

PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT

**CHAPTER 61D-11  
PARI-MUTUEL FACILITY CARDROOM OPERATIONS**

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**61D-11.001 Definitions.**

(1) “Activity related to cardroom operations” or “cardroom activity” means:

~~(a) Includes any and all activities related to the operation of the cardroom, including activities that require a person to come in contact with or work within the cardroom gaming area, All aspects of cardroom management, all aspects of record keeping, all aspects of administration, all aspects of supervision, all aspects of cardroom play, and all activities that support card playing or games of dominoes; and the cardroom operation in any way, unless such activity is specifically excluded from this definition.~~

(b) The collection, counting and exchange of bets and revenue associated with card playing or games of dominoes. Does not include the following:

- ~~1. Incidental transit through the cardroom gaming area during which time the individual in no way:
  - ~~a. Comes into contact with cardroom furnishings, table tops, patrons or patrons’ property, lockboxes or similar secured items, surveillance equipment or associated support equipment, surrounding structure for any incidental duty that enables in any way unrestricted access to the above-listed items, or~~
  - ~~b. Takes part in, officiates, or observes cardroom activity.~~~~
- ~~2. Incidental maintenance work performed under the direct and constant visual supervision of an individual possessing a current cardroom or pari-mutuel/cardroom combination license, or~~
- ~~3. Food service employees who perform duties that do not at any time require the employee’s presence within the cardroom area.~~
- ~~4. Promotional support employees who participate in a limited event but do not:
  - ~~a. Influence the operations of the cardroom, or~~
  - ~~b. Come in contact with money, chips, cards, or dominoes held by the house or other participants in the tournament, or~~
  - ~~c. Work in the cardroom for more than 10 days per event and not more than two events in a state fiscal year.~~~~

~~Such promotional support employees are not prohibited from participating as players in a tournament.~~

(2) through (40) No change.

(41) Sunset Provision: In order to ensure the ongoing necessity of division rules, this rule shall sunset and cease to be effective five years following the rule’s effective date, unless, prior to that deadline, the division adopts an amendment to the deadline in this sunset provision.

*Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended 5-9-04, 9-7-08, 7-21-14, 1-2-18, \_\_\_\_\_.*

### **61D-11.008 Cardroom Business Occupational License.**

(1) As part of the initial application or renewal for a cardroom business occupational license provided in Section 849.086, F.S., an applicant shall submit the following:

(a) ~~To apply for an initial cardroom business license, a complete Form DBPR PMW-3130, Business Occupational License Application, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at [www.dbpr.state.fl.us/pari-mutuel-wagering/](http://www.dbpr.state.fl.us/pari-mutuel-wagering/) [www.myfloridalicense.com/dbpr/pmw](http://www.myfloridalicense.com/dbpr/pmw), or by contacting the Department of Business and Professional Regulation at 2601 Blair Stone Road, Tallahassee, Florida 32399-1037.1035;~~

~~(b) To renew a cardroom business license, a complete Form DBPR PMW-3135, Business Occupational License Renewal Application, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at [www.myfloridalicense.com/dbpr/pmw](http://www.myfloridalicense.com/dbpr/pmw), or by contacting the Department of Business and Professional Regulation at 2601 Blair Stone Road, Tallahassee, Florida 32399-1035;~~

~~(b)(e) The \$500.00 licensing fee for a three-year license; and;~~

~~(c)(d) A complete set of fingerprints and the fingerprint fee for each officer, director and manager. Also, for businesses with shareholders, a complete set of fingerprints and the fingerprint fee for each shareholder holding 10 percent or more interest in the business. The complete set of fingerprints and the fingerprint fee submitted must comply with the following: A complete set of fingerprints for each officer, director, and shareholder holding 10 percent or more interest in the cardroom business on an applicant fingerprint card or via a live scan device, and the fingerprint processing fees as established by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, upon initial application, and every three years thereafter.~~

1. Each set of fingerprints must be submitted to the division either on an FD-258 fingerprint card or via a livescan device. Each applicant sending fingerprints via a livescan device must provide the Florida Department of Law Enforcement (FDLE) approved livescan service provider the correct Originating Agency Identifier (ORI) number, which is FL920630Z, in order for the division to receive his or her fingerprint results.

2. For each set of fingerprints, the appropriate fingerprint processing fee, as established by FDLE and the Federal Bureau of Investigation, shall be paid by the applicant to the livescan service provider as part of the initial or renewal application.

(d) All individuals identified in subsection (1)(c) above shall complete a Form DBPR PMW-3100, Disclosure for Individuals Related to a Business, <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective (Month Year), which is adopted herein by reference. The form can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037.

