

PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT

**CHAPTER 61D-5
OCCUPATIONAL LICENSING**

- 61D-5.001 Occupational Licensure
- 61D-5.003 ~~Applications for Licensure; Fingerprint Requirements;~~ Exemptions from Fingerprinting
- 61D-5.004 Temporary Occupational Licenses
- 61D-5.006 Waiver of Criminal Convictions or Other Offenses

61D-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 an individual occupational license shall include the following:

(a) A completed Form DBPR PMW-3120, Individual Occupational License Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, adopted herein by reference, effective (Month Year), which can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037. Any person desiring an initial occupational license pursuant to Section 550.105, F.S., shall file with the division a completed Form DBPR PMW 3120, Individual Occupational License Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00565>, or Form DBPR PMW 3130, Business Occupational License Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00567>, effective 9-11-11, adopted herein by reference, and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399.

(b) A complete set of fingerprints and the fingerprint fee: Any person desiring to renew an occupational license pursuant to Section 550.105, F.S., shall file with the division a completed Form DBPR PMW 3125, Individual Occupational License Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00566>, or Form DBPR PMW 3135, Business Occupational License Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00568>, effective 9-11-11, adopted herein by reference, and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399.

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.

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

(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. Applicants shall also include payment of the license fee as follows:

1. \$120 for a Business Occupational License;
2. \$80 for a Professional Occupational License; or
3. \$15 for a General Occupational License.

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

(a) A completed Form DBPR PMW-3130, Business Occupational License Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, adopted herein by reference, effective (Month Year), which can be obtained at www.myfloridalicense.com/dbpr/pari-mutuel-wagering/ or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037.

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

(4) All of the following individuals associated with an applicant for a Business Occupational License shall be required to hold a valid Professional Occupational License issued by the division:

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

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

(6) 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 subsection (4) above.

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

(8)(4) 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 fiscal years. Applications for an initial pari-mutuel occupational license or for renewal of a pari-mutuel occupational license shall be submitted between May 1st and June 30th for the license period beginning July 1st of the next fiscal year. Applications received outside of this period shall have an effective date beginning July 1st of the state fiscal year in which the application was received.

(9)(5) Any individual or business applicant may request a waiver of disqualifying factors in an application that would otherwise be grounds for denial of a license application from the Division Director. A request for a waiver shall be made on Form DBPR PMW-3180, Request for Waiver, effective 9-11-11, adopted herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00570>, and can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> ~~www.myfloridalicense.com/dbpr/pmw~~ or by

contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037. The division will process any Request for Waiver upon receipt of a complete application according to Section 120.60(1), F.S.

(10)(6) A request to upgrade a pari-mutuel occupational license shall be made on Form DBPR PMW-3430 DBPR PMW 3170, License Upgrade Application, effective 9-11-11, adopted herein by reference in Rule 61D-14.005, F.A.C., <http://www.flrules.org/Gateway/reference.asp?No=Ref-00569>, and can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> www.myfloridalicense.com/dbpr/pmw or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037. A license upgrade shall be granted or denied within 30 days of receipt of a completed Form DBPR PMW-3430 and any applicable fee. A License Upgrade Application shall lapse and no longer be processed by the division, if the applicant fails to provide the division with a complete application within 120 days of a notice issued by the division pursuant to section 120.60(1), F.S. An applicant seeking a license upgrade following the lapse of their previous application shall be required to reapply by submitting a completed Form DBPR PMW-3430 and any applicable fee.

(11) A license application shall lapse and no longer be processed by the division, if the applicant fails to provide the division with a complete application within 120 days of a notice issued by the division pursuant to section 120.60(1), F.S. A person with a lapsed license application shall not be eligible to participate in activities that require an occupational license. An applicant seeking a 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) or (3) 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)(7) 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.

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

Rulemaking Authority 550.0251(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,_____.

61D-5.003 Applications for Licensure; Fingerprint Requirements; Exemptions from Fingerprinting.
The following occupations or groups of persons are exempt from the fingerprint requirements of Section 550.105, F.S.:

- (1) through (3) No change.
- (4) Any person whose fingerprints have been deemed “unclassifiable” twice by the Federal Bureau of Investigations; and,

~~(5) An applicant who is 70 years of age or older and instead submits \$24 for a background information records check through the Florida Department of Law Enforcement; and,~~

~~(5)(6) An applicant who is under 18 years of age.~~

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

Rulemaking Authority 550.0251(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,_____.

SUBSTANTIAL REWORDING OF RULE 61D-5.004 TEMPORARY OCCUPATIONAL LICENSES FOLLOWS.

SEE FLORIDA ADMINISTRATIVE CODE FOR PRESENT TEXT.

61D-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 61D-5.001, F.A.C., when the following conditions are met:

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

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

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

(d) If the applicant has previously applied to the division for a license, the applicant's most recent application prior to the current application for licensure did not lapse pursuant to Rule 61D-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, 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 DBPR PMW-3110, Animal Owner Temporary License Application, _____ effective _____ (Month Year), _____ adopted _____ herein _____ by _____ reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, _____ and _____ can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037;

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

(c) The greyhound owner, horse owner, stable, or kennel for which the application is submitted is in good standing and not under suspension or ineligible in Florida or any other racing jurisdiction;

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

(e) If the greyhound owner, horse owner, 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 61D-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 61D-5, F.A.C., as pari-mutuel occupational licenses and shall be immediately surrendered and considered void if the division:

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

(b) Grants the applicant a pari-mutuel occupational license;

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

(d) Denies the applicant a pari-mutuel occupational license; or

(d) Finds the applicant in violation of Chapter 550, F.S., or Chapter 61D-5, F.A.C.

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

(5) An applicant who is not eligible for a temporary license is not prevented from applying for an occupational license referenced in Rule 61D-5.001, F.A.C.

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

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

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

Rulemaking Authority 550.0251(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,_____.

61D-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 DBPR PMW-3120, Individual Occupational License Application, adopted by reference in Rule 61D-5.001, F.A.C., the ~~annual~~ license fee ~~and, any applicable fingerprint fee, an FD-258 fingerprint card or fingerprints via a livescan device a complete set of fingerprints on a card supplied by the division,~~ and Form DBPR PMW-3180, Request for Waiver, adopted by reference in Rule 61D-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) through (3) No change.

(4) The division will process a Request for Waiver upon receipt of a complete application pursuant to Section 120.60(1), F.S.

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

Rulemaking Authority 550.0251(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,_____.