

Supplemental Meeting
Materials for 4/3/2024
for
Item # 1.

1. Discussion of rulemaking for Greyhound rules

CHAPTER 75-2 ENFORCEMENT

75-2.001	General Definitions
75-2.002	Toe Grabs
75-2.003	Knowingly Interfering With Division Duties
75-2.004	Wagering Prohibitions
75-2.005	Violations
75-2.006	Electrical or Mechanical Device Prohibition
75-2.009	Ineligible or Disqualified Jai Alai Player or Racing Animal
75-2.010	Photofinish Camera and Video Tape Requirement
75-2.011	Post Position Drawing Requirement
75-2.012	Racing Animal Identification
75-2.016	Altered Identification Exclusion
75-2.020	Pari-Mutuel Wagering Racing and Game Officials
75-2.021	Aggravating and Mitigating Circumstances
75-2.022	Use of Whips
75-2.023	Animal Welfare
75-2.024	Track General Rules
75-2.025	Race General Rules
75-2.027	Performances

75-2.001 General Definitions.

(1) "Board of Relief" means the panel composed of three permitholder officers charged with disbursing monies deposited into the Board of Relief fund to occupational license holders and their immediate families.

(2) "Bookmaker" means a person, other than an authorized betting messenger, who takes or receives wagers as described in Section 849.25, F.S.

(3) "Condition book" means a document published by the permitholder which sets out conditions, purses, and descriptions of future races for the meeting.

(4) "Conditions" means criteria prepared by the racing secretary to establish guidelines for the makeup of all races.

(5) "Contest" means a race or game between horses, greyhounds, or players for purses, stakes, or reward on any licensed race course or fronton and conducted in the presence of judges or stewards.

(6) "Detention enclosure" means that area of the permitholder's grounds specifically set aside for the collection of racing animal blood, urine or other fluids.

(7) "Director" means the Director of the Florida Gaming Control Commission, Division of Pari-Mutuel Wagering.

(8) "Ownership interest" means any person, corporation, or other business entity who holds in whole or part any right, title, or interest in a permitholder or application of permit.

(9) "Paddock" means the secure and restricted area designated by the permitholder for the activities associated with racing, excluding the stable areas.

(10) "Permitholder" means any person, persons or entity holding a permit issued by the division for a pari-mutuel facility.

(11) "Permitholder employee" means any employee of the permitholder, including, but not limited to, any admission employee, clerical help, security guard, maintenance employee, mutuel employee, parking employee, public relations staff person, and any switchboard, general track or fronton employee.

(12) "Permitholder license" means an annual license issued by the division to conduct pari-mutuel operations at a location specified in the permit for a specific type of pari-mutuel event specified in the permit.

(13) "Post position" means the position assigned to a racing animal or player for the start of a race or game.

(14) "Post time" means the scheduled start of the contest.

(15) "Race" means a contest for purse, stakes or entry fees, on an approved course, and in the presence of duly appointed racing officials.

(16) "Race day" means the calendar day on which the race begins.

(17) “Stable name” means the name used by any configuration of licensed owners other than the individual licensee’s name under which the owners race a horse or horses.

(18) “State office” means the division office located at each pari-mutuel facility.

(19) “Tote” or “tote board” means the device used to display pari-mutuel information to the public.

(20) “Vendor” means any business or person providing goods or services to a contractual concessionaire, pari-mutuel licensee, or pari-mutuel permitholder when the goods or services provided require the vendor’s employees to be on the stable backside ~~or kennel compound~~ and come into contact with players, racing animals, or provide direct services for the support of players or racing animals at any time during any time a pari-mutuel facility is open for pari-mutuel wagering. Vendors do not include medical professionals, blacksmiths or platers.

(21) “Wagering area” means the area designated for conducting any wagering transactions.

Rulemaking Authority 550.0251(3), (5), ~~(8)(b), (12)~~, 550.105(2)(b), 550.155(1), 550.1815(5), ~~550.2415(13), 550.2415(12)~~, 550.2625(2)(d), 550.3551(10), 550.3615(5), 550.495(2)(a), (4), 550.6305(5) FS. Law Implemented 550.0251, 550.054, 550.105, 550.155, 550.1815, 550.2415, 550.2625, 550.3551, 550.3615, 550.495, 550.6305 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, _____, Formerly 61D-2.001.

75-2.002 Toe Grabs.

Toe grabs with a height greater than two millimeters, bends, jar calks, stickers, and any other traction device worn on the front shoes of thoroughbred horses while racing or training on all racing surfaces at a pari-mutuel facility in Florida are prohibited.

Rulemaking Authority 550.0251 FS. Law Implemented 550.0251(3), (11) FS. History—New 12-30-08, Formerly 61D-2.002.

75-2.003 Knowingly Interfering With Division Duties.

No person shall knowingly engage in conduct that resists, obstructs, or opposes a division employee in the performance of his or her duties and responsibilities on the permitholder’s premises.

Rulemaking Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 6-12-97, Formerly 61D-2.003.

75-2.004 Wagering Prohibitions.

(1) No jai alai player or game official, racing official, assistant to a game or racing official, or totalisator employee, ~~or greyhound leadout~~ shall wager on or receive the benefits from a wager of any live race or game conducted at a track or fronton at which he/she works or officiates.

(2) No jockey, jockey’s room attendant, valet, or harness driver shall wager on or receive the benefits of a wager on a race unless the owner or trainer, on behalf of the jockey or driver, makes the wager only to win or to finish first in combination with other horses. Jockeys and drivers must maintain for one year records of wagers made by the owners or trainers on their behalf and must make the records available to the stewards or to the division upon request.

(3) Horse ~~or greyhound~~ trainers shall be allowed to wager on a race in which they have entered a horse ~~or greyhound~~ subject to the following restrictions. All such wagers shall include the trainer’s horse ~~or greyhound~~: Win; Place, in the same or lesser dollar amount as win; Show, in the same or lesser dollar amount as win and place; Quinella; Perfecta, with trainer’s horse ~~or greyhound~~ on bottom in the same or lesser dollar amount as on top; Trifecta with the trainer’s horse ~~or greyhound~~ on top; Trifecta Box; Daily Double; Daily 3 and pick (N).

Rulemaking Authority 550.0251(3), 550.105(2)(b) FS. Law Implemented 550.0251, 550.105, 550.235, 550.3615 FS. History—New 10-20-96, Amended 4-12-06, _____, Formerly 61D-2.004.

75-2.005 Violations.

No person shall conspire with, solicit, aid, abet, counsel, hire, or procure any other person or persons to engage in a violation of Chapter 550, F.S., or the rules promulgated thereunder, nor shall he/she commit any such act on his/her own.

Rulemaking Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 6-12-97, Amended 4-12-06, Formerly 61D-2.005.

75-2.006 Electrical or Mechanical Device Prohibition.

No person having access to the grounds of a pari-mutuel racing permitholder where racing animals are lodged or kept shall have in his/her possession while on the grounds of a pari-mutuel racing permitholder, any electrical or mechanical device designed or used to increase or decrease the speed of a horse ~~or greyhound~~ (or that which tends to do so). This rule does not exclude the use of the ordinary whip in horse racing.

Rulemaking Authority 550.0251(3), 550.105(2)(b) FS. Law Implemented 550.0251, 550.105, 550.235 FS. History—New 10-20-96, Amended 4-12-06, _____, Formerly 61D-2.006.

75-2.009 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, Formerly 61D-2.009.

75-2.010 Photofinish Camera and Video Tape Requirement.

(1) Each permitholder conducting horse racing, ~~or~~ harness racing, ~~or greyhound~~ racing shall have a photofinish camera or digital image as an aid to the stewards ~~judges~~. The photograph or digital image of each finish in which the stewards ~~judges~~ call for a photograph shall be posted or televised on closed circuit television throughout the facility for viewing by the public as promptly as possible after the race and for a reasonable period thereafter of not less than ten minutes.

(2) Each permitholder conducting jai alai games shall video tape each game and shall retain the tape for a period of 30 days from the date of each game.

(3)(a) Each permitholder must keep in a locked storage facility for a one-year period from the date of a race the following:

1. Photofinish photographs;
2. Films; and
3. Digital images and computer disks or tapes containing those digital images.

(b) Only the mutuels manager or his/her designee may have access to such locked storage facility.

(4) Any person requesting a copy of any photofinish photograph or digital image must be permitted to view same on the premises of the permitholder within five days after making such a request. These copies must bear the date, time, race and facility of the race depicted therein.

(5) If a permitholder delegates the duty to create photofinish photographs or digital images to a licensed vendor, it may also delegate the duty to store and retrieve the photographs or images to that vendor, subject to the permitholder's vicarious liability for performance of these duties by the vendor as provided for in this section.

Rulemaking Authority 550.0251(3) FS. Law Implemented 550.0251, 550.155, 550.2625 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, _____, Formerly 61D-2.010.

75-2.011 Post Position Drawing Requirement.

Each permitholder conducting ~~greyhound racing~~, thoroughbred racing or harness racing, shall ensure that the entries and post positions for each race are drawn by lot, and that the time and place for the drawing are posted in a conspicuous location where such notice can be observed by an occupational licensee at least eight hours prior to the drawing. The eight-hour notice requirement will be waived by the division upon notice to the state steward ~~or judge~~ that a specific race has not been filled and that more time is needed before a drawing can occur. Any drawing conducted on a dark day must comply with the eight-hour notice requirement; however, the eight-hour notice requirement will be waived by the division on a dark day drawing where a specific race has not been filled and more time is needed before a drawing can occur. The division may file an administrative complaint against the

permitholder or its agent for failure to notify the state steward ~~or judge~~ of a delay in the draw. However, the action must be requested by the state steward ~~or judge~~ and result from an inability of an occupational licensee to witness the draw due to improper notice. All post position drawings shall be open to any occupational licensee who chooses to witness the draw.

Rulemaking Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History--New 6-12-97, Amended 5-31-06, _____, Formerly 61D-2.011.

75-2.012 Racing Animal Identification.

The paddock judge/horse identifier in horse racing and harness racing, ~~and the paddock judge in greyhound racing~~ shall be responsible for confirming the identity of each racing animal by reading the tattoo and verifying the markings on the animal. Each shall be responsible for ensuring the racing animal is properly blanketed and placed in the appropriate starting gate ~~or starting box~~. No racing animal shall be permitted to be entered or started unless tattooed and a registration certificate is on file with the racing secretary.

Rulemaking Authority 550.0251(3), 550.105(2)(b) FS. Law Implemented 550.0251, 550.235 FS. History--New 10-20-96, Amended 12-15-97, 4-12-06, _____, Formerly 61D-2.012.

75-2.016 Altered Identification Exclusion.

If it is determined that a racing animal was knowingly entered and raced under a different name with an altered registration or altered tattoo, in this state or any other jurisdiction, that racing animal shall be denied all future access to race tracks under the supervision of the division.

Rulemaking Authority 550.0251(3) FS. Law Implemented 550.0251, 550.235 FS. History--New 10-20-96, Repromulgated 4-12-06, Formerly 61D-2.016.

75-2.020 Pari-Mutuel Wagering Racing and Game Officials.

(1) Each licensed pari-mutuel wagering permitholder shall designate persons, if required by the permitholder, for horse racing, harness racing, ~~greyhound racing~~, or jai alai games, depending upon the type of permit held, for the following functions as racing or game officials:

(a) Horse Racing: authorized stewards, racing secretary, paddock judge, horse identifier, patrol judges, placing judges, clerk of scales, starter, timer, veterinarian, and chief of security.

(b) Harness Racing: authorized stewards, racing secretary, paddock judge, patrol judge, clerk of course, starter, timer, veterinarian, and chief of security.

~~(c) Greyhound Racing: authorized judges, racing secretary, paddock judge, patrol judge, clerk of scales, kennel master, greyhound leadout, lure operator, starter, veterinarian, and chief of security.~~

~~(d)~~(c) Jai Alai: court judges, players' manager, match maker, announcer, and chief of security.

(2) If a permitholder prescribes rules and duties for their appointed racing and game officials such rules shall not conflict with Chapter 550, F.S., and the rules adopted thereto. A permitholder shall file a copy of any house rules with the division together with any amendments to such house rules when adopted.

(3) No racing official shall have or maintain an ownership interest, direct or indirect, in any racing animal participating at any licensed meeting where he works or officiates.

~~(4) In addition to the duties prescribed by the permitholder's house rules, in greyhound racing the Kennel Master shall:~~

~~(a) Inspect the lock out kennels to ensure that the kennels are in good repair and that nothing has been deposited in any of the crates that could be consumed by the greyhounds. He shall ensure that the crates have been cleaned, sprayed, and disinfected and are in sanitary condition.~~

~~(b) Receive the greyhounds immediately after they are weighed and ensure that they are placed in the proper crate by race and post position. No persons other than the kennel master, paddock judge, veterinarian, clerk of scales, lead-outs, judges or division representatives shall be allowed in the lock out kennel once loading starts.~~

~~(c) Remain on duty at the lock out kennel to ensure security of the kennel from the time the first greyhounds are received until the greyhounds are removed for the last race. Only authorized persons shall be allowed in the lock out kennel and at no time shall the kennel master allow any less than two authorized persons to be present in the lock out kennel after the greyhounds are loaded.~~

~~Lead-outs entering the lock-out area must be under the direct supervision of or accompanied by a racing or division official.~~

~~(5) In addition to the duties prescribed by the permitholder's house rules, in greyhound racing the patrol judge shall ensure that following a race, racing blankets are not removed from the greyhounds until the greyhounds are accepted by their respective kennel owner/operator, trainer, or authorized representative.~~

~~(6)~~(4) A jai alai permitholder shall maintain separate facilities for the court judges and the players. Court judges shall have no contact at any time with players other than in an official capacity while at the fronton.

~~(7)~~(5) No jai alai judge shall be under contract as an active player in a fronton in which that judge officiates. In event of an emergency, a temporary judge shall be chosen by fronton management from the roster of active players and such appointment shall be reported to the division judge.

Rulemaking Authority 550.0251(3), (11), 550.105(2)(b), (6), ~~550.2415(13)~~, 550.2415(12), 550.2625(2)(d) FS. Law Implemented 550.0251, 550.09514, 550.105, 550.235, 550.2415, 550.2625 FS. History—New 10-20-96, Amended 12-15-97, _____, Formerly 61D-2.020.

75-2.021 Aggravating and Mitigating Circumstances.

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 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.

Rulemaking Authority 550.0251(3), 550.2415(13) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History—New 12-30-01, Formerly 61D-2.021.

75-2.022 Use of Whips.

(1) Any jockey or driver who uses a whip during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

(2) In all races where a jockey or driver participates without a whip, an announcement of such fact shall be made over the public address system.

(3) A whip shall not be used by any person:

- (a) On any part of a horse's body other than the shoulders or hindquarters;
- (b) During the post parade or after the finish of the race;
- (c) In any manner that causes welts or breaks in a horse's skin;
- (d) When a horse is clearly out of the race or has obtained its maximum placing in a race;
- (e) Persistently, even though the horse is showing no response under the whip; or
- (f) To strike a person, another horse, or any other animal.

Rulemaking Authority 550.0251 FS. Law Implemented 550.0251(3), (11) FS. History—New 12-30-08, Formerly 61D-2.022.

75-2.023 Animal Welfare.

(1) A permitholder shall ensure that:

- (a) All stables, and barns, ~~or kennels~~ are inspected by the local fire marshal at least every 24 months for compliance with local fire safety code and that documentation of compliance is maintained;
- (b) All stables, and barns, ~~or kennels~~ are equipped with smoke and/or temperature alarms and at least one fire extinguisher that has a current annual inspection tag that bears the date of the last inspection;
- (c) Lighting in the stables, and barns, ~~or kennels~~ is kept in working order at all times;
- (d) All of the permitholders' cleaning supplies and pesticides are stored in areas separate from food and bedding intended for

racing animals;

(e) Areas where racing animals are kept are ventilated by means of doors, windows, vents, or heating, ventilation and air conditioning (HVAC);

(f) All occupied stables, ~~and barns, or kennels~~ are free from insects and rodents by establishing a maintenance program for the prevention of insects and rodents;

(g) All hazards that could harm a racing animal are removed from the track surface and rails prior to use of the track;

(h) Access to the backside where racing animals are kept is restricted to occupational licensees or other persons authorized pursuant to Rule 75-5.005, F.A.C.; and

(i) The racing secretary, judge, or a permitholder's representative completes a weekly documented walk-through of each occupied barn, ~~and stable, or kennel.~~

~~(2) A greyhound racing permitholder shall ensure that:~~

~~(a) A shaded area is provided for parking at the facility for greyhound transport trucks that are used to bring racing greyhounds to and from the track for racing;~~

~~(b) A cool down pool and/or water hose to cool down greyhounds is provided post race and during official and unofficial schooling events;~~

~~(c) Sprint paths:~~

~~1. Are surrounded by a chain link fence at least four feet in height;~~

~~2. Are free of broken or protruding wires or obstructions;~~

~~3. Have a smooth surface which is made of dirt or sand or a mixture of the two; and~~

~~4. Have drainage sufficient to prevent standing water.~~

~~(d) Turnout pens:~~

~~1. Are free of broken or protruding wires or obstructions;~~

~~2. Have gates that connect to the other pens;~~

~~3. Have at least a 10-foot overhang from the building;~~

~~4. Are surrounded by a fence at least six feet high;~~

~~5. Have working water spigots;~~

~~6. Have drainage sufficient to prevent standing water; and~~

~~7. Have sand of an average depth of four inches.~~

~~(e) Kennel crates:~~

~~1. Are a minimum of two feet wide, three feet long and 32 inches high; and~~

~~2. Are maintained so that they are free of broken or protruding wires or rust, and constructed of metal and are movable to protect the greyhounds from injury; and~~

~~3. Have a latch.~~

~~(3) A greyhound racing trainer shall ensure that:~~

~~(a) They or a designee are available for kennel inspections daily from 7:00 a.m. to 9:00 a.m. or 2:00 p.m. to 4:00 p.m. by division personnel;~~

~~(b) Food supplies and bedding materials are stored in such a manner that they are protected from contamination, spoilage, or infestation;~~

~~(c) Bowls, dishes, and other containers used for feeding and watering are cleaned and disinfected daily;~~

~~(d) Muzzles worn by racing greyhounds are made of plastic or padded wire and are not worn, broken, or rusted;~~

~~(e) All turnout pens and sprint paths are free of debris and trash, and maintained in a sanitary environment prior to use by greyhounds;~~

~~(f) No more than one greyhound shall be contained in each crate within the kennel;~~

~~(g) Crates are sanitized at least once daily, or more frequently as necessary, in order to maintain a sanitary environment;~~

~~(h) Greyhounds are provided with clean, fresh water in the exercise areas, kennels, and turn-out pens; and~~

~~(i) Kennel crates with broken or protruding wires or rust are reported to the permitholder upon discovery;~~

~~(j) A roster is maintained to identify each racing greyhound housed in the kennel. The roster shall contain the following information:~~

~~1. Initial date of arrival;~~

- ~~2. Name and tattoo number of the racing greyhound;~~
- ~~3. Owner's name;~~
- ~~4. Trainer's name;~~
- ~~5. Kennel name;~~
- ~~6. Date of departure from the kennel; and~~
- ~~7. Name and license number of person transporting the racing greyhound.~~

~~(k) The division is notified within 18 hours of the death of any racing greyhound that occurred on the grounds of a greyhound track or kennel compound. The notification shall contain at least the following information:~~

- ~~1. Track/facility where death occurred;~~
- ~~2. Incident date/time;~~
- ~~3. Greyhound registered name;~~
- ~~4. Tattoo numbers;~~
- ~~5. Reporting person's name and telephone number;~~
- ~~6. Kennel operator, address, and telephone number;~~
- ~~7. Trainer's name and telephone number;~~
- ~~8. Location of deceased animal.~~

~~(4)(2) A hauler or driver who transports racing animals shall be required to possess a pari-mutuel occupational license.~~

~~(5)(3) No person shall contract for the transportation of a racing animal with anyone who does not possess a pari-mutuel wagering occupational license.~~

~~(6) The greyhound trainer of record shall be responsible for physically inspecting the greyhounds in their care for sores, cuts, abrasions, muzzle burns, fleas and ticks, and providing food on a daily basis.~~

~~(7)(4) A horseracing trainer shall ensure that:~~

~~(a) Feed intended for racing animals (other than hay) is stored in such a manner that it is protected from contamination, spoilage, or infestation;~~

~~(b) All horses entered to race be on time for a pre-race veterinary inspection to ensure racing soundness; and~~

~~(c) The division is notified within 18 hours of the death of any racehorse that occurred on the grounds of a horse track or training facility. The notification shall contain at least the following information:~~

- ~~1. Track/facility where death occurred;~~
- ~~2. Incident date/time;~~
- ~~3. Horse registered name;~~
- ~~4. Tattoo number;~~
- ~~5. Reporting person's name and telephone number;~~
- ~~6. Stable name, address, and telephone number;~~
- ~~7. Trainer's name and telephone number;~~
- ~~8. Location of deceased animal.~~

~~(8)(5) No part of a horse's leg may be desensitized on the day the horse is scheduled to race. "Desensitized" means a condition in which a horse's body does not respond appropriately to pre-race tests for feeling administered by the track veterinarian. A horse that has been desensitized in violation of this rule is ineligible to race.~~

~~(9)(6) The track veterinarian shall report to the stewards the date, time, condition, rider, and name of any horse which the track veterinarian reasonably suspects has been overworked or abused.~~

~~(10)(7) A racing animal that has been declared medically unsound to race by another racing jurisdiction shall not be eligible or entered to race until it has been examined and declared sound for racing by the track veterinarian who shall consult with the veterinarian that originally declared the racing animal to be medically unsound, unless the original veterinarian is unavailable, then a good faith effort to contact must be documented.~~

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251(11), 550.105(2)(a)3., 550.2415(6), (9) FS. History—New 5-21-13, Amended, Formerly 61D-2.023.

75-2.024 Track General Rules.

(1) The permitholder shall notify the division in writing within three days after any changes to track dimensions or design.

(2) All racing permitholders shall maintain their track courses in a safe condition by removing all hazards that could harm a racing animal on any live performance day in accordance with its annual operating license or when the track is utilized for training.

(3) All quarter horse and thoroughbred tracks shall have an inner rail and an outer rail. For turf courses, one of the rails may be moveable in order to maintain turf surface quality.

(4) ~~All greyhound tracks shall have an inner rail and a~~ All harness tracks shall have an outer rail.

(5) A race course shall not require the racing animal to change its course in response to any obstacles on the racing surface during the race.

(6) All race tracks shall include a live viewing location for the pari-mutuel activity.

Rulemaking Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 9-29-16, Amended, Formerly 61D-2.024.

75-2.025 Race General Rules.

(1) Each race must have at least five entrants with a minimum of two contestants.

(2) Each race, with the exception of a harness race, must start by use of ~~a box or~~ gate.

~~(3) Each greyhound race:~~

~~(a) Must be conducted on a track that is at least 17 feet in width; and,~~

~~(b) Must not be shorter than 990 feet in length.~~

~~(4)~~ (3) Each quarter horse or any statutorily authorized substitute breed race other than thoroughbred conducted under a quarter horse permit:

(a) Must be conducted on a track that is at least 50 feet in width; and,

(b) Must not be shorter than 330 feet in length.

~~(5)~~ (4) Each thoroughbred race:

(a) Must be conducted on a track that is at least 50 feet in width; and,

(b) Must not be shorter than 1,320 feet in length for races of 2 year old horses and 3,200 feet in length for all other races.

~~(6)~~ (5) Each harness race:

(a) Must start by use of a rolling gate;

(b) Must be conducted on a track that is at least 80 feet in width; and,

(c) Must not be shorter than 3,300 feet in length.

~~(7)~~ (6) For each race, all racing contestants must compete simultaneously on a common track with a common start and finish line.

~~(8)~~ (7) Horse races must be recorded by at least three video cameras if the race includes turns or two video cameras if the race is on a straight track.

(a) Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, shall be provided in the stewards' stand.

(b) Recordings of each race shall be maintained by the permitholder for at least six months from the last day of live racing as indicated by the annual operating license.

(c) Copies of race recording must be provided to the division upon request.

Rulemaking Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 9-29-16, Amended, Formerly 61D-2.025.

75-2.027 Performances.

(1) Each performance shall consist of a minimum of 8 races.

(2) A performance may not begin within 15 minutes from the end of the previous performance.

(3) A matinee performance shall not begin after 6:00 p.m., and evening performance shall not begin before 6:00 p.m.

(4) Each performance shall have a separation of race numbers and performance numbers in the totalisator system.

(5) Each performance shall have a separate racing program. Same day performances may be separated within a single program.

Rulemaking Authority 550.0251(3) FS. Law Implemented 550.0251, 550.002 FS. History—New 9-29-16, Formerly 61D-2.027.

CHAPTER 75-3
STEWARDS AND JUDGES PROCEDURES

75-3.001	Procedures for Stewards' Hearings
75-3.0015	Jai Alai Game Infractions
75-3.002	Appeal Procedures
75-3.003	Stay of Steward/Judges' Penalty
75-3.004	Payment of Fines

75-3.001 Procedures for Stewards' Hearings.

(1) Jai Alai game infractions shall be decided by the court judges. Any alleged violation of Chapter 550, F.S., at a jai alai fronton will be governed by Sections 120.569 and 120.57, F.S.

(2) Alleged violations of Chapter 550, F.S., or Chapter 75, F.A.C., in horseracing shall be heard by a board of stewards. Each horseracing permitholder shall establish a board of three stewards, at least one of whom shall be the state/division steward selected and hired by the division.

~~(3) Alleged violations of Chapter 550, F.S., or Division 75, F.A.C., in greyhound racing shall be heard by the division judge.~~

~~(4)~~⁽³⁾ All hearings on alleged violations set forth in Section ~~120.80(4)(a)~~^{120.80(19)}, F.S., which are to be heard by the stewards ~~or division judge~~ must be conducted pursuant to the following procedures set forth in subsections ~~(5)~~⁽⁶⁾-(20), below, when the purpose of the hearing is to impose a fine or suspend a license. For purposes of review of a decision of the ~~division judge or~~ stewards, the division is hereby designated a proper party.

~~(5)~~⁽⁴⁾ All proceedings involving violations other than those described in Section 120.80(4)(a), F.S., which are to be heard by the stewards ~~or division judge~~ shall be conducted in accordance with the applicable provisions of Chapter 120, F.S.

~~(6)~~⁽⁵⁾ Initiation of Proceedings.

(a) Proceedings before stewards ~~and the division judge~~ shall be made by written document entitled "Notice of Violation and Hearing."

(b) Each Notice of Violation and Hearing shall contain the name and address of the respondent, a statement of the statute(s) and/or rule(s) alleged to have been violated and a brief statement of the underlying facts and the date, time and place of the hearing on the charges.

~~(7)~~⁽⁶⁾ Prior to a hearing for an alleged medication or drug violation, where redistribution of the purse may be involved, the stewards ~~or division judge~~ shall give at least five business days notice to each owner who may be adversely affected by the purse redistribution of the date, time, and location of the hearing.

~~(8)~~⁽⁷⁾ Documents. Upon request to the stewards ~~or division judge~~, any respondent shall be entitled to obtain copies of all audio and video recordings, witness statements, and laboratory analyses. A respondent requesting production shall pay the actual cost of production of such material. A respondent shall also be entitled to the names and addresses of all witnesses and investigators with information relevant to the matter(s) to be heard by the stewards ~~or division judge~~.

~~(9)~~⁽⁸⁾ Subpoenas.

(a) Subpoenas to compel the attendance of witnesses at hearing shall be issued by the division upon the request of a party, the stewards ~~or division judge~~. All requests for the issuance of subpoenas shall be directed to the stewards ~~and division judge~~ and such requests shall be forwarded to the division for issuance. The respondent requesting the subpoena shall arrange for their own service and pay all costs for the service of each subpoena.

(b) A subpoena may be served by any person authorized by law to serve process or by any person who is not a respondent and who is of majority age. Service shall be made by delivering a copy thereof to the person named in the subpoena. Proof of such service shall be made by affidavit of the person making service if not served by an officer authorized by law to do so. The cost of service shall be paid by the respondent requesting the subpoena.

~~(10)~~⁽⁹⁾ Witnesses. All witnesses shall be sworn and subject to examination and cross-examination.

~~(11)~~⁽¹⁰⁾ Conduct of Hearing/Evidence.

(a) Oral testimony shall be taken only on oath or affirmation. Stewards ~~and the division judge~~ shall administer oaths and examine witnesses.

(b) Each party shall have the right to present evidence relevant to the issues; to cross-examine opposing witnesses; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence presented against it.

(c) Any relevant evidence shall be admitted if it is the sort of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Irrelevant and unduly repetitious evidence shall be excluded.

~~(12)~~⁽¹¹⁾ Recordation. The stewards ~~and division judge~~ shall assure that a record of the proceedings is preserved. Proceedings shall be recorded on whatever media is available. Any respondent to a hearing may, at his/her own expense, provide a certified court reporter. Any respondent who wishes to make a written transcript of the recorded testimony shall request a copy of the recorded testimony and transcribe the same at his/her own expense.

~~(13)~~⁽¹²⁾ Representation. A respondent in any proceeding conducted before stewards ~~and the division judge~~ may be represented by an attorney admitted to practice law in Florida or by any qualified representative as defined in Rule 28-106.106, F.A.C., who agrees to comply with the requirements of Rule 28-106.107, F.A.C. After written notice of appearance that a respondent is being represented by an attorney or qualified representative, all communications to a respondent concerning the case shall be made to the respondent's attorney or representative, and the respondent's attorney or representative shall be entitled to exercise the rights granted to the respondent under these rules.

~~(14)~~⁽¹³⁾ Service of Notices of Violation and Hearing.

(a) The stewards ~~and division judge~~ shall set the time and place for all hearings and written notice thereof shall be served on all respondents, counsel, or other qualified representatives by personal service, when possible, otherwise in accordance with Section 120.60, F.S. At least five days notice shall be given for the hearing, unless otherwise agreed by the respondent.

(b) Any respondent who is served with a Notice of Violation and Hearing and does not appear at a hearing before the stewards ~~or division judge~~, either in person or through representation, waives the right to the hearing.

~~(15)~~⁽¹⁴⁾ Service of Papers. Unless the stewards ~~or division judge~~ otherwise order, every paper filed in a proceeding, except Notices of Violation and Hearing (as provided for in subsection (14), above) and requests for witness subpoenas, shall be served on each respondent. Service shall be made upon the respondent or respondent's representative by hand delivering a copy or in accordance with Rule 28-106.110, F.A.C.

~~(16)~~⁽¹⁵⁾ Continuances. The stewards ~~or division judge~~ shall grant a continuance of a hearing for good cause shown. In deciding whether good cause is shown, the ~~division judge and~~ stewards must consider whether the reason given by the licensee for requesting a continuance is an event out of the licensee's control, such as the death of an immediate family member. Requests for continuance shall be made in writing.

~~(17)~~⁽¹⁶⁾ Computation of Time. In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act from which the designated period of time begins to run shall not be included. Five days shall be added to prescribed time limits when service is made by mail.

~~(18)~~⁽¹⁷⁾ Disqualification. Unless good cause is shown, all motions for disqualification of stewards ~~or the division judge~~ shall be made to the division in writing at least five days prior to the date scheduled for hearing. In deciding whether good cause is shown, the division must consider whether the reason given by the licensee for not meeting the five-day limitation is an event out of the licensee's control, such as the death of an immediate family member.

~~(19)~~⁽¹⁸⁾ Orders.

(a) In the event the stewards ~~or division judge~~ determine a statute or rule has been violated and a penalty of a license suspension of 60 days or less, or a fine not to exceed \$1,000 is sufficient to address the violation, the stewards ~~or division judge~~ shall enter an order within 14 days after the hearing. The order shall include a caption, time and place of the hearing, findings of fact, statement of rules or statutes violated, and a ruling stating the length of any suspension and the amount of the fine imposed for each violation.