(2) A business applicant shall be subject to denial of its initial or renewal application as outlined in Section 849.086(6), F.S., based on the disqualifying criminal convictions, civil judgments or discipline history in Florida or other racing jurisdictions of the business entity or the individuals associated with the business identified in subsection (1)(c). A business applicant who is subject to denial of its business application may seek a waiver from the Division Director. A request for waiver of any disqualifying factors in an application that would otherwise be grounds for denial of a license application shall be made on Form DBPR PMW-3180, Request for Waiver, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at

www.dbpr.state.fl.us/pari-mutuel-wagering/, or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037. The division will process any Request for Waiver upon receipt of a complete application according to Section 120.60(1), F.S.

(3) All individuals associated with an applicant for a Cardroom Business Occupational License who require access to the cardroom shall be required to hold a valid Cardroom Employee Occupational License issued by the division. Individuals who hold a valid Cardroom Employee Occupational License issued by the division shall not be required to provide a form DBPR PMW-3100 or resubmit fingerprints as part of an initial or renewal application for a Cardroom Business Occupational License.

(4)(2) A business entity may not be issued or possess a cardroom business occupational license in this state if the corporation, partnership, or business entity, or applicant for or holder of the business entity license has been convicted of a felony or misdemeanor involving forgery, larceny, extortion, or conspiracy to defraud, or filing false reports to a government agency, racing or gaming official in this state or any other state or under the laws of the United States; or a felony or misdemeanor set forth in Section 550.105, F.S.

(5)(3) Sworn Florida Law Enforcement officers are exempt from the fingerprint requirement in subsection (1)(c) above.

(6)(4) Cardroom Business Occupational Licenses issued and renewed pursuant to Section 849.086, F.S., shall have an effective date of July 1st and shall be valid for a period of three fiscal years. Applications for a cardroom business occupational license shall be submitted between May 1st and June 30th for the license period beginning July 1st of the next fiscal year. Applications received outside of this period shall have an effective date beginning July 1st of the same state fiscal year in which the application was received.

(7) All licensing and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error or the applicant withdraws the application before processing begins.

(8) A request to upgrade a Cardroom Business Occupational License shall be made on Form DBPR PMW-3430, License Upgrade Application, adopted by reference in Rule 61D-14.005, F.A.C., and can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037. A license upgrade shall be granted or denied within 30 days of receipt of a completed Form DBPR PMW-3430 and any applicable fee. A License Upgrade Application shall lapse and no longer be processed by the division, if the applicant fails to provide the division with a complete application within 120 days of a notice issued by the division pursuant to section 120.60(1), F.S. An applicant seeking a license upgrade following the lapse of their previous application shall be required to reapply by submitting a completed Form DBPR PMW-3430 and any applicable fee.

(9) A license application shall lapse and no longer be processed by the division, if the applicant fails to provide the division with a complete application within 120 days of a notice issued by the division pursuant to section 120.60(1), F.S. A person with a lapsed license application shall not be eligible to participate in activities that require an occupational license. An applicant seeking a cardroom occupational license as an initial or renewal applicant following the lapse of their previous license application shall be required to reapply by submitting all materials and fees required in subsection (1) above.

(10) Any business whose occupational license has expired and who seeks a subsequent occupational license:

(a) Within one year of the expiration of the license, shall be considered an applicant for renewal of that license;

(b) Longer than one year after expiration of the license shall be considered an initial applicant for an occupational license.

(11) Sunset Provision: In order to ensure the ongoing necessity of division rules, this rule shall sunset and cease to be effective five years following the rule's effective date, unless, prior to that deadline, the division adopts an amendment to the deadline in this sunset provision.

*Rulemaking Authority 550.0251(12), 550.105(2)(b), 849.086(4)(a), (6)(d), (f) FS. Law Implemented 849.086(6) FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, 9-7-08, 7-21-14, \_\_\_\_\_.*

**61D-11.009 Cardroom Employee Occupational License and ~~Pari-Mutuel/Cardroom Combination License.~~**

~~(1) Food service personnel, maintenance personnel, security personnel, mutuels teller personnel, and permitholder management who possess a current pari-mutuel license and who wish to conduct any activity related to cardroom operations or conduct cardroom activities within the cardroom area for any purpose shall notify the division by completing and submitting Form DBPR PMW-3170, License Upgrade Application, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at [www.myfloridalicense.com/dbpr/pmw](http://www.myfloridalicense.com/dbpr/pmw), or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399. Upon receipt, the division shall provide a new copy of the licensee's current license to the licensee, indicating the license is sufficient for both the pari-mutuel and cardroom operations.~~

