

Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: **RULE TITLE:**
6A-1.09441 Requirements for Programs and Courses
Which are Funded Through the Florida
Education Finance Program and for Which
the Student May Earn Credit Toward High
School Graduation

PURPOSE AND EFFECT: The purpose of this rule development is to update the “Course Code Directory and Instructional Personnel Assignments” by which school districts receive FEFP (Florida Education Finance Program) funding. The effect will be an updated directory of courses for students to take to earn credit toward high school graduation.

SUBJECT AREA TO BE ADDRESSED: Revisions to the “Course Code Directory and Instructional Personnel Assignments” for the 2014-2015 school year.

RULEMAKING AUTHORITY: 1001.02(1), 1011.62(1)(u) FS.

LAW IMPLEMENTED: 1011.62(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Matthew Bouck, Office of Articulation, Department of Education, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: cathy.schroeder@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: **RULE TITLE:**
6A-10.02412 Foreign Language Competence and
Equivalence

PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the equivalency between two credits in one foreign language at the secondary level and courses at

the postsecondary level. This will be consistent with revisions to Board of Governors Regulations governing admissions of first-time-in-college and transfer students.

SUBJECT AREA TO BE ADDRESSED: Foreign language completion for postsecondary admissions and degree requirements.

RULEMAKING AUTHORITY: 1001.02(1), 1007.262 FS.

LAW IMPLEMENTED: 1001.02, 1007.261, 1007.262 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Matthew Bouck, Office of Articulation, Department of Education, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: cathy.schroeder@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.: **RULE TITLES:**
15A-10.001 Purpose
15A-10.002 Definitions
15A-10.003 Reciprocity
15A-10.004 Application for Licensure to Conduct a
Driving Under the Influence Program
15A-10.005 Licensure: Requirements and Limitations
15A-10.006 Relinquishment of Licensure
15A-10.007 Review Board and Monitoring
15A-10.008 Organizational Structure
15A-10.009 Program Jurisdiction
15A-10.010 Operating Policies and Procedures
Manual(s)
15A-10.011 Board of Directors or Advisory Committee
15A-10.012 Financial Audit
15A-10.013 Financial Procedures and Reporting
Requirements
15A-10.014 Cost Standards and Allocations
15A-10.0141 Fees
15A-10.0142 Revenue Limitation
15A-10.015 Fee Waiver
15A-10.016 Ancillary Fees
15A-10.017 Personnel Policies and Procedures

- 15A-10.018 Client Files
- 15A-10.019 Client Transfers
- 15A-10.021 Student Conduct
- 15A-10.022 Personnel Certification
- 15A-10.0221 Clinical Supervision
- 15A-10.023 Education
- 15A-10.024 Level I Course
- 15A-10.025 Level II Course
- 15A-10.0251 Level I and Level II Combined Course
- 15A-10.026 Certificates of Completion and Student Status Report, HSMV Form 77057

- 15A-10.027 Client Evaluation
- 15A-10.028 Treatment Referral
- 15A-10.029 Special Supervision Services (SSS) and Statutory Eligibility

- 15A-10.030 SSS Application and Evaluation Process
- 15A-10.031 SSS Appeal Process
- 15A-10.032 SSS Case Management Plan
- 15A-10.033 SSS Military Leave
- 15A-10.034 SSS Frequency of Appointments
- 15A-10.035 SSS Missed Appointments
- 15A-10.036 SSS Violation of Restricted Licenses
- 15A-10.037 SSS Transfer Procedure
- 15A-10.038 SSS Fees
- 15A-10.039 SSS Referrals to Treatment
- 15A-10.040 Case Monitoring Services
- 15A-10.041 Denial, Suspension or Revocation of a DUI Program License or Personnel Certification

- 15A-10.042 Complaints
- 15A-10.043 Forms

PURPOSE AND EFFECT: The purpose of these amendments is to revise standards for licensing Driving Under the Influence programs, including certifying personnel and regulating the conduct of these programs and courses by the Department of Highway Safety and Motor Vehicles pursuant to Sections 322.292 and 322.293, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Driving Under the Influence programs.

RULEMAKING AUTHORITY: 322.02, 322.292, 322.293 FS.

LAW IMPLEMENTED: 120.57, 120.60, 316.192, 316.193, 322.02, 322.095, 322.2615, 322.271, 322.291, 322.292, 322.292(2)(b), 322.293 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 27, 2014, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Conference Room B130A&B, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kenny Zimmerman, Operations Analyst, 2900 Apalachee Parkway, Tallahassee, FL 32399-0500, Room A225, kennyzimmerman@flhsmv.gov, (850)617-2421. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kenny Zimmerman, Operations Analyst, 2900 Apalachee Parkway, Tallahassee, FL. 32399-0500, Room A225, kennyzimmerman@flhsmv.gov, (850)617-2421

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-5.026	Post-Election Certification Voting System Audit

PURPOSE AND EFFECT: This rule is being amended to reflect the legislative changes (found in Chapter 2013-57, Laws of Fla., effective January 1, 2014) allowing the option of an automated independent audit.

SUMMARY: Provides guidance regarding post-election audits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Legislative ratification will not be required pursuant to Section 120.541(3), F.S., because the rule applies only to election-related activities. Based upon past experiences with rules of this nature, this rule will not have an adverse effect on businesses or private-sector economic growth, job-creation, employment or investment; nor will it increase regulatory costs in excess of the threshold mandating legislative

ratification. No other statute requires legislative ratification for this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 101.591(2), 101.5911 FS.

LAW IMPLEMENTED: 101.591 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 7, 2014, 11:00 a.m.

PLACE: Room 307, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Brandy Hedges at brandy.hedges@dos.myflorida.com or (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jordan Jones, Assistant General Counsel, at Jordan.Jones@dos.myflorida.com or (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-5.026 Post-Election Certification Voting System Audit.

(1) General application.

(a) This rule provides the procedures for a county canvassing board or the local board responsible for certifying the election to conduct either a manual audit or an automated independent ~~The provisions of this rule apply to a manual~~ audit of a voting system to be conducted after certification of an election including a municipal election. The purpose of the ~~manual~~ audit is to ensure that the voting system deployed in the election tabulated all votes properly. ~~An A manual~~ audit is not required in any election in which only paper ballots are used and are not tabulated by a voting system.