(b) In the event the stewards ~~or division judge~~ determine a statute or rule has been violated and a penalty of a license suspension of greater than 60 days, or a fine of greater than \$1,000 should be imposed for the violation, the stewards ~~or division judge~~ shall forward a recommendation to the division stating their findings of fact, statement of statutes or rules violated, and recommended penalty within 14 days after the hearing. The recommendation shall be served to each party at the time it is forwarded to the division. A party shall have 14 days from the date the recommendation is issued in which to file a response with the division prior to the entry of a final order.

~~(20)~~⁽¹⁹⁾ Conflict of Interest. The permitholder shall not employ a steward in any other capacity or assign duties of other employees to a steward.

~~(21)~~⁽²⁰⁾ No person other than a party in a noticed proceeding shall attempt to influence the decision of the stewards ~~or division judge~~ regarding any case pending before them under this rule. This rule shall not prohibit the stewards ~~or division judge~~ from consulting with counsel regarding a matter pending before them.

~~(22)~~(21) A steward ~~or judge~~ employed by the division shall not sit in judgment of a matter pending before the permitholders' stewards ~~or judges~~ that is based solely upon any rule of the permitholder.

Rulemaking Authority ~~120.80(4)(a), 120.80(19)~~, 550.0251(3), 550.2415(12) FS. Law Implemented ~~120.80(4)(a), 120.80(19)~~, 550.0251, 550.1155 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, 6-26-11, _____, Formerly 61D-3.001.

75-3.0015 Jai Alai Game Infractions.

Jai Alai game infractions shall be decided by the court judges pursuant to a permitholder's house rules. Any alleged violation of Chapter 550, F.S., at a jai alai fronton will be governed by Sections 120.569 and 120.57, F.S.

Rulemaking Authority 120.80(4)(a), 550.0251(3) FS. Law Implemented 120.80(4)(a), 550.0251 FS. History—New 6-28-21, Formerly 61D-3.0015.

75-3.002 Appeal Procedures.

(1) The stewards ~~and division judge~~ shall include in their decision a notice to the licensee of the licensee's right to an appeal hearing before the division director or his/her designee. In addition, the stewards ~~and division judge~~ shall provide the licensee with the procedures and time limits for invoking the right to an appeal. All requests for an appeal must be submitted in writing or on Form FGCC PMW-3100, Request for Appeal of Stewards'/Judges' Ruling, effective 3-4-07, adopted herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00306>, and can be obtained at www.fgcc.fl.gov or by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399. The appeal shall state in writing the reason the licensee believes the judge's or stewards' order should be reversed.

(2) Failure of the licensee to file a request for an appeal hearing within 10 days of the decision of the stewards ~~or division judge~~ constitutes a waiver of the right to an appeal.

(3) Upon receipt of an appeal, the division shall review the appeal and the record to determine whether a legitimate issue of law has been presented that would require an appeal hearing to be scheduled. The division shall not substitute its judgment for the judgment of the stewards ~~or division judge~~ as to a finding of fact or the weight and credibility of evidence in the record. The division shall issue an order affirming the stewards ~~or division judge~~ if an appeal that merely disputes findings of fact based upon evidence is received by the stewards ~~or division judge~~. Appeal hearings shall be conducted in person, by telephone, or by other electronic means.

(4) In the event the stewards ~~or division judge~~ make a determination that there is a reasonable suspicion to believe that a violation of Section 550.2415, F.S., has occurred, or in the event of a positive test for a substance prohibited under Section 550.2415, F.S., any purse money in question which has not been disbursed shall be placed on account with the permitholder's comptroller. In the event that any purse money has been distributed, all individuals to whom the purse money has been directly distributed shall place monies equal to the amount received from the purse in a segregated interest bearing account in a recognized financial institution, and shall notify the division of the location of the account. The monies shall remain in the account until final disposition of the case, at which time control of the monies shall be returned to the original individuals; or if a violation is proved, the monies shall be transmitted to the permitholder for redistribution.

(5) If the division determines that the ~~division judge or~~ stewards have exceeded their jurisdiction, departed from the essential requirements of law, or incorrectly applied law to facts, it shall void their decision and either enter a decision for the licensee or shall prosecute the alleged violation itself with the respondent receiving rights to an administrative hearing pursuant to Section 120.57, F.S.

(6) No appeal shall be filed solely for the purpose of delaying imposition of a penalty through a stay pending appeal pursuant to Rule 75-3.003, F.A.C. If it becomes apparent that an appeal was sought solely to obtain a stay and delay the imposition of a penalty, the division shall issue an order dismissing the appeal and referring the case to the stewards ~~or division judge~~ to determine whether additional penalties should be imposed.

(7) Upon conclusion of the appeal hearing, the division director shall affirm or reverse the decision of the stewards ~~division judge~~ with directions for an appropriate disposition of the case under the pari-mutuel statutes or rules.

Rulemaking Authority ~~120.80(4)(a), 120.80(19)~~, 550.0251(3), 550.2415(12) FS. Law Implemented ~~120.80(4)(a), 120.80(19)~~, 550.0251, 550.054, 550.1155 FS. History—New 10-20-96, Amended 1-5-98, 4-12-06, 6-26-11, _____, Formerly 61D-3.002.

75-3.003 Stay of Stewards' ~~Judges'~~ Penalty.

(1) A request for an appeal hearing following a stewards'/~~judge's~~ ruling shall not automatically stay the decision of the stewards/~~judge~~ regarding the penalty imposed. Any request for a stay of the penalty imposed shall specify the reasons supporting the issuance of a stay. The licensee's request for a stay must be in writing or on Form FGCC PMW-3090, Request for Stay, effective 3-4-07, adopted herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00307>, and can be obtained at www.fgcc.fl.gov or by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399.

(2) Any party desiring a stay of stewards'/~~judge's~~ ruling shall first seek the stay from the stewards/~~judge~~, who shall grant the stay unless:

(a) The stewards ~~or division judge~~ enter a suspension of 60 days and refer the matter to the division with a recommendation for entry of an emergency suspension pursuant to Section 120.60(6), F.S., or an order of summary suspension pursuant to Section 550.2415(3)(c), F.S.; or

(b) The stewards ~~or division judge~~ find after a hearing with notice to the party seeking the stay that the stay is being sought solely for the purpose of delaying a penalty.

(3) The decision of the stewards/~~judge~~ shall be in writing and shall be transmitted to the division and the parties within five days from the date the request for stay is received by the stewards/~~judge~~.

(4) If the stewards/~~judge~~ deny the request for a stay or do not issue a written decision as required under subsection (3), the party is entitled to seek a stay from the division. After reviewing the decision of the stewards ~~or division judge~~, the request for stay, and the record, the division shall grant or deny the stay.

Rulemaking Authority ~~120.80(4)(a), 120.80(19)~~, 550.0251(3) FS. Law Implemented ~~120.80(4)(a), 120.80(19)~~, 550.0251, 550.1155 FS. History—New 10-20-96, Amended 1-5-98, 4-12-06, 6-26-11, _____, Formerly 61D-3.003.

75-3.004 Payment of Fines.

All civil penalties imposed by the stewards/~~division judge~~ must be paid within 15 days of the ruling unless the ruling is appealed and a stay has been entered pursuant to Rule 75-3.003, F.A.C. The fine must be paid within 15 days of the resolution of the appeal.

Rulemaking Authority ~~120.80(4)(a), 120.80(19)~~, 550.0251(3), 550.2415(12) FS. Law Implemented ~~120.80(4)(a), 120.80(19)~~, 550.0251, 550.054, 550.1155, 550.2415 FS. History—New 10-20-96, Amended 1-5-98, 4-12-06, 6-26-11, _____, Formerly 61D-3.004.

**CHAPTER 75-5
OCCUPATIONAL LICENSING**

75-5.001	Occupational Licensure
75-5.002	Possession of a License
75-5.003	Exemptions from Fingerprinting
75-5.004	Temporary Occupational Licenses
75-5.005	Exemptions to Occupational Licensing Requirements
75-5.006	Waiver of Criminal Convictions or Other Offenses

75-5.001 Occupational Licensure.

(1) The permitholder shall provide to the division the weekly payroll without compensation amounts for verification that all persons working at a permitholder's facility are licensed.

(2) Every initial application and renewal thereafter for a Professional Occupational License or a General Occupational License shall include the following:

(a) A complete Form FGCC PMW-3120, Individual Occupational License Application, effective September 2020, incorporated herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-12090>, and which can be obtained at www.fgcc.fl.gov or by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037.

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

1. A complete 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. Applicants timely renewing their license, whose fingerprints have been retained by FDLE, shall not be required to submit a complete sets of fingerprints.

2. For each set of fingerprints submitted via livescan device, 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. For each set of fingerprints submitted on an FD-258 fingerprint card or retained by FDLE, the appropriate fingerprint processing fee, as established by FDLE and the Federal Bureau of Investigation, shall be paid by the applicant to the division.

(c) Either the Professional Occupational License fee of \$80 for a three year license or the General Occupational License fee of \$15 for a three year license.

(3) Every initial application and renewal thereafter for a Pari-Mutuel Business Occupational License shall include the following:

(a) A completed Form FGCC PMW-3130, Business Occupational License Application, effective September 2020, incorporated herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-12091>, and which can be obtained at www.fgcc.fl.gov or by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037.

(b) The Business Occupational License fee of \$120 for a three year license.

(c) All the following individuals associated with an applicant for a Business Occupational License hold a valid Professional Occupational License issued by the division:

1. Officers,
2. Directors,
3. Managers, and
4. Shareholders and/or equity holders holding 10 percent or more interest in the business.

(4) No application for a Business Occupational License shall be granted by the division unless each of the individuals requiring licensure pursuant to paragraph (3)(c) above, have been verified by the division to hold valid Professional Occupational Licenses issued by the division.

(5) A business applicant shall be subject to denial of its initial or renewal application as outlined in Section 550.105, 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 paragraph (3)(c), above.

(6) All occupational and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error.

(7) Pari-mutuel occupational licenses issued and renewed pursuant to Section 550.105, F.S., shall have an effective date of July 1st and shall be valid for a period of three state fiscal years. A license granted pursuant to an application for an initial pari-mutuel

occupational license or for renewal of a pari-mutuel occupational license submitted between May 1st and June 30th shall have an effective date of July 1st of the next state fiscal year. A license granted pursuant to an application received outside of this period shall have an effective date beginning July 1st of the state fiscal year in which the application was received.

(8) Any individual or business applicant may request a waiver of disqualifying factors in an application that would otherwise be grounds for denial from the Division Director. A request for a waiver shall be made on Form FGCC PMW-3180, Request for Waiver, effective 9-11-11, incorporated herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00570>, and can be obtained at www.fgcc.fl.gov or by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037.

(9) During the three year term of a valid occupational license issued by the division, an individual or business may need another type of occupational license for any reason, such as a change in employment, a change in job duties, or a change in the services and products offered or provided. From the date an occupational license is granted until May 1st of the year in which the license expires, a licensee may request to upgrade the valid occupational license they hold to another occupational license type to which the division allows an upgrade.

(a) A licensee may request the division to upgrade their existing license as follows:

1. A Pari-Mutuel General Occupational Licensee may upgrade their license to a Pari-Mutuel Professional Occupational License or a Slot/Cardroom/Pari-mutuel Combination Occupational License;

2. A Pari-Mutuel Professional Occupational Licensee may upgrade their license to a Slot/Cardroom/Pari-Mutuel Combination Occupational License; or

3. A Pari-Mutuel Business Occupational Licensee may upgrade their license to a Slot Business Occupational License.

(b) In order to request an upgrade of the valid occupational license held by an individual or business, the licensee must submit the following to the division:

1. A request to upgrade the existing license on Form FGCC PMW-3450, License Upgrade Application, incorporated by reference in Rule 75-14.005, F.A.C.

2. The difference in the license fee, if any, between the licensee's license and the license type to which the licensee is requesting an upgrade, as follows:

a. A Pari-Mutuel General Occupational Licensee must pay \$65.00 to upgrade to a Pari-Mutuel Professional Occupational License.

b. A Pari-Mutuel General Occupational Licensee must pay \$85.00 to upgrade to a Slot/Cardroom/Pari-Mutuel Combination Occupational License.

c. A Pari-Mutuel Professional Occupational Licensee must pay \$20.00 to upgrade to a Slot/Cardroom/Pari-Mutuel Combination Occupational License.

d. A Pari-Mutuel Business Occupational Licensee must pay \$1,880.00 to upgrade to a Slot Business Occupational License.

3. If the individual licensee is upgrading to a Slot/Cardroom/Pari-Mutuel Combination Occupational License, he or she must also submit Form FGCC PMW-3410, Slot Machine Individual Occupational License Application, incorporated by reference in Rule 75-14.005, F.A.C.

4. If the business licensee is upgrading to a Slot Business Occupational License, the business shall also submit Form FGCC PMW-3420, Slot Machine Business Entity Occupational License Application, incorporated by reference in Rule 75-14.006, F.A.C.

(c) All upgrade applicants, except for applicants requesting to upgrade a Pari-Mutuel General Occupational License to a Pari-Mutuel Professional Occupational License, shall provide the division with the fingerprint resubmission fee established by FDLE and the Federal Bureau of Investigation. An application for a license upgrade shall be granted or denied according to the specific licensure requirements of the license for which an upgrade applicant has applied pursuant to Chapters 550, 551 and/or Section 849.086, F.S., and pursuant to the licensing requirements of Section 120.60, F.S.

(d) A license issued by the division pursuant to the license upgrade request shall have the following effect:

1. The license held by the applicant prior to the license upgrade request shall no longer be effective and shall be deemed void on the date the division grants the upgraded license.

2. The license to which the applicant requested to upgrade shall be valid on the date the division grants the license and shall expire on the same expiration date as the license from which the applicant upgraded.

(10) 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 pari-mutuel 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 (2), (3), or (9), above.

(11) Any person or business entity 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.

(12) License application forms and fingerprint cards produced by and submitted through the Association of Racing Commissioners International (ARCI) or the National Racing Compact (NRC) under the Federal Pari-Mutuel Licensing Act of 1988 will be accepted by the division.

Rulemaking Authority 550.0251(3), 550.105(2)(b), (10)(a), 551.107(2)(b), 849.086(6)(f) FS. Law Implemented 550.0251, 550.105, 550.495, 551.107, 559.79, 849.086(6) FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, 9-11-11, 9-1-20, Formerly 61D-5.001.

75-5.002 Possession of a License.

(1) Unless exempted in subsection (2) of this rule, when on the grounds of a permitholder, licensees shall conspicuously wear their current Pari-Mutuel Wagering Occupational License issued by the division.

(2) When performing their pari-mutuel occupations, the following persons shall retain on the permitholder's premises their current license:

(a) Jockeys;

(b) Jai alai players;

(c) Jai alai judges;

(d) Harness drivers; and

(e) Exercise persons, ~~and~~

~~(f) Leadouts.~~

Rulemaking Authority 550.0251(3), 550.105(2)(b), (6), (10)(a) FS. Law Implemented 550.0251, 550.105 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, _____, Formerly 61D-5.002.

75-5.003 Exemptions from Fingerprinting.

The following occupations or groups of persons are exempt from the fingerprint requirements of Section 550.105, F.S.:

(1) Any person applying for a pari-mutuel occupational license who has applied for and been granted a pari-mutuel occupational license by the division in the previous three state fiscal years;

(2) A sworn law enforcement or corrections officer certified pursuant to Section 943.1395, F.S., who provides the division evidence of current certification from the Florida Criminal Justice Standards and Training Commission and is working in a security or safety position;

(3) An applicant who has been granted a diplomatic status by the United States Government;

(4) Any person whose fingerprints have been deemed "unclassifiable" twice by the Federal Bureau of Investigations; and,

(5) An applicant who is under 18 years of age.

Rulemaking Authority 550.0251(3), 550.105(2)(b), (10)(a) FS. Law Implemented 550.105 FS. History—New 10-20-96, Amended 4-12-06, 9-11-11, 8-10-15, 9-1-20, Formerly 61D-5.003.

75-5.004 Temporary Occupational Licenses.

(1) The division shall issue a temporary occupational license within 30 days of receipt of the application submitted pursuant to Rule 75-5.001, F.A.C., when the following conditions are met:

(a) The applicant has submitted a completed Form FGCC PMW-3120 or Form FGCC PMW-3130, as incorporated by reference in Rule 75-5.001, F.A.C., and has paid all applicable licensing and fingerprint fees;

(b) The applicant is in good standing, not under suspension, has not had a license revoked, has not been denied a license, and has not been declared ineligible for licensure in Florida or any other racing or gaming jurisdiction;

(c) The applicant has not been convicted of or had adjudication withheld on any disqualifying criminal offense listed in Section 550.105(5), F.S.;

(d) The division has not issued the applicant's occupational license; and
(e) 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 75-5.001, F.A.C.

(2) A temporary license can be obtained by the horse owner's licensed trainer, ~~or by the greyhound owner's licensed kennel operator or trainer on behalf of a greyhound owner~~, horse owner, or stable, ~~or kennel~~. The division shall issue this temporary occupational license when the following conditions are met:

(a) The applicant has submitted a completed Form FGCC PMW-3110, Animal Owner Temporary License Application, effective September 2020, incorporated herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-12088>, and can be obtained at www.fgcc.fl.gov or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037;

(b) The applicant has submitted payment of all applicable licensing and fingerprinting fees;

(c) The ~~greyhound owner~~, horse owner, or stable, ~~or kennel~~ for which the application is submitted is in good standing, not under suspension, has not had a license revoked, has not been denied a license, and has not been declared ineligible for licensure in Florida or any other racing or gaming jurisdiction;

(d) The ~~greyhound owner~~, horse owner, or stable, ~~or kennel~~ has not been convicted of or had adjudication withheld on any disqualifying criminal offense listed in Section 550.105(5), F.S.;

(e) The ~~greyhound owner~~, horse owner, or stable, ~~or kennel~~ for which the application is submitted has not been issued an occupational license by the division; and

(f) If the ~~greyhound owner~~, horse owner, or stable, ~~or kennel~~ for which the application is submitted 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 75-5.001, F.A.C.

(3) All temporary licenses issued by the division are subject to the same requirements of Chapter 550, F.S., and Chapter 75-5, F.A.C., as pari-mutuel occupational licenses.

(4) The granting of a temporary license is conditioned on the honesty of an applicant in his, her or its application. The Division shall revoke a temporary license if the applicant falsely swore to a material statement in the application relating to the applicant's criminal history or suspension, unpaid fines, revocation or denial in Florida or another racing or gaming jurisdiction.

(5) A holder of a temporary individual pari-mutuel occupational license shall cease all activity requiring the possession of a pari-mutuel occupational license if the division denies the application for permanent licensure.

(6) An applicant who is not eligible for a temporary license is not prevented from applying for an occupational license referenced in Rule 75-5.001, F.A.C.

(7) All temporary licenses issued by the division shall be immediately surrendered if the division grants the applicant a permanent license.

Rulemaking Authority 550.0251(3), 550.105(2)(b), (6) FS. Law Implemented 550.0251, 550.105 FS. History--New 10-20-96, Amended 12-15-97, 4-12-06, 9-11-11, 9-1-20, _____, Formerly 61D-5.004.

75-5.005 Exemptions to Occupational Licensing Requirements.

(1) The following are exempted from occupational licensing requirements:

(a) Sworn law enforcement and corrections officers certified pursuant to Section 943.1395, F.S., performing in a security or safety position, other than the chief of security at a track or fronton.

(b) Firefighters, emergency medical technician companies, and emergency medical technicians.

(c) Persons working for a vendor or contractual concessionaires providing supplies other than feed or medicine who make deliveries to nonrestricted areas of the permitholder premises and who are not employed on the permitholder premises. Such employees shall be permitted to make deliveries to a restricted area if issued a pass by the permitholder security.

(d) Businesses and employees of businesses providing occasional maintenance or plant improvement services to the facility or equipment, or providing construction services which are not related to the making of pari-mutuel pools, the conduct of racing or jai alai games or the direct care of racing animals.

(e) Upon adequate proof provided to the division, shareholders, who otherwise would be required to have an occupational license, owning less than ten percent of the outstanding stock or equity interest of any entity licensed by the division, will not be required to have such a license merely by their connection to a company. Such a shareholder shall not be granted access to any

restricted area of a pari-mutuel wagering facility by virtue of their ownership interest without having obtained a pari-mutuel occupational license.

(2) Permitholder security shall maintain a list of unlicensed persons working in restricted areas on the permitholder premises. Said list shall be available at all times for review by division personnel. All passes to restricted areas shall contain a beginning and ending date of validity and shall state the work hours during which access to restricted areas is allowed. Unlicensed persons working in restricted areas of the permitholder facility shall be in possession of a valid pass issued by permitholder security.

Rulemaking Authority 550.0251(3), 550.105(2)(b), (10)(a) FS. Law Implemented 550.0251, 550.105, 559.79 FS. History--New 10-20-96, Amended 4-12-06, 9-11-11, Formerly 61D-5.005.

75-5.006 Waiver of Criminal Convictions or Other Offenses.

(1) Any applicant for an occupational license who is subject to denial on the basis of a criminal conviction or discipline by any racing jurisdiction may seek a waiver from the division director. The applicant shall submit Form FGCC PMW-3120, Individual Occupational License Application, adopted by reference in Rule 75-5.001, F.A.C., the annual license fee and fingerprint fee, a complete set of fingerprints on a card supplied by the division, and Form FGCC PMW-3180, Request for Waiver, adopted by reference in Rule 75-5.001, F.A.C. The applicant shall also schedule a waiver interview with the Office of Investigations. Failure to participate in a waiver interview or to disclose any pertinent information regarding criminal convictions, or discipline by any racing jurisdiction shall result in a denial of the request for waiver.

(2) The applicant shall establish proof of rehabilitation and demonstrate good moral character. The waiver applies to criminal convictions or discipline by any racing jurisdiction disclosed to the division, unless revoked by the division for violation of Chapter 550, F.S., or these rules.

(3) No applicant for a waiver shall be allowed to work in any capacity as an occupational licensee until a license is issued based upon a waiver, granted by the director.

Rulemaking Authority 550.0251(3), 550.105(2)(b), (10)(a) FS. Law Implemented 550.0251, 550.105 FS. History--New 10-20-96, Amended 12-15-97, 4-12-06, 9-11-11, Formerly 61D-5.006.

**CHAPTER 75-6
DRUGS AND VETERINARIAN PROCEDURES**

75-6.001	Purpose for Rules; Definitions Related to Drugs and Medications
75-6.002	General Duties and Responsibilities
75-6.003	Permitted Medications; General Provisions
75-6.004	Prohibited Devices, Medications, and Procedures; Exceptions
75-6.0051	Procedures for Collecting Samples from Racing Horses
75-6.0052	Procedures for Collecting Samples from Greyhounds
75-6.006	Procedures Relating to Split Samples
75-6.007	Testing Methodologies, Measurement Uncertainties, Screening Limits for Racing Horses
75-6.008	Permitted Medications for Horses
75-6.009	Veterinarians
75-6.011	Racing Horse Drug and Substance Classification System and Penalty Schedule
75-6.012	Racing Greyhound Drug and Substance Classification System and Penalty Schedule

75-6.001 Purpose for Rules; Definitions Related to Drugs and Medications.

(1) The purpose of these rules related to Medication, Drugs and Sampling is to protect the integrity of horse racing, ~~and jai alai games and greyhound racing~~, to protect the welfare of the animal, and to safeguard the interest of the public and racing participants through the control of all medications, drugs, and substances foreign to or in excess of the natural physiology of the animal.

(2) In construing these rules, the following definitions shall apply:

(a) “Bleeders’ List” means a list of horses maintained by the division that exhibit exercise induced pulmonary hemorrhage.

(b) “Furosemide (Salix) List” means the division’s official list of racing horses approved for racing with furosemide in Florida.

(c) “Legend drug” means a drug or medication which requires a prescription under federal law.

(d) “Proprietary drug” means a patent or over-the-counter medicine which is sold to the public by, or under the authority of, the manufacturer or primary distributor thereof and which is not misbranded under the provisions of the Florida Drug and Cosmetic Act (Chapter 499, F.S.).

(e) “Veterinarian’s list” means a list maintained by the track veterinarian which contains the name of any racing horse ~~or racing greyhound~~ which the veterinarian considers unfit, unsound or not ready for racing.

(f) “Sulfa drugs” means sulfa and sulfa-like antimicrobial medications and their metabolites, including but not limited to sulfadiazine, sulfamethazine, sulfadimethoxine, sulfadimethoxine, sulfametranidazole, sulfapyridine, sulfathiazole, sulfamethoxazole, trimethoprim and pyrimethamine.

Rulemaking Authority 550.0251(3), ~~550.2415(12)~~ ~~550.2415(13)~~ FS. Law Implemented 550.0251, 550.2415 FS. History—New 10-20-96, Amended 6-6-00, 4-12-06, _____, Formerly 61D-6.001.

75-6.002 General Duties and Responsibilities.

(1) The trainer of record shall be responsible for and be the absolute insurer of the condition of the horses ~~or racing greyhounds~~, he/ she enters to race. Trainers, ~~kennel owners and operators~~ are presumed to know the rules of the Division. The trainer of record shall be identified on Form FGCC PMW-3360, Personnel Roster, effective December 2015 and incorporated herein by reference, which can be obtained at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06327>, www.fgcc.fl.gov, or by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399. The trainer of record shall provide to the chief inspector and racing secretary at any track where the trainer enters racing animals in pari-mutuel races Form FGCC PMW-3360, Personnel Roster at the beginning of each race meet and whenever any changes are made to the personnel under his/her employment.

(2) Each permitholder of a thoroughbred, harness, ~~or~~ quarter horse, ~~or greyhound~~ racing facility shall provide and maintain a detention enclosure in a location approved by the division for the purpose of securing urine, blood or other samples from racing ~~greyhounds or~~ horses. The detention enclosure at horse tracks shall have a perimeter fence which will prevent access of unauthorized persons, contain a wash rack, an office for the Division veterinarian, and not less than six detention stalls with an adjacent walking ring. ~~The detention enclosure at greyhound tracks shall be located within a reasonable distance of the veterinary assistant detention~~

~~office and shall have a chain link perimeter fence which will prevent access of unauthorized persons. The detention enclosure at greyhound tracks shall be large enough to allow three dogs to be walked simultaneously for the purpose of taking urine samples, be partially covered to allow sampling during inclement weather, and have sufficient lighting to allow sampling during hours of darkness.~~

(3) Reports of positive result shall include the substance detected, concentration of the substance, testing methodologies, and the measurement uncertainties associated with the test.

Rulemaking Authority ~~120.80(4)(a)~~, 120.80(19), 550.0251(3), 550.2415(2), (7) FS. Law Implemented ~~120.80(4)(a)~~, 120.80(19), 550.0251, 550.2415 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, 1-10-16, _____, Formerly 61D-6.002.

75-6.003 Permitted Medications; General Provisions.

(1) The trainer of record shall be responsible for insuring that all legend drugs, proprietary drugs, or medicinal compounds (natural or synthetic) of any nature are kept or stored at all times in a securely locked cabinet, locker, or room when not actively being administered.

(2) Any legend drug, which is used or kept on the grounds of a permitholder and which, by federal or state law, requires a prescription and Drug Enforcement Administration (DEA) number, must be validly prescribed by a duly licensed veterinarian in good standing in their state of licensure, who has established a current veterinarian-patient relationship with said animal and in compliance with Section 474.214(1)(y), F.S. All legend drugs, must have a label which is securely attached to the container and complies with the requirements of Chapters 465, 474 and 499, F.S. When the medication container is such that a label cannot be affixed thereto, the label must be affixed to the original packing container or bag. Such labeling will be presumed to imply that a veterinarian-patient relationship exists that can be verified through the veterinarian's records.

(3) Any person receiving a legend drug, proprietary drug, or medicinal compound (natural or synthetic) shall be responsible for ensuring that a label is on said medication. Dispensing veterinarians shall be responsible for the proper labeling of all legend drugs, proprietary drugs, or medicinal compounds (natural or synthetic) they dispense.

Rulemaking Authority 120.80(4)(a), 550.0251(3), 550.2415(2), (13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Formerly 61D-6.003.

75-6.004 Prohibited Devices, Medications, and Procedures; Exceptions.

(1) The administration, by whatever means, of any medication, except furosemide and prednisolone sodium succinate, to a racing animal within 24 hours prior to the officially scheduled time of a race in which that animal is scheduled to compete is strictly prohibited. The administration of furosemide or prednisolone sodium succinate, by whatever means, to a racing animal within 4 hours prior to the officially scheduled time of a race in which that animal is scheduled to compete is strictly prohibited. Any racing animal found by the stewards ~~or judges~~, through evidence a reasonable person would consider reliable, to have been administered, by whatever means, any medication other than furosemide and prednisolone sodium succinate within 24 hours prior to the officially scheduled time of a race in which that animal is scheduled to compete shall be scratched. Any racing animal found by the stewards ~~or judges~~, through evidence a reasonable person would consider reliable, to have been administered furosemide or prednisolone sodium succinate, by whatever means, within 4 hours prior to the officially scheduled time of a race in which that animal is scheduled to compete shall be scratched. Nothing in this rule shall be interpreted to prohibit the use of vitamins, minerals or naturally occurring substances so long as none exceeds the normal physiological concentration in a race day specimen.

(2)(a) No licensee within the grounds of a racing permitholder where racing animals are lodged or kept shall have in or upon the premises which that person occupies or has the right to occupy, or in that licensee's personal property or effects, the following:

1. Legend drugs dispensed without a valid prescription,
2. Any hypodermic needle, injectable vial, syringe capable of accepting a hypodermic needle or which may accept a volume greater than 6 ounces, tube device for naso-gastric or gastric intubation,
3. Except as provided in paragraph (2)(b), any jug, drench or device capable of forced ingestion by human means, or
4. Except as provided in paragraph (2)(b), any other device which could be used for the injection, infusion or other administration of a legend drug, proprietary drug or medicinal compound (natural or synthetic) into a horse ~~or racing greyhound~~.

(b) Exempted from the provisions of paragraph (2)(a), are:

1. The possession of a syringe, hypodermic needle, injectable vial for the administration of a medication for personal use if the stewards or judges of the permitted premises the person occupies are provided prior written notification of possession of such

devices and medication and are provided a copy of a physician order documenting the need for such devices and medication; and,
2. The possession of any of those items referred as in paragraph (2)(a) above by any veterinarian currently licensed pursuant Chapters 474 and 550, F.S.

3. The possession of any of the following devices which the division expressly designates as exempt from the prohibitions contained in paragraph (2)(a), above:

- a. The possession of tubing of a length not to exceed 36 inches,
- b. Does syringes, bulb syringes and other syringes not capable of accepting a hypodermic needle and which cannot accept a volume of greater than 6 ounces,
- c. Balling gun; and,
- d. Inhalation devices.

(3) The rectal, oral, naso-gastric or gastric intubation (commonly known as “tubing”) of any racing animal which is scheduled to race is prohibited on race day. Any animal found by the stewards ~~or judges~~ to have been intubated on race day shall be scratched.

Rulemaking Authority ~~120.80(4)(a), 120.80(19)~~, 550.0251(3), (11), ~~550.2415(12) 550.2415(13)~~ FS. Law Implemented ~~120.80(4)(a), 120.80(19)~~, 550.0251, 550.235, 550.2415 FS. History– New 10-20-96, Amended 1-5-98, _____, Formerly 61D-6.004.

75-6.0051 Procedures for Collecting Samples from Racing Horses.

(1) Identification of Horses for Sampling:

(a) Any horse the judges, stewards, division, or track veterinarian designate, shall be sent immediately after the race to the detention enclosure for examination by the authorized representative of the division and for the taking of urine, or blood specimens as shall be directed for the monitoring and detection of both permissible and impermissible substances.