(1)(2) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, brush, chip counter, sorter, poker room host/hostess, surveillance operator, cashier, dealer, or any other activity related to cardroom operations while the facility is conducting card playing or games of dominoes  
~~Food service personnel, maintenance personnel, security personnel, mutuels teller personnel, and permitholder management who do not possess a current pari-mutuel license and who wish to conduct any activity related to cardroom operations or conduct cardroom activities within the cardroom area for any purpose shall apply for or renew a cardroom occupational license by completing and submitting the following:~~

~~(a) A complete Form DBPR PMW-3120, Individual Occupational License Application, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at [www.dbpr.state.fl.us/pari-mutuel-wagering/www.myfloridalicense.com/dbpr/pmw](http://www.dbpr.state.fl.us/pari-mutuel-wagering/www.myfloridalicense.com/dbpr/pmw), or by contacting the Department of Business and Professional Regulation at 2601 Blair Stone Road, Tallahassee, Florida 32399-1037-1035, for an initial cardroom employee license;~~

(b) A complete set of fingerprints and the fingerprint fee:

1. Each set of fingerprints must be submitted to the division either on an FD-258 fingerprint card or via a livescan device. Each applicant sending fingerprints via a livescan device must provide the Florida Department of Law Enforcement (FDLE) approved livescan service provider the correct Originating Agency Identifier (ORI) number, which is FL920630Z, in order for the division to receive his or her fingerprint results.

2. For each set of fingerprints, the appropriate fingerprint processing fee, as established by FDLE and the Federal Bureau of Investigation, shall be paid by the applicant to the livescan service provider as part of the

initial or renewal application.

~~A complete set of fingerprints on an applicant fingerprint card or via a live scan device, and the fingerprint processing fee as established by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, upon initial application and every three years thereafter;~~

~~(c) The cardroom employee occupational license fee, unless qualified pursuant to Sections 205.171 and 1.01, F.S., of:~~

- ~~1. \$100.00 \$120.00 for a three-year cardroom employee occupational license, ;~~
- ~~2. \$80.00 for a three year pari-mutuel/cardroom supervisor combination license, or~~
- ~~3. \$15.00 for a three-year pari-mutuel/cardroom employee combination license.~~

~~(2)(3) Sworn Florida Law Enforcement officers are exempt from the fingerprint requirement of subsection (1)(b) above.~~

~~(3)(4) All occupational and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error or the applicant withdraws the application before processing begins.~~

~~(4)(5) Request for wWaiver of any disqualifying factors in an application that would otherwise be grounds for denial of ~~disapproving~~ the license application shall be made on Form DBPR PMW-3180, Request for Waiver, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at [www.dbpr.state.fl.us/pari-mutuel-wagering/](http://www.dbpr.state.fl.us/pari-mutuel-wagering/) [www.myfloridalicense.com/dbpr/pmw](http://www.myfloridalicense.com/dbpr/pmw), or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037. The division will process any Request for Waiver upon receipt of a complete application according to Section 120.60(1), F.S.~~

~~(5)(6) Cardroom Employee Occupational Licenses and pari-mutuel/cardroom combination licenses issued and renewed pursuant to Section 849.086, F.S., shall have an effective date of July 1st and shall be valid for a period of three fiscal years. Initial and renewal applications ~~Applications~~ for a an initial Cardroom Employee Occupational License and pari-mutuel/cardroom combination license shall be submitted between May 1st and June 30th for the license period beginning July 1st of the next fiscal year. Applications received outside of this period shall have an effective date beginning July 1st of the same state fiscal year in which the application was received.~~

~~(6) Food service, maintenance, and security employees with a valid pari-mutuel occupational license will not be required to hold a Cardroom Employee Occupational License.~~

~~(7) An individual identified in Rule 61D-11.008(1)(c), F.A.C., may be required to hold a Pari-Mutuel Professional Occupational License pursuant to Section 550.105, F.S., and a Cardroom Employee Occupational License pursuant to 849.086(6), F.S. These individuals may seek both licenses by submitting only the items required in subsection (1) of this rule and identifying that they intend to seek both licenses on Form DBPR PMW-3120, Individual Occupational License Application, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at [www.dbpr.state.fl.us/pari-mutuel-wagering/](http://www.dbpr.state.fl.us/pari-mutuel-wagering/), or by contacting the Department of Business and Professional Regulation at 2601 Blair Stone Road, Tallahassee, Florida 32399-1037. If the division grants the application for licensure, it shall issue both a Pari-Mutuel Professional Occupational License and a Cardroom Employee Occupational License to the applicant.~~

~~(8)(7) All cardroom employee occupational licensees shall wear their photo identification, issued pursuant to subsection 61D-11.012(9), F.A.C., while on duty. A cardroom employee shall not attempt to hide his or her photo identification from any patron or from surveillance cameras.~~

(9)(8) Cardroom occupational licensees shall may have the option to only wear a facility issued employee photo identification card if the employee has the Cardroom Employee Occupational License on their person at all times.