(b) An automated independent audit may not be conducted unless the independent audit system has been approved for use. The requirements for approval and use are contained in subsection (10).

(2) Definitions. For purposes of this rule only, the term:

(a) "Audit team" means:

1. For the purposes of a manual audit, a two-person team that manually sorts and tallies the votes; and

2. For the purposes of an automated independent audit, one or more persons, all of whom have been trained on the automated independent audit equipment. Specialized training is not required for the scanning team (personnel scanning ballots) or duplicating team (personnel assigned to duplicate ballots).

3. The audit, scanning, and duplicating teams team may consist of employees of the supervisor of elections, poll workers or other temporary personnel acting under the direction of the county or other local canvassing board.

(b) "Automated independent audit" means the use of hardware and software technology to independently tally the votes cast across every race that appears on all ballots in at least twenty percent of the precincts chosen at random by the county canvassing board or the local board responsible for certifying the election.

(c)(b) "Ballot image" means an electronic record of the content of a ballot cast by a voter on a touchscreen device and recorded by the voting device.

(d)(e) "Ballot image report" means the printout of ballot images for each machine or precinct generated.

(e) "Ballot type" means an early voting, election day, or absentee ballot. Provisional ballots cast in the election are to be grouped with early voting, election day, or absentee ballots, as applicable. Overseas absentee ballots are to be grouped with other absentee ballots.

(f)(d) "Board" means the county canvassing board or other local board responsible for certifying the election. The board shall be governed by the provisions of Section 102.141, F.S., including the process for substitution in the event a member is unable to serve.

(g) "Counting segment" means that portion of the voting system and automated independent audit system which accurately tabulates and accumulates the choices made on ballots.

(h) "Independent" means that the audit system is not part of the county voting system's tabulation devices or a similar type of tabulation device using the same election definition.

(i) "Indeterminate vote" means a marginal mark on a ballot where the Board believes the voting system may not have tabulated a choice in a race.

(j)(e) "Manual audit" means a public manual tally of the votes cast in one randomly selected race that appears on a ballot in one or more randomly selected precincts.

(k) “Marginal mark” means a mark other than a prescribed mark (e.g., a solid dark filled oval), which the tabulator or automated independent audit system may or may not interpret as the voter’s choice in a race.

~~(l)(f)~~ “Marksense ballot” has the meaning ascribed in Section 97.021(4), F.S. means the printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or an issue such as a proposed constitutional amendment or other public measure submitted to the electorate at any election, on which an elector casts his or her vote.

(m) “No vote” means that there is no mark and the voter did not make a selection for any candidate or issue in a race.

(n) “Paper ballot image” means an electronic record of the content of a marksense ballot cast by a voter and recorded by the voting device.

~~(o)(g)~~ “Race” means any contest for filling a candidate office or voting on an issue. Races for state or county executive committees of political parties are not included since these races do not constitute races for candidates pursuant to Section 97.021(5)(4), F.S.

(p) “Technical data package” means the automated independent audit system’s description, software source code, executables, software configuration management system, description for creating the election definition and its required input and output, and description of the scanning devices.

(q) “Valid vote” means it could be determined from the mark that the voter has made a definite choice in a race.

(3) Forms.

(a) The following forms are used in this rule and are incorporated by reference:

1. Form DS-DE 105–A, entitled “Manual Audit Team Worksheet for Direct Recording Electronic Ballots” (eff. 01/2014 11-16-08). [insert hyperlink]

2. Form DS-DE 105–B, entitled “Manual Audit Team Worksheet for Marksense Ballots” (eff. 01/2014 11-16-08). [insert hyperlink]

3. Form DS-DE 106, entitled “Precinct Summary for Manual Audit” (eff. 01/2014 11-16-08). [insert hyperlink]

4. Form DS-DE 106A, entitled “Summary for Automated Independent Audit” (eff. 01/2014). [insert hyperlink]

5. Form DS-DE 107 entitled “Post-Election Certification Voting System Audit Report” (eff. 01/2014 11-16-08). [insert hyperlink]

(b) Copies of the forms may be obtained from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at:

<http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.

~~(4) General Procedures Board duties. The following procedures apply to both a manual audit and an automated audit except to the extent that the context states otherwise. The Board must:~~

(a) The Board shall publish at least a 24-hour advance notice of the meeting to conduct the random race and precinct selection and the meeting to conduct the manual audit including the random selection of race and precincts respective to the applicable audit. The notice may be published before the official certification of the election results but neither the random selection nor the manual audit or the review of the audit result in an automated independent audit can occur until after the certification. The notice shall include the date, time and place for each meeting. Notice shall be posted in four conspicuous places in the county and on the home page of the county supervisor of elections’ website. A link to the notice on the county supervisor of election’s homepage will satisfy the website notice requirement.

(b) The Board shall conduct, complete and make available the results of the a manual audit of a voting system no later than 11:59 p.m. (local time where the audit occurs) of the 7th day following the official certification of election results.

~~(c) Submit to the Department of State a report of the audit results in accordance with the report format prescribed in subsection (10) within 15 days after the manual audit is completed.~~

~~(5) Random Selection of Race and Precincts.~~

~~(c) Initial selection procedure for manual audit:~~

~~1.(a)~~ The Board shall determine the method of random selection of the race and precincts to be audited. The selection method must be done manually and independent of any software program, and on a random basis using a uniform distribution in which all races have an equal chance of being selected and all precincts in which the selected race appears have an equal chance of being selected. Examples of such selection may include selection by drawing lots or by using a ten-sided die, or using a computerized random selection. However, the selection method should be done in a way that the public is assured that all races as defined in rule that appear on the ballot are included in the random selection of the race, and that all precincts containing the selected race are included in the random selection of the precinct or precincts.

~~2.(b)~~ The Board shall first randomly select a race from all available races on the ballots. In the event that multiple municipal or other local elections are held on the same day in

a county and the county canvassing board certifies the elections, one manual audit will cover all elections held on that day and all races involved in the elections shall be available for selection of the race and precincts.

3.(e) The Board shall next randomly select at least one percent but no more than two percent of the precincts in which the selected race appears. If two percent or less of the precincts equals less than a whole number, the number of precincts to be audited shall be rounded up to the next whole number.

