Temporary License Application, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, the license fee, and the fingerprint fee if required, by the horse owner's licensed trainer, or by the greyhound owner's licensed kennel operator or trainer. The division shall issue the temporary license if the division verifies that the owner is in good standing in Florida and in all racing jurisdictions.

(a) Only one temporary license shall be issued to any person in any licensing year.

(b) A temporary license for an owner is valid for no more than 30 calendar days from the date of issuance. A one-year or three-year license will be processed upon completion of the licensure requirements by the owner.

(c) If the owner fails to complete the licensure process within 30 calendar days from the date the temporary license is issued, the temporary license shall expire and the owner's animals shall not be eligible to participate in a pari-mutuel race.

(d) If the owner completes the licensure process after the 30-day temporary license has expired, a license shall be processed for the remaining portion of the same licensing year. In the case of a three-year license, the license will be processed for the remaining portion of the three-year term.

(2) Any applicant who fails to complete the licensure process upon being issued a temporary license shall not be issued another temporary license until the licensee has, at least once, satisfactorily completed the licensure process.

Specific Authority 550.0251(3), 550.105(2)(b), (6) FS. Law Implemented 550.0251, 550.105 FS. History--New 10-20-96, Amended 12-15-97, 4-12-06.

61D-5.005 Exemptions to Occupational Licensing Requirements.

(1) The following are exempted from occupational licensing requirements:

(a) Sworn law enforcement and corrections officers certified pursuant to Section 943.1395, Florida Statutes, performing in a security or safety position, other than the chief of security at a track or fronton.

(b) Persons working for a vendor or contractual concessionaires providing supplies other than feed or medicine who make deliveries to nonrestricted areas of the permitholder premises and who are not employed on the permitholder premises. Such employees shall be permitted to make deliveries to a restricted area if issued a pass by the permitholder security.

(c) Businesses and employees of businesses providing occasional maintenance or plant improvement services to the facility or equipment, or providing construction services which are not related to the making of pari-mutuel pools, the conduct of racing or jai alai games or the direct care of racing animals.

(d) Upon adequate proof provided to the division, shareholders, who otherwise would be required to have an occupational license, owning less than ten percent (10%) of the outstanding stock or equity interest of any entity licensed by the division, will not be required to have such a license merely by their connection to a company. Such a shareholder shall not be granted access to any restricted area of a pari-mutuel wagering facility by virtue of their ownership interest without having obtained a pari-mutuel occupational license.

(2) Permitholder security shall maintain a list of unlicensed persons working in restricted and unrestricted areas on the permitholder premises. Said list shall be available at all times for review by division personnel. All passes to restricted areas shall contain a beginning and ending date of validity and shall state the work hours during which access to restricted areas is allowed. Unlicensed persons working in restricted areas of the permitholder facility shall be in possession of a valid pass issued by permitholder security.

Specific Authority 550.0251(3), 550.105(2)(b), (10) FS. Law Implemented 550.0251, 550.105, 559.79 FS. History—New 10-20-96, Amended 4-12-06.

61D-5.006 Waiver of Criminal Convictions or Other Offenses.

(1) Any applicant for an occupational license who is subject to denial on the basis of a criminal conviction or discipline by any racing jurisdiction may seek a waiver from the division director. The applicant shall submit Form DBPR PMW-3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, the annual license fee and fingerprint fee, a complete set of fingerprints on a card supplied by the division, and Form DBPR PMW-3180, Request for Waiver, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. The applicant shall also schedule a waiver interview with the Office of Investigations. Failure to participate in a waiver interview or to disclose any pertinent information regarding criminal convictions, or discipline by any racing jurisdiction shall result in a denial of the request for waiver.

(2) The applicant shall establish proof of rehabilitation and demonstrate good moral character. The waiver applies to criminal convictions or discipline by any racing jurisdiction disclosed to the division, unless revoked by the division for violation of Chapter 550, Florida Statutes, or these rules.

(3) No applicant for a waiver shall be allowed to work in any capacity as an occupational licensee until a license is issued based upon a waiver, granted by the director.

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

61D-5.007 Basis for Denial or Cancellation of License.

A licensee may relinquish his or her license for cancellation by the division by either submitting a written request to relinquish an active occupational license accompanied by the license that the licensee is requesting to have canceled or by directly surrendering the license to a division investigator or chief inspector. If a licensee surrenders his or her license to a division investigator or chief inspector for cancellation, the investigator or chief inspector shall provide the licensee with a written statement that it was surrendered for the purpose of cancellation to the Licensing Section of the division.

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