

RULE WORKSHOP AGENDA

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

**Time, Date & Place
of Meeting:** FEBRUARY 1, 2017- 2:00 P.M. – 5:00 P.M.

ZORA NEALE HURSTON BUILDING CONFERENCE ROOM, 400
W. ROBINSON STREET, HURSTON BUILDING, NORTH TOWER,
ORLANDO FL

THIS MEETING IS OPEN TO THE PUBLIC

Agenda:

- I. Call to Order and Opening Remarks
- II. Public Input on Rule 61D-6.011: Penalty Guidelines for Class I-V Drug Violations in Horses
- III. Closing Remarks

Draft Rule Language

61D-6.011 Penalty Guidelines for Class I-V Drug Violations in Horses.

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

(a) Any medication listed in rule subsection 61D-6.008(2), F.A.C.

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| 1. First violation of this chapter | \$500 to \$1,000 fine and suspension of license zero to 15 days; |
| 2. Second violation of this chapter | \$1,000 to \$2,500 fine and suspension of license zero to 60 days, or revocation of license; |
| 3. Third <u>or subsequent</u> violation of this chapter | \$2,500 to \$5,000 fine and suspension of license zero to 180 days, or revocation of license. |

(b) Any 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 horse.

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| a. First violation of this chapter | \$1,000 to \$2,500 fine and suspension of license 60 days to one year, or revocation of license; |
| b. Any subsequent violation of this chapter | \$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, as promulgated by the Association of Racing Commissioners International, Inc., which is hereby incorporated and adopted herein by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-06400>, www.myfloridalicense.com/dbpr/pmw or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399.

The penalty schedule shall be as follows:

(a) Class I substances:

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| 1. First violation of this chapter | \$3,000 to \$5,000 fine and suspension of license 90 days to one year, or revocation of license; |
| 2. Second violation of this chapter | \$4,000 to \$5,000 fine and suspension of license of no less than one year, or revocation of license. |
| 3. Third or subsequent violation of this chapter | \$5,000 to \$10,000 fine and revocation of license. |

(b) Class II substances:

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| 1. First violation of this chapter | \$250 to \$1,000 fine and suspension of license zero to 180 days; |
| 2. Second violation of this chapter | \$500 to \$1,000 fine and suspension of license of no less than 180 days, or revocation of license; |
| 3. Third or subsequent violation of this chapter | \$1,000 to \$5,000 fine and suspension of license of no less than one year, or revocation of license. |

(c) Class III substances:

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| 1. First violation of this chapter | \$300 to \$500 fine; |
| 2. Second violation of this chapter | \$500 to \$750 fine and suspension of license zero to 30 days, or revocation of license; |
| 3. Third or subsequent violation of this chapter | \$750 to \$1,000 fine and suspension of license zero to 180 days, or revocation of license. |

(d) Class IV or V substances:

1. First violation of this chapter \$100 to \$250 fine;
2. Second violation of this chapter \$250 to \$500 fine and suspension of license zero to 10 days;
3. Third or subsequent violation of this chapter \$500 to \$1,000 fine and suspension of license zero to 60 days.

(3) The Division may consider mitigation or aggravation to deviate from these penalty guidelines.

(4) Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include the following:

- (a) The impact of the offense to the integrity of the pari-mutuel industry.
- (b) The danger to the public and/or racing animals.
- (c) The number of repetitions of offenses.
- (d) The time periods between offenses.
- (e) The number of complaints filed against the licensee or permitholder, which have resulted in prior discipline.
- (f) The length of time the licensee or permitholder has practiced.
- (g) The deterrent effect of the penalty imposed.
- (h) Any efforts at rehabilitation.
- (i) Any other relevant mitigating or aggravating circumstances.

(5) Absent mitigating circumstances, the stewards 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 paragraphs (1)(a), (1)(b), (2)(a), or (2)(b) is reported by the state laboratory and confirmed through the hearing process.

(6) The stewards or the Division may order 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 paragraphs (1)(a), (1)(b), (2)(a), or (2)(b) of this rule. In the event the stewards or Division orders the return of the purse, prize, or award for redistribution as described in this subsection, the reason(s) for the redistribution shall be provided in writing.

(7) An owner or trainer who fails to return the purse, prize, or award for redistribution within 60 days of the order is in violation of this rule and may be subject to further administrative action.

(8) 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, 550.2415 FS. History—New 1-5-98, Amended 2-8-01, 3-4-07, 6-26-11, 1-10-16, _____.

CONTACT INFORMATION:

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