(d) Initial selection procedure for automated independent audit:

1. The Board shall determine the method of selection of the precincts to be audited in an automated independent audit. The selection method must be done on a random basis using a uniform distribution in which all precincts have an equal chance of being selected in an automated independent audit. Examples of such selection may include selection by drawing lots, by using a ten-sided die, or using a computerized random selection. However, the selection method should be done in a way that the public is assured that all precincts are included in the random selection of precincts in an automated independent audit.

2. In the event that multiple municipal or other local elections are held on the same day in a county and the county canvassing board certifies the elections, one automated independent audit will cover all elections held on that day and all precincts involved in the elections shall be available for selection of precincts.

3. The Board shall randomly select a minimum of 20% of the precincts. If twenty percent of the precincts equals less than a whole number, the number of precincts to be audited shall be rounded up to the next whole number. The audit shall consist of a tally of the votes cast across every race that appears on the ballot in those selected precincts.

(6) General Procedures.

(e)(a) A majority of the Board shall be present at all times until the manual audit is completed or when a review of the automated audit results occurs, whichever is applicable to the audit method being used.

(f)(b) Prior to the beginning of the ~~manual~~ audit, the Board shall jointly review the rules and statutes governing audit procedures. The Board shall also review the security procedures for ~~manual~~ audits established by the Supervisor of Elections pursuant to subsection (9)(11).

(g)(e) The Board shall ensure that, at a minimum, the minutes of the ~~manual~~ audit proceedings are taken and promptly recorded and maintained.

(h)(d) The Board shall conduct the ~~manual~~ audit in a room large enough to accommodate the following, at a minimum: the board, the audit teams and, if present, a maximum of two public observers per audit team. If a large public turnout is anticipated, the Board should take reasonable steps to select the largest available public meeting room to accommodate the turnout. In the event that the room is not large enough to accommodate all public observers present, the Board shall provide for the random selection of the observers from among those present just prior to the beginning of the ~~manual~~ audit. The observers shall be allowed to witness the audit team's activities but may not interfere with the proceedings. The Board shall announce the procedures that will allow any departing public observers to be replaced by other observers.

(i)(e) The Board may adopt reasonable rules and policies to ensure the public does not interfere or otherwise disturb the ~~manual~~ audit, including taking whatever reasonable action is necessary to have disruptive and unruly persons removed by law enforcement officials.

(j)(f) The Board shall appoint as many audit teams as necessary to assist in the manual audit or as many audit teams to use the automated audit equipment to meet the deadline in paragraph (4)(b). The Board shall resolve any disagreement on the handling or processing of a ballot by an audit team in accordance with the rule.

(k)(g) No person except the Board, an employee of the Supervisor of Elections or a member of an audit team shall handle any ballot or ballot container, or interfere with or obstruct the orderly ~~manual~~ audit.

(l) Before beginning an audit, the Board shall verify an accurate ballot count exists between the number of ballots cast in the applicable precincts and races and the number of ballots to be audited. In the event that the ballot count does not match, the Board shall determine if the difference in the ballot count is ½ of 1% or more of the total ballots, as indicated by the voting system or the audit, whichever is less. If the difference is ½ of 1% or more, the Board must investigate to determine if it can resolve the discrepancy. If the discrepancy cannot be resolved, the Board shall provide an explanation on the "Post-Election Certification Audit Report" (DS-DE 107).

(m) For an automated independent audit only:

1. Each day before the supervisor of elections scans ballots, the supervisor shall test each scanner to ensure that it is operating correctly. The supervisor shall test the scanner by using procedures prescribed by the vendor of the automated independent audit system.

2. Before scanning ballots in any election, the supervisor of elections shall test the tabulation accuracy of the automated

independent audit software by performing a logic and accuracy test on at least one of the scanners that is used for the scanning of the ballots.

3. Before beginning an automated independent audit, the Board shall test the automated independent audit system to ascertain that the system will correctly count the votes cast.

(n)(h) To the extent possible, the certified result from the selected race and precinct(s) to be audited shall not be disclosed in advance to the audit teams.

(5)(7) Specific procedures-direct recording electronic voting machine ballots. The Board and the audit teams shall follow these specific audit procedures for votes cast on direct recording electronic machines:

(a) Manual audit:

1. The Board shall order the printing of one official copy of the ballot image report from each machine to be audited. The ballot image shall constitute the ballot for purposes of the tally in accordance with this subsection.

2.(b) The Board shall differentiate among the voter's various choices in the selected race by assigning a distinct color code to each possible choice in that race.

3.(e) The audit team shall highlight the voter's choice on the ballot image report in accordance with the assigned color code.

4.(d) The audit team shall then tally the results and write the number of votes for each candidate or issue choice on the Manual Audit Team Worksheet for DRE Ballots (DS-DE 105A).

5.(e) The audit team shall otherwise examine the ballot images and follow the procedures used under subsection (6)(8) for tallying and recording the votes.

(b) Automated independent audit: The Board may use one of the following three processes:

1. The audit team shall duplicate the voter's choices on the ballot image report onto an official marksense ballot. The duplicate ballot shall be clearly labeled "duplicate", and bear a serial number which shall be recorded on the ballot image report; or

2. The audit team may duplicate the ballot using an automatic duplication process that has been approved specifically for auditing purposes by the Division of Elections; or

3. The audit team may compare the number of total ballots as indicated by the voting system minus the marksense ballots counted by the automated independent audit system to determine the number of ballots voted on touchscreen machines. The audit of the total votes in each race is accomplished by comparing the number of votes in each race as indicated by the audit of the marksense ballots and adding the number of votes as indicated by the voting system for

touchscreen ballots to ascertain the number of total votes for each race.

(6)(8) Specific procedures-optical scan machine ballots. The Board and the audit teams shall follow these specific audit procedures for votes cast on optical scan machines:

(a) Manual audit: The manual audit shall include a tally of the selected race for the selected precinct or precincts of ballots cast on Election Day and during the Early Voting period, absentee ballots (to include absentee ballots cast by uniformed and overseas citizens), and provisional ballots.

1.(b) The tally shall be of the marksense ballots that were tabulated by the voting system.