(b) The division veterinarian and veterinarian assistant or authorized division representative shall verify the identity of the horse to be sampled by checking the horse’s lip tattoo, freeze-brand, microchip, or physical description on its registration papers.

(2) Collection of Specimens:

(a) Urine specimens shall be collected only by authorized representatives of the division. If representatives of the division are unable to collect a urine specimen from a horse which has remained in the detention enclosure for up to ninety minutes, they have the option to accompany the horse to its own barn for additional attempts at collecting a specimen. The owner, trainer of record, groom, or other authorized person shall accompany the horse and division personnel to its barn and shall remain with the horse until a specimen is collected, and is permitted to accompany the division personnel and specimen back to the detention enclosure for sealing of the specimen container(s).

(b) Blood specimens shall be collected only by a Florida licensed veterinarian or designee and witnessed by the horse’s trainer of record, owner, or designee. The veterinarian or designee shall obtain at least four, but not more than six, full blood tubes from each horse sampled.

1. When four full blood tubes are obtained, three of the full blood tubes shall be considered the primary or “A” sample. The other full blood tube shall be considered the secondary, or “B” portion of the specimen.

2. When more than four full blood tubes are obtained, a single blood tube shall be considered the secondary or “B” portion of the specimen, and the other tubes shall be considered the primary or “A” portion.

(c) At the time of collection, the authorized representative of the division responsible for collecting the urine specimen shall wear gloves provided by the division.

(3) After collection, blood specimen tubes shall be sealed and labeled. The sealing and labeling process for blood specimens shall include:

(a) Assigning and affixing a sample number, unique to each horse sampled, to the blood specimen tubes;

(b) Assigning an “A” and “B” designation to the appropriate tubes; and,

(c) Affixing evidence tape to the tubes.

(4) Centrifuging of Blood Specimens:

(a) Once collected, a blood specimen shall rest for at least 30 minutes.

(b) Blood specimens shall be centrifuged at the detention barn facility to separate serum from the blood specimen in preparation of refrigeration for shipment to the testing laboratory.

(5) Pouring of Urine Specimens:

(a) After collection, the urine specimen shall be brought into the detention barn office where it shall be poured directly into two

containers, one designated as the primary or “A” sample, and one designated as the secondary or “B” sample.

(b) The containers shall be sealed before securing and freezing for shipping.

(c) Only authorized representatives of the division shall pour urine specimens.

(d) At least one authorized representative of the division shall be present to observe the pouring of the urine specimens.

(e) Once transferred, the containers shall be sealed and a sample number shall be affixed to the containers.

(f) Evidence tape shall be affixed to the containers before securing and freezing for shipping.

(6) Failure of an owner, trainer of record or other authorized person to witness and/or sign a sample tag shall not preclude the division from proceeding with sample analysis.

(7) Securing and Shipping of Specimens:

(a) Urine shall be stored in a lockable freezer in the detention enclosure.

(b) Centrifuged blood specimens shall be stored in a lockable refrigerator in the detention enclosure.

(c) Specimens shall be shipped to the laboratory under contract with the division via common carrier in a locked, tamper proof container maintained in a manner to preserve the integrity of the specimens.

(d) Primary and secondary samples shall be packed, labeled, and secured in separate, segregated, sealed packaging within a shipping container for shipment to the primary laboratory.

(e) Secondary samples shall remain unopened while at the primary laboratory and shall be stored in a freezer or refrigerator separate from the primary samples until they are shipped for secondary analysis if requested or destroyed by the primary laboratory.

(8) Authorized division personnel must record the horse’s name and tattoo number; time of collection; name of the trainer or owner’s witness, if any; specimen ID number; the time that centrifuging of blood begins; and the time urine is decanted for each specimen collected and processed.

(9) Authority of the division:

(a) The division veterinarian or division investigator is authorized to confiscate any legend or proprietary drugs, medications, unlabeled medication, medication with altered labels, medicinal compounds (natural or synthetic) or other materials which are found in the stable area or elsewhere on race tracks, or in the possession of any person participating in or connected with racing, including veterinarians and trainers, and which are suspected of containing improper legend or proprietary drugs, medications, medicinal compounds (natural or synthetic) or other materials which are illegal or impermissible under these rules. Such legend or proprietary drugs, medications, unlabeled medication, medication with altered labels, medicinal compounds (natural or synthetic) or other materials shall be delivered to the laboratory under contract with the division for analysis.

(b) The division is authorized to confiscate any evidence that an illegal or impermissible legend or proprietary drug, medication, or medicinal compound (natural or synthetic) may have been administered to a racing animal.

(c) Any licensee who threatens to or interferes with, or fails to allow the taking of urine, blood or other specimens authorized by Chapter 550, F.S., is subject to any disciplinary action authorized by Chapter 550, F.S., or the rules promulgated thereunder.

Rulemaking Authority: 550.0251(3), 550.2415(12) FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155, 550.2415 FS. History—New 12-4-17, Formerly 61D-6.0051.

75-6.0052 Procedures for Collecting Samples from Racing Greyhounds.

~~(1) Designating Greyhounds for Sampling:~~

~~Prior to the race, all greyhounds scheduled to race shall report to the detention enclosure for examination by an authorized representative of the division for the taking of urine and/or other such samples as shall be directed for the monitoring and detection of both permissible and impermissible substances. An authorized division representative shall attempt to collect a urine sample from the first two greyhounds that urinate. If an authorized representative is not able to collect a sample from both of the first two greyhounds that urinate, they shall continue to attempt collecting a sample from the next greyhound, or greyhounds, that urinate until either they have collected a total of two samples or there are no other greyhounds urinating from which they can collect a sample.~~

~~(2) Collection of Samples:~~

~~(a) Urine and/or other samples shall be collected by an authorized representative of the division in an unused sample container supplied by the division, or its agent. Authorized representatives of the division shall wear unused gloves supplied by the division, or its agent, during sample collection until the sample container is sealed with its lid.~~

(b) Authorized representatives of the division shall use a sample card with a unique identifier to record the date of sample collection and the identification tattoo, microchip or name of the greyhound sampled or attempted to be sampled.

(c) The owner, trainer of record, or other authorized person is permitted to witness when the sample is collected from their greyhound. Failure of an owner, trainer of record or other authorized person to witness and/or sign the sample card shall not preclude the division from proceeding with sample analysis.

(3) Sealing and Labeling of Samples:

(a) As soon as possible after a sample is collected, the sample container shall be sealed with its lid.

(b) The sample container shall be labeled with the sample card's unique identifier.

(c) Evidence tape shall be placed over both the sample container and lid on at least two sides.

(d) The authorized representative of the division that sealed the sample container shall initial the evidence tape on the sample container.

(4) Storing and Shipping of Samples:

(a) After being sealed and labeled, the samples shall be stored in a locked freezer in a restricted area that is accessible by only authorized representatives of the division until the time of shipment. Samples shall be stored in a frozen state.

(b) The samples shall be shipped in an insulated container and, upon the completion of packing the samples for shipment, the shipping container shall be locked. All appropriate forms for shipment shall be completed and included with the shipment to ensure correct delivery and identification of the contents.

(c) The samples shall be shipped to the laboratory under contract with the division for testing of the samples via the laboratory's contracted common carrier.

(5) Authority of the Division:

(a) The division investigator or other authorized representative is authorized to confiscate any legend or proprietary drugs, medications, unlabeled medication, medication with altered labels, medicinal compounds (natural or synthetic) or other materials which are found on the grounds of greyhound race tracks and kennel compounds or in the possession of any person participating in or connected with greyhound racing, including veterinarians and trainers, and which are suspected of containing improper legend or proprietary drugs, medications, medicinal compounds (natural or synthetic) or other materials which are illegal or impermissible under these rules. Such legend or proprietary drugs, medications, unlabeled medication, medication with altered labels, medicinal compounds (natural or synthetic) or other materials shall be delivered to the laboratory under contract with the division for analysis.

(b) The division investigator or other authorized representative is authorized to confiscate any evidence that an illegal or impermissible legend or proprietary drug, medication, or medicinal compound (natural or synthetic) may have been administered to a racing animal.

(c) Confiscated drugs, medications, compounds or other evidence shall be collected by an authorized representative of the division and sealed in an unused bag supplied by the division or its agent. The authorized representative of the division shall seal the bag opening with evidence tape and shall initial the evidence tape after sealing the bag. The authorized representative of the division shall label the bags collected with the collector's name, the date of collection, the address or location where the evidence was collected, and, if there are multiple bags collected in the same location, the bags shall be numbered in sequential order. The sealed bag shall be stored in a locked area, cabinet or container accessible by only authorized representatives of the division. When necessary to determine the contents, the sealed evidence bag shall be sent to the laboratory under contract with the division for analysis.

(d) It is a violation of these rules for a licensee to threaten to interfere, actually interfere or prevent the taking of urine, blood, saliva or other samples authorized by Chapter 550, F.S. For such a violation, the division may impose any disciplinary penalties authorized by Chapter 550, F.S., or the rules promulgated thereunder.

Rulemaking Authority 550.0251(3), (11), 550.2415(12) FS. Law Implemented 550.0251, 550.2415 FS. History—New 3-10-19, Formerly 61D-6.0052, Repealed.

75-6.006 Procedures Relating to Split Samples.

The following procedures shall be followed when requesting a split sample analysis at an independent 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 split sample analysis be conducted on the corresponding portion of the specimen, or secondary ("B" portion), if applicable. The trainer of record or owner may request that the split sample be sent to an independent laboratory approved by the Division for split

sample analysis. The request must be made in writing or on Form FGCC PMW-3290, Split Sample Request, effective December 2015, and adopted herein by reference, which can be obtained at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06325>, www.fgcc.fl.gov, or by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399, 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) calendar days after receipt of the report of positive result.

(2) The party requesting the split sample shall select an independent laboratory from a list of laboratories approved by the Division to perform the split sample analysis. The party requesting a split sample analysis shall bear all costs of the analysis and provide the Division with proof of payment.

(3) Failure to request a split sample with an approved independent laboratory within ten (10) calendar days after receiving written notification of the report of positive result from the primary racing laboratory shall constitute a waiver of the right to a split sample. Failure to pay the independent laboratory in full for split sample analysis and provide proof of payment to the Division within ten (10) days of the request for split sample analysis shall constitute a waiver of the right to a split sample.

(4) Upon receipt of the split sample request, the Division shall notify the primary laboratory of the request, identifying the sample number on which the split sample analysis is to be performed, the independent laboratory which has been selected, and the primary laboratory's internal tracking number. The primary racing laboratory shall send the unopened 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 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.

Rulemaking Authority ~~120.80(4)(a)~~, [120.80\(19\)](#), 550.0251(3), (11), 550.2415(5), (12) *FS. Law Implemented* ~~120.80(4)(a)~~, [120.80\(19\)](#), 550.0251, 550.2415 *FS. History*—New 10-20-96, Amended 12-15-97, 4-12-06, 6-26-11, 1-10-16, 12-4-17, _____, Formerly 61D-6.006.

75-6.007 Testing Methodologies, Measurement Uncertainties, Screening Limits for Racing Horses.

(1) Testing Methodologies: Methodologies used to screen for and confirm the administration of medications, drugs, and naturally occurring substances in racing horses shall be limited to the following: Immunoassay, Liquid Chromatography Mass Spectrometry (LCMS), Gas Chromatography Mass Spectrometry (GCMS), Clinical Refractometer, and/or Specific Gravity.

(2) Measurement Uncertainties: The Division hereby incorporates by reference the Division Laboratory Measurement Uncertainty Schedule containing the established levels. An electronic copy can be located at <https://www.flrules.org/Gateway/reference.asp?No=Ref-13341>, Effective Date: 07-13-2021.

(a) All measurement uncertainties have been established at the maximum allowable concentration for those substances, analytes, and corresponding metabolites or markers contained within Rule 75-6.008, F.A.C., that undergo quantitative analysis, unless otherwise specified.

(b) If a sample is diluted for testing, the measurement uncertainty is multiplied by the factor of dilution.

(c) Measurements of uncertainty are not established for the testing of specimens in which the identification of a substance, analyte, or corresponding metabolite or marker at or above the lowest level of detection is sufficient to constitute a violation.

(3) Screening Limit for Prohibited Substances in Racing Horses: Any and all findings above zero that are over the limit of detection, under any condition of use, for prohibited substances shall be considered a violation of Section 550.2415, F.S.

Rulemaking Authority 550.0251(3), (11), 550.2415(12) *FS. Law Implemented* 550.0251, 550.2415 *FS. History*—New 10-20-96, Amended 6-6-00, 6-6-04, 4-12-06, 6-26-11, 8-1-19, 8-4-21, Formerly 61D-6.007.

75-6.008 Permitted Medications for Horses.

(1) The prescription medications defined in this rule shall be permitted under the conditions set forth to conserve and protect the health of the horse which is entered to race. All such medications shall be procured and administered by a licensed veterinarian, except where a valid prescription or dispensing occurs in compliance with the requirements of Chapter 474, F.S.

(2) The following permitted medications at concentrations less than or equal to the following schedule shall not be reported by the racing laboratory to the Division as a violation of Section 550.2415, F.S.:

(a) The detection of acepromazine [2-(1-hydroxyethyl) promazine sulfoxide] at a urinary concentration of 10 nanograms per milliliter.

(b) The detection of albuterol at a urinary concentration of 1 nanogram per milliliter.

(c) The detection of betamethasone at a blood serum concentration of 10 picograms per milliliter.

(d) The detection of butorphanol (total) at a urinary concentration of 300 nanograms per milliliter, or (free) at a blood serum concentration of 2 nanograms per milliliter.

(e) The detection of clenbuterol at a urinary concentration of 140 picograms per milliliter, or a blood serum concentration at the lowest level of detection.

(f) The detection of dantrolene (5-hydroxydantrolene) at a blood serum concentration of 100 picograms per milliliter.

(g) The detection of detomidine (carboxydetomidine) at a urinary concentration of 1 nanogram per milliliter, or a blood serum concentration at the lowest level of detection.

(h) The detection of dexamethasone at a blood serum concentration of 5 picograms per milliliter.

(i) The detection of diclofenac at a blood serum concentration of 5 nanograms per milliliter.

(j) The detection of dimethyl sulfoxide (DMSO) at a blood serum concentration of 10 micrograms per milliliter

(k) The detection of firocoxib at a blood serum concentration of 20 nanograms per milliliter.

(l) The detection of furosemide at a blood serum concentration of 100 nanograms per milliliter and a urine specific gravity of less than 1.010.

(m) The detection of glycopyrrolate at a blood serum concentration of 3 picograms per milliliter.

(n) The detection of isoflupredone at a blood serum concentration of 100 picograms per milliliter.

(o) The detection of lidocaine at a blood serum concentration of 20 picograms per milliliter.

(p) The detection of mepivacaine (hydroxymepivacaine) at a urinary concentration of 10 nanograms per milliliter, or a blood serum concentration at the lowest level of detection.

(q) The detection of methocarbamol at a blood serum concentration of 1 nanogram per milliliter.

(r) The detection of methylprednisolone at a blood serum concentration of 100 picograms per milliliter.

(s) The detection of omeprazole at a urinary concentration of 1 nanogram per milliliter.

(t) The detection of prednisolone at a blood serum concentration of 1 nanogram per milliliter.

(u) The detection of procaine penicillin at a blood serum concentration of 25 nanograms per milliliter.

(v) The detection of triamcinolone acetonide at a blood serum concentration of 100 picograms per milliliter.

(w) The detection of xylazine at a blood serum concentration of 0.01 nanogram per milliliter.

(3) Samples collected may contain one of the three non-steroidal anti-inflammatory drugs (NSAIDs) listed below, up to the primary threshold. Samples may contain two of the NSAIDs at a concentration up to the secondary threshold. No more than two of the NSAIDs listed below may be present in any sample.

(a) Flunixin at a primary blood serum concentration of 20 nanograms per milliliter, and a secondary blood serum concentration of 3 nanograms per milliliter.

(b) Ketoprofen at a primary blood serum concentration of 2 nanograms per milliliter, and a secondary blood serum concentration of 1 nanogram per milliliter.

(c) Phenylbutazone at a primary blood serum concentration of 2 micrograms per milliliter, and a secondary blood serum concentration of 0.3 micrograms per milliliter.

(4) No Androgenic-Anabolic Steroids (AAS) shall be permitted in test samples collected from racing horses, except for the major metabolites of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the following thresholds:

(a) Stanozolol or 16 β -hydroxystanozolol – 1 nanogram per milliliter in urine for all horses regardless of sex.

(b) Boldenone – 15 nanograms per milliliter in urine of male horses other than geldings. No boldenone shall be permitted in geldings or female horses.

(c) Nandrolone – 1 nanogram per milliliter in urine of geldings or females; or 45 nanograms per milliliter of metabolite, 5 α -oestrane-3 β ,17 α -diol in urine of male horses other than geldings.

(d) Testosterone – 20 nanograms per milliliter in urine of geldings, 55 nanograms per milliliter in urine of females. Samples collected from male horses other than geldings will not be tested for testosterone.

(5) All prescription medications, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

75-6.009 Veterinarians.

(1) The Division shall employ a veterinarian (the Division or state veterinarian) who is licensed and in good standing with the Florida State Board of Veterinary Medicine pursuant to Chapter 474, F.S. The Division veterinarian is authorized to:

- (a) Maintain and operate a detention enclosure for the securing of urine, blood, or other samples in accordance with this chapter;
- (b) Collect other specimens and samples for analysis in accordance with this chapter;
- (c) Monitor the conduct and practice of veterinarians licensed by the Division in accordance with this chapter;
- (d) Recommend the scratching of any racing animal the veterinarian considers to be unsound or unfit to race;
- (e) Inquire into any violation concerning a practicing veterinarian, and counsel the stewards, ~~judges,~~ or Division investigators concerning such violations of rules;
- (f) Investigate any illness of racing animals exhibiting symptoms suggestive of any infectious, contagious or epizootic disease;
- (g) Inspect stables ~~and greyhound compound areas~~ for general health and safety requirements;
- (h) Recommend to the stewards ~~or judges~~ that a special urine or blood sample be collected from any racing animal that he/she suspects is not performing according to form; and
- (i) Perform such other duties as the Division may from time to time require.

(2) Each racing animal permitholder shall employ a veterinarian (the track or permitholder veterinarian) who is licensed by and in good standing with the Florida State Board of Veterinary Medicine pursuant to Chapter 474, F.S. It is the duty of the general manager to ensure that the requirements of rules pertaining to the track veterinarian are strictly complied with.

(a) Every racing animal entered to race shall be given a pre-race examination on the day of the race to determine the entry's fitness to race. The pre-race examination shall be made by the track veterinarian.

1. Horses shall be examined prior to racing. All bandages shall be removed by the groom and the entry exercised outside the stall so the track veterinarian can determine the physical condition of the entry.

~~2. Racing greyhounds shall be examined by the track veterinarian at the first weighing in time, before entry into the lock-out kennel (Jenny pit).~~

(b) The track veterinarian shall observe the condition of all racing animals immediately prior to, during, and after the race. Any racing animal which has been entered to race that the track veterinarian or division veterinarian considers to be unsound for racing shall be promptly reported to the stewards ~~or judges~~ and said animal shall be scratched.

(c) The track veterinarian shall maintain a list to be known as the "Veterinarian's List" upon which the veterinarian shall enter the name of any racing animal which the veterinarian considers unfit, unsound or not ready for racing. Any racing animal placed on the Veterinarian's List shall be refused entry until the track veterinarian removes its name from the list. A trainer ~~or kennel owner~~ may appeal any decision to place a racing animal on the Veterinarian's List to the stewards ~~or judges~~.

(d) The track veterinarian shall perform such other reasonable duties pertaining to the health and welfare of the racing animals as shall be directed by the stewards, ~~judges,~~ or the Division.

(3) Any veterinarian duly licensed in accordance with the laws of the State of Florida and desiring to practice on the grounds of a permitholder (practicing veterinarian) must be licensed by the Division.

(a) Practicing veterinarians shall not furnish, sell or loan any hypodermic syringe, hypodermic needle or other device which could be used for injection, infusion or other administration into a racing animal of any medication, drug or compound (natural or synthetic). Only one-time disposable syringes and infusion tubes are authorized for use in the treatment of racing animals by veterinarians practicing on the grounds of a permitholder and said syringes must be properly disposed of following their use.

(b) Practicing veterinarians who prescribe or use any drug, medication, compound (natural or synthetic) or treatment which contains a legend or proprietary drug, medication, or medicinal compound (natural or synthetic) which may restrict the racing ability of a racing animal for a period of time, shall at the time of prescribing or use deliver to the racing animal's trainer of record or their designee when witnessed to, a written statement setting forth the date, the name of the animal, and the name of said drug, medication or compound (natural or synthetic), the effect and reason so prescribed and used. A copy of this statement shall be available upon the request of the Division veterinarian, track veterinarian or stewards ~~judges~~. Any illness with unusual symptoms shall immediately be reported by the trainer, ~~kennel owner/operator~~ or attending veterinarian to the Division veterinarian, track veterinarian or steward ~~judge~~.

(4)(a) Practicing veterinarians shall maintain records of all racing animals treated and of all medications sold or dispensed. These records shall include the names of the racing animals, their trainer ~~or kennel owner of record~~, the date, time, amount and type of medication, drug or compound (natural or synthetic), method of administration, and diagnosis. These records shall be retained for

at least 24 months and shall be available for inspection by Division personnel.

(b) Practicing veterinarians shall not possess or possess with intent to sell, dispense, deliver or cause to be on the grounds of any pari-mutuel facility, any legend or proprietary drugs, medications or medicinal compounds (natural or synthetic) that are not in compliance with the provisions of Chapters 465, 474, 499, and 893, F.S.

(5) The track veterinarian, the Division veterinarian and any practicing veterinarian who furnishes professional services at a race meeting are prohibited:

(a) From possessing any ownership, directly or indirectly, in any racing animal racing during the meeting at which the veterinarian is employed or practicing; and,

(b) From placing any wager for any thing of value on the outcome of any race conducted at the meeting at which the veterinarian is employed or practicing.

(6)~~(a)~~ No veterinarian employed by a permitholder or by the Division shall be permitted, during the period of employment (30 days prior to the meet, until the completion of the meet), to treat or prescribe for any racing animal participating in a pari-mutuel meeting for compensation or otherwise, except in cases of emergency, or as otherwise authorized by the Division. In all cases where emergency treatment is rendered, a full and complete report of such treatment shall be made to the Division. No owner or trainer shall employ or pay compensation to any such veterinarian, either directly or indirectly, during the period for which he/she is so employed by the Division or a permitholder unless otherwise authorized by the Division.

~~(b) As an exception to this section, greyhound permitholders may direct their track veterinarians to adopt a schedule for and perform the administration of testosterone for the control of estrus to female racing greyhounds, and required inoculations for all racing greyhounds. The costs of such administrations shall be determined by contractual agreement.~~

(7) No horse shall be allowed to enter, start, or be stabled on the grounds of a pari-mutuel facility unless a copy of a valid negative original Coggin's Test certificate, within one year of the date on which the sample was drawn, is presented and on file with the permitholder.

(8)(a) All racing animals shall be inoculated for infectious, contagious, and epizootic diseases including the following, and given boosters as recommended by veterinarians:

~~1. Canine: Each of the following, once per year: Distemper, Adenovirus (Hepatitis), Leptospirosis, Para Influenza, Parvo, Bordetella bronchiseptica and Rabies.~~

~~2.1.~~ Equine: Mandatory (unless the attending veterinarian, based upon the veterinarian's professional judgement, as indicated in the animal's veterinary records, determines that inoculation is contraindicated) at least as often as recommended by the vaccine manufacturer unless additional inoculations are required by the attending veterinarian: Influenza, Equine Encephalitis, and Rhinopneumonitis. Any other inoculation shall occur as recommended by the attending veterinarian.

~~(b) Proof of vaccination for each active or inactive racing greyhound must be kept on file by the kennel owner/operator, trainer of record and be subject to inspection by the Division, provided, however, that failure to possess such proof shall not be the basis for disciplinary action if proof of inoculation can be secured through the treating veterinarian.~~ Proof of vaccination and a Coggin's Test certificate for racing horses must be kept on file with the trainer of record and be subject to inspection by the division, provided, however, that failure to possess such proof shall not be the basis for disciplinary action if proof of inoculation and/or Coggin's Test can be secured through the treating veterinarian or the Florida race track where the horse is stabled.

(9) Any veterinarians practicing on the grounds of a permitholder shall promptly report to the Division veterinarian, track veterinarian or in their absence, the stewards/~~judges~~, any inhumane, illegal, or improper treatment of a racing animal that comes to their attention. The failure to do so will be considered a violation of these rules.

~~(10) Any veterinarian who euthanizes a greyhound shall:~~

~~(a) Use only one time disposable syringes in compliance with paragraph (3)(a) of this rule; and,~~

~~(b) Maintain all records required by paragraph (4)(a) of this rule.~~

Rulemaking Authority ~~120.80(4)(a)~~, 120.80(19), 550.0251(3), (11), 550.2415(6)(b), (12) FS. Law Implemented 550.0251, 550.2415(6)(b) FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, 7-20-10, 1-10-16, _____, Formerly 61D-6.009.

75-6.011 Racing Horse Drug and Substance Classification System and Penalty Schedule.

(1) The purpose of this rule is to designate and classify prohibited substances and the corresponding penalties that the Division shall impose upon a finding that a horse participated in a race while impermissibly medicated or with a prohibited substance present

in its body. Any reference to a Commission within the incorporated document in subsection (2) of this rule is not applicable as the State of Florida has not established a racing commission.

(2) The Division hereby incorporates by reference the classification system for drugs and substances and corresponding penalty schedule in the Uniform Classification Guidelines for Foreign Substances, version 8.0, revised December 2014, by the Association of Racing Commissioners International, Inc. (the "Classification and Penalty Guidelines"). An electronic copy is available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10818>.

(3) The penalties corresponding to the drug or medication classification, as provided in the incorporated Classification and Penalty Guidelines, shall be imposed when a horse has been impermissibly medicated or determined to have a prohibited substance present in its body in violation of Section 550.2415, F.S.

(4) The presence of more than one Non Steroidal Anti-Inflammatory Drug (NSAID) constitutes an NSAID stacking violation under the following conditions:

(a) A Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:

1. Two non-steroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

- a. Diclofenac – 5 nanograms per milliliter of plasma or serum;
- b. Firocoxib – 20 nanograms per milliliter of plasma or serum;
- c. Flunixin – 20 nanograms per milliliter of plasma or serum;
- d. Ketoprofen – 2 nanograms per milliliter of plasma or serum;
- e. Phenylbutazone – 2 micrograms per milliliter of plasma or serum; or
- f. All other non-steroidal anti-inflammatory drugs – any and all findings above zero.

2. Three or more non-steroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

- a. Diclofenac – 5 nanograms per milliliter of plasma or serum;
- b. Firocoxib – 20 nanograms per milliliter of plasma or serum;
- c. Flunixin – 3 nanograms per milliliter of plasma or serum;
- d. Ketoprofen – 1 nanograms per milliliter of plasma or serum;
- e. Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum; or
- f. All other non-steroidal anti-inflammatory drugs – any and all findings above zero.

(b) A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:

1. Any one substance noted in Subsection (a)1. above is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:

- a. Flunixin – 3.0 nanograms per milliliter of plasma or serum;
- b. Ketoprofen – 1 nanogram per milliliter of plasma or serum; or
- c. Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum;

(c) A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:

1. Any combination of two of the following non-steroidal anti-inflammatory drugs are found at or below the restrictions in subparagraphs (a)1.a.-e. above but in excess of the noted restrictions:

- a. Flunixin – 3 nanograms per milliliter of plasma or serum;
- b. Ketoprofen – 1 nanogram per milliliter of plasma or serum; or
- c. Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum.

(5) The Division shall consider the following mitigating or aggravating factors to deviate from the penalties provided by the Classification and Penalty Guidelines:

- (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 and date of prior violations of any penalty class in Florida and any other jurisdiction.
- (d) The number of similar prior offenses.
- (e) The time period between offenses.
- (f) The number of complaints filed against the licensee, which have resulted in prior discipline.
- (g) The length of time the licensee has been licensed in Florida or any other jurisdiction.

(6) An owner or trainer, who fails to return the purse, sweepstakes, and trophy to the original distributor as required by final order, is in violation of this rule and shall be subject to further administrative action.

(7) If a penalty within the Classification and Penalty Guidelines provides for a sanction in excess of the limitation contained in Section 550.2415(3)(a), F.S., the sanction imposed shall be reduced to an amount that does not exceed the statutory maximum limit.

Rulemaking Authority 550.0251(3), 550.2415(7), (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, 9-5-18, 8-29-19, Formerly 61D-6.011.

75-6.012 Racing Greyhound Drug and Substance Classification System and Penalty Schedule.

(1) The purpose of this rule is to designate and classify prohibited substances and the corresponding penalties that the Division shall impose upon a finding that a greyhound participated in a race while impermissibly medicated or with a prohibited substance present in its body. Nothing hereunder modifies the provisions promulgated under Section 550.2415, F.S. Any reference to a Commission within the incorporated document in subsection (2) of this rule is not applicable because the State of Florida has not established a Racing Commission.

(2) The Division hereby incorporates by reference the classification system for drugs and substances and corresponding penalty schedule in the Uniform Classification Guidelines for Foreign Substances, version 8.0, revised December 2014, by the Association of Racing Commissioners International, Inc. (the "Classification and Penalty Guidelines"). An electronic copy is available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10818>.

(3) The penalties corresponding to the drug or medication classification, as provided in the incorporated Classification and Penalty Guidelines, shall be imposed when an animal has been impermissibly medicated or determined to have a prohibited substance present in its body. Penalties shall be imposed against racing greyhound trainers, pursuant to subsection 75-6.002(1), F.A.C., and Section 550.2415(2), F.S.

(4) The Division shall consider the following mitigating or aggravating factors to deviate from the penalties provided by the Classification and Penalty Guidelines:

- (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 and date of prior violations of any penalty class in Florida and any other jurisdiction.
- (d) The number of similar prior offenses.
- (e) The time periods between offenses.
- (f) The number of complaints filed against the licensee, which have resulted in prior discipline.
- (g) The length of time the licensee has been licensed in Florida or any other jurisdiction.

(5) If a penalty within the Classification and Penalty Guidelines provides for a sanction in excess of the limitation contained in Section 550.2415(3)(a), F.S., the sanction imposed shall be reduced to an amount that does not exceed the statutory maximum limit.

Rulemaking Authority 550.0251(3), (11), 550.2415(7), (12) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History—New 6-26-11, Amended 1-10-16, 8-1-19, Formerly 61D-6.012, Repealed.

CHAPTER 75-7 AUDITING

75-7.001	Definitions
75-7.002	Calculation of Payout and Distribution of Pools – General
75-7.003	Experimental Wagers, Requests by Permitholders
75-7.004	Win Pool
75-7.005	Place Pool
75-7.006	Show Pool
75-7.007	Quinella Pool
75-7.008	Daily Double Pool
75-7.009	Quinella Double
75-7.010	Daily Three Pool
75-7.011	Exacta/Perfecta
75-7.012	Trifecta Pool
75-7.013	Superfecta Pool
75-7.014	Pick (N) Pools
75-7.015	Trifecta and Superfecta Combinations
75-7.016	Total Points Wager
75-7.020	Pari-Mutuels
75-7.021	Mutuels Tickets, Cashing, Records, and Totalisator Security Requirements
75-7.022	Outs Cashed After the End of the Meet
75-7.023	Reporting of Wagering Activities, Permitholder and Totalisator Reports
75-7.024	Totalisator Requirements

75-7.001 Definitions.

(1) “Admissions Charge” is the amount required of a patron to enter the permitholder’s facility and grandstand area inclusive of any amount the permitholder has charged as a condition for admission which is not optional.