(10) A request to upgrade a Cardroom Employee Occupational License shall be made on Form DBPR PMW-3430, License Upgrade Application, adopted by reference in Rule 61D-14.005, F.A.C., and can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037. A license upgrade shall be granted or denied within 30 days of receipt of a completed Form DBPR PMW-3430 and any applicable fee. A License Upgrade Application shall lapse and no longer be processed by the division, if the applicant fails to provide the division with a complete application within 120 days of a notice issued by the division pursuant to section 120.60(1), F.S. An applicant seeking a license upgrade following the lapse of their previous application shall be required to reapply by submitting a completed Form DBPR PMW-3430 and any applicable fee.

(11) A license application shall lapse and no longer be processed by the division, if the applicant fails to provide the division with a complete application within 120 days of a notice issued by the division pursuant to section 120.60(1), F.S. A person with a lapsed license application shall not be eligible to participate in activities that require an occupational license. An applicant seeking a cardroom occupational license as an initial or renewal applicant following the lapse of their previous license application shall be required to reapply by submitting all materials and fees required in subsection (1) above.

(12) Any person whose occupational license has expired and who seeks a subsequent occupational license:  
(a) Within one year of the expiration of the license, shall be considered an applicant for renewal of that license;

(b) Longer than one year after expiration of the license shall be considered an initial applicant for an occupational license.

(13) Sunset Provision: In order to ensure the ongoing necessity of division rules, this rule shall sunset and cease to be effective five years following the rule's effective date, unless, prior to that deadline, the division adopts an amendment to the deadline in this sunset provision.

*Rulemaking Authority 550.0251(12), 550.105(2)(b), 849.086(4)(a), (6)(d), (f) FS. Law Implemented 849.086(6) FS. History—New 1-7-97, Amended 5-9-04, 3-4-07, 9-7-08, 7-21-14, 1-2-18, \_\_\_\_\_.*

#### **61D-11.0101 Temporary Cardroom Occupational License.**

(1) The division shall issue a temporary occupational license within 30 days of receipt of the application submitted pursuant to Rule 61D-11.008 or Rule 61D-11.009, F.A.C., when the following conditions are met:

(a) The applicant has submitted a completed Form DBPR PMW-3120 or Form DBPR PMW-3130, adopted by reference in Rule 61D-5.001, F.A.C., and has paid all applicable licensing and fingerprint fees;

(b) The applicant is in good standing and not under suspension or ineligible in Florida or any other racing jurisdiction;

(c) The division has not issued the applicant's occupational license; and

(d) If the applicant has previously applied to the division for a license, the applicant's most recent application prior to the current application for licensure did not lapse pursuant to Rule 61D-11.008 or Rule

61D-11.009, F.A.C.

(2) All temporary licenses issued by the division are subject to the same provisions of Section 849.086, F.S. and Chapter 61D-11, F.A.C., as cardroom occupational licenses and shall be immediately surrendered and considered void if the division:

(a) Receives from the holder of a temporary license a Form DBPR PMW-3180, Request for Waiver, adopted by reference in Rule 61D-5.001, F.A.C, regarding disqualifying factors in their license application that would otherwise be grounds for denial of the license application;

(b) Grants the applicant a cardroom occupational license;

(c) Issues a letter of its intent to deny the application for a cardroom occupational license;

(d) Denies the applicant a cardroom license; or

(e) Finds the applicant in violation of Section 849.086, F.S., or Chapter 61D-11, F.A.C.

(3) A holder of a temporary occupational license which has been voided according to subsection (2) above shall cease all activity requiring the possession of an occupational license.

(4) An applicant who is not eligible for a temporary license is not prevented from applying for an occupational license referenced in Rules 61D-11.008 and 61D-11.009, F.A.C.

(5) Only one temporary license shall be issued to any applicant in any state fiscal year.

(6) A temporary license is valid for no more than 90 calendar days from the date of issuance.

(7) Sunset Provision: In order to ensure the ongoing necessity of division rules, this rule shall sunset and cease to be effective five years following the rule's effective date, unless, prior to that deadline, the division adopts an amendment to the deadline in this sunset provision.

Rulemaking Authority 550.0251(12), 849.086(4), (6) FS. Law Implemented 849.086 FS. History—  
New \_\_\_\_\_.