2.(e) Ballots cast at the precinct on Election Day, early voted ballots, absentee ballots and provisional ballots for each precinct shall be audited separately.

3.(d) In order to distinguish between errors attributable to improper marking of the ballot versus voting system tabulation error, each audit team shall examine a ballot and if in agreement, shall place a ballot into one of the following stacks:

a.1- Ballots on which the voter overvoted in the selected race.

b.2- Ballots on which the voter undervoted in the selected race.

c.3- Ballots on which the voter marked the race in a manner that should have been read by the voting system tabulator.

d.4- Ballots on which the voter marked the race in a manner that might not have been read by the voting system tabulator (deemed questionable ballots).

4.(e) The audit team shall sort the ballots that were stacked in subparagraph (6)(a)3.c. (8)(d)3- according to the voter's choice in the selected race. For example, all ballots with votes for Candidate A should be placed in one stack and all ballots with votes for Candidate B should be placed in another stack. The audit team members shall then tally the number of ballots in each of those stacks and write the number of votes for each candidate or issue choice in the specific race on the Manual Audit Team Worksheet for Marksense Ballots (DS-DE 105B).

5. For a race with "Vote for no more than (enter # to be elected)," the audit team shall sort out the undervoted ballots with no selection made and record the count. For the remaining undervoted ballots, the team shall sort the ballots into two stacks with the first stack having candidate A and the second stack with the remaining candidates, then record votes for Candidate A on the Manual Audit Team Worksheet for Marksense Ballots (DS-DE 105B). Then, the team shall resort the ballots again with two stacks with the first stack having

candidate B and the second stack with the remaining candidates and then record the count for Candidate B on the Manual Audit Team Worksheet for Marksense Ballots (DS-DE 105B). This process shall be repeated for each subsequent candidate until complete.

6.(f) The audit team members shall also tally the number of ballots for each stack as separated in subparagraphs (6)(a)3.a., b., and d. (8)(d)1., 2., and 4. and write the number of ballots in each stack on the Manual Audit Team Worksheet for Marksense Ballots (DS-DE 105-B).

7.(g) The manual audit shall continue until completed. A recess may be called but procedures, established by the supervisor of elections, for securing the tally results and ballots shall be followed during the recess.

(b) Automated independent audit: The automated independent audit system shall produce and print the tally for all races from the selected precincts of ballots cast by ballot type.

(7)(9) Results Compilation. (a) The board shall direct the supervisor to print a report from the voting system for the precincts selected which provides the group detail of the number of ballots for Election Day, early voting, absentee, and provisional. The provisional number may be included in one of the other numbers. This report will be what the board shall compare to the audit teams' manual count or to the automated independent audit count, as applicable. The report shall not be provided to the audit team members. Additional specific procedures apply to the:

(a)(b) Manual audit: After the audit team has finalized its tally, the Board shall compile the results and compare the manual tally under subsections (5)(7) and (6)(8) to the official vote totals for the selected race in the selected precinct(s).

1. If the manual tally and official vote totals match for that precinct, this result is to be listed on the Precinct Summary for Manual Audit form (DS-DE 106).

2. If the manual tally and official vote totals do not match, show a discrepancy in any contest of more than 1/2 of 1% of the votes being audited, the Board must investigate the discrepancy. This shall be done by the Board determining shall determine if the difference can be reconciled by reviewing the official totals and the stack set out pursuant to subparagraphs (6)(a)3.a., b., and d. (8)(d)1., 2., and 4. If the re-tally and totals still are 1/2 of 1% or more of the votes being audited do not match, the Board shall direct a different audit team, if available, to conduct a manual re-tally.

3. If the re tally and totals still do not match, the Board shall direct the audit team, to review the paper ballot tabulator printed tapes or reports for the number of ballots cast in the selected race and precinct(s). If the number of ballots cast in

the selected race from the printed tapes or reports does not match the number of ballots audited, the canvassing board shall take the steps necessary to resolve the discrepancy. If that tally and official totals still do not match, that manual tally and difference are to be noted on the Precinct Summary form (DS-DE 106).

(b) Automated independent audit: After the automated independent audit system has finalized its tally, the Board or the automated independent audit system shall compile and compare the results to the official vote totals for all races in the selected precincts.

1. The results of the automated independent audit shall be produced as a summary report listing the number of ballot and vote discrepancies computed at the lowest level of aggregation reported in the election.

2. If the automated tally and official vote totals show a discrepancy in every contest of less than 1/2 of 1%, the Board shall list this result on the "Post-Election Certification Audit Report" (DS-DE 107).

3. If the automated tally and official totals show a discrepancy in any contest of 1/2 of 1% or more of the votes being audited:

a. The Board must investigate the discrepancy. This shall be done by reviewing the paper ballot images or extracts therefrom to ascertain if any voter marked a race in a manner that likely was not read by the voting system tabulator or by the automated independent audit system.

b. The Board shall prepare a completed "Summary for Automated Independent Audit" form (DS-DE 106A) or, alternatively, the automated independent audit system may print a report providing the same information required by the DS-DE 106A.

c. The Board shall explain the discrepancy on the "Post-Election Certification Audit Report" (DS-DE 107).

(8)(10) Audit Report. The Board shall submit to the Department of State a report of the audit results within 15 days after the audit is completed. The Board shall submit its report to the Department of State using the "Post-Election Certification Audit Report" (DS-DE 107).

(a) For a manual audit, each audit report shall be accompanied by a completed Precinct Summary form (DS-DE 106) for each precinct audited.

(b) For an automated independent audit, each audit report shall be accompanied by the summary report as specified in subparagraph (7)(b)1. or a completed Summary for Automated Independent Audit form (DS-DE 106A), as applicable, for each precinct audited.

(c) The audit report shall also include a description of:

1.(a) The overall accuracy of the audit.

2.(b) Problems or discrepancies encountered, if any.

~~3.(e)~~ The likely cause of any problems or discrepancies encountered, if any.

~~4.(d)~~ Recommended corrective or remedial actions for any problems or discrepancies encountered, for purposes of avoiding or mitigating such problems or discrepancies in future elections.