(2) “Advance Wagers or Bets” are pari-mutuel wagers sold during a given performance for future contests within the same performance period including tickets sold during the early bird period.

(3) “Bet Cancel Delay” is the short period of time, after the stop bet command has been activated, during which a teller may cancel a wager.

(4) “Betting Interest” is a contestant or group of contestants upon which wagers may be placed.

(5) “Canceled Ticket” is a pari-mutuel ticket which is invalidated prior to the end of the betting period of the contest for which purchased.

(6) “Cashed Tickets” are tickets redeemed after the contest for which they were purchased. These include winnings and refundable wagers paid.

(7) “Commission” (takeout) is the percentage of the pari-mutuel pool deducted by the permitholder prior to distribution of the pool.

(8) “Common Pool” is the pool at the host track into which wagers taken at guest tracks are combined.

(9) “Account Betting” is the method of wagering on-track via an account opened by placing a sum of money on deposit with the permitholder.

(10) “Contest” is a race or game between horses, greyhounds, or players for purses, stakes or reward at any licensed race course or fronton and conducted in the presence of judges or stewards.

(11) “Corresponding Trifecta and Superfecta Combination” is either of two trifecta and superfecta combinations offered in the same performance which are comprised of identical halves, such as a twin-tri and a twin-tri.

(12) “Coupled Entry” is two or more horses having the same owner entered to run in the same race. A coupled entry is considered a single betting interest for purposes of wagering.

(13) “Covered Betting Interest” is a contestant upon which a wager has been made.

(14) “Credit Voucher” is a totalisator generated ticket issued in exchange for cash or cash equivalent accepted by a totalisator

terminal for all transactions.

(15) "Entry" is a horse, greyhound, or player entered to compete in a contest.

(16) "Expired Ticket" is a winning or refundable pari-mutuel ticket not presented for redemption within 1 year from the date of the performance for which it was issued.

(17) "Future Wagers" are pari-mutuel tickets sold during a given performance, including the early bird period, for a future performance.

(18) "Gross Pool" is the total sales for a specific type of wager for a specific contest net of refunds and cancellations.

(19) "Hub or Hub System" is the intermediary computer system to which the terminals or totalisator of one or more guest facilities are linked to the host.

(20) "Interstate" shall mean from one state to another.

(21) "Jackpot" is the sum of money formed by the accumulation of previous contributions to a pool.

(22) "Major Pool" is the greater portion of a jackpot or a net pool paid to winning wagers.

(23) "Malfunction" shall mean any impairment of the totalisator functions or loss in communication between the host and the guest entities which causes:

(a) A delay or cancellation of contests,

(b) A delay in the combining of pools,

(c) A delay of computations of the payoff prices,

(d) A delay in generating or printing reports required to audit the pool,

(e) A delay or exclusion of exchange rights,

(f) Incorrect calculations,

(g) The wagers to be refunded.

(24) "Manual Merge" is the accessing of the mutuel pools by totalisator personnel for the sole purpose of manually adding guest wagering data which was not able to be combined electronically.

(25) "Meet" is:

(a) For the purposes of accounting or taxation, a performance or a series of performances conducted under a single operating license issued by the division.

(b) For the purpose of determining operating dates, the conduct of live racing or jai alai for any stake, purse, prize, or premium.

(26) "Minor Pool" is the lesser portion of a jackpot or a net pool.

(27) "Minus Pool" is the amount distributable to winners in a single wagering pool in excess of that net pool.

(28) "Mutuel Field" is two or more contestants grouped to run as a single betting interest due to limitations of the totalisator or tote board.

(29) "Mutuels Ticket" is a ticket issued through a totalisator terminal which represents the bettor's contribution to a pari-mutuel pool or pools.

(30) "Net Pool" is the gross pool less commission.

(31) "Net Sales" is the aggregate value of all pari-mutuel tickets sold net of cancellations.

(32) "On-track" is the designation of wagers on events occurring at the facility conducting the contests or importing from out-of-state.

(33) "Outs or Outs Ticket" is a winning or refundable pari-mutuel ticket which is not redeemed.

(34) "Outs Account" is the computer file listing all outstanding pari-mutuel tickets for a particular meet and permitholder.

(35) "Outsbook" is the hard copy report of the outs account.

(36) "Payment Voucher" is a hard copy receipt issued by a totalisator terminal on which redemption of one or more mutuel tickets is recorded.

(37) "Permitholder" is any entity that holds a pari-mutuel permit.

(38) "Price" is the broken price which has been rounded down to the nearest \$0.10 and which is the amount awarded to a winning wager.

(39) "Profit" is the dividend calculated for the distribution of a pool.

(40) "Profit Split" is the proration of the profit among winning combinations.

(41) "Primary Guest" is an entity which receives a broadcast from an out-of-state host, and which contracts other entities within the state to wager into the primary guest under the intertrack wagering statutes.

(42) "Refundable Wager" is a pari-mutuel wager invalidated due to causes beyond the control of the bettor.

(43) "Remote Totalisator" is a totalisator system configured so that the function of the central processing unit is handled by a totalisator system at a separate off-site location or logically separate on-site.

(44) "Remote Totalisator Server" is a totalisator system which provides the central processing function for one or more remote totalisators whether on or off site.

(45) "Satellite or Secondary Guest" is an entity in Florida which receives the signal directly from a host track but wagers into a primary guest.

(46) "Scratch" is the withdrawal of a dog or a horse from a contest.

(47) "Single Price Pool" is the type of price calculation that produces only one price for the distribution of a pool.

(48) "Split Meet" shall mean a meet which has five or more consecutive dark days during the meet, or a meet wherein more than one distinctly separate section of the meet occurs at different facilities authorized by the permit which may necessitate separate outs accounts for the two portions of the meet.

(49) "Starter" is an entry in a contest when the contest begins.

(50) "Table of Wagers" is the matrix showing the amount bet on each wagering combination for a pari-mutuel pool.

(51) "Uncovered Betting Interest" is a betting interest upon which no wager has been made.

(52) "Winning Wager" is a wager which has been awarded a price under the provisions of the pari-mutuel rules.

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, 4-12-06, Formerly 61D-7.001.

75-7.002 Calculation of Payout and Distribution of Pools – General.

(1) Each pari-mutuel wagering pool shall be separately and independently calculated and distributed and shall have no connection with or relation to any other pool or form of wagering.

(2) For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit:

(a) For a single price pool, the profit is then divided by the amount wagered on the winning betting interest or combinations, the quotient, plus one dollar, being the profit per dollar.

(b) For a profit split, the profit is divided by the number of covered winning combinations involved in the profit split and then divided by the amount wagered on each combination plus a dollar to determine the unique price for each combination. This applies to all profit split calculations except where a different profit split calculation is required by the specifics of a wagering pool rule.

(3) The result rounded down to the nearest multiple of 10 cents (\$0.10) of the profit per dollar, plus one dollar, shall be the price per winning dollar awarded to the winning bettors.

(4) If the calculated price per winning dollar is less than \$1.10, the minimum payout shall be \$1.05. Any resulting minus pool will be an expense to the permitholder conducting the event and the applicable guest permitholders.

(5) The net pool less the total payout and, where applicable, amounts set aside for jackpots, constitutes the breakage for each pool or minus pool.

(6) If a betting interest in a contest is scratched, wagers on that betting interest shall be refunded unless otherwise indicated in the rule governing a particular pool.

(7) If a contest or performance is canceled or declared "no contest," all wagers shall be refunded unless otherwise indicated in the rule governing the particular pool.

(8) Either the standard price calculation or, with prior notification to the division, the net price calculation may be used according to the following formulae:

(a) Standard Price Calculation Procedure.

SINGLE PRICE POOL (WIN POOL)		
gross pool	=	sum of wagers on all betting interests – refunds
takeout	=	gross pool × percent takeout
net pool	=	gross pool – takeout
profit	=	net pool – gross amount bet on winner
profit per dollar	=	profit/gross amount bet on winner

\$1 unbroken price	=	profit per dollar + \$1
\$1 broken price	=	\$1 unbroken price rounded down to the break point
total payout	=	\$1 broken price × gross amount bet on winner
total breakage	=	net pool – total payout

PROFIT SPLIT (PLACE POOL)

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two distinct prices.

PROFIT SPLIT (SHOW POOL)

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three distinct prices.

(b) Net Price Calculation Procedure.

SINGLE PRICE POOL (WIN POOL)		
* for each source:		
gross pool	=	sum of wagers on all betting interests – refunds
takeout	=	gross pool × percent takeout
net pool	=	gross pool – takeout
net bet on winner	=	gross amount bet on winner × (1 – percent takeout)
total net pool	=	sum of all sources net pools
total net bet on winner	=	sum of all sources net bet on winner
profit	=	total net pool – total net bet on winner
profit per dollar	=	profit/total net bet on winner
\$1 unbroken base price	=	profit per dollar + \$1
* for each source:		
\$1 unbroken price	=	\$1 unbroken base price × (1 – percent takeout)
\$1 broken price	=	\$1 unbroken price rounded down to the break point
total payout	=	\$1 broken price × gross amount bet on winner
total breakage	=	net pool – total payout

PROFIT SPLIT (PLACE POOL)

Profit is the total net pool less the total net bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by total net bet on each place finisher. The result plus one dollar is the unique unbroken base price for each covered winning betting interest.

PROFIT SPLIT (SHOW POOL)

Profit is the total net pool less the total net bet on all show finishers. Finishers split profit 1/3, 1/3, 1/3 (show profit), then divide by total net bet on each show finisher. The result plus one dollar is the unique unbroken base price for each covered winning betting interest.

(9) If a contestant is scratched or withdrawn from wagering after betting has begun, the money bet on that contestant shall be refunded except for pools where substitutions in the wager are required or scratches provide for the award of consolation prices. However, when the contestant is part of an entry or a field, there shall be no refund, if the entry or the field has at least one actual starter.

(10) Prices shall be calculated based upon the official order of finish as determined by the ruling of the judges or stewards. The ruling of the judges or stewards shall be final. For the purposes of the distribution of the pools, if the judges correct the order of finish, the prices will be recalculated according to the corrected order of finish.

(11) The disqualification of an entry after the contest is made “Official” shall have no bearing on the mutual payoff.

(12) After the close of wagering, a pool shall not be reopened for additional wagering. In the event that the wagering pools are closed inadvertently prior to the scheduled close of wagering, the pools may be reopened and wagering may continue until the scheduled close of wagering. However, for wagering on jai alai games only, the game(s) may be interrupted after the first player reaches three points to allow for the accumulation of new wagering pools. This betting period shall be known as the re-bet period.

(a) Wagers made during the re-bet period may be accepted for any single game wager: Win, Place, Show, Exacta, Quinella, Trifecta and Superfecta. Jackpot wagers or wagers which require more than one game for completion shall not be accepted during the re-bet period.

(b) The jai alai permitholders shall inform the public via the official program as to the games and pools on which the re-bet will be offered. The opening of the re-bet period shall be announced over the public address system and displayed on the video display monitors.

(c) Prior to the resumption of the game the Mutuels Manager shall inform the state judge as to the scheduled times for the closing of the re-bet period.

(d) Any jai alai permitholder electing to offer the re-bet shall, on the Form FGCC PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 75-10.001, F.A.C., indicate the games and wagers upon which the re-bet shall be offered and how long the re-bet period will last.

Rulemaking Authority 550.0251(3), (7), 550.155(1), 550.125(2)(b), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.6305 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, Formerly 61D-7.002.

75-7.003 Experimental Wagers, Requests by Permitholders.

(1) Permitholders wishing to introduce new types of wagers, or to modify existing wagers, must submit to the division a draft of the suggested rule for the new or modified wagers. The draft should conform to the rule format in Chapter 75, F.A.C.

(2) The division shall weigh the information submitted using the following criteria:

(a) Fairness to the betting public;

(b) Compliance with Florida pari-mutuel laws and rules;

(c) Adequacy of the accounting controls and procedures related to the wager, and;

(d) Successful completion of totalisator tests administered or monitored by the division.

(3) Upon meeting the standards set in subsection (2), the division shall issue authorization for the permitholder to offer the new or modified type of wager on a trial basis. The authorization will be valid for a trial period of 120 consecutive calendar days starting with the first day of implementation. Notwithstanding the 120 day trial period, the authorization will not be valid later than the end of the current meet.

(4) Thirty days prior to the completion of the trial period, the permitholder shall submit to the division the following information:

(a) Total sales including, where applicable, intertrack wagering, for the trial period;

(b) Average daily sales during the trial period;

(c) Problems encountered during the experiment;

(d) A narrative of complaints, if any, received from the bettors; and

(e) A clear statement as to whether the wager should be implemented on a permanent basis.

(5) Upon evaluation of the information required by subsection (4), the division shall either initiate a new rule for the wager or inform the permitholder, or permitholders sharing a facility, to discontinue offering the new or modified wager. The permitholder may continue offering the wager pending the decision of the division and/or promulgation of the rule.

(6) Explanation of the new or modified wager must be made available to the patrons via the official program or by notice prominently posted on each level of the facility.

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Formerly 61D-7.003.

75-7.004 Win Pool.

(1) The Win pool is the total amount wagered on all betting interests to finish in the first position in a single contest.

(2) The net Win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; if there are no such wagers,

(b) To those whose selection finished second; if there are no such wagers,

(c) To those whose selection finished third; if there are no such wagers,

(d) The entire Win pool shall be refunded for that contest.

(3) If there is a dead heat for first involving:

- (a) Contestants representing the same betting interest, the Win pool shall be distributed as if no dead heat occurred.
 (b) Contestants representing two or more betting interests, the Win pool shall be distributed as a profit split.

WIN POOL Standard Price Calculation Example	
Sum of Wagers on All Betting	
Interests =	\$23,200.00
Refunds =	\$432.00
Gross Pool:	
Sum of Wagers on All Betting Interests – Refunds =	\$22,768.00
Percent Takeout =	19%
Takeout:	
Gross Pool × Percent Takeout =	\$4,325.92
Net Pool:	
Gross Pool – Takeout =	\$18,442.08
Gross Amount Bet on Winner =	\$788.00
Profit:	
Net Pool – Gross Amount Bet on Winner =	\$17,654.08
Profit Per Dollar:	
Profit/Gross Amount Bet on Winner =	\$22.403654
\$1 Unbroken Price:	
Profit Per Dollar + \$1 =	\$23.403654
\$1 Broken Price =	\$23.40
Total Payout:	
\$1 Broken Price × Gross Amount Bet on Winner =	\$18,439.20
Total Breakage:	
Net Pool – Total Payout =	\$2.88

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Formerly 61D-7.004.

75-7.005 Place Pool.

- (1) The Place pool is the total amount wagered on all betting interests to finish in the first two positions in a single contest.
 (2) The net Place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
- (a) As a profit split to those whose selection is included within the first two finishers. However, if contestants of a coupled entry or mutuel field finished in the first two places the pool shall be paid as a single price pool to those who selected the coupled entry or mutuel field; if the first two finishers are separate betting interests and only one of the first two finishers are covered, then;
- (b) As a single price pool to those who selected the one covered betting interest included within the first two finishers; if there are no such wagers,
- (c) As a single price pool to those who selected the third place finisher; if there are no such wagers,
- (d) The entire Place pool shall be refunded for that contest.
- (3) If there is a dead heat for first involving:
- (a) Contestants representing the same betting interest, the Place pool shall be distributed as a single price pool.
 (b) Contestants representing two or more betting interests, the Place pool shall be distributed as a profit split.
- (4) If there is a dead heat for second involving:
- (a) Contestants representing the same betting interest, the Place pool shall be distributed as if no dead heat occurred.
 (b) Contestants representing two or more betting interests, the Place pool is divided with 1/2 of the profit distributed to Place wagers on the betting interest finishing first and the remainder is divided equally among Place wagers on those betting interests involved in the dead heat for second.

PLACE POOL Standard Price Calculation Example	
Sum of Wagers on All Betting Interests =	\$23,200.00
Refunds =	\$432.00
Gross Pool:	
Sum of Wagers on All Betting Interests – Refunds =	\$22,768.00
Percent Takeout =	19%
Takeout:	
Gross Pool × Percent Takeout =	\$4,325.92
Net Pool:	
Gross Pool – Takeout =	\$18,442.08
Gross Amount Bet on 1st Place =	\$512.00
Gross Amount Bet on 2nd Place =	\$276.00
Profit:	
Net Pool - Gross Amount Bet on 1st – Gross Amount Bet on 2nd =	\$17,654.08
Place Profit:	
Profit/2 =	\$8,827.04
Profit Per Dollar for 1st Place:	
Place Profit/Gross Amount Bet on 1st Place =	\$17.2403125
\$1 Unbroken Price for 1st Place:	
Profit Per Dollar + \$1 =	\$18.2403125
Profit Per Dollar for 2nd Place:	
Place Profit/Gross Amount Bet on 2nd Place =	\$31.9820290
Unbroken Price for 2nd Place:	
Profit Per Dollar + \$1 =	\$32.9820290
\$1 Broken Price:	
1st Place =	\$18.20
2nd Place =	\$32.90
Total Payout:	
\$1 Broken Price × Gross Amount Bet on 1st Place =	\$9,318.40
\$1 Broken Price × Gross Amount Bet on 2nd Place =	\$9,080.40
Total Breakage:	
Net Pool – Total Payout =	\$43.28

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Formerly 61D-7.005.

75-7.006 Show Pool.

- (1) The show pool is the total amount wagered on all betting interests to finish in the first three positions in a single contest.
- (2) The net Show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (a) As a profit split to those whose selection is included within the first three finishers.
 1. If three or more contestants of the same coupled entry or mutuel field finish in the first three places, the pool shall be paid as a single price pool to those who selected the coupled entry or mutuel field.
 2. If contestants of the same coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with 2/3 distributed to those who selected the coupled entry or mutuel field and 1/3 distributed to those who selected the other betting interest included within the first three finishers, otherwise;
 - (b) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; if there are no such wagers,

(c) As a single price pool to those who selected the one covered betting interest included within the first three finishers; if there are no such wagers,

(d) The entire Show pool shall be refunded for that contest.

(3) If there is a dead heat for first involving:

(a) Three contestants representing a single betting interest, the Show pool shall be distributed as a single price pool.

(b) Two contestants representing the same betting interest, the profit is divided with 2/3 distributed to those who selected the first place finishers and 1/3 distributed to those who selected the betting interest finishing third.

(c) Contestants representing two or more betting interests, the Show pool shall be distributed as a profit split among the covered winning show combinations.

(4) If there is a dead heat for second involving:

(a) Contestants representing the same betting interest, the profit is divided with 1/3 distributed to those who selected the betting interest finishing first and 2/3 distributed to those who selected the second place finishers.

SHOW POOL Standard Price Calculation Example	
Sum of Wagers on All Betting Interests =	\$23,200.00
Refunds =	\$432.00
Gross Pool:	
Sum of Wagers on All Betting Interests – Refunds =	\$22,768.00
Percent Takeout =	19%
Takeout:	
Gross Pool × Percent Takeout =	\$4,325.92
Gross Pool - Takeout =	\$18,442.08
Gross Amount Bet on 1st Place Finisher =	\$236.00
Gross Amount Bet on 2nd Place Finisher =	\$354.00
Gross Amount Bet on 3rd Place Finisher =	\$198.00
Profit:	
Net Pool - Gross Amount Bet on 1st	
- Gross Amount Bet on 3rd =	\$17,654.08
Show Profit:	
Profit/3 =	\$5,884.69
Profit Per Dollar for 1st Place:	
Show Profit/Gross Amount Bet on 1st Place =	\$24.9351412
\$1 Unbroken Price for 1st Place:	
Profit Per Dollar + \$1 =	\$25.9351412
Profit Per Dollar for 2nd Place:	
Show Profit/Gross Amount Bet on 2nd Place =	\$16.6234275
Unbroken Price for 2nd Place:	
Profit Per Dollar + \$1 =	\$17.6234275
Profit Per Dollar for 3rd Place:	
Show Profit/Gross Amount Bet on 3rd Place =	\$29.7206734
Unbroken Price for 3rd Place:	
Profit Per Dollar + \$1 =	\$30.7206734
\$1 Broken Price:	
1st Place =	\$25.90
2nd Place =	\$17.60
3rd Place =	\$30.70
Total Payout:	

\$1 Broken Price × Gross Amount Bet on 1st Place =	\$6,112.40
\$1 Broken Price × Gross Amount Bet on 2nd Place =	\$6,230.40
\$1 Broken Price × Gross Amount Bet on 3rd Place =	\$6,078.60
Total Breakage:	
Net Pool – Total Payout =	\$20.68

(b) Contestants representing two betting interests, the Show pool shall be distributed as if no dead heat occurred.

(c) Contestants representing three betting interests, the Show pool is divided with 1/3 of the profit distributed to Show wagers on the betting interest finishing first and the remainder is distributed equally among Show wagers on those betting interests involved in the dead heat.

(5) If there is a dead heat for third involving:

(a) Contestants representing the same betting interest, the Show pool shall be distributed as if no dead heat occurred.

(b) Contestants representing two or more betting interests, the Show pool is divided with 2/3 of the profit distributed to Show wagers on the betting interests finishing first and second, and the remainder is divided equally among Show wagers on those betting interests involved in the dead heat for third.

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Formerly 61D-7.006.

75-7.007 Quinella Pool.

(1) The Quinella requires the selection of the first two finishers, irrespective of order, for a single contest.

(2) The net Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished as the first two betting interests, irrespective of order. If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish, if there are no such wagers,

(b) As a profit split to those whose combination included either the first or second place finisher or the third place finisher if the first two finishers represent the same betting interest, if there are no such wagers on one of those combinations,

(c) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers, if there are no such wagers,

(d) The entire Quinella pool shall be refunded for that contest.

(3) If there is dead heat for first involving:

(a) Contestants representing the same betting interest, the Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Contestants representing two betting interests, the Quinella pool shall be distributed as if no dead heat occurred.

(c) Contestants representing three or more betting interests, the Quinella pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving contestants representing the same betting interest, the Quinella pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving contestants representing two or more betting interests, the Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with each covered betting interest involved in the dead heat for second, if there are no such wagers on one of those combinations,

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second, if there are no such wagers,

(c) As a profit split to those combining the betting interests involved in the dead heat for second, if there are no such wagers,

(d) As a profit split to those whose combination included at least one of the betting interests within the first two positions, if there are no such wagers,

(e) The entire Quinella pool shall be refunded for that contest.

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Formerly 61D-7.007.

75-7.008 Daily Double Pool.

(1) The Daily Double requires selection of the first place finisher in each of two consecutive contests. Wagers for the Daily Double must be placed prior to the first of the two consecutive contests and include the selection of the first finisher for both contests and shall be printed on a single pari-mutuel ticket.

(2) The net Daily Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the two contests, but if there are no such wagers,
 (b) As a profit split to those who selected the first finisher in either of the two contests, if there are no such wagers on one of those combinations,

(c) As a single price pool to those who selected the one covered first place finisher in either contest, if there are no such wagers,
 (d) The entire Daily Double pool shall be refunded.

(e) If the pool is distributed under the precedents of paragraph (2)(b) or (2)(c), an announcement shall be made to the public as to the possible winning daily double combinations and to hold all possible winning tickets.

(3) If there is a dead heat for first in either of the two contests involving:
 (a) Contestants representing the same betting interest, the Daily Double pool shall be distributed as if no dead heat occurred.
 (b) Contestants representing two or more betting interests, the Daily Double pool shall be distributed as a profit split if there is more than one covered winning combination.

(4) Should a betting interest in either the first or second half of the Daily Double be scratched prior to the close of wagering on the first Daily Double contest, all money wagered on combinations involving the scratched betting interest shall be deducted from the pool and refunded.

(5) Should a betting interest in the second half of the Daily Double be scratched after the close of wagering on the first Daily Double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest shall be allocated a consolation payout. The consolation payout shall be calculated as if the Daily Double pool had ended with the first contest. The consolation price is multiplied by the dollar value of wagers on the consolation combination to determine the total consolation payment. The total consolation payout is then deducted from the net Daily Double pool before calculation and distribution of the regular winning Daily Double payout. Wagers receiving a consolation payout shall not be eligible for distribution of a regular winning payout except as provided for in subsection (7) of this rule.

(6) If either of the Daily Double contests are canceled or declared “no contest” prior to the first contest, the entire Daily Double pool shall be refunded for those contests.

(7) If the second Daily Double contest is canceled or declared “no contest” after the first Daily Double contest is made official, the net Daily Double pool shall be distributed as a single price pool to wagers selecting the winner of the first Daily Double contest. This provision shall also apply to those wagers which normally would have received a consolation payout under subsection (5) of this rule. In the event of a dead heat involving separate betting interests, the net Daily Double pool shall be distributed as a profit split.

DAILY DOUBLE	
Standard Price Calculation	
Example	
Sum of Wagers on All Betting Interests =	\$23,200.00
Refunds =	\$432.00
Gross Pool:	
Sum of Wagers on All Betting Interests – Refunds =	\$22,768.00
Percent Takeout =	21%
Takeout:	
Gross Pool × Percent Takeout =	\$4,781.28
Net Pool:	
Gross Pool – Takeout =	\$17,986.72
Gross Amount Bet on Winning Combination =	\$144.00
Profit:	
Net Pool – Gross Amount Bet on Winning Combination =	\$17,842.72

Profit Per Dollar:	
Profit/Gross Amount Bet on Winning Combination =	\$123.9077777
\$1 Unbroken Price:	
Profit Per Dollar + \$1 =	\$124.9077777
\$1 Broken Price =	\$124.90
Total Payout:	
\$1 Broken Price × Gross Amount Bet on Winning Combination =	\$17,985.60
Total Breakage:	
Net Pool – Total Payout =	\$1.12
DAILY DOUBLE	
Consolation Pricing	
Example	
Sum of Wagers on All Betting Interests =	\$23,200.00
Refunds =	\$432.00
Gross Pool:	
Sum of Wagers on All Betting Interests – Refunds =	\$22,768.00
Percent Takeout =	21%
Takeout:	
Gross Pool × Percent Takeout =	\$4,781.28
Net Pool:	
Gross Pool – Takeout =	\$17,986.72
Consolation Pool:	
Sum Total Amount Bet on winner of the first contest with all second contest betting interests:	\$4,550.00
\$1 Unbroken Consolation Price:	
Net Pool/Consolation Pool =	\$3.9531253
\$1 Broken Consolation Price =	\$3.90
Amount Bet on winner of the first contest with scratched betting interests =	\$30.00
Consolation Liability:	
\$1 Broken Consolation Price × Amount Bet on winner of the first contest with scratched betting interests =	\$117.00
Adjusted Net Pool:	
Net Pool – Consolation Liability =	\$17,869.72
Gross Amount Bet on the Winning Combination =	\$114.00
Profit:	
Adjusted Net Pool – Gross Amount Bet on Winning Combination =	\$17,755.72
Profit Per Dollar:	
Profit/Gross Amount Bet on Winning Combination =	\$155.7519298
\$1 Unbroken Price:	
Profit Per Dollar + \$1 =	\$156.7519298
\$1 Broken Price =	\$156.70
Total Payout:	
\$1 Broken Price × Gross Amount Bet on Winning Combination =	\$17,863.80
Consolation Payout =	\$117.00
Total Breakage:	
Net Pool – Total Payout =	\$5.92

75-7.009 Quinella Double.

(1) The Quinella Double requires selection of the first two finishers, irrespective of order, in each of two consecutive contests. Wagers for the Quinella Double must be placed prior to the first of the two consecutive contests and include the selection of the first two finishers for both contests and shall be printed on a single pari-mutuel ticket.

(2) The net Quinella Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those who selected the first two finishers in each of the two Quinella Double contests, if there are no such wagers,

(b) As a profit split to those who selected the first two finishers in either of the two Quinella Double contests and at least one of the first two finishers in the other contest, if there are no such wagers,

(c) As a profit split to those who selected the first two finishers in either of the two Quinella Double contests, if there are no such wagers,

(d) As a single price pool to those who selected the first two finishers in the one covered Quinella Double contest, if there are no such wagers,

(e) The entire Quinella Double pool shall be refunded for those contests.

(f) If the pool is distributed under the precedents of paragraph (2)(b), (c) or (d), an announcement shall be made to the public as to the possible winning quinella double combinations and to hold all possible winning tickets.

(3) If a coupled entry or mutuel field finishes as the first two contestants in either contest, the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish, as well as the first two finishers in the other Quinella Double contest shall constitute the winning combination.

(4) If there is a dead heat for first in either of the two Quinella Double contests involving:

(a) Contestants representing the same betting interest, the Quinella Double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well the first two finishers in the other half of the Quinella Double contest.

(b) Contestants representing two betting interests, the Quinella Double pool shall be distributed as if no dead heat occurred.

(c) Contestants representing three or more betting interests, the Quinella Double pool shall be distributed as a profit split.

(5) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing the same betting interest, the Quinella Double pool shall be distributed as if no dead heat occurred.

(6) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing two or more betting interests and there is no wager as indicated in paragraph (2)(a), the Quinella Double pool shall be distributed as a profit split as follows:

(a) To those who selected two of the contestants in the dead heat and the first finishers in the opposite contest comprising the Quinella Double, if there are no such wagers, then

(b) To the selections as indicated in the preceding paragraphs (2)(b), (c), (d) and (e), within this rule.

(7) Should a betting interest in either the first or second half of the Quinella Double be scratched prior to the start of the first Quinella Double contest, all money wagered on combinations involving the scratched betting interest shall be deducted from the pool and refunded.

(8) Should a scratch or scratches occur in the second half of the Quinella Double after the close of wagering in the first Quinella Double contest, those wagers which correctly selected the two winning betting interests in the first contest, combined with one winner and a scratched betting interest or two scratched betting interests in the second half, shall be awarded consolation prices.

(a) The consolation payoff shall be calculated as a single price pool as if the Quinella Double had ended with the first contest. The resulting price shall be the price per dollar assigned to those wagers eligible for a consolation price. The aggregate of the consolation prices shall be deducted from the Quinella Double net pool. The remaining net pool will be distributed to the regular winning wagers as per the priorities in subsection (2).

(b) Wagers eligible for a regular payoff or refund under the priorities indicated in subsection (2), or under the canceled contest provisions in subsection (8), shall not be eligible for consolation payoffs.

(9) If for any reason either Quinella Double contest is canceled or declared "no contest" by the judges or stewards, then the net

pool shall be distributed to those who correctly selected the two winning betting interests of the one Quinella Double contest conducted. However, in greyhound and horse racing only, if the first contest is canceled or declared “no contest,” any wager containing a scratched betting interest in the second contest shall be refunded.

