

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61D-14.076, F.A.C., follows. See Florida Administrative Code for present text.)

61D-14.076 Player Tracking System

(1) No Player Tracking System may be implemented at any slot machine licensee's facility until an independent testing laboratory licensed by the state has:

(a) Certified the Player Tracking System meets the requirements of Chapter 551, F.S. and Chapter 61D-14 and 15, F.A.C.;

(b) Completed an on-site certification of the Player Tracking System; and

(c) Provided the slot machine licensee and the division written certification that the Player Tracking System meets the requirements of Chapter 551, F.S. and Chapter 61D-14, and 15, F.A.C.

(2) Each slot machine licensee that offers the use of a card or device to its patrons for tracking player history shall describe the use of its patron tracking system in its system of internal controls. The division shall review the internal controls and require compliance with the requirements of Chapter 551, F.S. and Chapter 61D-14, F.A.C. prior to approving the slot machine licensee's player tracking system. Within the description of the player tracking system, the slot machine licensee shall:

(a) Define what qualifies a patron to participate in:

1. An on-going patron loyalty program;

2. A player club; or

3. A patron promotion;

(b) Describe its player tracking system; patron promotion and on-going patron loyalty program and player club program requirements and management controls.

(3) The slot machine licensee's player tracking system shall contain a record of each patron player tracking system credit. Approval and credit allocation shall occur based upon the following definitions:

(a) Non-redeemable Credits:

1. Shall be:

a. Only slot machine operating credits;

b. Provided free of charge to patrons as part of a promotion which has a definite expiration date;

c. Awarded to qualified patrons for purposes of slot machine licensee promotions prior to the stated expiration date;

d. Deducted from facility slot machine revenue only after a non-redeemable credit is inserted into a facility slot machine and recorded (metered) into the facility based monitoring system (FBMS);

2. Shall not:

a. Constitute non-redeemable credits until such time as they are recorded (metered) as credit into a slot machine and recorded in the FBMS;

b. Be redeemed for cash or any other thing of value by a slot machine, kiosk, or the slot machine licensee;

(b) Patron Promotions:

1. Shall be:

a. The award of 'player reward credit' that may be used for:

(I) Slot machine play; or

(II) Earning something of value as a result of the award of player reward credit;

b. Provided to patrons free of charge; or for a charge;

c. Awarded to qualified patrons for purposes of slot machine licensee promotions prior to the stated expiration date;

d. Deducted from facility slot machine revenue only after the player reward credit is inserted into a facility slot machine and recorded (metered) into the FBMS;

e. Assigned an expiration date determined by the slot machine licensee beyond which no player reward credit may be claimed by the patron from the slot machine licensee.

2. Shall not:

a. Be part of a slot machine licensee's on-going patron loyalty program; or

- b. Be part of a slot machine licensee's player club program;
- c. Permit player reward credits to expire after they have been claimed by a patron from the slot machine licensee unless the player reward credits are designated to do so according to this rule.
- (c) On-going patron loyalty program or player clubs:
  - 1. Shall be:
    - a. The award of "player reward credit" that may be used for:
      - (I) Slot machine play; or
      - (II) Earning something of value as a result of the award of player reward credit;
    - b. Provided to patrons:
      - (I) Free of charge; or
      - (II) For a charge as part of a promotion which has a definite expiration date; or
      - (III) Free or for a charge as part of an on-going patron loyalty program or player club program.
  - c. Awarded to qualified patrons for purposes of slot machine licensee promotions prior to any stated expiration date:
    - d. Deducted from facility slot machine revenue only after the player reward credit is inserted into a facility slot machine and recorded (metered) into the FBMS;
- 2. Shall not:
  - a. Be part of a slot machine licensee's periodic promotional program; or
  - b. Permit player reward credits to expire after they have been claimed by a patron from the slot machine licensee unless the player reward credits are designated to do so according to this rule.
- (4) Slot machine licensees shall:
  - (a) Submit new promotions involving non-redeemable credits to the division for approval 30 calendar days in advance of the promotion.
    - 1. The promotional materials shall include the following:
      - a. A list of rules that are clearly outlined in the promotional material;
      - b. A statement that the credits shall not:
        - (I) Be transferred into or out of the state of Florida;
        - (II) Be transferred from one machine to another; and
      - c. A statement that the credits shall be played out in the device that they are inserted or the credit shall be forfeited upon the patron ending game play and removing his/her player tracking card. The means of forfeiture shall be described in the slot machine licensee's internal controls.
      - d. A statement, prominent in the material, that the State of Florida assumes no liability in the promotion;
      - e. A clearly stated promotion expiration date, beyond which date a patron may not claim player tracking system credits from the slot machine licensee;
      - f. Compulsive gambling information is prominently displayed on all promotional material;
    - 2. Submit an updated copy of the promotion materials to the division when any modifications are made to a promotion that impact redemption frequency or the value of the promotion five business days in advance of implementation;
    - 3. Submit as a part of its system of internal controls for division approval a description of all promotional award programs that require additional thresholds of approval by the licensee before an award is issued;
    - 4. Include as a part of the slot machine licensee's system of internal controls for division approval a description of all non-redeemable promotional programs that require additional thresholds of approval by the licensee before non-redeemable credits are issued.
    - 5. A letter of certification signed by an officer of the slot machine licensee for each promotion that shall state and attest that for all promotions for which a credit deduction was claimed from facility revenues, the deducted non-redeemable credits were:
      - a. Not redeemed for cash or anything of value;
      - b. Provided free of charge exclusively to patrons;
      - c. Not transferred into or out of the State of Florida;
      - d. Assigned an expiration date; and