~~(9)(H)~~ Security procedures. Each county supervisor of elections pursuant to its responsibility under Section 101.015, F.S., shall ensure that its security procedures include procedures relating to the security of ballots, chain of custody controls, protocols for authorized access and secure storage of ballots that may be used in ~~an a manual~~ audit.

(10) Requirements for approval and use of an automated independent audit system.

(a) Any person desiring to have an automated independent audit system approved for use in Florida shall submit a letter to the Bureau of Voting Systems Certification, Division of Elections, Department of State, requesting approval and providing the automated independent audit system's technical data package.

(b) The automated independent audit system must satisfy the following criteria prior to approval:

1. Be completely independent of the primary voting system.

2. Be fast enough to produce final, public audit results no later than 11:59 p.m. (local time where the audit occurs) on the 7th day following certification of the election by the county canvassing board or the local board responsible for certifying the election.

3. Be capable of demonstrating the ballots of record have been accurately adjudicated by the audit system.

4.a. For all elections after January 1, 2016, be capable of operating without outside manufacturer or vendor support to use the system. However, if desired, a county may decide to use the audit system's manufacturer or vendor support.

b. Any automated independent audit system used in any election on or after January 1, 2016, must be capable of providing the county the option to operate the system without manufacturer or vendor support. If a system has been previously approved without this capability, the system must be resubmitted for review and approval for this capability in order to continue its use in an election on or after January 1, 2016. The extent of the approval process would depend upon the modification to the previously approved automated independent audit system. For example, if the modification is merely a separate software module that does not contain a

counting segment, only that module would need to be examined and a regression test on its interaction with the previously approved system would be performed.

5. Be capable of comparing the audit results to the certified results by precinct and ballot type for marksense ballots.

6. Be approved with its counting segment.

7. Be capable of examining marked ballots to determine a valid vote, no vote, and marginal mark.

8. Be capable of identifying the location of a physical marksense ballot based on the designated paper ballot image identification.

9. Reflect that the audit results will be the same using all auditing scanners from the same manufacturer.

(c) All examination and testing of the automated independent audit system shall occur at the Bureau of Voting Systems Certification in Tallahassee, Florida, or at the vendor's desired location. The vendor shall reimburse the Department of State an amount equal to the actual costs incurred by the department in its testing and examination of the automated independent audit system. Reimbursable actual costs of testing include travel costs such as lodging, car rental, parking, gas, airfare, travel-related fees and per diem when traveling outside of Tallahassee.

(d) For a county to use an approved automated independent audit system, the system must not include any type of tabulation system that the county uses in its elections or a tabulation device that uses the same election definition.

(e)1. Notice of approval or non-approval will be provided within 30 days after all examination and testing of the automated independent audit system is completed.

2. After approval of an automated independent audit system, any recommended changes to the approved software code must be documented and provided to the Bureau of Voting Systems Certification for a desktop review; however, if the counting segment has changed, the Bureau shall conduct a regression test to determine if approval of the automated independent audit system will continue. Also, if any recommended changes are made to the approved scanning hardware or other scanning hardware is added, the Bureau shall conduct a regression test on the automated independent audit system to determine if approval of the system will continue.

Rulemaking Authority 20.10(3), 97.012(1), 101.591(2), 101.5911 FS. Law Implemented 101.591 FS. History--New 11-16-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jordan Jones
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Kenneth W. Detzner
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 13, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: October 2, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Pari-Mutuel Wagering

RULE NOS.: RULE TITLES:
61D-11.001 Definitions
61D-11.002 Cardroom Games
61D-11.003 Card-Play Hands
61D-11.004 Dealer Responsibilities
61D-11.005 Prohibitions
61D-11.006 Inspection of Premises, Records
61D-11.007 Cardroom Operator License
61D-11.008 Cardroom Business Occupational License
61D-11.009 Cardroom Employee Occupational License
 and Pari-Mutuel/Cardroom Combination
 License
61D-11.012 Duties of Cardroom Operators
61D-11.013 Display of Identification and Possession of
 Occupational Licenses
61D-11.014 Cards
61D-11.0149 Dominoes Supervisors
61D-11.015 Chips and Tokens
61D-11.016 Card and Domino Tables
61D-11.0175 Count Rooms and Count Procedures
61D-11.018 Reporting Requirements to Determine Net
 Proceeds or Gross Revenues
61D-11.019 Internal Control System
61D-11.020 Drop Box and Key Control Procedures
61D-11.021 Tip Box Procedures
61D-11.022 Cardroom Imprest Bank and Card Table
 Imprest Tray
61D-11.025 Cardroom Electronic Surveillance
61D-11.0251 Security Plans
61D-11.0275 Tournaments
61D-11.0279 Jackpots, Prizes, and Giveaways
61D-11.031 Cashiers' Cage

PURPOSE AND EFFECT: The purpose and effect will be to implement changes in the rules listed above to implement the amended provisions of Section 849.086, Florida Statutes. The amendments are the result of Senate Bill 622, which gave an effective date of July 1, 2010, for Chapter 2010-170, Laws of Florida. Rules will also be updated and clarified to implement other provisions of Section 849.086, Florida Statutes.

SUMMARY: The amendments to Section 849.086, Florida Statutes, contained in Chapter 2010-170, Laws of Florida, will increase the operating hours of licensed cardrooms at pari-mutuel wagering facilities and significantly increase the amounts wagered on poker and dominoes conducted at those facilities. The amendments also provide for changes in licensing rules. Adjustments to these rules will be required because some provisions contained in the rules listed above are in conflict with the amended statute. A number of changes will also be required for accounting, security, and internal control issues. There is also a need to update and clarify some of the above-listed rules. Rule 61D-11.031, F.A.C., is being created and includes minimum accounting, internal control, and security requirements for cashiers' cages.

OTHER RULES INCORPORATING THIS RULE: Rule 61D-11.0145 incorporates Rule 61D-11.014.

EFFECT ON THOSE OTHER RULES: Rule 61D-11.014 has no effect on Rule 61D-11.0145.

**SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS AND LEGISLATIVE
RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 550.0251(12), 550.105(2)(b), 849.086(4), (5), (6), (11) FS.

LAW IMPLEMENTED: 849.086 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 28, 2014, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-11.001 Definitions.

