

PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT

CHAPTER 61D-14
PARI-MUTUEL WAGERING FACILITY SLOT MACHINE OPERATIONS

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61D-14.002 Application Requirements.

(1) Each application for a slot machine license shall:

(a) Be filed by a pari-mutuel wagering permitholder;

(b) Be filed on Form DBPR PMW-3400, Permitholder Application for Annual Slot Machine License, effective May 2017, incorporated herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08244>, and can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> ~~www.myfloridalicense.com/dbpr/pmw~~ or by contacting the Division of Pari-Mutuel Wagering at 2601 Blair Stone Road, Tallahassee, Florida 32399-~~10374~~1035;

(c) Include the full name of the applicant;

(d) Include a list of all ownership interests of five percent or greater and ;

1. If the applicant is a corporation, provide the name of the state in which incorporated and the names and addresses of the officers, directors, and shareholders holding five percent or more equity, or

2. If the applicant is a business entity other than a corporation, provide the names and addresses of the principals, partners, shareholders or any other person holding five percent or more equity; -

(e) Include the names and addresses of the ultimate equitable owners for a corporation or other business entity, if different from those provided under subsection paragraph (d) above, unless:

1. The securities of the corporation or entity are registered pursuant to Section 12 of the Securities Exchange Act of 1934, 15 United States Code Sections 78a-78kk₂ ; and,

2. The corporation or entity files the reports required by Section 13 of the Act with the United States Securities and Exchange Commission, or the securities of the corporation or entity are regularly traded on an established securities market in the United States; ;

(f) Include the names and addresses of any mortgagee of the applicant's pari-mutuel facility and information on any financial agreement between the parties including the names and addresses of:

1. The officers and directors of the mortgagee,

2. The stockholders in the mortgagee who hold more than five percent of the stock, and

3. The equitable owners under subsection paragraph (e) above, if applicable, and the mortgagee is a publicly traded company; ;

(g) Provide for each individual listed in the application as an owner, partner, officer, or director:

1. A complete set of ~~each owner, partner, officer, or director's~~ fingerprints that are ~~must be~~ submitted electronically to the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigations (FBI) for state and national criminal history record checks. All sets of fingerprints must be

submitted by a livescan ~~live scan vendor~~ or service provider that has been approved by FDLE to electronically submit criminal history requests. If the set of fingerprints are taken on a physical fingerprint card FD-258, it must be scanned and submitted by a FDLE-approved livescan ~~live scan vendor~~ or service provider. The complete set of fingerprints and payment of the fingerprint fee must comply with the following:

a. Each owner, partner, officer, or director required to be reported pursuant to this section must provide the livescan service provider the correct Originating Agency Identifier (ORI) number, which is FL923230Z, in order for the division to receive his or her fingerprint results. ~~listed on the Division of Pari-Mutuel Wagering's licensing portal website to the live scan vendor or service provider. Failure to provide the correct ORI number may result in an incomplete application;~~

b. The cost of fingerprint processing shall be paid by the applicant directly to the FDLE-approved ~~vendor~~ or livescan service provider. ~~;~~ ~~and;~~

2. Form DBPR PMW-3100, ~~DBPR PMW-3460, Disclosure for Individuals Related to a Business, Authorization for Release of Information, effective 6-21-10, incorporated herein~~ adopted by reference in rule 61D-11.008, F.A.C., which ~~and~~ can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 2601 Blair Stone Road, Tallahassee, Florida 32399-~~1037~~1035, authorizing the division and FDLE to obtain any record held by a financial or public institution.

(h) through (k) No change.

