

PMW RULE WORKSHOP AGENDA

Name of Agency: DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION, DIVISION OF PARI-MUTUEL WAGERING

Time, Date & Place

of Meeting: 9:00 A.M. – NOON, January 9, 2012
Hurston Building, North Tower
400 West Robinson Street, Suite N-901
Orlando, Florida 32801-1736

THIS MEETING IS OPEN TO THE PUBLIC

Agenda:

- I. Call to Order and Opening Remarks by Leon Biegalski, Director,
Division of Pari-Mutuel Wagering
- II. Public Input on PMW Rules and Proposed Forms:
 - A. Rule 61D-2.009, Ineligible or Disqualified Jai Alai Player or Racing Animal
 - B. Rule 61D-4.002, Evaluating a Permit Application for a Pari-Mutuel Facility, and
Forms DBPR PMW-3010, Permit Application; DBPR PMW-3030, Personal
History Record; DBPR PMW-3040, Permit Transfer Application From One
Existing Permitholder to Another Existing Permitholder; DBPR PMW-3195,
Request for Release of Information and Authorization to Release Information
 - C. Rule 61D-4.004, Application for Annual Racing License, and Forms DBPR
PMW-3060, Permitholder Application for Annual License and Operating Dates;
DBPR PMW-3080, Permitholder Calendar; DBPR PMW-3190, Officers and
Directors
 - D. Rule 61D-7.015, Trifecta and Superfecta Combinations
 - E. Rule 61D-7.024, Totalisator Requirements, and Forms DBPR PMW-3580,
Report of System Event or Malfunction; DBPR PMW-3610, Totalisator System
Checklist
 - F. Rule 61D-14.042, Accounting and Occurrence Meter Specifications
- III. Closing Remarks

Petition to Initiate Rulemaking regarding Rule 61D-2.009 is attached.

November 02, 2011

Leon Biegalski, Director
Division of Pari-Mutuel Wagering
1940 Monroe Street
Tallahassee, Florida 32399-0550

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DIVISION OF
PARI-MUTUEL WAG

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	11/4/2011
File #	

In Re, PARI-MUTUEL WAGERING RULES:
61D-2.009. Ineligible or Disqualified Jai Alai Player or Racing Animal.

Dear Mr. Biegalski :

With the objective of strengthening the integrity and cost effective enforcement of the rules that govern the important thoroughbred sector of Florida's pari-mutuel industry, we are herein requesting your full consideration of a proposed modification of the eligibility protocols and licensing procedures that determine eligibility of a racing animal to enter or start a race.

The existing rule, as amended on June 26th, 2011 is reprinted below

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

- (1) No person shall enter or cause to be entered, or start, a jai alai player or racing animal which is ineligible or has been 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.
- (3) Any person who does not possess a current occupational license shall be ineligible to enter any racing animal in any race in this state.
- (4) The racing secretary or his/her designee shall be responsible for ensuring that owners of racing animals are licensed prior to allowing the entry of any racing animal into a scheduled pari-mutuel race.

Rulemaking Authority 550.0251(3), 550.105(2)(b), 550.2415(7)(a), (12) FS. Law Implemented 550.0251, 550.105, 550.235 FS. History—New 10-20-96, Amended 4-12-06, 6-26-11.

We recognize that this rule was promulgated to insure that no ineligible or disqualified racing animal is entered into or starts a race without careful vetting of the requisite qualifications. . At the same time, we are fully aware that the current procedures, while effective, are not only costly for the Division to administer and but also inadvertently constrain the ability of pari-mutuel managers, horse owners and trainers to completely fill race cards because of scheduling variables that are outside their full control . The importance of sustaining full race cards cannot be overstated when it comes to enhancing state tax revenues derived from the betting public. In simple terms, full race cards ensure that the races are more competitive and therefore more

likely to generate significant betting pools.

Under the present rules, it is sometimes difficult to start more than a minimum number of horses, even though they have met every DP-MW qualification requirement. Absent the requisite documentation, these racing animals, of course, may not start. Even assuming that the need to minimize the racing occupational license timeframes to functional levels was fully supported, the additional costs of increasing the number of qualified personnel working directly for Racing Secretary would be clearly prohibitive, especially in light of recent public sector cutbacks.

Resolution of this problem needs a *de minimus* change to Rule 61D-2.009 that would effectively add another class of persons who could, under strict guidelines, determine the qualifications and eligibility of a racing animal to start a race.

This proposed rule modification is shown below.

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

- (1) No person shall enter or cause to be entered, or start, a jai alai player or racing animal which is ineligible or has been disqualified. [no change to existing DP-MW rule]
- (2) Any person who does not possess a current occupational license shall be ineligible to participate in any racing animal in any race in this state. [no change to existing DP-MW rule]
- (3) Any person who does not possess a current occupational license shall be ineligible to enter any racing animal in any race in this state [no change to existing DP-MW rule]
- (4) The racing secretary or his/her designee shall be responsible for ensuring that owners of racing animals are licensed prior to allowing the entry of any racing animal into a scheduled pari-mutuel race. [DP-MW existing rule]

Proposed Substitute Language

(4) " The racing secretary or his/her designee or the Owner/Manager of a Pari-Mutuel facility shall ensure that all racing animals are licensed prior to the start of a scheduled pari-mutuel race. In the case of the racing of an animal authorized by a Pari-Mutual Licensee, that person(s) shall assume full responsibility for the Licensure and Entry requirements. Failure of the Licensee to secure the requisite qualifications of a racing animal prior to the start of any race shall result in a fine, payable by the Licensee. Willful racing of unauthorized animals may result in a further sanction by a fine or removal of the delegated authority."

We firmly believe that this proposed change will ensure the twin objectives of maintaining the integrity of the eligibility and qualifications procedures and provide needed flexibility to meet these requirements without adding additional costs to the DP-MW. We would support those minor changes to this proposal that would accomplish the same objectives.
Thank you for your consideration of this request.



Sincerely,

Calder Race Track

Gulfstream Park

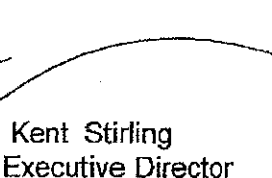
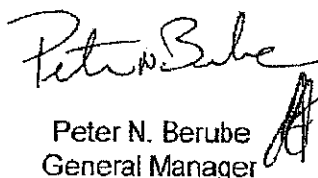
Tampa Bay Downs

Florida HBPA



John Marshall,
President

Tim Ritvo,
President



Peter N. Berube
General Manager

Kent Stirling
Executive Director