QUINELLA DOUBLE	
Standard Price Calculation	
Example	
Sum of Wagers on All Betting Interests =	\$23,200.00
Refunds =	\$432.00
Gross Pool:	
Sum of Wagers on All Betting Interests – Refunds =	\$22,768.00
Percent Takeout =	21%
Takeout:	
Gross Pool × Percent Takeout =	\$4,781.28
Net Pool:	
Gross Pool – Takeout =	\$17,986.72
Gross Amount Bet on Winning Combination =	\$144.00
Profit:	
Net Pool – Gross Amount Bet on Winning Combination =	\$17,842.72
Profit Per Dollar:	
Profit/Gross Amount Bet on Winning Combination =	\$123.9077777
\$1 Unbroken Price:	
Profit Per Dollar + \$1 =	\$124.9077777
\$1 Broken Price =	\$124.90
Total Payout:	
\$1 Broken Price × Gross Amount Bet on Winning Combination =	\$17,985.60
Total Breakage:	
Net Pool – Total Payout =	\$1.12
QUINELLA DOUBLE	
Consolation Pricing	
Example	
Sum of Wagers on All Betting Interests =	\$23,200.00
Refunds =	\$432.00
Gross Pool:	
Sum of Wagers on All Betting Interests – Refunds =	\$22,768.00
Percent Takeout =	21%
Takeout:	
Gross Pool × Percent Takeout =	\$4,781.28
Net Pool:	
Gross Pool – Takeout =	\$17,986.72
Consolation Pool:	
Sum Total Amount Bet on winning combination of the first contest with all second contest betting interests =	\$4,550.00
\$1 Unbroken Consolation Price:	
Net Pool/Consolation Pool =	\$3.9531253
\$1 Broken Consolation Price =	\$3.90
Amount Bet on winner of the first contest with scratched betting interests:	\$30.00

Consolation Liability:	
\$1 Broken Consolation Price × Amount Bet on winning combination	
of the first contest with scratched betting interests =	\$117.00
Adjusted Net Pool:	
Net Pool – Consolation Liability =	\$17,869.72
Gross Amount Bet on the Winning Combination =	\$114.00
Profit:	
Adjusted Net Pool – Gross Amount Bet on Winning Combination =	\$17,755.72
Profit Per Dollar:	
Profit/Gross Amount Bet on Winning Combination =	\$155.7519298
\$1 Unbroken Price:	
Profit Per Dollar + \$1 =	\$156.7519298
\$1 Broken Price =	\$156.70
Total Payout:	
\$1 Broken Price × Gross Amount Bet on Winning Combination =	\$17,863.80
Consolation Payout =	\$117.00
Total Breakage:	
Net Pool – Total Payout =	\$5.92

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Amended 12-15-97, Formerly 61D-7.009.

75-7.010 Daily Three Pool.

(1) The Daily Three requires the selection of the first place finishers in each of three consecutive contests. Wagers for the Daily Three must be placed prior to the first of the three consecutive contests and shall be printed on a single ticket.

(2) The net Daily Three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish of each of the three contests comprising the Daily Three:

(a) As a single price pool to those whose selection finished first in each of the three contests, if there are no such wagers,

(b) As a single price pool to those who selected the first place finisher in any two of the three contests, if there are no such wagers,

(c) As a single price pool to those who selected the first place finisher in any one of the three contests, if there are no such wagers,

(d) The entire Daily Three pool shall be refunded,

(e) If the pool is distributed under the precedents of paragraph (2)(b) or (c), an announcement shall be made to the public as to the possible winning daily three combinations and to hold all possible winning tickets.

(3) If there is a dead heat for first in any of the three contests involving:

(a) Contestants representing the same betting interest, the Daily Three pool shall be distributed as if no dead heat occurred.

(b) Contestants representing two or more betting interests, the Daily Three pool shall be distributed as follows:

1. As a profit split to those whose selection finished first in each of the three contests, if there are no such wagers,

2. As a single price pool to those who selected the first place finisher in any two of the three contests, if there are no such wagers,

3. As a single price pool to those who selected the first place finisher in any one of the three contests, if there are no such wagers,

4. The entire Daily Three pool shall be refunded.

(c) If the pool is distributed under the precedents of subparagraph (3)(b)2. or 3., an announcement shall be made to the public as to the possible winning daily three combinations and to hold all possible winning tickets.

(4) Prior to the close of the betting period for the first of the Daily Three races, a Daily Three wager may be canceled after leaving the window if the wagering combination includes a scratched runner even if the scratch is a part of a coupled entry.

(5)(a) In the event that any betting interest is withdrawn or declared non-starter prior to the start of the first contest of the Daily

Three, all money bet on any wagering combination that includes such betting interest shall be refunded. This shall not apply to coupled entries and fields if at least one component of the coupled entry or field remains in the contest.

(b) In the event that any betting interest in the second or third contest is withdrawn or declared a non-starter after the Daily Three race has started, the following wagers will be eligible for a consolation payoff: the winner in the first contest with a scratch in the second and third contest; or the winner of the first contest with a scratch in the second or third contests and a winner in the remaining contest. The consolation pool shall be the sum of the amount bet on all Daily Three wagering combinations with scratched betting interests. This amount shall be paid to all eligible consolation winners using the single price method.

1. The total consolation payout identified in paragraph (5)(b), shall be deducted from the net pool and awarded to the eligible consolation winners using the single price calculation method. The remaining net pool shall be available for distribution to the regular winners as specified in subsection (2).

2. The permitholder shall advise the public via the public address system that a scratch or scratches have occurred, and the wagers with the scratches shall remain in the pool and compete for a consolation price.

(6) If any leg is canceled prior to the start of the first Daily Three race or if the first leg is declared “no race,” the pool will be refunded.

(7) If, after the first leg has been declared official, one or both of the subsequent contests are canceled or declared “no race,” the Daily Three pool will remain valid and shall be distributed in accordance with subsection (2) of this rule.

DAILY THREE POOL	
Consolation Pricing	
Example	
Sum of Wagers on All Betting Interests =	\$27,200.00
Refunds =	\$0.00
Gross Pool:	
Sum of Wagers on All Betting Interests – Refunds =	\$27,200.00
Percent Takeout =	20%
Takeout:	
Gross Pool x Percent Takeout =	\$5,440.00
Net Pool:	
Gross Pool – Takeout =	\$21,760.00
Consolation Pool:	
Sum of Amounts Bet on all wagering combinations with scratched betting interest in the second or third contest =	\$5,400.00
Sum bet on combinations eligible for consolation price =	\$800.00
Unbroken Consolation Price:	
Sum of Amounts Bet on all wagering combinations with scratched betting interest in the second or third contest/Sum bet on combinations eligible for consolation price	
Unbroken Price =	\$6.75
\$1 Broken Price =	\$6.70
Consolation Liability:	
\$1 Broken Price x Sum bet on combinations eligible for consolation price =	\$5,360.00
Adjusted Net Pool:	
Net Pool – Consolation Liability =	\$16,400.00
Amount Bet on Regular Winners =	\$2,200.00
Profit:	
Adjusted Net Pool – Amount Bet on Regular Winners =	\$14,200.00
Profit Per Dollar:	
Profit/Amount Bet on Regular Winners =	\$6.45454545
\$1 Unbroken Price:	
Profit Per Dollar + \$1 =	\$7.45454545
\$1 Broken Price =	\$7.40

Total Payout:	
\$1 Broken Price x Amount Bet on Regular Winners =	\$16,280.00
Consolation Payout =	\$5,360.00
Total Breakage:	
Net Pool – Total Payout =	\$120.00

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155(1) FS. History–New 10-20-96, Amended 12-15-97, 12-21-03, Formerly 61D-7.010.

75-7.011 Exacta/Perfecta.

- (1) The Exacta requires the selection of the first two finishers, in their exact order, for a single contest.
- (2) The net Exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (a) As a single price pool to those whose combination finished in exact order as the first two betting interests. If contestants of a coupled entry or mutuel field finish as the first two finishers, the pool shall be paid as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish, otherwise,
 - (b) As a profit split to those whose combination included either the betting interest which finished first or the betting interest which finished second, if there is only one covered combination,
 - (c) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the exact order, if there are no such wagers,
 - (d) The entire Exacta pool shall be refunded for that contest.
- (3) If there is a dead heat for first involving:
 - (a) Contestants representing the same betting interest, the Exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
 - (b) Contestants representing two or more betting interests, the Exacta pool shall be distributed as a profit split.
- (4) If there is a dead heat for second involving contestants representing the same betting interest, the Exacta pool shall be distributed as if no dead heat occurred.
- (5) If there is a dead heat for second involving contestants representing two or more betting interests, the Exacta pool shall be distributed to ticket holders in the following precedence:
 - (a) As a profit split to those combining the first place betting interest with any of the betting interests involved in the dead heat for second, if there is only one covered combination, then,
 - (b) As a single price pool to the one covered wager combining the first finisher with either betting interest involved in the dead heat for second, if there are no such wagers,
 - (c) As a profit split to all combinations correctly selecting either the winner or any of the dead heated betting interests for second place, if there are no such wagers,
 - (d) The entire Exacta pool shall be refunded.

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History–New 10-20-96, Formerly 61D-7.011.

75-7.012 Trifecta Pool.

- (1) The Trifecta requires the selection of the first three finishers, in their exact order, for a single contest.
- (2) The net Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (a) As a single price pool to those whose combination finished in exact order as the first three betting interests, if there are no such wagers,
 - (b) As a single price pool to those whose combination included, in exact order, the first two betting interests, if there are no such wagers,
 - (c) As a single price pool to those whose combination correctly selected the first place betting interest only, if there are no such wagers,
 - (d) The entire Trifecta pool shall be refunded for that contest.

(3) If less than three betting interests finish and the contest is declared official, payouts will be made based upon the order of finish of those betting interests completing the contest.

(4) If there is a dead heat for first involving:

(a) Contestants representing three or more betting interests, all of the wagering combinations selecting three betting interests involved in the dead heat shall share in a profit split.

(b) Contestants representing two betting interests, both of the wagering combinations selecting the two dead heated betting interests along with the third place betting interest shall share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the first place finisher with any two of the betting interests involved in the dead heat for second shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in exact order, along with any of the betting interests involved in the dead heat for third shall share in the profit split.

(7) In the event that more than one component of a coupled entry or mutuel field finishes within the first three positions, the first member of the coupled entry or field to finish shall determine the position of the single betting interest. The net pool shall be distributed to those whose selection included the coupled entry or mutuel field and each of the other two betting interests.

(8) No minimum number of betting interests is required to start in a contest in which Trifecta wagering is offered except that when the Trifecta represents half of a Trifecta and Superfecta combination the minimum shall be six.

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History--New 10-20-96, Formerly 61D-7.012.

75-7.013 Superfecta Pool.

(1) The Superfecta requires the selection of the first four finishers, in their exact order, for a single contest.

(2) Permitholders may elect to conduct a Superfecta in the carryover method as provided in subsection (10), below. If a permitholder elects to offer the carryover method, a notice shall be made in the daily program explaining that there is a carryover provision and the percentages applying to the jackpot pool and the minor pool. All Superfectas not conducted in the carryover method shall be conducted in the non-carryover method as provided in subsection (3), below.

(3) The net non-carryover Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in exact order as the first four betting interests, if there are no such wagers,

(b) As a single price pool to those whose combination included, in exact order, the first three betting interests, if there are no such wagers,

(c) As a single price pool to those whose combination included, in exact order, the first two betting interests, if there are no such wagers,

(d) As a single price pool to those whose combination correctly selected the first place betting interest only, if there are no such wagers,

(e) The entire Superfecta pool shall be refunded for that contest.

(4) If less than four betting interests finish and the contest is declared official, payouts will be made based upon the order of finish of those betting interests completing the contest.

(5) If there is a dead heat for first involving:

(a) Contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests involved in the dead heat shall share in a profit split.

(b) Contestants representing three betting interests along with the fourth place betting interest shall share in a profit split.

(c) Contestants representing two betting interests, both of the wagering combinations selecting the two dead heated betting interests along with the third place and fourth place betting interests shall share in a profit split.

(6) If there is a dead heat for second involving:

(a) Contestants representing three or more betting interests, all of the wagering combinations correctly selecting the first place finisher combined with any three betting interests involved in the dead heat for second shall share in a profit split.

(b) Contestants representing two betting interests, all of the wagering combinations correctly selecting the first place finisher, the two dead heated betting interests and the fourth place betting interest shall share in a profit split.

(7) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in exact order, along

with any two of the betting interests involved in the dead heat for third shall share in a profit split.

(8) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in exact order, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

(9) In the event that more than one component of a coupled entry or mutuel field finishes within the first four positions, the first member of the coupled entry or field to finish shall determine the position of the single betting interest. The net pool shall be distributed to those whose selection included the coupled entry or mutuel field and each of the other three betting interests.

(10) The net carryover Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the following order of finish:

(a) If tickets are sold on the winning combination of the Superfecta, the net pool shall have added to it any carryover monies from previous Superfecta contests, and shall then be equally divided among those ticket holders.

(b) If no tickets are sold on the winning combination of the Superfecta, then the net pool shall be divided into two separate pools. For example, seventy-five percent of the net pool shall be paid into a pool known as the Jackpot Carryover, and carried over to the next regularly scheduled Superfecta contest. The remaining 25 percent of the net pool shall be paid into a pool known as the Superfecta minor pool, and this pool shall be equally divided among those ticket holders who correctly selected the first three finishers in exact order. If no ticket has been sold correctly selecting the first three finishers in exact order, then the Superfecta minor pool shall be paid to the first two finishers in exact order; if no ticket has been sold correctly selecting the first two finishers in exact order, then the Superfecta minor pool shall be paid to those ticket holders who selected the winning betting interest. In the event no ticket has been sold correctly selecting the winning betting interest to finish first, then the Superfecta gross pool (excluding monies carried over from previous Superfecta contests) shall be refunded.

(c) If the Superfecta gross pool is refunded in accordance with the above-described rules, then all monies carried over, if any, shall be carried over to the next regularly scheduled Superfecta.

(d) If less than four betting interests finish and the contest is declared official, payouts will be made from the Superfecta minor pool only, and shall be made to holders of tickets correctly selecting the greatest number of actual finishing betting interests in exact order. In this event, the Jackpot Carryover will be carried over to the next regularly scheduled Superfecta contest.

(e) In the event the accumulated Jackpot Carryover has not been distributed prior to the final contest of the performance in which the Jackpot Carryover was generated, then the accumulated Jackpot Carryover and the net pool in the final Superfecta contest of the performance shall be distributed to holders of Superfecta tickets who correctly selected the first four official finishers in exact order; or if no ticket is sold as above described, to those who correctly selected the first three finishers in exact order; or if no ticket is sold as above described, to those who correctly selected the first two finishers in exact order; or if no ticket is sold as above described, to those who correctly selected the winning betting interest to finish first. In the event no ticket has been sold correctly selecting the winning betting interest to finish first, then the gross Superfecta pool will be refunded and the Jackpot Carryover distributed equally to all final contest Superfecta ticket holders.

(f) In the event the final Superfecta contest of a performance is unable to be conducted and the jackpot remains unpaid, the accumulated jackpot amount will be added to the first Superfecta contest of the next performance.

(g) All dead heat provisions of subsections (5), (6), (7), (8), and coupled entry or mutuel field provisions of subsection (9), apply to the net carryover Superfecta pool distributions.

(11) There shall be no minimum number of betting interests required to start in a contest in which Superfecta wagering is offered except that when the Superfecta represents half of a Trifecta and Superfecta combination, the minimum shall be seven.

(12) Permitholders electing to offer the net carryover Superfecta pool may, prior to offering the wager, designate the Jackpot Carryover amount at any given percentage of the net pool; the remaining percentage will be the minor pool portion, if any. This elected percentage may not be changed during the performance on which the Superfecta is conducted in the carryover method.

(13) Each permitholder conducting a Superfecta pool of any type, must notify the wagering public via a statement in the official program or by prominently displaying on each level of the facility, a declaration of whether the standard version or the carryover version of the pool is being conducted.

(14) Different methods of conduct of this pool may not be combined for the Superfecta between intertrack or simulcast wagering hosts and guests.

Rulemaking Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Amended 7-7-05, Formerly 61D-7.013.

75-7.014 Pick (N) Pools.

(1) The Pick (N) requires the selection of the first place finisher in each of a designated number of contests. A Pick (N) pool shall consist of four to fifteen contests. More than one Pick (N) pool may be offered in a single performance provided there are no overlapping Pick (N) contests which offer the same (N) number of contests. There shall be only one jackpot for Pick (N) pools offered during a performance which are comprised of the same number of contests.

(2) The Pick (N) pool shall be apportioned under one of the following methods:

(a) Pick (N) with Jackpot Carryover and no Minor Pool. One hundred percent of the net Pick (N) pool and the jackpot carryover shall be distributed as a single price pool to those who selected the first place finisher in each of the Pick (N) contests, based upon the official order of finish. If there are no such wagers, a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of Pick (N) contests, and the remainder shall be added to the jackpot. If there are no wagers selecting at least one of the first place finishers, the entire Pick (N) pool for that performance shall be refunded.

(b) Pick (N) with Jackpot Carryover and Minor Pool. The major share of the net Pick (N) pool and the jackpot carryover, if any, shall be distributed to those who selected the first place finisher in each of the Pick (N) contests, based upon the official order of finish. The minor share of the net Pick (N) pool shall be distributed to those who selected the first place finisher in the second greatest number of Pick (N) contests. If there are no wagers selecting the first place finisher in all Pick (N) contests, the minor share of the net Pick (N) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of Pick (N) contests, and the major share shall be added to the jackpot. If there are no wagers selecting at least one of the first place finishers, the entire Pick (N) pool shall be refunded for that performance. At the option of the permitholder, and with prior notification given to the division, the jackpot may be distributed in the same percentages as the major and minor share designations provided that there is at least one wager selecting the first place finisher in all of the contests. Otherwise, the jackpot shall be carried over and only the minor share of the net Pick (N) pool for that performance shall be distributed.

(c) Pick (N) with Minor Pool and no Jackpot Carryover. The major share of the net Pick (N) pool shall be distributed to those who selected the first place finisher in the greatest number of the Pick (N) contests, based upon the official order of finish. The minor share of the net Pick (N) pool shall be distributed to those who selected the first place finisher in the second greatest number of Pick (N) contests. If there are no wagers selecting at least one of the first place finishers, the entire Pick (N) pool shall be refunded.

(3) Contestants grouped to constitute an entry or field shall compete as a single betting interest for the purpose of the distribution of the Pick (N) pool.

(4)(a) Prior to the close of the betting period for the first of the Pick (N) races, a Pick (N) wager may be canceled after leaving the window if the wagering combination includes a scratched runner even if the scratch is a part of a coupled entry. Should a betting interest in any of the Pick (N) contests be scratched, and the bettor does not exercise this cancel option, the actual favorite, as evidenced by the Win pool at the host track for the contest at the close of wagering, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest actual post position. The totalisator generated price calculation report shall show each of the wagering combinations with the substituted betting interests which became winners as a result of the substitution.

(b) A Pick (N) wager may be canceled after leaving the teller window and before the close of wagering if the wagering combination includes the scratched runner even if the scratch is part of a coupled entry or mutuel field.

(5) If there is a dead heat for first in any of the Pick (N) contests involving:

(a) Contestants representing the same betting interest, the Pick (N) pool shall be distributed as if no dead heat occurred.

(b) Contestants representing two or more betting interests, the Pick (N) pool shall be distributed as a single price pool.

(6) The Pick (N) pool shall be canceled and all Pick (N) wagers for the individual performance shall be refunded if:

(a) At least three contests included as part of a Pick 4, Pick 5, or Pick 6 are canceled or declared "no contest."

(b) At least four contests included as part of a Pick 7, Pick 8, or Pick 9 are canceled or declared "no contest."

(c) At least five contests included as part of a Pick 10, Pick 11, or Pick 12 are canceled or declared "no contest."

(d) At least six contests included as part of a Pick 13, Pick 14, or Pick 15 are canceled or declared "no contest."

(7) If at least one contest included as part of the Pick (N) is canceled or declared "no contest," but not more than the number specified in subsection (6) of this rule, one hundred percent of the net pool shall be distributed as a single price pool to those who

selected the first place finishers in the greatest number of Pick (N) contests for that performance.

(8) For Pick (N) pools involving a jackpot, the jackpot shall be subject to the following conditions:

(a) The jackpot may be capped at a level designated by the permitholder.

(b) If the jackpot has been capped, and no one selects the first place finisher in each of the Pick (N) contests, then one hundred percent of the net Pick (N) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of Pick (N) contests for that performance.

(9) With respect to a forced payout:

(a) A forced payout of the jackpot is required on the last performance;

1. Preceding a dark period of more than 5 days.

2. In which the Pick (N) is offered if the Pick (N) is to be discontinued.

3. The Pick (N) is offered prior to effecting a change in the Pick (N) wager.

(b) The jackpot shall be distributed to those who selected the first place winners in the greatest number of contests on the last performance.

(10) If for any reason beyond the control of the permitholder the Pick (N) jackpot cannot be awarded as required in the previous paragraphs, then the jackpot shall be deposited in an interest bearing account. The jackpot plus any interest earned shall become part of the Pick (N) net pool in one of the first five performances of the same permitholder's subsequent meet. For pari-mutuel facilities being utilized by more than one pari-mutuel permitholder, the jackpot plus any interest earned shall become part of the Pick (N) jackpot for the first performance of the other permitholder's subsequent meet at that same facility.

Rulemaking Authority 550.0251(3), 550.155(1), 550.495(4) FS. Law Implemented 550.0251(7), 550.155 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, 3-15-12, Formerly 61D-7.014.

75-7.015 Trifecta and Superfecta Combinations.

(1) The Trifecta and Superfecta combination requires the selection of the first three (Trifecta) or four (Superfecta) finishers, in their exact order, in each of two designated contests. Winning first half Trifecta and Superfecta combination wagers will receive both a monetary payout and an exchange right for each winning dollar wagered. Each winning ticket for the first contest must be exchanged for a free ticket on the second contest in order to remain eligible for the second half pool. Exchanges must be made prior to the close of wagering for the second half contest. Both of the designated Trifecta and Superfecta combination contests shall be included in only one Trifecta and Superfecta combination pool and contests of separate Trifecta and Superfecta combinations shall not overlap. The maximum number of Trifecta and Superfecta combination jackpots offered in a performance is two.

(a) Multiple corresponding Trifecta and Superfecta combinations within the same performance shall share a common jackpot.

(b) Corresponding Trifecta and Superfecta combinations from matinee to evening performances need not share a common jackpot. A permitholder may opt for a common jackpot or separate jackpots for matinee and evening performances. Where separate jackpots are opted for, the division shall be notified in writing at least three days prior to implementation and the patrons shall be informed of such prior to each performance.

(c) Trifecta and Superfecta combinations which are not corresponding Trifecta and Superfecta combinations shall have separate jackpots.

(2) The Trifecta and Superfecta combination wager may be offered in any one of the following combinations:

FIRST RACE OR	SECOND RACE OR
GAME	GAME
(First Half of Contest):	(Second Half of Contest):
Trifecta	Trifecta
Trifecta	Superfecta
Superfecta	Trifecta
Superfecta	Superfecta

(3) After wagering closes for the first half of the Trifecta and Superfecta combination, the net pool shall be divided into two separate pools; the first half Tri-Super pool and the second half Tri-Super pool.

(4) In the first half of the Trifecta and Superfecta combination, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first half, as a single price pool:

(a) To those whose selection finished in exact order as the first three betting interests for a Trifecta or the first four betting interests for a Superfecta, if there are no such wagers,

(b) To those who selected, in sequence, the first two finishers for a Trifecta or the first three finishers for a Superfecta, if there are no such wagers,

(c) To those who correctly selected the first place finisher for a Trifecta or the first two finishers, in sequence, for a Superfecta, if there are no such wagers,

(d) To those who selected the first place finisher for a Superfecta, if there are no such wagers,

(e) The entire Trifecta and Superfecta combination pool shall be refunded.

(5) If there are no first half Tri-Super wagers correctly selecting, in exact order, the first three finishers for a Trifecta or the first four finishers for a Superfecta, winning ticket holders shall not receive any exchange tickets for the second half of the Trifecta and Superfecta combination. The second half Tri-Super pool shall be retained and added to the Tri-super carryover jackpot.

(6) Winning first half tickets eligible for exchange must be exchanged after the declaration of the official order of finish for the first half contest and prior to the close of wagering for the second half contest. Winning ticket holders shall be paid the winnings resulting from the first half contest and receive a ticket reflecting their selection for the second half contest in exchange for the first half ticket. If a winning ticket for the first half contest is not presented for cashing and exchanged within the time provided, the bettor may still collect the price attached to the ticket. However, the bettor forfeits all rights to any distribution of the winnings resulting from the second half contest unless paragraph 75-7.015(9)(d), F.A.C., applies.

(7) The second half of the Tri-Super pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool, including any existing jackpot carryover, to those whose combination finished in exact order as the first three betting interests for a Trifecta or the first four finishers for a Superfecta, if there are no such wagers,

(b) The entire second half net Tri-Super pool for that contest shall be added to the jackpot carryover selected under the provisions of paragraph (1)(a), (b) or (c).

(8) In greyhound and horse racing, in the first half of the Tri-Super only, if a betting interest is scratched, withdrawn or declared a non starter prior to the close of wagering on the first contest, the following shall occur:

(a) Those Tri-Super wagers including the scratched, withdrawn, or non starter betting interest shall be refunded.

(b) If a scratched, withdrawn, or non starter contestant causes the number of betting interests to become less than six for a Trifecta or less than seven for a Superfecta, the entire pool for the Tri-Super shall be refunded.

1. A permitholder may have a higher minimum of betting interests as a condition of offering Tri-Super wagering provided that the patrons are made aware of the minimum prior to each performance through the official racing program or displayed at the facility.

2. If the number of betting interests falls below the selected minimum the entire Tri-Super pool shall be refunded.

(9) If, after the completion of the first half and initiation of the exchange process, a betting interest in the second half of the Tri-Super is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for the cancellation and re-exchange of tickets that include the scratched betting interest.

(a) If exchange tickets have not been exchanged prior to the close of betting for the second half contest, the ticket holder forfeits all rights to the second half pool and jackpot, however;

(b) If there is no winner for the second half, and money is awarded to exchange ticket holders, any exchange tickets which were invalidated because of a scratch will be awarded the same price as any other exchange ticket.

(c) If the number of starting entries become less than seven due to a scratched contestant, the second half contest will be canceled.

(d) If the second half contest is canceled or declared "no contest," holders of exchange tickets and first half winning tickets which were not exchanged will be entitled to the share of the second half net pool and the jackpot shall be carried over to the next corresponding Trifecta and Superfecta combination selected under the provisions of paragraph (1)(a), (b) or (c).

(e) In the event of communications or power failures or totalisator malfunctions that preclude exchange rights from being fully exercised by holders of first half winning tickets, the second half of the Trifecta and Superfecta combination shall be canceled and the provisions of paragraph (9)(d), shall apply. Any technical problems which may require additional time for the exchange process or possible cancellation of the second half of the Trifecta and Superfecta combination are the responsibility of the mutuels manager at the host site and, where applicable, the hub tote manager. The guest mutuels manager must notify the host mutuels manager

immediately upon the finding of any communications problems complicating the exchange of tickets.

(10) The Tri-Super Jackpot may be capped at a level designated by the permitholder.

(11) If the permitholder offers more than one type of Trifecta and Superfecta combination in a given performance, there shall be separate jackpots for each type of Trifecta and Superfecta combination.

(12) The net Tri-Super pool shall be distributed in the following manner when the jackpot cap has not been reached:

(a) A designated percentage of the net pool will be paid to the winning wagers of the first half contest following the priorities indicated in subsection (4), and

(b) The remainder of the net pool will be allocated to the second half contest and will be paid to the ticket holders who correctly selected the second half Trifecta or Superfecta. If the exact winning combination for the second half contest is not covered,

(c) The second half of the net pool will be contributed to the Trifecta and Superfecta combination jackpot and carried over to the next corresponding Trifecta and Superfecta combination.

(13) If the permitholder does not offer a seed pool, and the jackpot cap has been reached or exceeded, 100 percent of the net Tri-Super pool will be distributed to the winning wagers of the first half contest following the priorities indicated in subsection (4).

(14) The jackpot will be paid only to the ticket holders who correctly selected the Trifecta or Superfecta in the second half of the Trifecta and Superfecta combination unless there is a forced payout or an optional early payout has been designated by the permitholder.

(15) With respect to a forced payout:

(a) A forced payout of the jackpot is required on the last performance;

1. Preceding a dark period of more than 5 days.

2. In which the Tri-Super is offered if the Tri-Super is to be discontinued or changed.

(b) The jackpot shall be distributed according to the order of precedence as indicated in subsection (16) or (17) of this rule.

(16) When a forced or early payout occurs, and there are no exact winners for the first half, the net pool and the jackpot shall be paid in the following precedence:

(a) To those who selected the first two finishers in exact order for a Trifecta, or the first three finishers in exact order for a Superfecta, if there are no such wagers,

(b) To those who selected the first place finisher for a Trifecta, or the first two finishers in exact order for a Superfecta, if there are no such wagers,

(c) To those who selected the first place finisher for a Superfecta, if there are no such wagers,

(d) The entire pool shall be refunded and the jackpot shall be carried over to the subsequent meet as indicated in subsection (18).

(17) When a forced or early payout occurs, the jackpot shall be awarded in the following precedence:

(a) To those who correctly selected the Trifecta or Superfecta in the second half contest, if the winning combination is not covered,

(b) To all holders of exchange tickets from the first half contest.

(c) In the event the second half of the contest is canceled, declared null, or no contest, the jackpot may be distributed in one of the following methods:

1. To holders of tickets as reflected in paragraph (b), above,

2. If there is another Tri-Super Combination contest scheduled within the same performance, the forced payout may be postponed to the next Tri-Super Combination contest,

3. If there is no other Tri-Super Combination contest scheduled within the same performance, the forced payout may be postponed to the next scheduled performance,

4. If it is the last performance of the meet or the last performance preceding a dark period of more than 5 days, the provisions of subsection (18) of this rule apply.

(d) The decision of how the forced payout will be managed under these conditions must be submitted to the division in writing at least three days prior to implementation of such forced payout.

(18) If for any reason beyond the control of the permitholder the Tri-Super jackpot cannot be awarded as required by this rule, the jackpot shall be deposited in an interest bearing account. The jackpot plus any interest earned shall become part of the Trifecta and Superfecta combination net pool in one of the first five performances of the same permitholder's subsequent meet. For pari-mutuel facilities being utilized by more than one pari-mutuel permitholder, the jackpot plus any interest earned shall become part of the Trifecta and Superfecta combination jackpot for the first performance of the other permitholder's subsequent meet at that same

facility. The permitholder(s) shall notify the division in writing prior to the beginning of the meet as to the designated performance.

(19) In the event of a dead heat in either of the contests comprising the Trifecta and Superfecta combination, the winning combinations will be selected as in the regular Trifecta wagering or Superfecta wagering, as applicable, and paid as a single price pool.

(20) If a coupled entry or mutuel field finish within more than one of the first three positions for a Trifecta, or four positions for a Superfecta, the following will apply for the determination of the order of finish for payout purposes:

(a) Where the Tri-Super wager is a Trifecta, in the event that more than one component of an entry or field are within the first three finishers, the member of the entry or field closest to the finish shall determine the winning position (first, second or third) for the entry or field. All other components of the same entry or field will be ignored.

(b) Where the Tri-Super wager is a Superfecta, in the event that more than one component of an entry or field are within the first four finishers, the member of the entry or field closest to the finish shall determine the winning position (first, second, third or fourth) for the entry or field. All other components of the same entry or field will be ignored.

(21) Sales of Trifecta and Superfecta combination tickets other than from the permitholder's totalisator terminals is prohibited. Exchange tickets shall be nontransferable and holders of transferred exchange tickets shall not be entitled to any winnings. Persons involved in the unauthorized transfer of exchange tickets shall be ejected from the pari-mutuel facility.

(22) The minimum number of betting interests required to start in any Trifecta half of a Trifecta and Superfecta combination is six, and the minimum required to start in any Superfecta half is seven.

Rulemaking Authority 550.0251(3), 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.155 FS. History--New 10-20-96, Amended 9-19-04, 4-12-06, 9-12-12, Formerly 61D-7.015.

75-7.016 Total Points Wager.

(1) The Total Points wager is a type of pari-mutuel wager, comprised of correctly selecting the aggregate total points scored by all the players or teams participating in a jai alai game.

(2) The permitholder shall designate and announce the type of game and the number of points necessary to win the game, through the daily playing program.