(1) Include a complete Form DBPR PMW-3470, Surety Bond for Florida Slot Machine Licensee, effective 6-21-10, incorporated herein by reference, and can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 2601 Blair Stone Road, Tallahassee, Florida 32399-~~1037~~1035. This form provides proof of a bond, in the amount of at least 2 million dollars (\$2,000,000.00) payable to the Governor of the State of Florida and his or her successors in office. The bond required by this section must:

1. Be issued by a surety authorized to issue such a bond in the state of Florida,
2. Provide the surety name, bond number, and date of the instrument,
3. State that upon the principal's failure to comply with Chapter 551, F.S., and Chapter 61D-14, F.A.C., including failure to promptly pay all gaming fees and taxes when due and demanded, the Director of the Division of Pari-Mutuel Wagering of the Department of Business and Professional Regulation (DBPR) may make demand upon the surety for the payment of the amount of the default to also include any fines or administrative penalties imposed as a result of a default by said principal up to but not to exceed the amount of its liability as defined by this bond,

4. Indicate the expiration date of the bond and provide that the bond may be continued by continuation certificate signed by the principal and surety,

5. Provide that the surety may reserve the right to withdraw from the bond, except the surety may not withdraw as to any liability already incurred or accrued during the period of the bond, and may do so only upon giving written notice of the withdrawal to the Director of the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-~~1037~~1035. The bond must further provide that any approved withdrawal shall not be effective until sixty (60) days have elapsed after the division's

acknowledgement of the notice,

6. Provide that withdrawal shall not in any case affect the surety's liability arising out of any outstanding amount incurred prior to the expiration of the 60-day period, after which the division has acknowledged the surety's notice of withdrawal; and,

7. Include the signatures of the Corporate President, Secretary, and attorney in fact (as required) and Florida Registered Agent, and the printed name and address of that Registered Agent.

(m) through (r) No change.

(2) The applicant for a slot machine license shall file its application under oath.

(3) If the applicant for a slot machine license is a business entity, the application shall be filed under oath by an officer, director or manager who is authorized by the applicant business entity to bind the applicant to the representations made in the license application. The officer, director or manager signing the application of a business entity shall affirm under oath that he or she is authorized to sign on behalf of the business entity applying for the slot machine license.

(4) The applicant for a slot machine license shall indicate:

(a) When the applicant intends to claim any exemption from public records disclosure under Section 119.07, F.S., or any other exemption from public records disclosure provided by law, for any part of its application, and

(b) The specific sections for which it claims an exemption and the basis for the exemption pursuant to Section 119.07, F.S., or any other exemption from public records disclosure provided by law.

(5) Sunset Provision: In order to ensure the ongoing necessity of division rules, this rule shall sunset and cease to be effective five years following the rule's effective date, unless, prior to that deadline, the division adopts an amendment to the deadline in this sunset provision.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (f), (g), 551.104(4), (10), 551.106(1), 551.107(7), 551.118, 559.79(2) FS. History—New 6-25-06, Amended 6-21-10, 5-30-17.

61D-14.005 Occupational License Requirements for Individual Persons.

(1) The following slot machine occupational license requirements apply to individual persons having access to the designated slot machine area or who may be granted access to the slot machine area by reason of the positions they hold:

(a) Slot Machine Professional Individual Occupational License – Individuals meeting any of the following criteria shall apply for a Slot Machine Professional Individual Occupational License. An individual seeking a license as ~~an employee of a slot machine facility who~~:

1. An employee of a slot machine facility who w~~ill~~ be a security or supervisory employee who requires access to the slot gaming floor of a slot machine facility, or a surveillance employee,

2. An employee of a slot machine facility who w~~ill~~ have access to the interior of a slot machine, a slot machine's revenue, or accounting and reporting records associated with slot machine revenue, ~~or~~

3. An employee of a slot machine facility who h~~olds~~ a position as the head of a department referenced in Rule 61D-14.015, F.A.C., or a supervisor of employees of the slot machine licensee, or-

4. An employee of any person or entity providing slot machine related services as referenced in Section 551.107(2)(a)3., F.S., to a slot machine licensee, who may be granted access to slot machine areas of a slot

machine licensee due to their employment.

