

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>;

(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 or current litigation, whether civil, criminal, or administrative, involving the applicant or its 5 percent or greater equitable owner;

(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) The submission of a map survey outlining distance in miles to the nearest existing pari-mutuel facilities to demonstrate that the proposed permit does not violate the new permit mileage restrictions in Section 550.054(2), F.S.;

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

(i) The proximity of other existing permits; and

(j) 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>, 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 Annual 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 5 percent or more equity at the time of the first day of the previous fiscal year;

(b) A ledger that reflects ownership transfers of 5 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 5 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 5 percent or more equity at the time of the first day of that fiscal year;

(b) A ledger that reflects ownership transfers of 5 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 5 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 _____.