

**61D-6.012 Penalty Guidelines for Class I-V Drug Violations in Greyhounds.**

(1) The penalties in this rule shall be imposed when the division finds that the following substances have been identified by the state laboratory in a urine sample or blood sample collected from a greyhound participating in a pari-mutuel event:

(a) Any drug or medication that:

1. Is not approved for veterinary use in the United States by the Food and Drug Administration;
2. Cannot be detected by the state laboratory in a urine or blood sample unless the medication was administered within 24 hours of the race; or
3. Is detected in urine or blood concentrations that indicate a level of dosage that would constitute a threat to the health and safety of the greyhound.

- |  |   |
|--|---|
| a. First violation <u>of this chapter</u>          | \$1,000 to \$2,500 fine and suspension of license <del>zero up</del> to one year, or revocation of license; |
| b. Any subsequent violation <u>of this chapter</u> | \$2,500 to \$5,000 fine and revocation of license.  |

(2) The penalty for any medication or drug which is not described in subsection (1) above shall be based upon the classification of the medication or drug found in the Uniform Classification Guidelines for Foreign Substances, revised ~~December 2014~~ ~~January 2010~~, as promulgated by the Association of Racing Commissioners International, Inc., which is hereby incorporated and adopted by reference, <https://www.flrules.org/gateway/reference.asp?No=Ref-00309>. A copy of this document may be obtained at [www.myfloridalicense.com/dbpr/pmw](http://www.myfloridalicense.com/dbpr/pmw) or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The penalty schedule shall be as follows:

(a) Class I ~~impermissible~~ substances:

- |  |   |
|--|---|
| 1. First violation <u>of this chapter</u>          | \$500 to \$1,000 fine and suspension of license <del>zero up</del> to one year, or revocation of license; |
| 2. Any subsequent violation <u>of this chapter</u> | \$1,000 to \$5,000 fine and suspension of license no less than one year, or revocation of license.        |

(b) Class II ~~impermissible~~ substances:

- |   |   |
|---|---|
| 1. First violation <u>of this chapter</u>   | \$100 to \$1,000 fine and suspension of license <del>zero up</del> to 30 days;                  |
| 2. Second violation <u>of this chapter</u> <del>within 36 months of a previous violation</del>  | \$250 to \$1,000 fine and suspension of license no less than 30 days, or revocation of license; |
| 3. Third violation <del>within 36 months of a second violation, or a fourth</del> or any subsequent violation <u>of this chapter</u> <del>without regard to the time past since the third violation</del> | \$500 to \$1,000 fine and suspension of license no less than 60 days, or revocation of license. |

(c) Class III ~~impermissible~~ substances:

- |   |  |
|---|--|
| 1. First violation <u>of this chapter</u>   | \$50 to \$500 fine;  |
| 2. Second violation <u>of this chapter</u> <del>within 12 months of a previous violation</del>  | \$150 to \$750 fine and suspension of license <del>zero up</del> to 30 days;   |
| 3. Third violation <del>within 24 months of a second violation, or a fourth</del> or any subsequent violation <u>of this chapter</u> <del>without regard to the time past since the third violation</del> | \$250 to \$1,000 fine and suspension of license <del>zero up</del> to 60 days. |

(d) Class IV or V ~~impermissible~~ substances:

- |   |  |
|---|--|
| 1. First violation <u>of this chapter</u>   | \$50 to \$250 fine;  |
| 2. Second violation <u>of this chapter</u> <del>in a 12 month period</del>              | \$100 to \$500 fine;   |
| 3. Third or subsequent violation <u>of this chapter</u> <del>in a 12 month period</del> | \$200 to \$1,000 fine and suspension of license <del>zero up</del> to 30 days. |

(3) Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

(1) The impact of the offense to the integrity of the pari-mutuel industry.

(2) The danger to the public and/or racing animals.

(3) The number of repetitions of offenses.

(4) The time periods between offenses.

(4) The number of complaints filed against the licensee or permitholder, which have resulted in prior discipline.

(5) The length of time the licensee or permitholder has practiced.

(6) The deterrent effect of the penalty imposed.

(7) Any efforts at rehabilitation.

(8) Any other mitigating or aggravating circumstances.

~~(4)(3)~~ Absent mitigating circumstances, the division judge or the division shall order the return of any purse, prize, or award from any pari-mutuel event for redistribution when a positive test for a drug or medication described in paragraph (1)(a), (1)(b), (1)(c), (2)(a), or (2)(b) is reported by the state laboratory and confirmed through the hearing process.

~~(5)(4)~~ The judges or the division shall specify in writing the reasons for requiring the return of any purse, prize, or award for redistribution when the positive test of a drug or medication reported by the state laboratory is not described in paragraph (1)(a), (1)(b), (1)(c), (2)(a), or (2)(b) of this rule.

~~(6)(5)~~ Nothing in this rule modifies the provisions of Rule 61D-6.008 or 61D-3.002, F.A.C., or rules promulgated under Section 550.2415, F.S.

*Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History—New 6-26-11.*