(b) Slot Machine General Individual Occupational License – An individual seeking a license as an employee of a slot machine facility with no management or supervisory authority related to the slot machine licensee’s facility or employees not covered in subsection paragraph (1)(a) above, shall apply for a Slot Machine General Individual Occupational License; and,

(c) Slot Machine/ Cardroom/ Pari-Mutuel Combination Occupational License – an individual required to hold a Slot Machine Professional or General Individual Occupational License who also needs access to pari-mutuel areas and/or holds a position that requires a Cardroom Employee Occupational License shall apply for a Slot Machine/ Cardroom/ Pari-Mutuel Combination Occupational License. Applicants seeking a combination occupational license shall be subject to the eligibility requirements and the ongoing licensure requirements stated in Chapters 61D-5, 61D-11, 61D-14 F.A.C. and Chapters 550 and 551 and Section 849.086, F.S. Business Employee Occupational License – An individual seeking a license as an employee of any person or entity providing slot machine related services as referenced in Section 551.107(2)(a)3., F.S., to a slot machine licensee, who may be granted access to slot machine areas of a slot machine licensee due to their employment, shall apply for a business employee occupational license.

~~(2) As part of the initial application for or renewal of a slot machine occupational license provided in Section 551.107, F.S., an applicant shall submit the following information on Form DBPR PMW 3410, Slot Machine Individual Occupational License Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03157>, or Form DBPR PMW 3415, Slot Machine Individual Occupational License Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03158>, both of which are effective 9-26-13 and incorporated herein by reference. The forms can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399.~~

- ~~(a) Name, including any prior names, aliases, maiden name or nicknames;~~
- ~~(b) Date of birth;~~
- ~~(c) Current physical and mailing address, a mailing address alone shall not be sufficient unless it is also the applicant’s physical address;~~
- ~~(d) Social security number;~~
- ~~(e) Telephone number of current place of employment and home;~~
- ~~(f) The applicant’s marital status and the name, date of birth, race, and gender of the applicant’s spouse, children, siblings, grandchildren, the applicant’s parents and any other relative over the age of 21 living in the same household as the applicant;~~
- ~~(g) Disclosure of other jurisdictions in which the applicant holds, has held, or is applying for a gaming license including:
 - ~~1. Any license, permit or registry required in order to participate in any legal gaming operation; and,~~
 - ~~2. Any denial, suspension or revocation of a license, permit or certification issued by any governmental agency.~~~~
- ~~(h) Information regarding any administrative, civil or criminal proceedings, or any investigations known to the applicant that have been initiated by any governmental agency or any other state or federal agency~~

regarding the applicant in that jurisdiction, or any judgment entered as the result of any such proceeding to include:

1. The date of any listed action;
2. A copy of any complaint filed in the above actions; and,
3. A copy of any final orders, judgments, or other final judicial disposition in the above actions.

~~(2)(3)~~ Every applicant for a slot machine or combination occupational license pursuant to subsections ~~paragraphs~~ (1)(a) or (c) above, shall disclose in his or her application:

(a) Any affiliation of the applicant with a slot machine licensee or with companies controlling the slot machine licensee and the position he or she occupies with the same or his interest in said entity;

(b) Any affiliation of the applicant with a business slot machine occupational licensee or companies controlling the business slot machine occupational licensee entity, and the position that he/she occupies with or his/her interest in said entity;

~~(c) An employment history including:~~

1. All gaming related employment,
2. Any non-gaming employment for the previous ten years; and,
3. Any period of unemployment in excess of one month in the previous ten years.

~~(d) Education and training experience in management or gaming; and,~~

~~(e) A Form DBPR PMW 3460, Authorization for Release of Information, incorporated by reference in Rule 61D-14.002, F.A.C., signed by the individual.~~

~~(3)(4)~~ Every initial application and renewal thereafter for a slot machine or combination occupational license shall include:

(a) A ~~duly~~ completed ~~original~~ Form DBPR PMW-3410, Slot Machine Individual Occupational License Application, ~~incorporated~~ adopted by reference in subsection (2) above, ~~in accordance with subseciton (3);~~

(b) The documents to identify applicant, as provided in Rule 61D-14.010, F.A.C.;

(c) A complete set of the applicant's fingerprints submitted electronically to FDLE and FBI for state and national criminal history record checks. All sets of fingerprints must be submitted by a livescan live scan ~~vendor or~~ service provider that has been approved by FDLE to electronically submit criminal history requests. If the set of fingerprints are taken on a physical fingerprint card FD-258, it must be scanned and submitted by a FDLE-approved livescan live scan ~~vendor or~~ service provider. The complete set of fingerprints and payment of the fingerprint fee must comply with the following:

