

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61D-14.016, F.A.C. follows. See Florida Administrative Code for present text.)

61D-14.016 Operational Requirements.

(1) In order to certify all slot machine systems comply with the requirements of Chapter 551, F.S. and Chapter 61D-14, F.A.C., the slot machine licensee shall:

(a) Provide the division a certification from a licensed independent testing laboratory (laboratory) that states the laboratory has tested and found the following equipment to be in compliance with the requirements of Chapter 551, F.S., and the Chapter 61D-14, and 61D-15, F.A.C.:

1. The facility based monitoring system (FBMS);
2. Each slot machine installed at the licensed facility; and
3. Each slot machine game installed on a facility slot machine offered for play.

(b) Provide the division certification from a laboratory that a proposed modification to the FBMS functionality or slot machines or slot machine game has been found to comply with the requirements of Chapter 551, F.S. and Chapter 61D-14, and 15, F.A.C., prior to:

1. Implementing any additions to the FBMS functionality at a slot machine licensed facility; or
2. Implementing any additions to previously certified slot machines or slot machine game or their functionality before introduction into the facility for patron play.

(2) The slot machine licensee shall:

(a) Maintain an office on the premises of the eligible facility;

(b) Maintain all records required by Chapter 551, F.S., and Rule 61D-14, F.A.C., at the slot machine facility pursuant to Rule 61D-14.080, F.A.C.. These records shall:

1. Reflect the facility's current ownership and, if the slot machine licensee is a corporation, the record shall reflect the current ownership of every class of security issued by the slot machine licensee.
2. Be available for inspection by the division or FDLE at all reasonable times without notice.

(c) Obtain written certification addressed to the division and FDLE from each bank, financial institution, funds transmitter or other entity that handles or facilitates the slot machine licensee's financial operations, that each entity:

1. Will accept and comply with any administrative or investigative subpoena or request for production of records from the division or FDLE; and
2. Shall make all books and records related to the slot machine licensee available for audit or review when required by the division or FDLE.

(d) Post separate signage throughout the designated slot machine gaming areas providing notice of the following:

1. Warning of the risks and dangers of gambling;
2. Showing the odds of winning, which shall be updated quarterly and stated as either:
 - a. The actual payout percentage for the facility based upon the previous quarter; or
 - b. The average of the overall certified payout percentage for the machines currently offered for play;
3. Informing of the toll-free number available to provide information and referral services regarding compulsive or problem gambling from the division's compulsive gambling prevention program contractor; and
4. The minimum age to play required by Section 551.113(3), F.S.

(3) No less than two weeks prior to the date a slot machine licensee plans to open its facility for slot machine play, the slot machine licensee shall contact the division and FDLE to schedule a trial operation day to test slot machines, the facility based monitoring system, security systems, back up systems and employee training on internal controls.

(a) The division and FDLE shall test for contingencies or situations that impact slot machine operations at the slot machine licensee's facility on the scheduled trial operation day.

(b) The division shall provide the slot machine licensee a written list of deficiencies if the slot machine licensee's:

1. Systems do not function as required by Chapter 551, F.S., Rule 61D-14, F.A.C., or
2. Internal controls do not comply with the requirements of chapter 551 F.S. or Chapter 61D-14 and 15, F.A.C.

(c) The slot machine licensee shall advise the division and FDLE when the licensee has resolved the deficiencies the division and FDLE identified during the trial operation day.

(d) The division and FDLE shall schedule:

1. A retest of those systems or operational issues identified as deficient in the trial operation day to verify compliance; and

2. Any necessary retest at some date no less than 5 days from the previous failed testing.

(e) A slot machine licensee shall not open its facility for slot machine gaming until the division acknowledges in writing that all deficiencies have been satisfactorily resolved.

(4) A slot machine licensee shall require surveillance, security and facility maintenance personnel to undergo annual table top exercises and updating of procedures regarding emergency incident management that require cooperation with the local and state agencies such as fire and emergency ambulatory services, FDLE, police and emergency services.

(a) These exercises shall:

1. Be scheduled with and observed by division personnel;

2. Be completed no later than 30 days prior to the date the facility is required to renew its license;

3. Be based upon updated plans for communication, response and proper procedures required in the event of a fire, robbery attempt, bomb threat, terrorist activity, medical emergency or other such occurrences;

4. Document that all slot machine licensee personnel responding in each exercise are trained in their responsibilities in the event of a particular emergency; and

5. Insure that all facility employees are trained in the following procedures:

a. Operation and response;

b. Notification ;

c. Evacuation;

d. Security of the facility; and

e. Communication with FDLE, local fire, police and emergency services.

(b) The division shall provide written approval upon completion of the table top exercises as part of the licensure or renewal process.

(5) The slot machine licensee shall remit payment for the tax on slot machine revenues to the division. Tax payments shall only be remitted by electronic funds transfer.

(a) All slot machine licensee tax payments governed by Chapter 551, F.S., shall be remitted using the procedures and requirements of the Florida e-Services Program.

(b) The slot machine licensee shall follow the Florida e-Services procedures to assure that its tax payment is remitted by 3PM, Wednesday of each week for taxes imposed and collected for the preceding week ending on Sunday.

(c) A slot machine licensee that fails to pay all taxes as required under Chapter 551, Florida Statute shall be subject to the penalty of up to \$10,000.00 for each day the slot machine licensee fails to make its tax payment as required by this rule.

(6) No slot machine or any internal game related software or component referenced in Rule 61D-14.024, F.A.C., shall be removed from its location designated by the facility slot file without prior approval from the division and notification to FDLE and the facility's surveillance department.

Specific Authority 551.103(1), 551.122 FS.

Law Implemented 551.103 (1)(c),(1)(e), (1)(g), (1)(h) (1)(i), 551.106(2), (3), (4), (5), 551.113(3), 551.114, FS.