

61D-6.006 Procedures Relating to Split Samples.

The following procedures shall be followed when requesting a portion of an official sample for analysis at an independent ~~another~~ laboratory:

(1) A trainer of record or owner of a racehorse or racing greyhound who has received a report of positive result may request that a split sample analysis be conducted of the corresponding portion of the specimen analyzed by the primary racing laboratory under contract with the division be sent to an independent laboratory approved by the division. The request must be made in writing or on Form DBPR PMW-3290, Split Sample Request, effective _____, adopted herein by reference, 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 32399-1035, and submitted by certified mail or hand delivery to the State Steward, Division Hearing Officer, or the Division's Office of the General Counsel no later than ten (10) business days after receipt of the report of positive result. Requests shall be made in writing or on Form DBPR PMW 3290, Notification to Stewards/Judges of Split Sample Request, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and shall be submitted to the division's steward or judge by certified mail, return receipt, or by hand delivery, within 10 calendar days after the trainer or owner has received written notification of the results of the laboratory under contract with the division from the stewards or judges or the division's Office of Operations.

(2) The party requesting the split sample shall select an independent laboratory from a list of laboratories approved by the Division division to perform the split sample analysis. Said party shall notify the laboratory of his/her choice, confirm its ability to test the suspect sample and make arrangements for the payment of all charges incurred with testing. The party requesting a split sample analysis shall bear all costs of the analysis.

(3) Failure to request a split sample or failure to select and make arrangements, including payment for services, with an approved independent laboratory within ten (10) calendar days after receiving written notification from Office of Operations, stewards or judges, of the report of positive results from the primary racing laboratory under contract with the division shall constitute a waiver of the right to a split sample. Failure to pay the independent laboratory in full for split sample analysis within 10 days of receipt of the request by the Division shall constitute a waiver of the right to a split sample.

(4) Upon receipt of the split sample request, the Division Whenever a split sample is requested, the stewards or judges shall promptly notify the Office of Operations, which in turn shall notify the primary laboratory under contract with the division of the request, identifying only the number on the sample container from which the split sample is to be taken, and the independent laboratory which has been selected, the volume requested by the independent laboratory, and the primary laboratory's internal tracking number. The primary racing laboratory under contract with the division shall send the split sample to the independent laboratory selected within ten (10) calendar days of receiving the request.

(5) The request of a split sample shall operate as a stay of any hearing before the stewards or judges until the analysis of the split sample has been completed. Failure by the requestor to pay the independent laboratory for a split sample test shall not operate as a stay of any hearing before the stewards or judges.

(6) If the approved independent laboratory confirms the findings of the laboratory under contract with the division, the division is authorized to proceed with administrative action against any affected licensees pursuant to this chapter and the Florida Statutes. If a request for a split sample is made and there is an insufficient quantity of the official sample remaining for analysis by the approved independent laboratory, the division may still proceed with administrative action against any affected licensees based upon the findings of the laboratory under contract with the division, provided that the division has made a good faith effort to obtain and retain a sufficient quantity of sample during collection and testing of the sample.

Rulemaking Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(5), (12) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, 6-26-11.