1. Each applicant sending fingerprints via a livescan device must provide the livescan service provider the correct Originating Agency Identifier (ORI) number, which is FL923230Z, in order for the division to receive his or her fingerprint results listed on the Division of Pari-Mutuel Wagering's licensing portal website to the live scan vendor or service provider. ~~Failure to provide the correct ORI number may result in an incomplete application;~~

2. The cost of fingerprint processing shall be paid by the applicant directly to the FDLE-approved ~~vendor~~ or livescan service provider; and,

(d) The slot machine occupational license fees, ~~are to be~~ paid as provided in Rule 61D-14.011, F.A.C.

~~(4)(5)~~ In the event the division determines that the licensee has applied for multiple positions that have been determined as incompatible functions as set forth in the internal controls of the employing slot machine

licensee under subsection 61D-14.015(4), F.A.C., the licensee shall be informed in writing and allowed to amend the application to select the position of his or her preference.

~~(5)(6)~~ If the applicant for or holder of an occupational license intends to claim any exemption from public records disclosure under Section 119.07, F.S., or any other exemption from public records disclosure provided by law, for any part of its application or information provided therein, it shall identify, in its application or by written notice to the division, the specific information for which it claims an exemption and the basis for the exemption.

~~(6)(7)~~ Each application shall be filed with the division's office located at the slot machine licensee's facility or to the division at Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037.

(7) Slot machine and combination occupational licenses issued and renewed pursuant to Section 551.107, F.S., shall have an effective date of July 1st and shall be valid for a period of three fiscal years. Applications for a slot machine or combination occupational license shall be submitted between April 1st and June 30th for the license period beginning July 1st of the next fiscal year. Applications received outside of this period shall have an effective date beginning July 1st of the same state fiscal year in which the application was received

(8) A request to upgrade an individual slot machine occupational license shall be made on Form DBPR PMW-3430, ~~Slot Machine Occupational License Upgrade Application~~, effective ~~(Month Year) May 2017~~, incorporated herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08245>, which can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> ~~www.myfloridalicense.com/dbpr/pmw~~ or by contacting the Division of Pari-Mutuel Wagering at 2601 Blair Stone Road, Tallahassee, Florida 32399-10374035. A license upgrade shall be granted or denied within 30 days of receipt of a completed Form DBPR PMW-3430 and any applicable fee. A License Upgrade Application shall lapse and no longer be processed by the division, if the applicant fails to provide the division with a complete application within 120 days of a notice issued by the division pursuant to section 120.60(1), F.S. An applicant seeking a license upgrade following the lapse of their previous application shall be required to reapply by submitting a completed Form DBPR PMW-3430 and any applicable fee.

(9) A license application shall lapse and no longer be processed by the division, if the applicant fails to provide the division with a complete application within 120 days of a notice issued by the division pursuant to section 120.60(1), F.S. A person with a lapsed license application shall not be eligible to participate in activities that require an occupational license. An applicant seeking a slot machine or combination license as an initial or renewal applicant following the lapse of their previous license application shall be required to reapply by submitting all materials and fees required in subsection (3) above.

(10) An applicant for a Slot Machine/ Cardroom/ Pari-Mutuel Combination Occupational License, who is subject to denial pursuant to Section 849.086(6)(g), F.S., may request a waiver by submitting Form DBPR PMW-3180, Request for Waiver, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at www.dbpr.state.fl.us/pari-mutuel-wagering/, or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1037. The division will process any Request for Waiver upon receipt of a complete application according to Section 120.60(1), F.S.

(11) Sunset Provision: In order to ensure the ongoing necessity of division rules, this rule shall sunset and

cease to be effective five years following the rule's effective date, unless, prior to that deadline, the division adopts an amendment to the deadline in this sunset provision.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(b), 551.107(4)(a), 551.107(7), 551.108, 559.79(2) FS. History—New 6-25-06, Amended 12-6-06, 6-21-10, 9-26-13, 5-30-17, _____.

61D-14.008 Occupational License Renewal Application.