(a) In a "Straight Seven Game," the first player or team that attains seven points is the winner. When there are a total of eight players or teams in a game, seven players or teams will score no more than six points. The maximum number of aggregate points for the purpose of the Total Points wager is 49. The bettor selects any number in the betting range from 7 to 49. Any selection below 7 or above 49 is not a valid wager. For example:

1 Winner	7 Points
7 Losers × 6	42 Points
8 Total	49 Total

(b) In a "Spectacular Seven Game," the first player or team that attains seven points is the winner. When there are a total of eight players or teams in a game, six players or teams will score no more than six points each, and one will score no more than five points. The maximum number of aggregate points for the purpose of the Total Points wager is thus 48. The bettor selects any number in the betting range from 7 to 48. Any selection below 7 or above 48 is not a valid wager. For example:

1 Winner	7 Points
6 Losers × 6	36 Points
1 Loser	5 Points
8 Total	48 Points

(c) In a "Spectacular Nine Game," the first player or team that attains nine points is the winner. Where there are a total of eight players or teams in a game, seven players or teams will score no more than eight points each. The maximum number of aggregate points for the purpose of the Total Points wager is thus 65. The bettor selects any number in the betting range from 9 to 65. Any selection below 9 or above 65 is not a valid wager. For example:

1 Winner	9 Points
7 Losers × 8	56 Points

8 Total	65 Points
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(d) A “Partido Game” is defined as two players or teams competing against each other. The player or team that first attains the designated number of points is the winner. The losing player or team will score no more points than the designated number to win less one. For example, if a 15 point Partido game, the winning player or team will score 15 points, and the losing player or team will score no more than 15 minus 1, or 14 points. The maximum number of aggregate points for the purpose of the Total Points wager is thus 29. The bettor selects any number in the betting range from 15 to 29. Any selection lower than 15 or higher than 29 is not a valid wager. For example:

1 Winner	15 Points
1 Loser (15-1)	14 Points
Total	29 Points

(3) In the event that any other type or variation of jai alai game is used for the Total Points wager, the permitholder shall provide in the playing program a description of the game and the related betting range in the same format as indicated in subsection (2) of this rule.

(4) For the purposes of calculating the total points as it pertains to this wager, the following shall apply:

(a) In “spectacular scoring” games, if a player or team receives a double point when only one point is needed to win the game, the player or team shall be credited with only the one point needed to win.

(b) After the winning player or team has been determined, any additional points scored to determine place, show, or fourth positions through playoffs will not count toward the total points.

(c) Except as indicated in paragraphs (4)(a) and (b) of this rule, all points shall be awarded in compliance with the rules governing the jai alai games, Title 75, F.A.C.

(5) The net pool shall be awarded in the following priorities:

(a) To those who correctly selected the total aggregate points for the game. If the winning wager as herein described is not covered, then;

(b) To those who correctly selected the next lower total, in a descending order;

(c) If the net pool cannot be awarded as described in paragraph (a) or (b), above, then a full refund to all contributors to the pool shall be made.

(6) Prior to offering this type of wager to the betting public, the totalisator system used by the permitholder shall be programmed to do the following:

(a) Print a table of wagers (pool matrix) which will reflect the amount bet for each possible number of points within the game betting range as described in subsection (2) of this rule; and

(b) Award the same price per winning dollar to all winning ticket holders as indicated in the winning priorities in subsection (5) of this rule.

(7) The total points shall be aggregated by computer. They shall be displayed to the public during the game on an electronic display or on the totalisator board. The total winning points and the related awarded price per dollar shall be displayed to the public.

(8) The permitholder shall be able to produce upon request a computer printout indicating the accumulation of the points for each game. This may be accomplished by the device actually accumulating the points or by linking such to the totalisator.

(9) In the event that manual calculations become necessary, the chief judge and the permitholder’s score keeper shall confirm the total points for the purposes of calculating the Total Points wager payoffs. Such information shall be relayed to the Mutuels Manager, or designee, who will use the total points to award the net pool and calculate the corresponding prices.

(10) In the event that the Total Points wagering is offered to guest tracks or frontons, in-state or out-of-state, all the information required by subsection (7) of this rule, shall be provided to the patrons at each guest track. Except where the guest’s terminals are linked directly to the host track, the totalisator being used by the guest track must be programmed to accumulate wagers and produce reports as required in subsection (6) of this rule.

(11) The permitholder’s score keeper and the judge shall share a common work area. In the event that sharing a common area is not feasible, there shall be a direct phone link between these two individuals. In addition, both of these officials shall have a full and complete view of the playing court, the score board, and the totalisator board.

75-7.020 Pari-Mutuels.

(1) Win, Place and Show wagers may not be sold in less than \$1 denominations, and may be sold only in \$1 increments. A minimum base bet of at least .10 U.S. dollars (ten cents), and any increment greater, may be sold by a Florida permitholder or commingled into a Florida host permitholder's pools by an out-of-state guest for exotic wagers only.

(a) Foreign guests' pools may be commingled into a Florida host permitholder's pools utilizing a currency conversion formula that may result in fractional monetary amounts, provided that the Florida host's established minimum individual bet unit values shall be followed by such guests.

(b) Wagers from foreign sites commingling with the on-track pari-mutuel pool shall be converted to U.S. currency by the guest track, using the exchange rate as of 12:00 p.m. the prior day as established by the Federal Reserve Bank of New York, for the current day's races or games.

(2) A permitholder that serves as a totalisator hub shall provide a work area for use by division personnel. The work area shall be located adjacent to or within a reasonable proximity to the totalisator room, and provide visibility of the tote console, printer, and field totalisator boards. The work area shall include functioning power outlets and adequate space for locking file cabinets or other storage facility that can store records for a period of one year. State personnel shall have possession of any keys or combinations required to access storage facilities used for storing state equipment or records. Where the totalisator is located at a site other than a pari-mutuel facility, the responsibilities of this paragraph shall be borne by the totalisator company.

(3) All permitholders shall inform the patrons through the official program or shall post conspicuously throughout the facility the location and availability of the State of Florida pari-mutuel rules and statutes for their examination. Each permitholder shall provide a current version of the pari-mutuel rules and statutes for patron examination at a convenient location on the permitholder's premises.

(4) The permitholder shall ensure that no minor is allowed to:

- (a) Wager or cash tickets;
- (b) Use patron operated wagering devices; or
- (c) Participate in account betting.

(5)(a) No pari-mutuel tickets shall be sold except through properly designated totalisator terminals or via the following authorized methods:

- 1. Advanced and future bets;
- 2. Account betting;
- 3. Betting utilizing credit vouchers; and
- 4. Betting utilizing portable terminals.

(b) All ticket sales shall be for cash or cash equivalent.

(6) The duty of the licensed pari-mutuel tellers shall not be compromised and they shall not at any time serve as an agent or an employee of a patron with respect to pari-mutuel wagering. The permitholders shall inform their tellers of this and all applicable rules and statutes.

(7) Payment of winning and refundable pari-mutuel tickets shall be made only upon presentation and surrender of the tickets. Damaged tickets with complete and legible identification numbers or bar codes may be honored without presentation of a formal claim. Attempting to redeem or possession of a false, altered, or adulterated ticket shall be a violation of these rules.

(8) Any claim by a person that a wrong ticket has been delivered to him must be made prior to the stop bet command being issued for the race for which the wrong ticket was sold.

~~(9) No later than the opening of the starting box at greyhound tracks, all pari mutuel machines shall be locked by the division judge via a control linked to the totalisator system.~~

~~(10)~~(9) No later than the opening of the starting gate at thoroughbred tracks or crossing of the starting line at harness tracks, all pari-mutuel machines shall be locked by the state steward via a control linked to the totalisator system.

~~(11)~~(10) As an alternate emergency procedure, if the division judge or steward fails to close pari-mutuel wagering, it shall become the responsibility of the permitholder's judges or stewards. A report of such circumstances shall be made to the division within 48 hours by all the participating judges or stewards.

~~(12)~~(11) At the start of the first serve motion in any jai alai game, the outcome upon which pari-mutuel wagers are made, all pari-mutuel machines shall be locked by the permitholder's announcer via a control linked to the totalisator system.

~~(13)~~(12) As an alternate emergency procedure, in any jai alai game, if the permitholder's announcer fails to close pari-mutuel

wagering, it shall become the responsibility of the permitholder's pari-mutuel manager. The participating announcer and pari-mutuel manager shall make a report of such circumstances to the division within 48 hours.

~~(14)~~(13) If, then, the permitholder's judges, stewards, jai alai announcer, or pari-mutuel manager fail to close the wagering or if the command is issued but fails to take hold, the responsibility shall fall to the totalisator operator at the facility conducting the live event or importing the contest from out of state as a primary guest. For this purpose the totalisator operator shall have the ability to monitor each contest being conducted live, or imported if a primary guest, at that facility.

~~(15)~~(14) The totalisator system shall be capable of identifying the source of the stop bet command and shall log the origin automatically.

~~(16)~~(15) Upon investigation, any wager which has been determined to have been purchased after the contest has started shall be disallowed and the bettor will not receive any winnings related to the disallowed wager. The disallowed winnings shall be treated as an underpayment to the public and within seven days of the incident shall be added into the net wagering pool chosen by the permitholder and approved by the division. The add-in must be done prior to the stop bet of the race and the pool matrix shall not be affected in any way. If the addition to the pool is not possible because of the end of the meet, the underpayment shall be carried over to the next meet and added to the first performance.

~~(17)~~(16) Each permitholder must install and maintain in good working order a suitable communications system between the totalisator room and state judge's/steward's stand, or the announcer stand in jai alai and the office of mutuel operations.

~~(18)~~(17) With respect to the operation of the mutuels department, should any emergency arise not covered by these rules and an immediate decision is necessary, the Mutuels Manager shall make the decision and render a written report to the division within 48 hours concerning the incident.

~~(19)~~(18) Each permitholder that participates in account wagering or utilizes walk-around terminals or self-service terminals, at least seven days prior to implementation, shall provide to the division a copy of the operational procedures for each method of wagering. Such procedures shall include detailed information of any system interfaces within the totalisator system, procedures of how tickets are purchased and cashed, and the security controls for this system of wagering.

Rulemaking Authority 550.0251(3), (7), 550.105(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.0425, 550.105, 550.155, 550.495, 550.70 FS. History—New 10-20-96, Amended 12-15-97, 2-24-03, 9-19-04, 1-10-08, _____, Formerly 61D-7.020.

75-7.021 Mutuels Tickets, Cashing, Records, and Totalisator Security Requirements.

(1) Each window, patron operated terminal, or portable terminal shall be numbered and the number shall be visible to the public and shall correspond to the internal numbering on all applicable totalisator reports.

(2) Every ticket issued shall have printed on it:

(a)1. The name of the pari-mutuel permitholder or facility where the ticket was purchased and, if applicable, the intertrack host or interstate host;

2. If an intertrack guest is wagering into the pools of an out of state host via a Florida primary guest, both the intertrack guest and the out of state host shall appear on the ticket.

(b) The number of the contest;

(c) The unique totalisator generated ticket identification number;

(d) The date the ticket was issued, the performance number for which issued, and/or the date for which issued;

(e) The designation of either matinee (by "mat") or evening (by "eve"), where applicable;

(f) The identification number of the terminal which issued the ticket;

(g) The total dollar amount of bets on the ticket; and

(h) Data on each bet as follows:

1. The type of pool;

2. The denomination of the bet;

3. Each wager as indicated by contestant numbers, except for combination bets such as wheels or boxes which must be indicated as such;

4. The total dollar amount of each wager, and;

(i) Redundant machine readable symbols, such as bar codes which correspond to the unique ticket identification numbers.

(3) All ticket issuing devices shall comply with the provisions of above paragraphs (2)(a) through (2)(i). The division shall not

approve the use of any ticket issuing device which does not comply with such provisions.

(4) A legend of all the symbols and marks printed on the ticket, shall be made available to the bettors through the official program or prominently displayed on each level of the facility. The legend shall include an explanation of how to identify intertrack and interstate tickets and how to identify the host.

(5)(a) All tickets must be marked or coded when cashed or canceled, or a tote produced report of cashed and canceled tickets shall be generated. The coding shall include the cashing window number, date of payment and amount paid. The report shall include the ticket identification number, cashing window number, date of payment and amount paid.

(b) For totalisator systems which do not have the capability to mark tickets, a hard copy payment receipt shall be issued by the terminal. The payment receipt shall contain, as a minimum, the cashing or canceling window number, the date of payment, the ticket identification number and the amount paid for the ticket. The receipt shall be filed with the cashed or canceled ticket.

(c) For walk-around ticket issuing machines which can neither brand nor issue vouchers as herein described, a tote produced list of tickets cashed and canceled through such terminals shall be generated. Such list shall contain, as a minimum, the same information required on a payment voucher.

(d) The totalisator system shall have the capability to produce a teller history/log tape report of the ticket sales, cashes, and cancels by a teller, sorted by the site where the ticket was sold, time of transaction, pool, and ticket identification number. The totalisator must be capable of limiting the data to specific time ranges and pools.

(e) Permitholders whose outs escheat to the state or a breeders' association, shall provide cashed or canceled tickets to the division upon request.

(f) For tickets cashed more than 30 days after the purchase date of the ticket, the ticket may not be cashed at any type of patron-operated machine or terminal. The totalisator system must be configured to instruct patrons on how to cash the ticket.

(g) The totalisator system must have the ability to identify such tickets and indicate to a teller that the ticket falls within this category.

(6) No tickets shall be redeemed or claim for payment honored unless presented for payment within 1 year from the date of the performance for which the ticket was issued. The totalisator shall have programmed controls to preclude cashing of outs past the 1 year (365 days) limit. In the event a permitholder honors a ticket or claim presented after the ticket's expiration date, the disbursement shall not be deductible from funds due the division or breeders' association. Such disbursements shall be considered an expense to the permitholder and no deductions will be made from the end of meet outs balance.

(7) The permitholder shall inform the patrons of the ticket canceling policy and any restrictions thereon, in the official program or posted prominently on each level of the facility.

(8) Wagers may be canceled by a totalisator operator in the event of a paper jam or terminal malfunction which resulted in mutilation of a ticket or in a ticket not being issued. Jammed or mutilated tickets removed by a tote employee must be logged and filed as per the tote purchase provisions of paragraph (10)(b).

(9) The teller shall retain and account for all cashed and canceled tickets except for those cashed and canceled by totalisator personnel under provisions of paragraph (9)(d). Where outs escheat to the State or breeders' association, cashed and/or canceled tickets, as well as records for all cancellations performed by totalisator operators, shall be retained by the permitholder for a minimum period of 2 years and 60 days from the end of the meet, and be available for examination by the division. Where the outs do not escheat to the State or breeders' association these records shall be retained by the permitholder for a minimum period of 1 year from the last date of the meet. Notwithstanding the minimum retention periods stated herein once an audit or investigation is initiated these records shall be maintained until disposal is authorized by the division.

(a) In the event a cashed, canceled or refunded ticket other than a ticket exempted from this requirement by paragraphs (9)(b), (c), and (d) of this rule, cannot be provided by the permitholder prior to the date when disposal of the ticket is allowed, then the permitholder shall pay to the division or breeders' association, as applicable, upon audit, the value of the ticket.

(b) A permitholder is not required to pay the division the monies required by paragraph (a), above, for missing tickets cashed through a scanner for which a teller history is available unless the division uncovers evidence of neglect or fraud associated with the missing tickets.

(c) Permitholders allowed to retain the value of their uncashed tickets pursuant to Chapter 550, Florida Statutes, are not required to pay the division for missing tickets.

(d) A permitholder is not required to pay the division the monies required by paragraph (a), above, for missing tickets which were canceled by a totalisator operator provided that a daily terminal malfunction log is maintained by the tote operator and a list of

totalisator canceled tickets is provided to the division upon request.

(e) Except as provided for in paragraph (d), a cashed or canceled ticket which has been removed from the totalisator system by a keyboard entry will not be accepted for credit unless the actual ticket is presented during the audit.

(10) In the event a terminal issues a mutilated ticket or fails to issue a ticket and it is not canceled by the teller or totalisator operator prior to the stop betting command and the beginning of the contest, the following provisions shall apply:

(a)1. The totalisator licensee is responsible for the value of the wagers for which tickets are not issued due to terminal or system malfunctions. The totalisator licensee may recoup from resulting winnings from such tickets not to exceed the aggregate purchase price of such tickets. The totalisator licensee must maintain a list of such purchased tickets. The list must be made available to the division throughout the meet, upon request. Unrecovered totalisator purchases shall not be carried forward to a subsequent meet and any intertrack tote purchases shall not be recouped from live winnings or live outs.

2. Any tote purchased winning ticket which is not supported by the log of terminal malfunctions required by paragraph (9)(d), shall be disallowed and winnings shall not be collected by the tote licensee.

(b) Cashing of winning wagers purchased by totalisator personnel may take place under one of the following two options under the direction of the Mutuels Manager:

Option 1. On the last day of the meet upon conclusion of the final performance. The tote shall produce a listing of all such tickets. Each ticket shall be identified by its unique ticket number, attendant wagering data and live site or host, or;

Option 2. Upon printing of the meet's outsbook. This shall be a manual (off line) process. Each ticket listed in the outsbook which the totalisator is cashing shall be highlighted as such. The amount paid shall be deducted from the grand total and the adjusted total shall be shown on the last page of the outsbook.

(c) The Mutuels Manager shall add to the outsbook any winnings deducted which are in excess of the allowable recoupment.

(d) For tickets which values would escheat to the state or breeders' association, the transactions for the list provided per paragraphs (10)(a) and (b), shall be recorded on Form FGCC PMW-3630, Tickets Purchased and Cashed by the Totalisator Company, adopted and incorporated by Rule 75-10.001, F.A.C. The form shall be attested to by signature by the totalisator manager and Mutuels Manager, and is subject to audit. A copy of this report, along with any tote produced cashing reports, shall be submitted to the division within 30 days of the end of each live meet period. The following criteria shall be applicable as part of the audit criteria:

1. Deductions for tote cashes are valid only when made from the related outs account balance. Intertrack tickets shall not be deducted from or against the value of the live outs balance.

2. The list provided pursuant to paragraph (10)(a), shall identify which tickets purchased were derived from sales on the live races or games and which tickets were derived from sales on intertrack and interstate wagering.

(e) If accounting problems are recurrent in escheat audits of the same permitholder, tote company or tote operator the division shall require the totalisator licensee to perform tote cashes only upon printing of the outsbook.

(11) For all permitholders where tickets values escheat to the state or breeders' association, security requirements for cashed tickets and related mutuels records will include, as a minimum, the following:

(a) Cashed tickets and reports which identify the cashed tickets shall be kept in a locked storage facility separate from all other hard copy totalisator reports for one year from the date of filing the Report of Escheated Outs with the division or until audit tests have been completed by the division. Totalisator employees shall be prohibited access to this area.

(b) Outsbooks or any other totalisator produced reports which may be used to identify specific outstanding tickets shall be kept in a safe or in a secured storage area. Only the Mutuels Manager or designee shall have access to such secured storage area. Totalisator employees shall be prohibited access to the storage area.

(c) Storage facilities for records in paragraphs (a) and (b), above, where tickets values escheat to the state, shall have a minimum fire resistance of 2 hours.

(d) Hard copy reports other than those described in paragraphs (a) and (b), above, may be excluded from the requirement in paragraph (c) above, but be kept in a separate storage facility.

(e) Totalisator computers shall be backed-up daily and the backup shall be sufficient to reconstruct the entire performance or days activity. The backup media shall be stored off-site or secured on-site for a minimum of 120 days in an industry standard 2 hour fire resistant storage device.

(f) Totalisator personnel shall not access any file for the purpose of creating a report or list of current outstanding bets without prior notification to the division. The totalisator shall keep a log of any such access. Any unauthorized access to these files must be

reported to the division within 24 hours along with any associated logs. Accessing the outs file for the purpose of changing or deleting outs values, creating or cashing fraudulent tickets, or identifying tickets in an effort to commit fraud, is prohibited.

(12) Each totalisator site manager or permitholder as applicable under the provisions of paragraphs (a), (b) and (c), shall provide 24 hour security controls for the totalisator computers. These controls shall be capable of detecting unauthorized entry. Unauthorized entry means any individual who enters the area where the totalisator computers are located and who is not on the authorization list or guest list required under the provisions of subsections (13) and (14) of this section and any individual who violates the security controls and procedures established by the totalisator site. The division shall be notified of any unauthorized entry within 24 hours of discovery. Each totalisator site manager and permitholder shall submit to the division a description of such security controls and procedures. The security description shall be provided to the division annually by the applicable totalisator manager and by the permitholder not later than 10 days prior to the beginning of the meet. The division shall review the security description using the Florida Gaming Control Commission, Division of Pari-Mutuel Wagering's Security Plan Guidelines, Hubs, Totalisator Systems and Totalisator Sites, herein incorporated by reference. A copy of these guidelines may be obtained by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399. The effective date of the guidelines is October 20, 1996.

(a) The totalisator company shall be responsible for the security controls at the remote totalisator servers. Where the remote totalisator is at a pari-mutuel facility, arrangements can be made with the permitholder to provide such security. This does not relieve the totalisator company of its responsibility.

(b) Each pari-mutuel wagering facility being served by a remote totalisator server shall be responsible for providing security controls and procedures for the equipment at the facility that may be used to access the remote totalisator.

(c) Those permitholders who have a totalisator on-site for the exclusive use of that facility, shall be solely responsible for the security controls.

(13) The permitholder may authorize specific individuals and visitors to have access to the room or facility housing totalisator computers. A list of currently licensed individuals authorized to have access to the totalisator room shall be posted at all tote room entrances and submitted annually to the division along with Form FGCC PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 75-10.001, F.A.C. Any additions or deletions to the list shall be posted to reflect any employee who is authorized to enter the totalisator room. The division must be notified of any additions or deletions to the list within 10 days.

(a) Licensed individuals shall not bet or pass along privileged information regarding pari-mutuel activities at the locations where they are authorized to enter totalisator facilities. Totalisator employees shall not wager on contests conducted by Florida pari-mutuel facilities being served by the totalisator system for which they are employed.

(b) A totalisator company employee may not hold a position of programmer and totalisator operator simultaneously.

(14) The permitholder may provide temporary supervised totalisator room access to non-licensed guests. These individuals shall sign a guest log maintained by the permitholder available to the division upon request.

(15) To allow for possible testing by division personnel, the totalisator company shall notify the division in advance of any upgrades, significant changes to, or planned implementation of, totalisator system configurations, peripherals, central or remote totalisators and other related technologies and a description or explanation of such. This shall include program or software changes which affect the frequency, timing or content of mutuel accounting reports.

Rulemaking Authority 550.0251(3), (7), 550.155(1), 550.495(4), (5) FS. Law Implemented 550.0251, 550.155, 550.2633, 550.3551, 550.495 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, 3-20-05, 4-12-06, Formerly 61D-7.021.

75-7.022 Outs Cashed After the End of the Meet.

(1) Each totalisator shall maintain an outs file segregated by meet and permitholder and, where applicable, segregated by live and intertrack wagering. Outsbooks shall not be printed in whole or in part except as provided in subsection (2) of this rule, or upon written authorization by the division.

(2) There shall be separate outs accounts for each meet. The reporting shall be segregated by on-track and intertrack wagering. Outsbooks shall only be produced upon the completion of the totalisator cashing activity but not earlier than the end of the meet. Outstanding credit vouchers and intertrack wagering tickets will not be commingled with the pari-mutuel tickets in the outsbook. The outsbook shall be produced by the totalisator operator only with the approval of the Mutuels Manager, and the totalisator system shall have system controls to prevent unauthorized production of the outsbook.

(a) Permitholders which conduct split meets may produce outsbooks upon the last performance of the first half of the split meet for the purpose of manually cashing outs tickets if the totalisator system is not operational during the dark period. In this instance,

the requirements in subsection (4) shall apply.

(b) The printing of an outbook will become mandatory and the system will be purged after 365 days from the end of any live meet.

(c) The Mutuels Manager shall sign the last page of the outbook to indicate that it was approved by the permitholder to be printed. In the event that this is not possible due to the outbook being printed at the hub, a signed copy of the instruction by the Mutuels Manager to the totalisator manager to print the outbook must be attached. Possession of a fraudulent outbook is a violation of these rules. No outbook may exist in more than two hard copies, one to be maintained by the permitholder for the purpose of cashing outs tickets and the other to be sent to the division. No other copies or extractions shall be made unless requested in writing by the permitholder and so authorized in writing by the division. Access to the outbook shall be limited to the Mutuels Manager and the persons designated by the permitholder to process the payment of outs tickets.

(d) The totalisator operator shall attest by signature and date on the grand total page as to the accuracy of the outbook. Adjustments to the outs balance will be made manually by the Mutuels Manager and will be documented and attested to by signature. A copy of the outbook, duly attested to, shall be forwarded to division headquarters by the permitholder by registered mail on the next working day after printing. The outbook must be accompanied by the permitholder's official written request for its printing.

(3) Removal of outs data from the outs file prior to the end of the meet is prohibited except when necessary due to a changing of totalisator systems. If, under these circumstances, outs data is removed from the totalisator prior to the end of the meet, the following shall occur:

(a) Prior to removal, an outbook will be printed listing all the outs being removed from the system. A copy shall be mailed to the division via registered mail. The tote operator must certify by signature the correctness of the balance indicated on the report.

(b) All deductions from the outbook produced under the above paragraph (a), shall be supported in the same manner as outs paid after the close of a meet.

(c) The outs accounting in the new system will begin with a zero balance and will accumulate until the end of the meet. The beginning and ending dates of the meet shall correspond to the dates shown on the permitholders operating license.

(d) A separate outbook for outs in the new system will be produced at the end of the meet or at the end of the cashing activity through the tote, whichever occurs last. In no event will live outs data be retained in the tote system beyond 365 days from the last live performance of the meet.

(4) The outs tickets manually cashed during the dark period of a split meet shall be processed through the totalisator system when the meet resumes to update the outs file. Processing shall be done through a designated terminal and a tote produced list of outs paid and an outs report shall be provided to the division to reconcile the outs account upon reopening.

(a) Processing of outs tickets via reader scanning during the dark period of a split meet, or upon returning for the second half of a split meet, shall be accounted for as follows: A tote produced list of outs paid and an outs report, and all keyboard cashed tickets shall be provided to the division to verify the cashing that occurred during the dark period of the split meet.

(b) Permitholders that operate a meet with two or more separate time periods and/or different locations, for which outs accounting is separate in the totalisator system, shall document and account for tickets in the same way as outs cashed after the end of the meet, from the last day of each separate portion of the meet.

(5) Where the value of the outs is payable to the state or breeders' association, all outs tickets redeemed after the final live performance of the meet shall be processed and accounted for according to the procedures outlined in this section.

(a) Where outs tickets are processed through a totalisator system via the reader scanner or keyboard entry, a tote produced list of outs tickets paid sorted by issuing permitholder (host) and meet shall be generated. This list shall segregate intertrack outs from on-track outs. This list shall contain as a minimum each cashed outs ticket fully identified as to ticket identification number, the date of sale, the date of performance for which purchased, the value of the ticket, and the cashing window. Each keyboard cashed ticket shall be identified as such by the totalisator on the list and the list shall be submitted to the division as part of the report of escheated outs. Each keyboard outs ticket cashed must be supported with the actual ticket. The division shall disallow any deductions from the end of meet outs balance for keyboard cashes which are not supported by the applicable tickets except as provided for tote cashes in subsection 75-7.021(10), F.A.C. The check number and date of reimbursement for outs ticket cashed issued by another permitholder shall be written on the list, if applicable. In the event that a totalisator system is unable to generate the list of outs paid as required by this rule, the permitholder shall have the following options:

1. To print an outbook at the end of the meet and cash outs tickets manually (off-line). In this event all the tickets to support the

deductions from the outbook shall be remitted to the division with the check for escheated outs.

2. To not print an outbook at the end of the meet but cash previous meet's outs at terminals designated exclusively for cashing previous meet's outs. For each day, the permitholder shall bundle the tickets according to the classifications in paragraph (5)(a) of this rule. In the event that the totalisator system is not able to brand each ticket with the date of payment, cashing window number and payment amount or issue a payment voucher with such information the permitholder shall write the information on each ticket bundle. All tickets shall be sent to the division. Teller histories for terminals specifically designated for outs cashing shall be provided to the division upon request.

(b) Where outs tickets are manually processed through the mutuels department of the same or another permitholder, each ticket shall be marked on the reverse side with date of payment and the amount paid.

1. Where manually processed outs tickets are paid by check, each ticket shall also bear on the reverse the check number.

2. Where manually processed outs tickets are paid by cash, the permitholder shall keep a log or post to the outbook all cash payments. The log will include the ticket date and identification number and the amount paid for each ticket. After the last entry for the day on the log, the date of payments and grand total paid will be shown. The log or outbook will be filed with the outs tickets paid and shall accompany the tickets when forwarded to the division.

3. The manually processed outs tickets shall be segregated by the dates of payment. Calculator tapes of the tickets, initialed and dated, will be filed with the tickets. The check number and date of reimbursement for outs cashed issued to another permitholder shall be written on the calculator tape, if applicable.

(6) Where the value of the outs is payable to the state, the value of the balance of the outbook shall be remitted to the Florida Gaming Control Commission, Office of Finance and Accounting, within 1 year and 60 days after the end of the meet and shall be payable to the Treasurer, State of Florida.

(7) Where the value of the outs is payable to a breeders' association the value of the balance of the outbook shall be remitted to the appropriate breeders' association within 1 year and 60 days after the end of the meet. A copy of the check shall be sent to the division.

(8) Where the value of the outs is payable to the state a report of escheated outs shall be prepared on Form FGCC PMW-3510, Report of Escheated Outs, adopted and incorporated by Rule 75-10.001, F.A.C., and submitted to the division 1 year and 60 days after the end of the meet. Supporting documentation required on Form FGCC PMW-3510 shall be attached.

(9) The permitholder who issued the pari-mutuel tickets is the custodian of its outstanding winnings, refundable wagers, and any other money represented by the outs account, and is liable to the state for errors, omissions, and improper deductions made from the outs account by any of its employees or agents.

(10) The value of unclaimed credit vouchers which are issued by a permitholder in exchange for cash or cash equivalent, and which the bearer may use to purchase pari-mutuel tickets shall not be forwarded to the division with the escheated outs tickets. The same provision shall apply to intertrack wagering tickets.

(11) Permitholders changing totalisator systems during a meet shall treat the outs tickets produced from the previous system as outs cashed after the end of the meet.

Rulemaking Authority 550.0251(3), (7), 550.155(1), 550.1645(1), 550.495(4), (5) FS. Law Implemented 550.0251, 550.155, 550.1645, 550.2633, 550.495 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, 4-12-06, Formerly 61D-7.022.

75-7.023 Reporting of Wagering Activities, Permitholder and Totalisator Reports.

(1) The totalisator licensee shall be responsible for the correctness of all tote produced mutuel accounting reports. The Mutuels Manager shall be responsible for the correctness of the non-totalisator mutuel department accounting reports.

(2) For each contest within each performance the following totalisator reports shall be produced for each site:

(a) A table of wagers (pool matrix) shall be printed for each type of pool except the Pick (N). The table of wagers shall be automatically generated immediately upon completion of the closed pool. The table of wagers shall be printed upon completion of the closed pools for all pools except the Superfecta, Trifecta and Superfecta combination, and Quinella Double. The table of wagers for the Superfecta, Trifecta and Superfecta combination, and the Quinella Double shall be printed no later than immediately following the prices report. The time that the report begins to generate and the pool closing time shall be indicated on each report. This report shall include the dollars wagered on each covered betting interest and the total amount wagered for each pool. This report shall also apply to exchange tickets, where applicable.

(b) For intertrack wagering only, a scan report may be transmitted to the host tote in lieu of the pool data for the Superfecta,

Trifecta and Superfecta combination, and Quinella Double pools. The guest tote or hub, as applicable, shall print complimentary tables of wagers reflecting the wagering activity in the guest tote or hub. The host tote shall produce tables of wagers reflecting all on track wagers and guest site wagers which have been transmitted from other guest sites. In addition, the guest tote or hub shall print the scan reports and provide copies to the division personnel at the hub. A report providing the receipt of the stop bet command for each pool of each guest shall be produced by the host site totalisator system.