e. Metered as credit into one of the slot machine licensee's slot machines and recorded in the FBMS pursuant to the requirements of Chapter 551, F.S., and Chapter 61D-14, F.A.C.

(b) Submit required information regarding each patron promotion pursuant to the following requirements:

1. Submit materials for the proposed patron promotion to the division 30 calendar days in advance of the planned implementation date of the patron promotion.

2. Submit an updated copy of the proposed patron promotion materials to the division when any modifications are made to a proposed patron promotion that impact redemption frequency or the value of the promotion five business days in advance of the planned implementation date of the patron promotion.

3. Establish as part of its system of internal controls a written procedure on the issuance of player reward credit or non-redeemable credits that are provided as part of a patron promotion program that require additional thresholds of approval by the licensee before offers are issued.

4. Submit a letter of certification signed by a slot machine licensee officer, responsible for the patron promotion program, that shall state and attest that for all patron promotion programs for which a credit deduction was claimed from facility revenues, the deducted promotions were:

a. Not transferred into or out of the State of Florida;

b. Metered as credit into one of the reporting slot machine facility slot machines and recorded in the FBMS pursuant to the requirements of Chapter 551, F.S., and Chapter 61D-14, F.A.C.

(c) Submit detailed description of each ongoing patron loyalty program, or player club program pursuant to the following requirements:

1. Submit materials for the proposed ongoing patron loyalty program, or player club program to the division 30 calendar days in advance of the planned implementation date of the ongoing patron loyalty program, or player club program.

2. Submit confirmation to the division to update the continuation of the program's existence at the facility of each ongoing patron loyalty program, or player club program annually. The annual date of review shall be one year after the date of division approval of the ongoing patron loyalty or player club program.

3. Establish as part of its system of internal controls a written procedure on the issuance of player reward credit or non-redeemable credits that are provided as part of a ongoing patron loyalty program or player's club program that require additional thresholds of approval by the licensee before offers are issued.

4. Submit a letter of certification, signed by a slot machine licensee officer responsible for the slot machine licensee's ongoing patron loyalty program, or player club program, that shall state and attest that for all ongoing patron loyalty program, or player club program for which a credit deduction was claimed from facility revenues, the deducted promotions were:

a. Not transferred into or out of the State of Florida;

b. Subject to division approval and annual confirmation with the division; and

c. Metered as credit into one of the reporting slot machine facility slot machines and recorded in the FBMS pursuant to the requirements of Chapter 551, F.S., and Chapter 61D-14, F.A.C.

(5) The division shall:

(a) Review and approve the slot machine licensee submission regarding its promotions involving non-redeemable credits, promotions programs, on-going patron loyalty program or player club program based upon the following criteria:

1. For promotional programs, confirmation that all requirements of this rule applicable to promotional programs have been observed and receipt of the required certification letter from the slot machine licensee.

2. For ongoing patron loyalty programs or player club programs, confirmation that all requirements applicable to these programs of this rule have been observed and receipt of the required certification letter from the slot machine licensee.

(b) Have the ability through investigation to deny a slot machine licensee credit for non-redeemable promotions if the licensee is found in violation of Chapter 551, F.S. and Chapter 61D-14, F.A.C.