(1) The application for renewal of a slot machine occupational license shall include:

(a) A completed original Form DBPR PMW-~~34103415~~, Slot Machine Individual Occupational License ~~Renewal~~ Application, incorporated by reference in Rule 61D-14.005, F.A.C., or Form DBPR PMW-~~34203425~~, Slot Machine Business Entity Occupational License ~~Renewal~~ Application, ~~effective 6-21-10~~, incorporated ~~herein~~ by reference in Rule 61D-14.006, F.A.C., both of which ~~and~~ can be obtained at <http://www.myfloridalicense.com/DBPR/pari-mutuel-wagering/> ~~www.myfloridalicense.com/dbpr/pmw~~ or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-~~1037~~;

(b) The fees to be paid as provided in Rule 61D-14.011, F.A.C.; and,

(c) Disclosure of the following ~~administrative, civil, or~~ criminal actions that have occurred since the issue of the current license:

1. All ~~administrative, civil, or~~ criminal proceedings that have been initiated by any governmental agency or any other state or federal agency; and,

2. A complete copy of the ~~complaint~~, pleadings, and any final order, judgment, or other final judicial disposition for each ~~administrative, civil, or~~ criminal proceeding disclosed.

(2) Slot machine and combination occupational licenses renewed pursuant to Section 551.107, F.S., shall have an effective date of July 1st and shall be valid for a period of three fiscal years. ~~The division shall issue a slot machine occupational license for a period of one year or three years. Applications shall be accompanied by the corresponding license fee, beginning on July 1 of each year and expiring on June 30 of the anniversary year for the license.~~

(3) An applicant seeking renewal shall provide the materials and applicable fees required in subsection (1) above to the division ~~The completed renewal application shall be filed with and received by the division between April 1st and June 30th of the year the license is due to expire. Applications received outside of this period shall have an effective date beginning July 1st of the same state fiscal year in which the application was received.~~

(4) The license for any person who fails to submit a completed renewal application in accordance with this section shall expire on the expiration date.

(5) Any person or business entity whose slot machine occupational license has expired and who seeks a subsequent slot machine occupational license:

(a) Within one year of the expiration of the ~~current~~ license, shall be considered an applicant for renewal of that license;:-

(b) Longer than one year after expiration of the ~~original~~ license shall be considered an initial applicant for a slot machine occupational license. ~~be required to make application using Form DBPR PMW 3410, Slot Machine Individual Occupational License Application, incorporated by reference in Rule 61D-14.005, F.A.C.,~~

~~and shall provide the information required pursuant to Rule 61D-14.005, F.A.C.~~

~~(6) Sunset Provision: In order to ensure the ongoing necessity of division rules, this rule shall sunset and cease to be effective five years following the rule's effective date, unless, prior to that deadline, the division adopts an amendment to the deadline in this sunset provision. Any business entity whose slot machine occupational license has expired and who seeks a subsequent slot machine occupational license shall be considered an initial slot machine occupational license applicant.~~

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4) FS. History—New 6-25-06, Amended 6-21-10, 5-30-17, _____.

61D-14.009 Denial Criteria for Occupational License Application or Renewal.

The division shall deny the application for a slot machine occupational license if a review of the application or the investigation of the applicant demonstrates any of the following:

(1) through (5) No change.

(6) The applicant is a manufacturer or distributor of slot machines who has or holds a direct or indirect ownership or financial interest in a business owned by a slot machine licensee; ~~and,~~

(7) The applicant has been convicted of any disqualifying offense under Section 551.107(6), F.S.; or

~~(8)(7)~~The applicant is a business entity with an officer, director, manager, shareholder or other person with the ability to control the actions of the applicant who:

(a) Has been convicted of any disqualifying offense under Section 551.107(6), F.S., or

(b) Has unpaid fines from any gaming jurisdiction or holds any gaming license that is currently suspended, held a gaming license that has been suspended on multiple occasions, or that has been revoked or relinquished in lieu of prosecution for a criminal, civil or administrative offense.

Sunset Provision: In order to ensure the ongoing necessity of division rules, this rule shall sunset and cease to be effective five years following the rule's effective date, unless, prior to that deadline, the division adopts an amendment to the deadline in this sunset provision.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a), (b) FS. History—New 6-25-06, _____.