(1) "Activity related to cardroom operations" or "cardroom activity":

(a) Includes but is not limited to duties that require the licensee to come into contact with or work within the cardroom area at any time and have responsibilities that require physical contact with cardroom furnishings, lockboxes or similar secured items, surveillance equipment or associated support equipment, surrounding structure for any incidental duty that enables in any way unrestricted access to the above-listed items;

(b) Includes but is not limited to duties that require the licensee to come into contact with any aspect of cardroom activity, financial activity, management or administration of cardroom information in any way;

(c) Includes but is not limited to duties that require responsibilities for any aspect of management, supervision, administration or similar functions, or take part in or officiate cardroom activity in any way;

(d) Does not include the following:

1. Incidental transit through the cardroom area during which time the individual in no way:

a. Comes in contact with cardroom furnishings, table tops, patrons or patron personal property, lockboxes or similar secured items, surveillance equipment or associated support equipment, surrounding structure for any incidental duty that enables in any way unrestricted access to the above-listed items; or

b. Takes part in or officiates cardroom activity.

2. Incidental maintenance work performed under the direct and constant visual supervision of an individual possessing a current cardroom or pari-mutuel/cardroom combination license; and

3. Food service personnel who perform duties that do not at any time require the employee's presence within the cardroom area.

~~(2)(1)~~ "All-in" means when a player commits all of his or her chips or tokens into a pot.

~~(3)(2)~~ "Ante" means a predetermined wager that each player is required to make in some poker games prior to any cards being dealt in order to participate in the round of play.

~~(4)(3)~~ "Bet" means to wager an amount signified by the number of chips or tokens contributed to a pot on any betting round.

~~(5)(4)~~ "Betting round" means a complete wagering cycle in a hand of poker after all players have called, folded, checked, or gone all-in.

~~(6)(5)~~ "Blind" means a predetermined bet a player or players must place on the table before the cards are dealt.

~~(7)(6)~~ "Business Entity" means a sole proprietorship, general or limited partnership, corporation, business trust, joint venture, or unincorporated association.

~~(8)(7)~~ "Button" means a circular object moved clockwise around a poker table to denote the assigned dealer for each hand.

~~(9)(8)~~ "Buy-in" means the amount of money required by the cardroom operator to enter and participate in a game.

~~(10)(9)~~ "Cardroom gaming area" means any area of a licensed facility designated by the cardroom operator in its floor plan in which authorized games are played or where any type of cardroom operations may occur, such as handling of cash, chips, tokens, dominoes, or cards. The cardroom gaming area shall include entrances and exits.

~~(11)(10)~~ "Cardroom surveillance" means the employees and systems with capability to observe and electronically record activities being conducted in a cardroom and its supporting areas ~~facility.~~

~~(12)~~ "Cashiers' Cage" means a physical structure that houses cashiers and serves as the central location for the exchange of currency and chips.

~~(13)(11)~~ "Chips or tokens" means a money substitute, redeemable for cash, issued and sold by a cardroom operator for use in cardroom games.

~~(14)~~ "Clearing hands" means displaying the front and back of both hands, with fingers spread over the table in sufficient distance from all other players and objects for surveillance recording.

~~(12)~~ "Day" means the 24 hour period that commences on the current calendar day at 6:00 a.m. and terminates at 5:59.59 a.m. the following calendar day.

~~(15)~~(13) "Dedicated camera" means a color video camera that continuously records a specific activity.

~~(16)~~(14) "Drop" means the procedure to remove drop boxes before counting the total amount of money, chips, and tokens removed from the drop box.

~~(17)~~(15) "Drop Box" means a locked container permanently marked with the number corresponding to a permanent number on the card or domino table.

~~(18)~~(16) "Facility" means the cardroom, any storage area for card or domino tables, cards, chips, tokens, dominoes, drop boxes, tip boxes, records relating to cardroom activity, and other cardroom supplies, the count room, and imprest vault bank.

~~(19)~~ "Fanning" means spreading a deck of cards in front of the imprest tray so that each card can be identified by surveillance cameras.

~~(20)~~(17) "Game" means the completion of all betting rounds and final determination of a winner based upon the comparison of all cards dealt and held by players at the end of all betting at a table.

~~(21)~~(18) "Hand" means the group of cards dealt to a player in a game.

~~(19)~~"Imprest bank" means the total amount of chips, tokens, and U.S. currency segregated for cardroom operation.

~~(22)~~(20) "Imprest tray" means any tray an area on a card table in which a predetermined dollar amount of chips, tokens, or U.S. currency is kept by the dealer.

~~(23)~~(21) "Jackpot" means a cumulative pool of money collected from card games that is awarded to a player or players who hold holds a certain combination of cards specified by a cardroom operator.

~~(24)~~(22) "Licensee" means a person or entity holding any license issued by the division for purposes of cardroom operations.

~~(25)~~(23) "Operate" means to conduct authorized games pursuant to Section 849.086, F.S., within a licensed cardroom facility. The term does not include the activities authorized in paragraph 61D-11.012(5)(c), F.A.C.

~~(26)~~(24) "Playing light" means drawing chips or tokens from the pot to show how much a player owes when the player is out of chips or tokens in an effort to allow a player to continue without chips or tokens, until more chips or tokens are earned.

~~(27)~~(25) "Pot" means the total amount wagered in a game or series of games of poker or dominoes.

~~(28)~~(26) "Proposition player" means a player who is employed by a cardroom operator licensee, but who uses his own money to initiate or play in games.

~~(29)~~(27) "PTZ Camera" means a light-sensitive color video camera that has possesses, at a minimum, pan, tilt, and zoom capabilities or features comparable thereto.

~~(30)~~(28) "Raise" means to increase the size of the preceding bet.

~~(31)~~(29) "Re-buy" means the additional tournament chips or tokens purchased by players according to the schedule of re-buys prominently displayed in the cardroom during tournament play.

~~(30)~~ "~~Replenishment of chips or tokens~~" ~~means in games of Texas Hold em without a betting limit, when a player purchases additional chips or tokens above the minimum required and no more than the maximum allowed in the poker game being played.~~

~~(32)~~(31) "Round of play" means, for any game of poker, the process by which cards are dealt, bets are placed, and the winner is determined and paid in accordance with the rules of Chapter 61D-11, F.A.C.

