

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61D-14.062 Business Entity Personnel Records.

(1) Any business entity holding an occupational license shall:

(a) Conduct pre-employment screening referenced in subsection 61D-14.059(2), F.A.C., for any employee that would be required to obtain an occupational license referenced in Rule 61D-14.005, F.A.C.; and

(b) Maintain a completed Form DBPR PMW-3430, Business Entity Internal Control Information, which is adopted and incorporated by Rule 61D-15.001, F.A.C.

(2) Any business entity holding an occupational license shall maintain an employee file for each of its employees, and individuals identified in Rule 61D-14.002(1)(e), F.A.C., who have applied for and received a Florida Slot Machine Occupational License pursuant to Section 551.107, F.S.

(a) The business entity holding an occupational license shall maintain a personnel file for each employee who performs work at a Florida slot machine licensee's facility or who may perform work at such facility for the business entity. The required personnel file shall contain the following:

1. An employee credit history file containing:

a. The initial credit report obtained at the time a employment decision was made; and

b. An updated credit report obtained every 24 months after the initial credit report has been obtained;

2. A copy of all employee slot machine occupational licenses the division has issued for the employee during the period of employment with the business entity holding an occupational license;

3. A current detailed employee position description for each position the employee holds during employment with the business entity holding an occupational license. The position description shall include a section outlining the employee's:

a. Responsibilities;

b. Necessary duties and authority;

c. Any special access rights that have been granted within a slot machine licensee's facility pursuant to any contract or agreement with the business entity holding an occupational license;

(I) General access rights detailing what general areas the employee is expected to enter or work in;

(II) Specific access rights and authority relating to secure areas, any special or controlled access keys and codes, and any unique or sensitive slot machine licensee record information and the description of that information;

4. A chronological record of all positions the employee held indicating:

a. The effective date of employment or assignment to that position; and

b. The date upon which the employee vacated a position;

c. The date of final employment termination when applicable;

d. The date of re-employment when applicable with all position information required under this paragraph;

5. A copy of each employee:

a. Evaluation or employee performance report regarding work performance; and

b. Record of promotion or transfer to another job position within the slot machine licensee's

organization;

c. Report, when applicable, intended to support a recommendation for promotion rendered during the employee's period of employment at the slot machine licensee's facility;

6. A formal record of all disciplinary actions related to the employee to include:

a. A copy of all documentation relating to notice of division disciplinary actions;

b. A written record of all verbal or written counseling regarding employee job performance or conduct on the job; and

c. A copy of all disciplinary actions to include records of employee demotions, reprimands, or separations;

7. A formal employee training record that contains:

a. A record of training an employee completes during the period of employment at the slot machine licensee's facility;

b. The title of the training, date completed, length of instruction and name of the instructor for each training course recorded; and

c. Any record of training received outside of the slot machine licensee's employment that the slot machine licensee considered in the employment or any promotion decision.

8. A Form DBPR PMW-3440, Professional or Business Employee Supplemental Information, effective 7/5/06, which is adopted and incorporated by Rule 61D-15.001, F.A.C. for all persons in positions requiring professional occupational licenses completed pursuant to the requirements of Chapter 61D-14, F.A.C.; and

9. All federal and state income tax returns filed by the employee for the previous five years, if the employee is identified in Rule 61D-14.002(1)(e), F.A.C., or is required to hold a professional occupational license.

(b) A copy of the documentation required by this rule shall:

1. Be required to maintain a slot machine occupational license issued by the division in good standing. Failure to maintain all records as required is considered a violation of the condition of licensure and shall be considered in determining administrative action regarding the licensee;

2. Be maintained in an office of the business entity located in this state or with a registered agent of the business entity located in this state;

3. Be maintained in either hard copy or in an electronic medium that shall be maintained within the State of Florida;

4. Be updated at least every six months (and more frequently if deemed necessary) as of January and June of each calendar year with updates to records on file. New employee records or records regarding a designated licensed individual shall be placed in this file no less than 30 days after application for the employee's or individual's slot machine occupational license.

(3) The responsible business entity holding an occupational license and maintaining its files with a registered agent within Florida, shall:

(a) Notify the division in writing of the location where it maintains its files within the state in compliance with Chapter 61D-14, F.A.C. within 30 days of receiving notification of licensure; and

(b) Notify the Division in writing of any change of location of the files or the name of the licensee's selected registered agent's name and address within 30 days of any changes regarding the current or a new registered agent.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i) FS. History-New _____.