

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

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

(a) Any medication listed in subsection 61D-6.008(7) (8), F.A.C.

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| 1. First violation <u>of this chapter</u> | \$500 to \$1,000 fine and suspension of license <u>zero up</u> to 15 days; |
| 2. Second violation <u>of this chapter</u> within 12 months of a previous violation | \$1,000 to \$2,500 fine and suspension of license <u>zero up</u> to 60 days, or revocation of license; |
| 3. Third violation <u>of this chapter</u> within 12 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation | \$2,500 to \$5,000 fine and suspension of license <u>zero up</u> to 180 days, or revocation of license. |

(b) Any medication that:

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

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| a. First violation <u>of this chapter</u> | \$1,000 to \$2,500 fine and suspension of license <u>60 days up</u> to one year, or revocation of license; |
| b. Any subsequent violation <u>of this chapter</u> | \$2,500 to \$5,000 fine and revocation of license. |

(2) The penalty for any medication or drug which is not described in subsection (1) above shall be based upon the classification of the medication or drug found in the Uniform Classification Guidelines for Foreign Substances, revised ~~December 2014~~ January 2010, as promulgated by the Association of Racing Commissioners International, Inc., which is hereby incorporated and adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. ~~A copy of this document may be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.~~ The penalty schedule shall be as follows:

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

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

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

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| 1. First violation <u>of this chapter</u> | \$250 to \$1,000 fine and suspension of license <u>zero up</u> to 180 days; |
| 2. Second violation <u>of this chapter</u> within 36 months of a previous violation | \$500 to \$1,000 fine and suspension of license of no less than 180 days, |

3. ~~Third or subsequent violation of this chapter within 36 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation~~

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

1. First violation of this chapter
2. Second violation of this chapter within 12 months of a previous violation

3. ~~Third or subsequent violation of this chapter within 24 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation~~

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

1. First violation of this chapter
2. Second violation of this chapter in a 12-month period

3. Third or subsequent violation of this chapter in a 12-month period

or revocation of license;
\$1,000 to \$5,000 fine and suspension of license of no less than one year, or revocation of license.

\$300 to \$500 fine;
\$500 to \$750 fine and suspension of license ~~zero up~~ to 30 days, or revocation of license;
\$750 to \$1,000 fine and suspension of license ~~zero up~~ to 180 days, or revocation of license.

\$100 to \$250 fine;
\$250 to \$500 fine and suspension of license ~~zero up~~ to 10 days;
\$500 to \$1,000 fine and suspension of license ~~zero up~~ to 60 days.

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

- (1) The impact of the offense to the integrity of the pari-mutuel industry.
- (2) The danger to the public and/or racing animals.
- (3) The number of repetitions of offenses.
- (4) The time periods between offenses.
- (4) The number of complaints filed against the licensee or permit holder, which have resulted in prior discipline.
- (5) The length of time the licensee or permit holder has practiced.
- (6) The deterrent effect of the penalty imposed.
- (7) Any efforts at rehabilitation.
- (8) Any other relevant mitigating or aggravating circumstances.

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

(5) (4) The stewards or the division may order ~~shall specify in writing the reasons for requiring~~ the return of any purse, prize, or award for redistribution when the positive test of a drug or medication reported by the state laboratory is not described in paragraph (1)(a), (1)(b), (2)(a), or (2)(b) of this rule. In the event the stewards or division orders the return of the purse, prize, or award for redistribution as described in this subsection, the reason(s) for the redistribution shall be provided in writing.

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

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

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History—New 1-5-98, Amended 2-8-01, 3-4-07, 6-26-11.