~~(32)~~ "~~Seeding the jackpot fund~~" ~~means the cardroom operator contributes the initial value to start the jackpot fund. The amount of the cardroom operator's contribution shall not be deducted from the jackpot fund prior to the award of the jackpot.~~

(33) through (37) No change.

~~(38)~~ "Supporting areas" means those areas supporting the operation of the cardroom including, but not limited to, surveillance, cashiers' cages, podiums, vaults, and count rooms.

~~(39)~~(38) "Surveillance room" means a secure location in a pari-mutuel facility used for cardroom surveillance.

~~(40)~~(39) "Surveillance system" means a system of video cameras, monitors, recorders, and other ancillary equipment used for cardroom surveillance.

~~(41)~~(40) "Tip box" means a locked container into which all dealer tips must be inserted.

~~(42)~~ "Tournament chips" means chips that have no cash value that are used in tournament play.

~~(43)~~ "Vault" means a secure location where chips and currency are maintained.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 9-7-08,_____.

61D-11.002 Cardroom Games.

~~(1)~~ ~~Only those games listed in Section 849.086(2)(a), F.S., are authorized for play at licensed cardroom facilities.~~

~~(1)~~(2) The cardroom operator or management company shall furnish all cards, dominoes, chips and tokens.

~~(2)(3)~~ The cardroom operator shall prominently display a list of all games available for play in the cardroom that are authorized pursuant to Chapter 849, F.S.

~~(3)(4)~~ The cardroom operator shall maintain a copy of the rules of play including wagering requirements. The rules of play shall be made available to the division or to players upon request.

~~(5)~~ Each player in an authorized game shall play the game solely to improve his or her chance of winning and shall take no action to improve another player's chance of winning.

~~(6)~~ A player may not communicate any information to another player which could assist the other player in any manner respecting the outcome of a game.

~~(4)(7)~~ A cardroom operator who has reasonable cause to believe that a player in an authorized game has acted or is acting in one of the following manners ~~violation of subsection (5) or (6) above~~ may require the player to leave the game or facility. ~~The cardroom operator shall notify the division of the details surrounding the identified player or player's violation in writing on the next business day.~~

(a) If a player is not playing the game solely to improve his or her chance of winning;

(b) If a player is taking or attempting to take action to improve another player's chance of winning;

(c) If a player communicates any information to another player which could assist the other player in any manner respecting the outcome of a game.

(5) Card games that utilize a designated player that covers other players' wagers shall:

(a) Allow for only one designated player during any single hand;

(b) Not require the designated player to cover all wagers that could be made by the other players in the game;

(c) Not allow other players to cover wagers to achieve winnings that the designated player could have won had he or she covered the same wagers;

(d) Not allow or require a player to buy in for a different amount than any other player in the game in order to participate as the designated player; and

(e) Rotate a button or other object to designate which player is the designated player. The button or other object shall rotate clockwise around the table to give each player the opportunity to participate as the designated player.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 550.0251(6), 849.086(4) FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, 9-7-08, _____.

61D-11.003 Card-Play Hands.

(1) The ranking of cards in a poker hand shall be:

(a) Consistent ~~consistent~~ with the rules of Hoyle's Modern Encyclopedia of Card Games, 1974 Edition, adopted and incorporated herein by reference, or:-

(b) Included within the rules of play for that game if the ranking of the cards is different from paragraph (a) of this rule.

(2) If the joker card is to be used in certain games, the house must prominently display within the cardroom area in which games the joker card will be used and how the joker card will be ranked in a showdown.

(3) Before a card game may be played, the dealer must shuffle the cards.

(4) Cards, once completely shuffled, must be dealt out of the hand of the dealer.

(5) Each player shall have the option to accept the "button" to:

(a) Receive the advantage of playing and betting last; and

(b) Ensure that the button may be moved around the card table in a clockwise fashion to provide each player equal opportunity. The "button" may be moved around the card table in a clockwise fashion so that the player who has the button receives the advantage of playing and betting last.

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-7-08, _____.

61D-11.004 Dealer Responsibilities.

(1) A dealer shall not allow a player to enter a card game at his or her table, except as provided for in the cardroom operator's rules of play ~~bet or raise amount, or the number of raises in a round of betting, to exceed the limits imposed by Section 849.086(8)(b), F.S.~~

~~(2) In games of Texas Hold'em without a betting limit played pursuant to Section 849.086(8)(b), F.S., a dealer shall not allow a player to:~~

~~(a) Enter a card game, having come from another game table with more chips or tokens than the limit of \$100, unless the player is escorted by a cardroom supervisor to the new table, because play at the previous table is terminated due to circumstances beyond the player's control. Procedures for such circumstances must be provided in the cardroom operator's internal controls;~~

~~(b) Replenish his or her chips or tokens in an amount that would allow the player's aggregate chips or tokens to exceed \$100;~~

~~(c) Replenish his or her chips or tokens in amounts other than multiples of \$5; or~~

~~(d) Replenish his or her chips or tokens until the player's aggregate chip or token amount has been reduced below \$100.~~

~~(2)(3) Dealers shall be rotated to a different table at least every three hours.~~

~~(3)(4) A dealer who receives currency from a player at a card table in exchange for chips or tokens must perform the following:~~

~~(a) Spread the currency on the top of the card table in front of the imprest tray;~~

~~(b) State the amount of currency received;~~

~~(c) Provide an equivalent dollar amount of chips or tokens to the player; and~~

~~(d) Place all the currency in the imprest tray.~~

~~(4)(5) Dealers shall take breaks only in areas the cardroom operator has designated on ~~in~~ the approved cardroom floor plan, submitted pursuant to subsection 61D-11.012(7), F.A.C. internal controls.~~

~~(5)(6) Dealers shall accept tips only while dealing at an assigned table. Tips shall be accepted by: collecting them in the tip box.~~

~~(a) Tapping the tip on the imprest tray; and~~

~~(b) Dropping the tip in the tip box.~~

~~(7) A dealer shall not accept a tip at any time he or she is not seated at the table, unless:~~

~~(a) The dealer's cardroom supervisor is notified;~~

~~(b) The tip is collected in the tip box; and~~

~~(6)(e) The tip will ~~is~~ then be counted with all other earned tips for the card dealer's assigned shift.~~

~~(7) Other than tips, dealers shall not accept any items of value or gifts from card players or any patrons of the facility.~~

~~(8) Dealers shall not allow cash or other personal items that may inhibit play to be placed on a table during the play of any hand.~~

~~(9) Dealers shall:~~

~~(a) Clear their hands display the front and back of their hands, with fingers spread over the table in sufficient distance from all other players and objects for surveillance recording, after every transaction when cash, chips, or tokens are exchanged with or provided to a player;:-~~

~~(b) Inspect decks of cards at their assigned cardroom tables prior to the beginning of each gaming day or opening of a new table during the gaming day;~~

~~(c) Inspect decks of cards when a new deck of cards is replaced for use at their assigned table; and~~

~~(d) Inspect both sides of each card by fanning them.~~

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 9-7-08,_____.

