

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61D-14.080, F.A.C., follows. See Florida Administrative Code for present text.)

61D-14.080 Retention, Storage and Destruction of Books, Records, and Documents.

(1) For the purposes of this section, “books, records and documents” shall mean:

(a) Any book, record or document pertaining to, prepared in or generated by the operation of the slot machine licensee or on its behalf including all forms, reports, accounting and financial records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence including e-mail, surveillance records, surveillance reports, personnel records, and its compulsive gambling program. This definition shall apply without regard to the medium through which the record is generated or maintained;

(b) Any book, record or document pertaining to, prepared in or generated by the operation of the slot machine licensee storage and maintenance facility or on its behalf including all forms, reports, accounting and financial records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence including e-mail, surveillance records, surveillance reports, personnel records, and its inventory records to include those slot machine and slot machine componenets controlled pursuant to Chapter 551, F.S. as well as those slot machine and slot machine components controlled pursuant to 15 U.S.C. 1171, et.seq., also commonly referred to as the Johnson Act. This definition shall apply without regard to the medium through which the record is generated or maintained; and

(c) Any book, record or document pertaining to, prepared in or generated by the operation of a certified education facility in furtherance of its providing training in slot machine operation and maintenance to include all student applications, records, reports, testing results, instructor qualification records, facility security and operational records addressing in any fashion the operation, management, security and control of the certified educational facility’s slot machine training operation.

(2) All books, records and documents pertaining to the slot machine licensee’s operations, certified educational facility or a slot machine storage and maintenance facility shall be:

(a) Prepared and maintained in a complete, accurate and legible form;

(b) Retained:

1. On site in a secure storage location for a period of at least one year from the date of the book, record or document’s last entry or creation; and

2. Maintained in a secure storage location either at the slot machine licensee’s facility or at another secure location for the time period specified in subsection (3) below according to an index system that will permit retrieval of the books, records and documents in storage;

(c) Maintained in areas that provide for a workspace for inspection during all hours of operation;

(d) Organized and indexed in such a manner as to provide immediate accessibility of any books, records and documents; and

(e) Destroyed only after expiration of the minimum retention period, except that the division shall consider a slot machine licensee’s request to destroy selected books, records and documents at an earlier date. No book, record or document shall be destroyed prior to the minimum retention period unless approved by the division in writing. The division shall consider the quantity of the records, potential for investigation and requirements for historical research in slot machine licensee operations when considering whether it shall approve the destruction of a book, record or document in advance of its minimum retention period.

(3) A slot machine licensee, certified educational facility or a slot machine storage and maintenance facility shall retain all books, records and documents applicable to its respective operation, in accordance with the following schedules:

(a) The following books, records and documents shall be retained indefinitely unless destruction is requested by the licensee and authorized by the division:

1. Corporate records required by Rule 61D-14.085, F.A.C.;

2. Records of corporate investigations and due diligence procedures; and
3. A record of any book, record or document that has been destroyed, identifying:
  - a. The identity or title of the particular book, record or document;
  - b. The period of retention required pursuant to this rule ;
  - c. The date the slot machine licensee requested authority to destroy the book, record or document and the corresponding date of division approval of that action; and
  - d. The identity of the individual destroying the book, record or document; and
  - e. The date the book, record or document was destroyed.

(b) The slot machine licensee shall retain the following books, records, and documents for a minimum of three years unless additional time is requested by the division or FDLE for audit or investigation:

1. A copy of all licensure and work application records, and all records associated with the licensure and work application, financial data, employee performance and disciplinary actions and termination of each employee who:

- a. Is hired;
- b. Is terminated;
- c. Is dismissed;
- d. Resigns or quits; or
- e. Leaves employment at the slot machine licensee facility for any other purpose or reason.

2. A copy of all internal audits, reports of proposed recommendation corrective actions, and reports to the division regarding these records;

3. A copy of all other books, records and documents not identified in (3)(a) above.

(c) The slot machine licensee shall:

1. Retain all tickets and vouchers either in hard copy or electronically on site for a period of 60 days; and then
2. Retain a hard copy or electronic image of all tickets and vouchers in a secure location for a period of no less than four months;
3. Retain a hard copy or electronic image of all tickets and vouchers designated by the division or FDLE until the division or FDLE instructs the slot machine licensee to either retain the designated tickets and vouchers until the expiration of the full four months required under this rule or destroy them if retained beyond the original four month required by this rule.

4. Provide for the retrieval of specific tickets or vouchers in its system of internal control procedures.

(d) The certified educational facility licensed to provide slot machine instruction within the state shall:

1. Retain all student records for a period of no less than three years after the date a certificate of training or diploma for instruction has been awarded;
2. Retain a record copy of the facility internal controls and security records for a period of no less than three years from the date of the educational facilities licensure approval; and
3. Retain all other records of facility access for a period of three years;
4. Retain a copy of all licensure and work application, performance and termination of each employee who a certified educational facility employed for the purposes of providing or who in fact did provide instruction at the certified educational facility. A complete personnel file shall be retained for each employee in this category who:

- a. Is hired;
- b. Is terminated;
- c. Is dismissed;
- d. Resigns or quits; or
- e. Leaves employment at the certified educational facility for any other purpose or reason.

2. A copy of all internal audits, reports of proposed recommendation corrective actions, and reports to the division regarding these records;

3. A copy of all other books, records and documents not identified in (3)(a) above.

(e) A licensed slot machine storage and maintenance facility shall:

1. Retain a record copy of the facility internal controls and security records for a period of no less than three years from the date of the slot machine storage and maintenance facility licensure approval; and

2. Retain all other records of facility access, surveillance, surveillance equipment maintenance, and surveillance service contracts for the slot machine storage and maintenance facility for a period of three years;

3. Retain a copy of all licensure and work application, performance and termination of each employee who a slot machine storage and maintenance facility hires and grants access to the slot machine storage and maintenance facility. A complete personnel file shall be retained for each employee in this category who:

a. Is hired;

b. Is terminated;

c. Is dismissed;

d. Resigns or quits; or

e. Leaves employment at the certified educational facility for any other purpose or reason.

2. A copy of all internal audits, equipment and facility maintenance work requests and billing, reports of proposed recommendation corrective actions, and reports to the division regarding these records;

3. A copy of all other books, records and documents not identified in (3)(a) above.

(4) The slot machine licensee, certified educational facility and slot machine storage and maintenance facility shall retain original books, records and documents including copies:

(a) Of a document that was submitted to the division and FDLE;

(b) That were copies when obtained by the slot machine licensee, certified educational facility or slot machine storage and maintenance facility; or

(c) That contain original comments or notations or parts of multi-part forms.

*Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g) FS. History--New 6-25-06.*