(c) For the Pick (N), a scan report shall be produced after each leg of the wager. The scan shall show the probable winning combinations, the gross pool total and the amounts bet on each possible winning combination.

(d) Calculation reports for each pool within each contest shall be printed immediately after the official order of finish is declared by the judges or stewards. At intertrack or interstate hosts, the calculations report shall be available upon request for each site wagering into the common pool. The calculation reports shall include as a minimum:

1. The order of finish;
2. Each winning contestant or wagering combination and final odds;
3. The amount bet on each winner;
4. Gross Pool;
5. Refundable wagers;
6. Commissions;
7. Net Pool;
8. Prices per winning dollar;
9. Winnings payable; and
10. Breakage: positive; negative; and combined (netted) for a specific race for a specific pool.

(3) For each contest and performance, a summary of the calculations report as described in subsection (2) shall be produced. The report shall include a recapitulation by type of pool. At intertrack hosts, a summary by type of pool, type of handle and site shall be produced. At Florida interstate hosts, a summary by type of pool, type of handle and site shall be produced.

(4)(a) For each contest and performance, a liability report shall be produced. The liability report shall include a recapitulation pool by race and summaries thereof (1. Win, Place, Show, 2. Feature pools, and 3. Combined). At intertrack or interstate hosts, a recapitulation by type of pool and summaries thereof (1. WPS, 2. Feature pools, and 3. Combined), type of handle and site shall be produced. The liability report shall include as a minimum:

1. Refunds;
2. Handle less refunds;
3. Commissions;
4. Net Pool;
5. Winning dollars;
6. Breakage: positive, negative, combined (netted);
7. Pay to the Public; and
8. Settlement/Liability Adjustment.

(b) The liability report shall contain a summary by type of pool for each of the following, as applicable:

1. On-track wagers on live contests,
2. On-track wagers for contests conducted out of state (imported simulcasts) which were not commingled out of state,
3. On-track wagers for contests conducted out of state (imported simulcasts) which were commingled out of state,
4. Intertrack wagers for contests conducted live in Florida,
5. Intertrack wagers for contests imported from but not commingled out of state,
6. Intertrack wagers for contests imported from and commingled out of state,
7. Commingled wagers sold by out-of-state guests,
8. The combined or merged live, intertrack and interstate handle.

(c) Upon request, the totalisator shall produce a liability report segregating, as applicable, contest, pool and site the above criteria 1. through 8. both cumulatively and non-cumulatively and, where applicable, for a range of races or games.

(5) The following totalisator reports shall be printed for each performance or operating day:

(a) A terminal activity report, also known as a window activity report or a machine sales report, summarizing the transactions at each window or terminal. This shall include, as a minimum, gross wagers sold; wagers canceled; credit vouchers sold; tickets cashed

and credit vouchers cashed. In addition,

1. Data for mutuel tickets and credit vouchers shall be separate.
2. The data shall be reported in terms of number of tickets and dollar value.
3. Cashed ticket amounts may be reported net of taxes withheld or at their gross values.

4. The totalisator shall produce a cashed ticket report which separates daily tickets cashed from outs tickets cashed by site. Such report may be in summary format and must be made available to the division upon request.

(b) A future bets report summarizing the total wagers sold for future performances. This report shall include the dollar value of wagers sold for each future performance segregated by pool and contest.

(c) A tax withholding report listing all of the paid tickets which are taxable under IRS rules. The list shall include as a minimum the ticket serial number, gross value, taxes withheld, value net of tax and window at which cashed.

(d) An outs account balance report including as a minimum, the beginning balance, adjustments to the beginning balance, adjusted beginning balance, outs paid, outs added and outs ending balance.

1. There shall be separate outs reports for each meet.

2. Where intertrack wagering is applicable, there shall be a separate report for each host and guest produced by the totalisator which recorded the sale.

3. Outstanding credit voucher data shall not be included in outs tickets activity columns, but may be shown separately in this report.

(e) A report(s) of the number of tickets cashed and canceled via keyboard entries. The report(s) shall reflect the total number of keyboard cashes and cancels for each window and the percentage of the total dollar amount of such cashes. The report(s) may be in the form of a ticket statistics summary. Tickets cashed for previous meets, outs generated by other permitholders, or intertrack wagering tickets shall be identified on the report by window.

(f) A list of tickets cashed or canceled via teller keyboard entries shall be printed upon request. The tickets shall be sorted according to window number at which the ticket was cashed or canceled; and shall include the ticket identification number and the redemption value of the ticket.

(g) A list of all tickets which were canceled via totalisator operator intervention (tote cancels) shall be printed or maintained. This list shall include the ticket identification number, the redemption value of the ticket, and the date and time of totalisator intervention and shall distinguish intertrack wagering tickets.

(h) In the absence of a daily tote produced report of all tickets which were purchased by the totalisator licensee as result of terminal malfunctions, a log of such purchased tickets shall be maintained by the totalisator operator and available to the division daily. Damaged or incomplete tickets issued as a result of a malfunction shall be available to a division representative upon request.

The log shall include the following:

1. The terminal window number or location number.
2. The teller number.
3. The ticket identification number.
4. The date and time of the wager.
5. The value of the wager.

(i) A daily outstanding vouchers report shall be printed upon request if credit vouchers are not shown in the daily outs account balance reports. This report will be in the same format, accounting frequency and content as the outs account balance report but shall be limited to outstanding credit vouchers.

(6) Logs shall be maintained, which indicate the time of day of each entry for each terminal other than a Ticket Issuing Machine (TIM) operating during a day. The log shall show:

- (a) Each log-on/log-off and the operator's ID code.

(b) Each command or transaction entered, and the device that issued the command. This shall also include each Stop Betting, Order of Finish, Official, or Sales Open command.

- (c) Each occurrence which is evident in the system, of loss/restoration of wagering communication between computers or sites.

(d) Each occurrence of discrepancy between computers or sites when comparing databases. This could be between different tote systems, or within the same tote company if multiple databases are used such as in a master/slave/clone scenario.

(7) In addition to the reports listed in the preceding sections, each totalisator operator shall keep a record of all totalisator malfunctions. This record shall contain the description, date, and time of each malfunction and shall be made available to the

division hub personnel within 48 hours.

(8) Where the terminal/window activity report includes cross cashing of pari-mutuel tickets, the system shall print a supplementary report summarizing the cashing activity. The supplementary report must provide the amount paid for tickets issued by each pari-mutuel facility by cashing site and selling site and totals shall be segregated by meet if previous meets outs are included. The reporting of pari-mutuel tickets and credit vouchers shall not be commingled.

(9) All the above-indicated totalisator reports shall be printed at the pari-mutuel facility serving as a totalisator hub. In addition, each totalisator company shall provide electronic downloads of wagering data compatible with the division's centralized database. Each report shall include the permitholder's name, date of report, and time of generation. The totalisator operator shall provide to the division hub personnel a copy of each totalisator report produced pursuant to this rule immediately upon printing.

(10) Any report or record pertaining to the accounting of pari-mutuel activities produced for or available to the permitholder or totalisator company shall be available to a division representative upon request. Contractual reports or billing information consisting of confidential information between the permitholder and the totalisator company are excluded from this requirement.

Rulemaking Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495 FS. History--New 10-20-96, Amended 12-15-97, 9-19-04, 4-12-06, Formerly 61D-7.023.

75-7.024 Totalisator Requirements.

(1) All permitholders under the jurisdiction of the division are required to use electronically operated totalisators located at a site approved by the division.

(2) Permitholders changing from one totalisator server to another shall inform the division in writing not later than three days prior to implementation.

(a) Each totalisator company shall have a tote control console, and a printer where the console activity is recorded.

(3) Each pari-mutuel facility shall have a results field board or electronic display device in plain view of patrons. The following shall be shown on the board or display device:

(a) The odds on the Win Pool wagering. Odds cycle shall not be more than 90 seconds commencing after the previous race or game is declared official, and the "posting" of the next current race;

(b) Minutes to post;

(c) Official order of finish; and

(d) The winners or winning combinations and related prices for each pool.

(4) Each totalisator system shall be programmed to record, classify, accumulate wagering data, automatically determine winning priorities, perform calculations and provide reports. For intertrack wagering purposes, the intertrack wagering data and related accounting reports shall be kept logically separate by host.

(5) The system shall have primary and back-up processing capabilities accomplished by the use of independent circuits, power supplies, computers and central processing units which conduct identical functions.

(6) Each totalisator licensee shall submit to the division not later than three days prior to the beginning of each meet Form FGCC PMW-3610, Totalisator System Checklist, effective 9-12-12, adopted herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01560>, which can be obtained at www.fgcc.fl.gov or by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399. In addition to the checklist, the following information shall be provided to the division:

(a) In the event that programming and software changes are made on an emergency basis, the division shall be notified no later than 48 hours after the emergency change is made.

(b) Not later than 45 days prior to implementation, any plans to introduce new totalisator hardware or software to existing systems affecting the distribution of the pools, including prices, payout total, breaks, and takeout.

(7) Once the contest begins, the mutuels manager shall not have the option to declare the wagers refundable unless a "no contest" is declared by the judges or stewards. The permitholder shall be bound by the outcome of the contest as declared official or "no contest" by the judges or stewards.

(8) Totalisator problems are sufficient cause to cancel contests before they start. However, once the contest has started, it shall not be canceled or declared null or "no race" solely because of totalisator problems.

(9) Within 48 hours of a malfunction, the tote representative and the mutuels manager shall file with the division Form FGCC PMW-3580, Report of System Event or Malfunction, effective 9-12-12, adopted herein by reference,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01559>, which can be obtained at www.fgcc.fl.gov or by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399.

(10) The totalisator licensee shall be responsible for the correctness of the final line of odds and all payout prices posted on the tote boards. If due to errors in programming or other circumstances the payout is incorrect the following shall apply:

(a) Both the incorrect and corrected calculations reports shall be kept as part of the mutuels records and copies of each shall be provided to the division.

(b) The incorrect prices shall be deleted and the correct prices entered in the system to allow the tote to assign the correct values to the tickets and to display those corrected values to the public.

(c) Whenever the prices actually paid to the winners are different from the totalisator assigned prices, the permitholder shall keep proof that the prices paid to the winners are correct.

(d) If the prices paid to the winners are less than the correct prices, the amount of the underpayment shall be reported to the division.

(e) With respect to a liability resulting from either an underpayment or overpayment, underpayments and overpayments from distinct and separate pools shall be managed by permitholders within the meet. Underpayments may be used to offset overpayments with the provision that any remaining underpayment at the end of a meet be distributed in a pool approved by the division within the last seven days of a meet. Permitholders shall report all underpayments and overpayments to the division, as well as notify the division when using underpayments to offset overpayments. Adjustments to pools when offsetting must be supported with documentation.

(f) No ticket values shall be changed once entered into the totalisator outs account with the totalisator assigned value regardless of overpayment or underpayment to the public. Should the last performance outs balance need adjustment, it shall be done manually to agree with the actual prices paid. All adjustments must be supported with documentation.

(11) Whenever there is a difference in any pool or pools between the price calculation report and the tables of wagers, the amount per table of wagers shall be used in the computation of the payout. Whenever there is a difference between the pool amount reported by different computers, the highest pool amount shall be used in the computation of the payout.

(12) A totalisator system located at a site other than a licensed pari-mutuel facility shall operate under Chapter 550, F.S., and the rules and regulations of the Florida Administrative Code pertaining to totalisators.

(13) The totalisator company shall appoint its employee to be a totalisator operator at each pari-mutuel facility during live performances.

(14) The outs file shall include the date, performance, contest, complete ticket identification number, amount wagered, winning combination, and the value for each ticket.

(a) The outs file shall be updated at the end of each performance or operating day.

(b) Both the totalisator licensee and the permitholder will be responsible for the integrity of the outs file and shall have documented internal controls to prevent unauthorized access. Such internal controls shall be included in the security description required by subsection 75-7.021(12), F.A.C.

Rulemaking Authority 550.0251(3), 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.155, 550.495 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, 4-12-06, 9-12-12, Formerly 61D-7.024.

CHAPTER 75-8
FINANCIAL REPORTING AND PURSE REQUIREMENTS

75-8.001	Admissions Requirements
75-8.002	Financial Reporting Requirements
75-8.003	Reporting Requirements for Charity/Scholarship Performances
75-8.004	Retired Jai Alai Players Charity Days Fund: Accumulation Payments and Reporting
75-8.005	Purses and Florida Owners' Awards, Horse Racing
75-8.006	Purse Requirements, Greyhound Racing

75-8.001 Admissions Requirements.

(1)(a) Each permitholder shall provide separate gates for taxable admission. Gates for taxable admission shall be equipped with metered turnstiles which are numbered consecutively and protected from tampering or manipulation. A record of all taxable and tax exempt admissions compiled by the permitholder shall be provided to the division at the conclusion of each performance. If all turnstiles are broken, it shall be the responsibility of the permitholder to count the admissions.

(b) All admission charges, including the charge for a grandstand area with general seating, shall be displayed at each entrance to the pari-mutuel facility. Where the total collected includes charges for services or products such as seating (other than grandstand seating), programs or parking, the patrons shall be informed of such charges at the point of entry. The charge for other services or products offered as a package shall not be included in the admissions charge if the patrons have the option to accept or reject the additional services or charges.

(2) Permitholders shall inform the division of their late entrant policy prior to the beginning of the meet, or upon the institution of such policy, by filing an update to Form FGCC PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 75-10.001, F.A.C.

(3)(a) Individuals receiving tax-exempt admission shall be issued a pass by the permitholder which is to be displayed for entry. Tax-exempt passes are not transferable and holders of the passes shall not allow their use by any other individuals.

(b) Prior to the beginning of a meet, each permitholder shall forward to the division a list of individuals receiving a tax-exempt pass and the capacity in which they are functioning. The permitholder shall notify the division within 48 hours of any changes to the list of tax-exempt passes.

(4) Admission tax shall be calculated on the aggregate entry fee for weekly, monthly, annual, or other seasonal periods. All entry fees must be reported on Form FGCC PMW-3520, Notification of Pari-Mutuel Operations, prior to the meet.

Rulemaking Authority 550.0251(3), (7), 550.0951(2), 550.125(2)(b), 550.155(1) FS. Law Implemented 550.0251, 550.0951, 550.125, 550.155 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, Formerly 61D-8.001.

75-8.002 Financial Reporting Requirements.

(1) Not less than 10 calendar days before opening a race or fronton meeting, each permitholder shall file with the division Form FGCC PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 75-10.001, F.A.C.

(2) Permitholders who wish to change any item included on Form FGCC PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 75-10.001, F.A.C., must notify the division of the change within 48 hours of implementation. Written notice of a change shall be deemed an amendment to Form FGCC PMW-3520. In the event that permitholders are unable to provide sufficient notice as a result of a change needed to correct an error, or an emergency change, the division must be notified via telephone as soon as the need for the change is determined, and permitholders must forward a revised copy of Form FGCC PMW-3520 to the division on the next working day.

(3) Every permitholder shall file Form FGCC PMW-3560, Monthly Remittance Report On-Track, adopted and incorporated by Rule 75-10.001, F.A.C., with the division by the fifth day of each calendar month for all taxes and fees imposed and collected during the preceding calendar month.

(4) Permitholders conducting intertrack wagering as hosts must file reporting forms as required by the rules governing intertrack wagering.

(5) Every permitholder shall keep records to show all financial activity and shall submit to the division two copies of complete audited financial statements within 120 days after the conclusion of the permitholder's fiscal year. The financial statements shall

contain, at a minimum, all reports and supplemental schedules as prescribed in Form FGCC PMW-3690, Uniform Reporting System Prescribed for Pari-Mutuel Permitholders, adopted and incorporated by Rule 75-10.001, F.A.C. All financial statements, supplemental schedules, and reports shall be examined in accordance with generally accepted auditing standards by a certified public accountant licensed to practice in Florida. The accountant shall express an opinion as to whether the financial statements, supplemental schedules, and reports are fairly stated in accordance with generally accepted accounting principles.

(6) The financial statements, supplemental schedules, and reports shall be maintained in the division's files.

(7) For the express purpose of overseeing the making of, and distribution from all pari-mutuel pools and payment of taxes and fees to the state, the division or its designee is authorized to inspect, examine, or test any and all files, books, records and independent audit reports and findings.

(8) A complete written response must be provided at the request of the division within thirty (30) days of the date of issuance of any report, audit findings, or other formal request for information, by the permitholder, totalisator company or auditee, unless otherwise specified in such request.

(9) Each permitholder shall make payments related to settlements of intertrack or simulcast pari-mutuel wagering to guest facilities or host facilities, on the day the host state taxes are due pursuant to Section 550.0951(5), F.S.

Rulemaking Authority 550.0251(3), (7), (9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS. Law Implemented 550.0251, 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, 3-4-07, Formerly 61D-8.002.

75-8.003 Reporting Requirements for Charity/Scholarship Performances.

(1) Proceeds from all charity/scholarship performances shall be distributed only to proposed recipients which are determined by the division to be in compliance with Section 550.0351, F.S. Any charity registered with or determined to be exempt by the Division of Consumer Services pursuant to Chapter 496, F.S., shall be deemed in compliance with Section 550.0351, F.S. It shall be the permitholder's responsibility to insure that charity recipients are registered or have been determined to be exempt pursuant to chapter 496, F.S., or are duly qualified with the division by the filing of a copy of the exemption from taxation issued by the Internal Revenue Service to such charity.

(2) No proceeds may be distributed to any organization who does not meet the requirements of subsection (1) of this rule.

(3) Within 120 days after the conclusion of its fiscal year each permitholder shall pay the proceeds of all charity performances to the authorized charities and, within 45 days after the required due date for such payments, shall submit to the division Form FGCC PMW-3540, Statement of Proceeds for Charity Day Performance, and Form FGCC PMW-3550, Charity Day Proceeds and Distribution, both adopted and incorporated by Rule 75-10.001, F.A.C. Copies of supporting documentation such as checks should be included with the forms, along with a statement and reconciliation, ~~which includes all deductions and additions of money, and support for all banking transactions including bank statements, for the "Greyhound Adopt A Pet Day."~~

~~(4) A greyhound permitholder may hold one additional charity day, designated as "Greyhound Adopt A Pet Day," as authorized by Section 550.1648, F.S. "Profits" for this charity event shall be calculated in the same manner as required for "proceeds" in Sections 550.0351(4) and (5), F.S.~~

~~(5) The permitholder must maintain an accounting of the funds related to the "Greyhound Adopt A Pet Day" charity. All revenue associated with this charity event must be deposited into a separate account, within 7 days of the event. Documentation, including names of recipients, individuals or entities, must be maintained of all disbursements from the fund account. Disbursements may be made only to recipients allowed by Section 550.1648, F.S., in that the money must be used to support activities for promoting greyhound adoptions.~~

~~(6) The permitholder is the custodian of the funds related to the "Greyhound Adopt A Pet Day" charity event. As part of any review by the division in which it is determined there were unlawful recipients of the charity funds, the permitholder will be required to reimburse the fund for the amount of the improper disbursement(s).~~

Rulemaking Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1) FS. Law Implemented 550.0251, 550.0351, 550.125, 550.155, 550.1647, ~~550.1648~~ FS. History—New 10-20-96, Amended 12-15-97, 6-29-05, 4-12-06, _____, Formerly 61D-8.003.

75-8.004 Retired Jai Alai Players Charity Days Fund: Accumulation Payments and Reporting.

(1) Section 550.0351(8), F.S., authorizes jai alai permitholders to conduct two additional charity performances each fiscal year for a fund to benefit retired jai alai players. The proceeds derived from each "Retired Jai Alai Players Charity Day" shall be deposited to the fund. In determining the amount to be deposited to the fund, the permitholder shall not deposit an amount less than

the amount that would ordinarily be remitted as state taxes.

(2) Bank Account. Each permitholder conducting Retired Jai Alai Players Charity Days, shall maintain a separate fund account as follows:

(a) A separate interest bearing bank account shall be established upon reaching a balance of 2,500 dollars. Any interest earned by the bank account shall accrue to the fund.

(b) For balances of 2,500 dollars or less, the permitholder shall not be required to maintain a separate interest bearing bank account.

(c) Proceeds derived from the Retired Jai Alai Players Charity Day shall be deposited to the fund within 30 days after the conclusion of the permitholder's playing season.

(3) The permitholder shall, within 30 days after the conclusion of its playing season, make payment to any eligible jai alai player who retired during the permitholder's playing season. A jai alai player is eligible for payment by the fund provided:

(a) The player has played in the State of Florida no less than 10 consecutive years at the time of retirement.

(b) The last 3 years prior to retirement must be consecutive years at the jai alai fronton making the payment, except that:

1. Where more than one fronton is owned by the same parent company, the total time playing within the State of Florida under the same parent company shall be considered toward the 3 years eligibility requirement.

2. Where two or more frontons have agreed to share players in a rotating basis, the total time playing for all the frontons involved in the agreement shall be considered toward the 3 years eligibility.

3. Where a player that is otherwise eligible cannot complete the 3 years eligibility due to illness or injury, the permitholder shall waive the 3 years eligibility requirement.

(4)(a) Any payment made to an eligible jai alai player shall be in a lump sum in the amount of \$1,000 for each year of service with a permitholder in the State of Florida and only upon retirement. If there is insufficient monies in the fund, the player shall receive all monies remaining in the fund. However, in the event that a group of players retired within the same playing season, the amount available in the fund shall be paid on a pro rata basis according to the formula indicated below. Any balance remaining in the fund after disbursement to all eligible players shall be carried over to the next year. If there is no eligible player, one hundred percent of the fund shall be carried over to the next year.

Individual's total

years of service	×	Total in the Fund
Aggregate years of service of the group		(Times)

(b) A retiring player must give to the permitholder a written notice of his intent to retire no less than 25 days prior to the end of the permitholder's playing season. If this notice requirement is not met, and the player was eligible for retirement monies, then for the purposes of this rule the player shall be considered as retiring on the first day of the next playing season.

(c) Players are entitled to one disbursement from the fund. If a player returns to active jai alai playing, the player shall not qualify for benefits from the Retired Jai Alai Players Charity Days at the time of any subsequent retirement.

(d) If two permitholders operate at the same fronton, and each has a fund, they may combine the funds for the players who have played for both permitholders.

(5) Any player who retired on or after December 16, 1992, and who otherwise meets the qualifying criteria, is eligible to receive monies under this rule.

(6)(a) The permitholder shall submit Form FGCC PMW-3620, Retired Jai Alai Players Fund Distribution, adopted and incorporated by Rule 75-10.001, F.A.C., to the division within 120 days after the end of the permitholder's fiscal year.

(b) Permitholders shall file reports as required by Rule 75-8.003, F.A.C., Reporting Requirements for Charity/Scholarship Performances.

Rulemaking Authority 550.0251(3), 550.0351(8) FS. Law Implemented 550.0251, 550.0351 FS. History--New 10-20-96, Amended 12-15-97, 4-12-06, Formerly 61D-8.004.

75-8.005 Purses and Florida Owners' Awards, Horse Racing.

(1) For the purpose of interpreting this rule, the following definitions shall apply:

(a) "Purse" means the cash portion of the prize for which a race is contested.

(b) "Purse Pool" means the aggregate of all amounts set aside for the purpose of purse payments, including:

1. Those sums required to be paid as purses pursuant to Chapter 550, F.S.;
2. Those additional, optional sums authorized to be paid as purses by Chapter 550, F.S., and which a horseracing permitholder elects to pay or is required to pay upon reaching specific statutory conditions or thresholds or optional sums paid by contract;
3. Any interest earned on an underpaid purse account.

(c) "Florida Owners' Awards" means those sums awarded in accordance with the eligibility criteria established in Section 550.2625(6)(a) and (b), F.S.

(d) "Florida Owners' Awards Pool" means the aggregate of the sums set aside for payment of Florida Owners' Awards, including:

1. Those sums which a thoroughbred racing permitholder is required to pay as Florida Owners' Awards by Chapter 550, F.S.;
2. Those additional, optional sums a thoroughbred permitholder is authorized and elects to pay as Florida Owners' Awards by Chapter 550, F.S.; and

3. Any interest earned on an underpaid Florida Owners' Awards account.

(e) "Horsemen Association" means the organization representing a majority of the thoroughbred racehorse owners and trainers.

(f) "Sweepstakes" or "Stakes" means the sums paid as purses on a sweepstakes race and which sum is partially or totally comprised by funds contributed by the competitors in and/or the sponsors of the race.

(g) "Transfer of purse pool money" means:

1. Sums deductible from a horseracing permitholder's purse pool and due or remitted to another permitholder to be used for the payment of purses by the receiving permitholder pursuant to Chapter 550, F.S.;

2. Sums deductible from a horseracing permitholder's purse pool and required to be used by the permitholder toward the payment of insurance benefits for backside employees pursuant to Chapter 550, F.S.;

3. Sums deductible from a harness racing permitholder's purse pool and due or remitted to intertrack wagering guests and which become part of the guests' commission pursuant to Chapter 550, F.S.; or

4. Sums deductible from a thoroughbred purse pool which are due or remitted to the horsemen's association pursuant to Chapter 550, F.S.

(2) Each horseracing permitholder shall segregate the respective amounts due the purse pool into separate accounting entries. For those permitholders maintaining purse pool accounting on a cash basis, the amounts due to the purse pool from interstate simulcasting shall not be deemed accrued to the purse pool until payment in clear funds is received from the appropriate guest or host track. Amounts received after the close of the meet shall be applied toward payments in the subsequent meet. Reports reflecting the status of purse money should have disclosure notes on any amounts receivable. Permitholders maintaining accounting on an accrual basis shall credit the purse pool with the amounts due from simulcasts upon completion of the simulcast performance.

(3) A cumulative purse underpayment occurs where the aggregate of the purses paid during the meet is less than the aggregate available in the purse pool, as adjusted for statutorily required transfers.

Any underpayment of statutory required purses shall be deposited within 10 days of the end of the meet into a separate interest bearing account. The underpayment plus all interest generated shall be used to increase purses awarded over the course of the permitholder's next meet.

(4)(a) A cumulative purse overpayment occurs where the aggregate of purses paid during the meet is greater than the aggregate available in the purse pool, as adjusted for statutorily required transfers. Unless otherwise indicated in the contract between the horsemen's association and the permitholder, the permitholder may carry forward the amount overpaid and recoup the overpayment over the course of the next meet or future meets.

(b) The statutory purses due in a current meet shall not be reduced by deducting overpayments from a prior meet or meets or from the current meet.

(5) In thoroughbred racing, if Chapter 550, F.S., requires payment of Florida Owners' Awards or the permitholder elects to pay such awards, the permitholder upon receipt shall segregate the respective amounts due the Florida Owners' Awards pool into separate accounting entries.

(6) In thoroughbred racing, the sums required to be paid as Florida Owners' Awards shall be paid to the owners of Florida bred horses in accordance with Section 550.2625(2)(a) and (b), F.S. Any eligibility criterium added by the permitholder must be previously disclosed in the conditions book and the daily racing program.

(a) If all the funds due as Florida Owners' Awards are not paid out during the meet, the remaining amount shall be carried forward to the permitholder's subsequent meet. All funds carried forward shall be deposited in an interest bearing account within 10

days after the close of the meet. The principal and interest generated shall be used to pay owners' awards in the permitholder's subsequent meet.

(b) An overpayment occurs where the aggregate of the awards paid exceed the amount available in the Florida Owners' Awards pool. Unless otherwise indicated in the contract between the horsemen's association and the permitholder, the permitholder may carry forward the amount overpaid and recoup the overpayment over the course of the next meet or future meets.

(7) The horseracing permitholder shall maintain a separate account for purses and a separate account for Florida Owners' Awards. The separate interest bearing accounts maintained by the permitholder for purses and owners awards shall pay interest in an amount equivalent to current market rates for similar amounts competitive with financial institutions within the immediate geographical area of the permitholder.

(8) The purse for each race and the Florida Owners' Awards, where applicable, shall be disclosed in the conditions book and the daily racing program. Each permitholder shall also disclose the distribution formula for each race's purse: for example, 60% to the first finisher, 20% to the second finisher, 15% to the third finisher, and the remaining 5% divided equally among all other finishers. Where the permitholder elects to have only one distribution formula applicable throughout the performance, the uniform application shall be disclosed.

(a) Where the purse is announced as a minimum guaranteed or as "purse added," the permitholder shall disclose to the division the source of any additional amounts and, if applicable, the total to be added to the announced purse.

(b) The announced purses and awards shall be considered contractually binding on both the permitholder and the contestants in the race.

(c) The conditions book and the daily racing program shall disclose the fees to be collected for races in which nomination, entry and starting fees are applicable. If the total collected cannot be included in the racing program, such information will be provided daily to the pari-mutuel wagering specialist on site.

(9) If, prior to the payment of any purse or award, any event is known to occur or alleged to have occurred that may result in disqualification of a horse from a race, the payment of the purse or award on that horse shall be delayed until a final determination regarding the alleged violation is made by the Steward or Division Director.

(a) In the event that a purse or award payment is made and subsequently the horse is disqualified by the Steward or Division Director, the recipient of the sums shall return the money to the permitholder for redistribution.

(b) All funds held pursuant to subsection (9), shall be held in escrow by the permitholder pending a final determination and distribution.

(10) Each horseracing permitholder shall provide to the pari-mutuel wagering specialist on site a daily Purse and Florida Owners' Award summary for each race, with the following minimum information:

(a) Total purse paid;

(b) Total derived from fees paid by category; and

(c) Where applicable, Florida Owners' Awards paid.

A copy of a permitholder's daily purses paid report which includes the above information shall be sufficient to meet this requirement.

(11) Each horseracing permitholder shall file a purse report within 30 days after the close of each meet reflecting:

(a) Sums contributed and interest accrued to the purse pool between the last day of the previous meet and the first day of the meet being reported. Any balance brought forward (underpayment or overpayment) from the previous meet shall be indicated;

(b) Sums contributed and interest accrued to the purse pool during the meet period;

(c) All outflows for purse payments. This includes:

1. The total purse paid and, where applicable, the total Florida Owners' Award paid the sum of which shall equal to the sum of the elements of subparagraphs 2., 3., 4., and 5., below;

2. The amounts for entry, nomination and starting fees included as part of the purses paid;

3. The amount included as part of the purses paid which was contributed by sponsors to the race;

4. Other contractual amounts paid which are in addition to the statutory requirements;

5. The net amount paid which is derived from statutory requirements; and

(d) Amount of under or overpayments as derived from values in paragraphs (a) through (c), above;

(e) Where cash basis accounting is used, in a footnote or attached list, any amounts due to the permitholder derived from simulcasting which have not been received or have not cleared and therefore will be included in the next report; and

(f) Transfers of purse money.

(12) Each horseracing permitholder shall file a Florida Owners' Award report within 30 days of the close of each meet reflecting:

(a) Sums contributed and interest accrued to the Florida Owners' Award pool between the last day of the previous meet and the first day of the meet being reported. Any balance brought forward (underpayment or overpayment) from the previous meet shall be indicated;

(b) Sums contributed and interest accrued to the Florida Owners' Award pool during the meet period;

(c) All outflows from the Florida Owners' Award Pool; and

(d) Amount of under or overpayment as derived from values in paragraphs (a) through (c), above.

(13) For conducting purse audits, the division shall require accounting records that are used to verify purse payouts, for example, contributions to the purse pool derived from live handle, intertrack wagering, and simulcast wagering; amounts distributed from the purse pool; and transfers to any breeders' or owners' awards program.

(a) Supporting schedules for contributions to the purse pool which are derived from interstate broadcasting shall be included. Permitholders may submit schedules designed by the permitholder's accounting personnel provided that all the information needed is included.

(b) The permitholder shall include disclosure notes to the report any time a permitholder has items included in the reports which are not explained within the content of the documents or where a permitholder wishes to make a contribution to the purse pool which is in excess of the statutory requirements.