(6) The Player Tracking System shall be located in an access controlled area under surveillance camera coverage as specified in Rule 61D-14.054 (2) (c), F.A.C. Video surveillance records for this area shall be maintained for a period of 30 days unless required as part of an ongoing investigation.

(7) Access to the Player Tracking System shall be described in the slot machine licensee's system of internal controls to include:

(a) Procedures describing the assignment and use of individual login and password codes with permission levels to include modifications or adjustments of that information;

(b) The slot machine licensee shall:

1. Certify to the division that passwords issued to perform data file upload access contain a minimum of six alpha and/or numeric characters;

2. Provide a written procedure within its system of internal controls to assure that each password granted to an employee is disabled when that employee is transferred from those duties authorizing access to the player tracking system;

3. Not grant data file upload access to any individual who does not possess a current and valid slot machine occupational license issued by the state;

4. Provide written procedures in the slot machine licensee's system of internal controls that:

a. All passwords used for access to the player tracking system contain a minimum of six alpha and/or numeric characters; and

b. Each password assigned to an employee granted access to the player tracking system has been disabled upon the employee's transfer from those duties authorizing remote access to the player tracking system or licensensure expiration.

(c) The issue of promotional awards shall be limited to those systems on the gaming floor as described in the slot machine licensee's system of internal controls;

(d) The Player Tracking System shall identify suspect player and employee interaction of unauthorized use to include:

1. Flagging of accounts who are on the eviction list; and

2. Removing accounts and transferring balances to new or existing accounts.

(8) Any card or device used as referenced in paragraph 2 of this rule shall only be used for access to a patron account.

(9) The slot machine licensee's slot machines shall have a separate meter for player tracking system account activity.

(10) Any Player Tracking System activity involving a card or device referenced in paragraph 2 of this rule, shall be recorded and maintained through separate electronic meters and in a Player Tracking System database that shall be available for inspection by the division or FDLE upon demand. Information in the database shall be maintained pursuant to Rule 61D-14.080(3)(b), F.A.C.

(11) Each Player Tracking System card or device issued to a patron shall require at least a four digit Personal Identification Number (PIN) for use or redemption of promotional items as outlined in paragraph 2 of this rule.

(12) The slot machine licensee's slot machines shall:

(a) Have the ability to recall under program control, the last twenty five (25) promotional transactions received as a result of a patron using Player Tracking System credits and the last twenty five (25) transactions transmitted to the system to include:

1. The type of transaction;

2. The transaction value; and

3. The time and date of the transaction.

(b) Have the capability to notify a player when transactions exceed the configured limits of the slot machine; and

(c) Indicate the accepted status of an inserted card by means of a bezel light, text display or similar means of communication to the player, upon acceptance or rejection of an inserted player's card .

(13) The FBMS shall:

(a) Record the following errors related to the use of a card or device, and the slot machine shall display a message to the patron indicating:

1. An invalid PIN. This error shall cause the slot machine to prompt the patron for re-entry of the PIN. However, the slot machine shall not allow more than three attempts to re-enter a PIN number for the card or device;

2. The player account is unknown; and

3. That the player account is either inactive or closed.

(b) Produce a printed record or databases for all completed promotions filtered by the:

1. Patron account awarded and the amount;

2. Amount redeemed, by machine number;

3. Employee who issued award; and

4. Promotional identification and expiration date.

(14) The Slot machine licensee shall provide its patrons a complete record of all promotional award transactions upon request from the Player Tracking System.

(15) The Player Tracking System shall produce the following reports which shall be provided to the division as noted and also upon demand;

(a) A patron account summary which shall include the beginning and ending player tracking system credit balances, transactions per machine, date and time and type of transaction as requested by division.

(b) A liability report which shall include the total promotion in, and out, and the expired value and ending promotional liability. This report shall be completed and sent to the division weekly;

(c) A reconciliation summary of each participating gaming machine promotional meter compared to the host system's promotional activity and the amount of variance for all meter readings that do not agree. The report shall be completed and sent to division quarterly.

(16) Promotional credits shall:

(a) Not be transferred into or out of the state of Florida;

(b) Not be transferred from one machine to another; and

(c) Be played out in the device that they are inserted or be forfeited upon the patron ending game play and removing his/her player tracking card. The means of forfeiture shall be described in the slot machine licensee's internal controls.

(17) Balances and promotional award transactions shall be available in a display at the slot machine or system terminal after the patron's identity has been confirmed. Promotional awards with an expiration date shall be maintained separately.

(18) Internal controls shall describe measures to secure patron account information.

*Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e) FS. History—New 1-16-07.*