(14) The frequency of the remittances to the horsemen's association shall be as agreed upon by contract. If not addressed in the contract, the remittances shall be at intervals not greater than a week. The sworn statement required by Section 550.2614(2), F.S., must be presented to the permitholder and a copy of the sworn statement must be filed with the Division.

(15) The purse and Florida Owners' Award report and all accounting records pertaining to the purse pool and Florida Owners' Award accounts shall be subject to audit under the provisions of Sections 550.2625(2)(d) and 550.125(2), F.S. For the purpose of the audit, accounting records shall include contracts between the horsemen's association and the permitholder and contracts with guests and hosts when these are needed to make determinations regarding amounts contributed to or transfers from the purse pool.

(16) If an audit or investigation by the division reveals that a horseracing permitholder failed to timely pay the amounts due the horsemen's association under Section 550.2614, F.S., or fail to pay the amounts due for purses or Florida Owners' Awards as required pursuant to Chapter 550, F.S., the division shall initiate administrative disciplinary action.

(17) A horseracing permitholder at its option may pay additional purses, or make additional contributions to the purse pool or Florida Owners' Awards pool, or make additional payments to a horsemen's association, in excess of the amounts required or authorized by Chapter 550, F.S. In no event may a contract or agreement or unilateral action by a permitholder, waive the requirements of this rule or of Chapter 550, F.S. Any contractual clause, agreement or unilateral action by a permitholder which is found to be contrary to the requirements in chapter 550, F.S., or the provisions of this rule shall be considered void.

(18) Where a race is canceled, no purses will be due; however, any funds contributed by the owners of the horses toward the payment of a sweepstakes or enhancement of the purse on the canceled race, shall be refunded to the contributors.

(19) If a race is declared "no contest, no race or null" by the Steward, the permitholder may still pay purses on such race. The status of the wagered money on such null races will have no bearing on the decision regarding the payment of purses. If a decision not to pay the purse is made, any contributions by the competitors engaged in the race shall be refunded to the contributors.

Rulemaking Authority 550.2614(1), (2), (3), (4), 550.2625(2)(d) FS. Law Implemented 550.2614, 550.2625(2), 550.625, 550.655 FS. History--New 10-20-96, Amended 12-15-97, 4-15-07, Formerly 61D-8.005.

75-8.006 Purse Requirements, Greyhound Racing.

~~(1) As required in Section 550.09514(2)(f), F.S., each greyhound racing permitholder shall, during the permitholder's race meet, supply kennel operators and the Division of Pari-Mutuel Wagering with weekly reports showing purses paid on each wagering category, within 10 days of Sunday after the end of any payment week. The weekly report shall reflect purse payments and handle by the following categories:~~

~~(a) Purses paid on live greyhound races;~~

~~(b) Purses paid for simulcast imports;~~

~~(c) Purses paid on greyhound intertrack and simulcast broadcasts as a host, separated by market area, or non-market area, if~~

~~applicable, and commission calculations;~~

~~(d) As a guest, purses paid on greyhound intertrack and simulcast broadcasts;~~

~~(e) Purses paid when permitholder is a host for a non-greyhound permitholder, and when a guest during any dark period deferred from the previous fiscal year after the live meet;~~

~~(f) Simulcast export handle and commissions received for which purses are paid, with related transmission costs;~~

~~(g) Additional purse supplements for daily license fees or cardroom gross receipts;~~

~~(h) Any stakes and/or additional purse payments added;~~

~~(i) Any deductions from the gross purses and a description of such.~~

~~(2) Also, a report is required which summarizes all weekly purse payments made for the fiscal year including all categories enumerated in paragraphs (1)(a) through (1)(i) of this rule. This report and all supporting accounting records shall be submitted within 30 days of the end of each live meet and will be subject to audit under the provisions of Section 550.09514, F.S.~~

Rulemaking Authority 550.6305(5) FS. Law Implemented 550.09514(2)(d) FS. History—New 9-19-04, Formerly 61D-8.006.
Repealed.

CHAPTER 75-9
INTERTRACK AND SIMULCAST WAGERING

75-9.001	Interstate and Intertrack Broadcasts
75-9.002	Interstate Broadcasts – Common Pools
75-9.003	Interstate and Intertrack Broadcasts – Emergency Procedures
75-9.004	Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities
75-9.005	Intertrack and Interstate Wagering, Hub Systems Requirements

75-9.001 Interstate and Intertrack Broadcasts.

(1)(a) Florida permitholders shall provide documentation supporting information reported on Form FGCC PMW-3590, Notification of Interstate Broadcasting, adopted and incorporated by Rule 75-10.001, F.A.C., to the division. To ensure compliance with the breeders' and stallion awards requirement set forth in Chapter 550, F.S., and purse requirements in Section 550.6305, F.S., Florida permitholders shall provide the following documentation for review and audit upon request:

(b) No permitholder shall enter a contractual agreement that is in violation of, or may be construed as waiving, the requirements of these rules or Chapter 550, F.S.

(c) Where pools are commingled from out of state into Florida, a Florida host permitholder shall require the out-of-state guest to provide any information necessary for the host's accounting of its pari-mutuel activities. This information relating to the accumulation, calculation and distribution of the applicable pools will be requested by the division from the out-of-state guest.

(2) The following provisions shall apply to Florida host tracks broadcasting contests:

(a) Each totalisator site manager for a permitholder which desires to operate as an intertrack or interstate host facility shall provide to the Division of Pari-Mutuel Wagering a security plan at least 10 days prior to the initial implementation of intertrack or interstate wagering. A new security plan shall be submitted 10 days prior to a change in a permitholder's totalisator company or to the effective date of any change to the security plan. The security plan shall include as a minimum the information requested by the Division of Pari-Mutuel Wagering's Security Plan Guidelines for Intertrack or Interstate Host Tracks herein incorporated by reference. A copy of these guidelines may be obtained by contacting the Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399. The effective date of each of these guidelines is October 20, 1996.

(b) For each meet, the Florida interstate host track shall provide to the Division of Pari-Mutuel Wagering in Tallahassee, the information as required in Form FGCC PMW-3590, Notification of Interstate Broadcasting, adopted and incorporated by Rule 75-10.001, F.A.C., no later than TWO HOURS prior to initiating the broadcast to any out-of-state guest. Florida intertrack hosts shall provide to the division the information required in Form FGCC PMW-3600, Notification of Intertrack Wagering, adopted and incorporated by Rule 75-10.001, F.A.C., no later than two working days prior to the broadcast to any intertrack guest.

(c) Each Florida host track shall ensure that the primary means of data transmission from the permitholder's facility to the totalisator or from totalisator to totalisator is through a leased dedicated data line. There shall be back-up data lines in the event of primary line failure. Back-up lines may be dial-up data lines.

(3) The following provisions shall apply to Florida permitholders operating as guest tracks:

(a) Florida permitholders operating as primary guest tracks within Florida shall combine all the Florida wagers into their own pools before transmission to the out-of-state host.

(b) Intertrack guest tracks may offer only those pools which are being offered by the Florida host track, but are not required to offer all pools offered by the host. Separate pools maintained by guest tracks on intertrack wagers are permitted only for greyhound permitholders as provided by Section 550.6305(2), F.S.

(c) Tickets sold at guest tracks shall identify the sales location and the name of the host track.

(d) The guest, hub or remote tote server shall be responsible for the timely transmission of wagering data to the host for the purpose of combining pools.

1. If a betting site is unable to transmit wagering data to the host before the end of a race upon which wagers are taken, the Florida site experiencing the problem must close wagering early. If the site responsible for not transmitting wagering data to the host before the end of a race is an out-of-state guest, the Florida host shall impose an early closing of wagering for the guest site. The Florida host totalisator manager shall be responsible for enforcing the provisions of this subsection.

2. If it is determined that the bet cancel delay at a guest site is responsible for causing a delay in the closing or the pricing of a Florida host pool, the Florida host will require an early stop bet at the guest site. The Florida host Mutuels Manager shall be

responsible for enforcing the provisions of this subsection. In the event that the Florida host fails to take action as required by this section, the division shall require the problem intertrack or interstate guest site to close early as a condition of continued participation into the pools of the Florida host track.

(e) Except during the advance wagering period, either the audio or the video signals must be present at the start of a wagering day at a Florida guest track in order for the wagering to begin.

1. In the event of the loss of both the audio and video signals the Florida guest track Mutuels Manager shall notify the host track of the loss of the signal and must establish telephone linkup between the host track announcer and the guest track announcer to provide wagering and racing information through the public address system.

2. Wagering at the Florida guest track may continue during the telephone linkup until video has been reestablished or until the start of the next wagering day at the guest track, whichever occurs first.

3. Wagering may not take place without the presence of both the audio and the video signals on a performance following a performance in which either the audio or the video was missing.

(f) There shall be television monitors in each guest tote room or, where applicable, hub to provide tote employees a view of all starters in each host contest being wagered on through that tote.

(4) Where wagering data is transmitted computer to computer:

(a) The applicable Florida permitholders shall maintain separate outs accounting and reporting for intertrack wagers and must be able to produce a listing of outs purged upon request.

(b) Where intertrack common pools are maintained, the track or fronton conducting the live contest shall be allowed to print tables of wagers reflecting the wagers in its own totalisator on the quinella double, Trifecta and Superfecta combination and Superfecta pools only. When this occurs, complimentary tables of wagers shall be printed by each guest totalisator or, where applicable, hub to which the guest's terminals are linked. The transmission of data for these wagers only shall be via a late scan report.

(c) Tote companies licensed and operating in Florida, whether operating within the State of Florida or at out-of-state sites wagering into Florida, shall implement on a uniform basis the most recent level of tote protocol.

(5) The Florida host track is responsible for the content of its broadcast and shall use all reasonable effort to present a broadcast which offers an exemplary depiction of its racing or playing program, a periodic display of wagering information and continuity of programming between contests. Except for separate pools in greyhound racing as allowed by section 550.6305(2), F.S., the guest track shall display the host track odds.

(a) Not earlier than 1 hour and not less than 15 minutes prior to the commencement of transmission of a contest, Florida intertrack hosts and guests shall perform a test of their transmitter, encryption, decoding, and data communication equipment to assure proper operation of the broadcast system. The timely application of the stop bet command throughout the wagering network shall also be tested.

(b) Except in the cases of communication failure and network or cable broadcast, every audio/visual signal shall be encrypted using a time displacement decoding algorithm encryption system or an equivalent encryption system.

(c) Every audio/visual signal shall contain in its video content the following:

1. The date;

2. The actual time of day at the host track;

3. The name of the host track from which the audio/visual signal emanates;

4. The minutes to post for contest; and

5. The number of the contest being displayed.

6. For horse racing, the sequential fractional time of the race shall be displayed as it is being conducted.

(d) Where space limitations prohibit concurrent display of the information in subsection (5), the name of the host shall be displayed at all times, and all other elements of the required display shall be shown intermittently. All replays of contests shall be indicated as such. The requirements of this paragraph are not applicable when network or cable television broadcasts are used for the audio/visual signal.

(6) The cycle of the change of odds, and the display of such, at all intertrack permitholders shall not be more than 90 seconds commencing after the previous race or game is declared official, and the "posting" of the next current race. An explanation shall be provided in the official program or posted prominently on each level of the facility indicating that final odds may be delayed due to the accumulation and transfer of intertrack or interstate wagering data.

(7)(a) For common pool wagering there shall be a facsimile machine located in each mutuels area or tote room and a direct, private telephone line to be located in the tote room. Phone access to the tote room shall not require routing through the switchboard.

(b) As a condition for commingling into the pools of a Florida permitholder, an out-of-state guest must have available for use during such commingling: private line telephones and facsimile machines.

(c) Scratched horses or dogs, substitutions in jai alai, or other program changes must be communicated via facsimile machine or telephone by the host Mutuels Manager to all guest Mutuels Managers except when the operating totalisator protocol performs these functions automatically or when the information is disseminated to the wagering network via satellite or video display.

(8) Except for completing the manual merge process and totalisator emergencies relating to the exchange provisions of jackpot wagers, Florida hosts shall not delay post times for purposes of accumulating additional wagers from guests. Post times displayed at host locations and guest locations for a contest shall be the same.

(9) Departures from the above requirements will be considered by the Division upon written request from the Florida host or, if applicable, guest. No departure shall be granted which will compromise the security of the transmission of wagering data or jeopardize the integrity of the pools. In determining whether to allow a departure the Division shall consider the following:

- (a) Any effect on the integrity of the audio/visual and totalisator system;
- (b) Any effect on the division's regulatory ability;
- (c) Any adverse impact on the accumulation, calculation, and distribution of the pools.

Rulemaking Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, 4-12-06, Formerly 61D-9.001.

75-9.002 Interstate Broadcasts – Common Pools.

(1) Wagering transactions are made at the point of sale in the state where the wager is placed. Wagers are evidenced by the issuance of pari-mutuel tickets issued to the bettors or, if applicable, by entries to individual betting accounts.

(2) Florida permitholders may form common pools with out-of-state tracks. Where permitholders elect to form common pools the following shall apply:

(a) Where the Florida permitholder is the guest track, the wagering data for wagers accepted in Florida shall be transmitted by the guest track tote to the host track tote to form a common pool. Where primary and secondary guest tracks apply, all the pool data will be transmitted to the out-of-state host tote by the primary guest track tote. In the event of a totalisator or communications failure, the manual merge procedures indicated in Rule 75-9.003, F.A.C., shall apply.

(b) The Florida permitholder's pools shall remain logically separate for accounting, auditing and reporting purposes.

(c) Florida interstate guest permitholders who desire to offer types of wagers other than those currently defined in the Florida Administrative Code, shall submit to the Division a copy of the out-of-state jurisdiction's rule governing the wager.

(d) The out-of-state guest tote shall be required to electronically transmit all the pool data for each pool to the Florida host permitholder totalisator. The Florida host permitholder is required to have sufficient pool data to produce a complete table of wagers for each pool except for the Pick (N). For the Pick (N), a scan report may substitute for the table of wagers for the purposes of this paragraph.

(e) Except as provided for in paragraph (d) of this section, for the Pick (N) wager, scan reports for any other pool shall not be used as a substitute for the table of wagers without prior approval from the Division. The request shall provide a description of the security and accounting controls in place to ensure the correctness of the pool amount and the amount bet on the winner at the out-of-state sites. If the procedures and controls are found to be sufficient and the pool amount and the amount bet on the winner are determined to be verifiable by the Division auditors, the request shall be approved.

(3) Odds and prices for interstate wagers shall be calculated in accordance with the laws and rules of the state having jurisdiction over the host facility. Any Florida permitholder desiring to calculate the prices, breaks, and takeout in a manner consistent with net pool pricing or for special events such as the Breeders' Cup shall comply with the following:

(a) The notification shall be received in the division's Tallahassee office no later than 10 calendar days prior to the scheduled date of the interstate broadcast. A detailed explanation as to the method to be used in the calculation of prices, breaks and takeout must be included with the request.

(b) The permitholder shall be specific as to the type of wager or pool.

(c) If the notification is in relation to national pools or events, such as the Breeders' Cup, the permitholder shall submit to the

division the following information for the special event, including:

1. Identification of the event;
2. Controls and procedures to ensure correct accounting;
3. Controls and procedures to ensure the integrity of the pool(s);
4. An explanation of the method to be used in the calculation of prices, takeout, and breaks; and
5. A summary of the rule governing the type of wager. This shall include modifications for the calculations of prices, takeout, and breaks.

(d) The Florida host track or primary guest and its Florida guests and totalisator companies shall comply with the calculations method and the procedures manual approved by the division. Contracts with out-of-state parties shall include language indicating mandatory compliance with the approved calculations method and the procedures manual.

(4) For the purposes of accounting and reporting, the breaks and minus pools shall be prorated between the Florida permitholder and the out-of-state host or guest in the same proportion as the winnings except when the pool is calculated using net pool pricing. Irrespective of whether or not the out-of-state host uses net pool pricing or the standard price calculation, the Florida intertrack breakage and minus pools shall be prorated in the same proportion as the winnings.

(a) Where the laws or rules governing an out-of-state host or guest track's calculation of the breaks differ from Florida's, the breaks shall be calculated and/or prorated in conformance with the laws or rules of the state in which the host track or national wagering pool center is located.

(b) The Florida permitholder shall provide the division with a copy of any law or rule governing the calculations and proration of the breaks if the method used is different than the Florida method.

Rulemaking Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.6305 FS. History—New 10-20-96, Amended 12-15-97, Formerly 61D-9.002.

75-9.003 Interstate and Intertrack Broadcasts – Emergency Procedures.

(1) In the event a Florida host's totalisator system fails, all wagering at the host site and all transmission of data from guest totalisators shall cease until the host system is fully operational.

(a) If the host system becomes fully operational before the start of the contest and wagering data is available, both the wagering and the transmission of data from guests shall resume at all sites until the stop bet command is issued by the host.

(b) If the host system is not fully operational before the start of the contest, the host Mutuels Manager may order a refund of all wagers at all intertrack guest sites on the affected contests.

(2) In the event the guest track's totalisator system fails, all money wagered on the contest that was entered into the host track's pools prior to the time of failure shall remain in the host track's pools. All wagering shall cease at the guest site and may not resume until the tote system is fully operational. Wagers that did not enter the host pool shall be subject to the provisions of paragraph (4)(b) of this rule.

(3) During systems or communications malfunctions, the host mutuels and totalisator managers shall attempt to manually merge the wagering data, provided that such an attempt does not jeopardize the integrity of the host's pools. The manual merge procedures described herein shall apply to both intertrack and interstate broadcasts.

(a) A manual merge of wagering data shall be supported with a printed table of wagers providing all data necessary to facilitate the manual merge for each pool prepared by the guest or hub totalisator operator. The manual merge report shall be signed by the guest or hub tote manager and, if applicable, the Mutuels Manager. This report shall be sent to the host Mutuels Manager regardless of whether there is a continued effort to transmit the pools electronically. Where the host is utilizing a remote tote, the report shall also be sent to the remote tote site manager.

(b) Immediately prior to and just subsequent to a manual merge, the host totalisator shall print a table of wagers for the affected pool(s).

(c) Subsequent to the event, the host Mutuels Manager and tote representative, and the Mutuels Manager and tote representative of each affected intertrack guest or hub shall prepare and submit to the division hub personnel a report indicating why the transfer of data could not be completed electronically and that the pools were merged manually. For interstate wagering, the Florida host Mutuels Manager shall require this report as support documentation of the merging of the pools. Each report shall include a copy of the table of wagers prior to the merge. Additionally, the hub report shall include:

1. A copy of the table of wagers printed both prior to and subsequent to the manual merge;

2. A brief statement as to where the failure occurred and for what time period prices were delayed; and
3. A worksheet signed by the host tote representative and the division hub personnel showing total dollars bet in each pool and the final prices.

(4) If the Florida host Mutuels Manager determines that a guest has not transmitted its pools to the host in a timely manner or if a manual merge jeopardizes the integrity of the host's pools, significantly delays the host program, or a manual merge is attempted and failed, the guest site may be excluded from the wagering pools and the following procedures will apply:

(a) The pools of an interstate guest site shall be subject to the laws and rules of the state where the guest site is located.

(b) An intertrack guest site shall pay the host track prices on affected pools (book the bets). The funds derived from the intertrack guest sales, net of takeout, shall be applied to the payment of the affected winning tickets. The takeout amount shall be distributed by the host track in the normal manner (i.e., distribution of taxes, purses, guest fees and any other payments required by statute) for that performance. The parties shall resolve any resulting liabilities among themselves. Underpayments may be used to offset overpayments generated during a meet. Any resulting surplus within the last week of a meet shall be added into a net wagering pool chosen by the permitholder and the pool, the amount of the add in, and date shall be noticed to the division. The add in must be done prior to the stop bet of the race and the pool matrix shall not be affected in any way. If the addition to the pool is not possible because of the end of the meet, the surplus shall be carried over to the next meet and added to a performance within the first seven days of the meet.

(5)(a) If the Florida permitholder is an interstate guest, and it is not possible or permitted to successfully merge the wagers into the common pool and the out-of-state host track does not retain any portion of a specific pool, the pool of the Florida permitholder may be treated as a separate pool. Where there are primary guest and secondary guest tracks, all the wagers shall be combined with the primary guest track pools, and at the option of the primary guest track Mutuels Manager the Florida interstate guest track may:

1. Pay host track prices pursuant to the provisions of paragraph (4)(b); or
2. Refund all of the pools in their entirety; or
3. Distribute the pools to the Florida winners in accordance with the Florida pari-mutuel wagering rules using payout prices calculated on the separate pool.

(b) The Florida primary guest permitholder must disclose in the official racing program or post prominently on each level of the facility which option listed in paragraph (5)(a) the permitholder elects to use whenever the implementation of the policy is triggered.

(c) The Florida primary guest shall elect a policy option and shall indicate the option chosen on Form FGCC PMW-3590, Notification of Interstate Broadcasting, adopted and incorporated by Rule 75-10.001, F.A.C., upon becoming an interstate guest.

(6) If the Florida permitholder is an interstate guest track, and it is not possible or permitted to successfully merge the wagers into the common pool and the out-of-state host track retains a portion of a specific pool, the Florida permitholder shall pay the out-of-state host track prices. Where there are primary guest and secondary guest tracks, all the wagers shall be combined with the primary guest track pools.

(7) Permitholders shall manage underpayments and overpayments of a pari-mutuel wagering pool as a result of communications or systems malfunctions within the meet. Underpayments may be used to offset overpayments of pools by permitholders with the provision that any remaining underpayment of a pool be distributed in the last seven days of a meet. An underpayment shall be added into a net wagering pool chosen by the permitholder and the pool, the amount of the add in, and date shall be noticed to the division. The add in must be done prior to the stop bet of the race and the pool matrix shall not be affected in any way. If an underpayment occurs that cannot be distributed in the last seven days of a meet, an amount equal to the underpayment will be distributed as described herein within the first seven days of the subsequent meet. Any remaining overpayment at the close of a meet will be the burden of the permitholder.

(8) Each track shall publicly display or explain in the racing or playing program the status of the wagering pools in the event of wagering data transmission failure, video transmission failure and audio transmission failure. In the event a system or communications malfunction occurs, an announcement shall be made through the public address system explaining the circumstances to the betting public.

Rulemaking Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.6305 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, 4-12-06, Formerly 61D-9.003.

75-9.004 Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities.

- (1) Every host track shall account for components of the wagering pool as required by rule.

- (a) The takeout on intertrack wagers shall be the same as the takeout for ontrack wagers.
- (b) For purposes of distribution of the pools, breakage and minus pools shall be allocated pro-rata based on the amount of winnings by pool for each race for each wagering location.
- (c) Each host track shall require separate outs reports for wagers placed at the host track and wagers placed at each guest track. The track maintaining the outs files must be able to produce, upon request, a listing of outs purged from their totalisator. The outs files shall indicate the point of sale for each ticket listed.
- (2) Each host track shall remit payment twice weekly for all pari-mutuel taxes to the division for all taxes imposed and collected as per the provisions of Section 550.0951(5), F.S. For the monthly report required by Section 550.0951(5), F.S., all permitholders shall use and file Form FGCC PMW-3570, Monthly Remittance Report Intertrack, adopted and incorporated by Rule 75-10.001, F.A.C.
- (3) Tickets purchased at a guest track must be cashed by either the issuing guest or host location. Guest tracks who share a totalisator system and mutuels management may, at their option cash each other's outs tickets if permitted by the host permitholder. This shall not be construed in any way as relieving the issuer of the ticket from its custodial responsibilities.
- (a) Host tracks which are unable to access guest outs files shall cash any ticket up to \$5,000 presented for payment on host track contests. The host track shall verify the validity of the ticket presented via telephone or facsimile contact with the guest, and shall forward the ticket to the guest for reimbursement after cashing.
- (b) Guest tracks may, at their option, issue a check for any winnings exceeding \$5,000.
- (c) Guest tracks must cash winning tickets for a minimum of 60 days from the close of the guest track's intertrack wagering on the host track's meet.
1. Each guest track shall provide each applicable host with an outsbok within 48 hours of the close of the guest site's intertrack wagering cashing period.
2. Upon the closing of the guest site's intertrack wagering cashing period, the host shall make payment for valid winning tickets issued by any applicable guest within 14 days of receipt of such ticket.
- (d) In the event the guest track does not have access to the host totalisator system due to the host being closed or equipment failure, or access to the ticket identification in the guest system, the guest track shall communicate via telephone or facsimile machine any ticket data needed for validation to the host when a ticket is presented for payment. Upon validation, the ticket shall be paid and the guest shall retain the original. The original ticket shall be surrendered to the host upon settlement of the outs account if requested by the host.
- (e) Guest or host tracks required to cash outs tickets for which files have been purged are to be provided with a copy of the outsbok.
- (f) At the end of the cashing period, an outsbok and all cashed tickets shall be surrendered to the host along with any amounts representing uncashed tickets. In Jai alai ~~and greyhound racing~~ the host shall segregate cashed intertrack wagering tickets from live racing tickets before submitting the live racing tickets to the Division.
- (4) Host tracks shall explain in the official intertrack or simulcast program information regarding ticket cashing at the guest site, and the location and method of remitting winning tickets for cashing after the initial cashing period has expired at the guest location.
- (5) Guest tracks shall provide in the official program mailing instructions or contact information for cashing an intertrack wagering ticket at the host location.
- (6) Wagers cannot be canceled at any facility other than at the facility where the ticket was purchased.
- (7) Guest greyhound tracks which conduct separate pools of intertrack wagers shall provide written notice to the division at least 2 working days prior to conducting the pools. Such notice shall contain the name of the host track and the date of the event for which separate pools are to be conducted.

Rulemaking Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, 4-12-06, _____, Formerly 61D-9.004.

75-9.005 Intertrack and Interstate Wagering, Hub Systems Requirements.

- (1) Any entity licensed to do business in the State of Florida as a totalisator owner or operator may apply to the division to operate a hub system for the purpose of receiving and transmitting pari-mutuel wagering data. The division shall approve an applicant once it determines that the system is programmed to comply with the pari-mutuel accounting requirements.

(2) Each hub system shall be programmed to record, classify and accumulate wagering data, and do calculations as required in the Intertrack Wagering rules and rules governing pari-mutuel wagering and shall meet the requirements of a totalisator system as defined in Rule 75-7.024, F.A.C.

(3)(a) Each hub site shall have leased dedicated data lines to communicate with each track linked to the system. In addition the following equipment shall be in place and serve as back-up in case of emergencies:

1. Private phone line;
2. Facsimile machine; and
3. Back-up lines.

(b) All the equipment shall be in place and in working order prior to commencement of intertrack wagering activity.

(4) The hub site manager, in coordination with each guest track and its related host track, shall test the system and communication equipment. Whenever a new guest track other than a tim-to-tote guest is added, a manual merge drill will be conducted with the new guest. The hub manager shall ensure that all guest sites are familiar with manual merge procedures.

(a) The system tests shall occur not earlier than 10 days and not later than 6 hours before the following events take place:

1. The first performance of the host intertrack wagering period;
2. Implementation of changes in computer systems affecting data transmission;
3. Implementation of changes in data communication; and
4. The Division shall be notified of emergency changes within 48 hours of the change.

(b) Programming errors affecting pari-mutuel accounting, including the content of accounting reports, shall be corrected prior to commencement of the intertrack wagering activity.

(5) The authority of each permitholder's Mutuels Manager is limited only to the mutuels activity conducted by his employer and does not extend to transactions and activities conducted by any other permitholder who may be using a common totalisator or hub system. With respect to intertrack wagering, unless specifically indicated in Chapter 75-7 or 75-9, F.A.C.:

(a) The hub managers shall receive instructions on the status of wagers only from the Florida host Mutuels Manager.

(b) Each guest track Mutuels Manager (or designee) shall monitor the intertrack wagering activity at his facility and promptly communicate any problems to the host track Mutuels Manager for a decision. Where computer problems are being experienced, both the hub manager and the host track Mutuels Manager shall be promptly informed.

(c) With respect to wagers with exchange provisions, if computer problems exist at any guest facility, the guest Mutuels Manager shall promptly notify the host track Mutuels Manager and the hub manager, and request additional time for the exchange process.

(6)(a) The hub system shall be programmed to communicate with the host totalisator and must be able to receive and relay commands from the host to start and stop betting periods.

(b) The hub site totalisator personnel shall monitor the broadcasts and ensure that the stop bet command functions are applied not later than as provided for in paragraph 75-9.001(3)(d), F.A.C. For this purpose, the totalisator company shall have in place and in working condition one video display for each pari-mutuel facility who transmits stop bet commands through the hub site. The hub totalisator room shall be staffed with no less than two totalisator operators for each operating shift. In the event the hub system fails to receive or relay the stop bet command, the following procedures shall apply:

1. Where the hub receives wagering data from the guest tracks' totalisators, the Mutuels Manager of each guest track shall apply the stop bet command not later than the start of the contest. Corrective action will begin immediately and a report shall be submitted to the division hub personnel within 48 hours of the failure.

2. Where the hub receives wagering data from the guest tracks through terminals linked to the system, the hub site manager shall apply the stop bet command.

(c) Any wager accepted by any guest track after the contest has started shall be disallowed and the bettor will not receive any winnings related to the disallowed wager. All Mutuels Managers shall have procedures in place to ensure that mutuels tellers do not wager or place wagers after the start of a contest.

(7) In the event of a hub system error or malfunction, the hub site manager shall submit to the division a written report within 48 hours of the occurrence explaining the circumstances. The report shall include:

- (a) Cause of error or malfunction;
- (b) Corrective measures taken;
- (c) Duration of down time; and

(d) Amount of lost wagers.

(8)(a) Where the hub site is at a pari-mutuel facility which is conducting wagering on live contests and the totalisator has the dual roles of hub system and totalisator for the track, or is a totalisator system serving remote pari-mutuel facilities which are conducting live contests, all wagering data not related to the live contests being conducted at the pari-mutuel facility or facilities shall be kept separate and the wagering data for each pari-mutuel facility conducting live events shall be kept logically separate from one another.

(b) Under no circumstances will the ability of the computers to record, classify and accumulate wagering data, do calculations or produce the required reports for the transactions related to the live contests or games be compromised.

(9) The hub system shall provide the following end of performance or end of day pari-mutuel accounting reports. All reports shall be clearly identified as to host and, where applicable, guest.

(a) Terminal activity or Machine Sales Report. The window numbers on this report shall be grouped by guest track. If this report cannot be issued separately for each host, recaps for each host performance or day are acceptable provided that detailed data can be provided upon request.

(b) Future Bets Report (by host).

(c) Tax Withholding Report (by guest and host).

(d) Outs Account Balance Report (by guest and host).

(e) List of tickets canceled via totalisator operator intervention (for each guest identifiable by host).

(f) List of tickets cashed via key board entries (for each guest identifiable by host).

(g) List of tickets canceled via teller key board entries (by guest). This report will be printed only upon request.

(h) A log of tickets purchased by the totalisator licensee (for each site, identifiable by host and guest).

(i) Outstanding Vouchers Report (by guest and host). This report will be printed only upon request.

(j) A liability report for each guest whose terminals are linked to the hub. The report shall identify the guest and host and shall contain the date, the generation time, and the guest's share of each gross pool and related refunds, commissions, winnings, and breaks. In the event that the guest is maintaining separate intertrack wagering pools there shall be separate liability summaries for both the commingled and non-commingled pools. Copies of these reports shall be provided to the division hub personnel.

(k) Where the terminal/window activity report includes cross cashing of pari-mutuel tickets, the system shall print a supplementary report summarizing the cashing activity. The supplementary report must provide the amount paid for tickets issued by each pari-mutuel facility by cashing site and issuing site and totals shall be segregated by meet if previous meets outs are included. The reporting of pari-mutuel tickets and credit vouchers shall not be commingled.

Rulemaking Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, Formerly 61D-9.005.