61D-11.005 Prohibitions.

(1) No person shall introduce any cards, chips, tokens, or dominoes, other than those from the cardroom operator's facility into any authorized game.

(2) No cardroom operator or employee shall extend credit, make a loan, or grant a gift to any person that would enable that person to play in an authorized game. The consideration required to participate shall be collected in full, by cash, ~~or check, debit card, or credit card~~, in exchange for chips or tokens prior to participation in any game offered at the cardroom facility.

~~(a) Only cash shall be used to purchase chips or tokens at card and domino tables. However, regular play chips may be converted to tournament chips.~~

~~(b) The practice of playing light is prohibited.~~

~~(3) Playing light and side bets on the outcome of games are prohibited.~~

(4) No person shall, directly or indirectly:

(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.

(b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.

(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.

(5) Cardroom occupational licensees are prohibited from participating in authorized cardroom games at the cardroom facility where they are employed.

~~(6) No player shall be allowed to exceed the limits on replenishment of chips or tokens established by subsection 61D-11.004(2), F.A.C.~~

~~(6)(7) No person shall knowingly engage in conduct that resists, obstructs, or opposes a division employee in the performance of his or her duties and responsibilities on the cardroom operator's premises.~~

~~(7)(8) No licensee shall carry or exhibit a weapon other than as provided for in Chapter 790, F.S. Any licensee found in violation of this rule shall be disciplined in accordance with Chapter 849, F.S., and the rules promulgated thereunder. This rule does not prohibit the carrying of a weapon by any duly authorized law enforcement officer or security personnel who are licensed to carry a weapon while engaged in their duties, or persons licensed under Chapter 790, F.S., to carry concealed weapons.~~

~~(8)(9) Shills and proposition players are prohibited.~~

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 9-7-08,_____.

61D-11.006 Inspection of Premises, Records.

(1) The cardroom operator shall contact the division for an inspection for compliance with the provisions of Section 849.086, F.S., and Chapter 61D-11, F.A.C., no less than ten business days prior to opening a new cardroom or amending an existing cardroom area. Amending an existing cardroom area includes changing the number, location or dimensions of tables, surveillance system, internal controls, or floor plan.

(a) A cardroom operator shall not open a new facility or the affected portion of an existing cardroom for which the operator has made notice of any proposed changes until the division provides written authorization to proceed.

(b) If after inspection of the facility, the division determines that the cardroom operator is not in compliance with Section 849.086, F.S., or Chapter 61D-11, F.A.C., the division shall notify the cardroom operator and subsequently provide the cardroom operator with a written list of deficiencies ~~by the most expeditious means available to include delivery via email, mail, facsimile, or in person.~~

~~(c)4.~~ If deficiencies are identified, the ~~The~~ cardroom operator shall:

~~1.a.~~ Correct all deficiencies prior to requesting a re-inspection; and

~~2.b.~~ Request a ~~any~~ re-inspection in writing pursuant to Rule 61D-11.0025, F.A.C.

~~(2)2.~~ The division shall conduct a re-inspection after receiving no later than five state business days from the date of the cardroom operator's notification of corrections ~~orrection~~ provided in writing pursuant to Rule 61D-11.0025, F.A.C.;

~~3.~~ Upon completion of its inspection for corrective action, the division shall provide the results of its inspection in writing pursuant to Rule 61D-11.0025, F.A.C.;

~~(3)4.~~ Subsequent inspections shall be performed according to this rule until identified ~~the~~ deficiencies ~~noted~~ are corrected; ~~and~~

~~(4)5.~~ Upon satisfactory completion of corrective action, the division shall acknowledge in writing that all deficiencies are resolved and that the cardroom operator may proceed with using the designated facility space. The division shall deliver its written acknowledgement and authorization to proceed in writing pursuant to Rule 61D-11.0025, F.A.C.

~~(2)~~ At any time during a cardroom operator's regular business hours, division personnel shall be allowed to enter into the cardroom and any cardroom related areas to:

~~(a)~~ Observe any count of monies received during the operation of the cardroom, a count of chips or tokens, and a count of drop boxes, for the purpose of reconciliation, and inspect any receipts, reports, or records used in conjunction with the operation of the cardroom;

~~(b)~~ Inspect any records that relate to the operation of a cardroom;

~~(c)~~ Review any records maintained by an employee of the cardroom operator that relates to the operation of a cardroom;

~~(d)~~ Check that licenses are prominently displayed and that the cardroom is being operated in compliance with Section 849.086, F.S., and the rules promulgated thereunder;

~~(e)~~ Inspect cardroom devices and recording equipment, including the devices and equipment used for security and surveillance as required by Rule 61D-11.025, F.A.C., to ensure compliance with Section 849.086, F.S., and the rules promulgated thereunder; and

~~(f)~~ Ensure the surveillance cameras and equipment are configured so that the division has the ability to direct the surveillance of particular activities or persons.

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04, 9-7-08, _____.

61D-11.007 Cardroom Operator License.

(1) If a pari-mutuel permitholder amends its annual operating dates license and such amended license does not satisfy the renewal application requirements of Section 849.086(5)(b), F.S., the cardroom license will become void upon the issuance of the amended annual operating dates license.

(2) An applicant for an annual cardroom license shall complete Form DBPR PMW-3160, Permitholder Application for Annual License to Operate a Cardroom, effective _____, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, ~~adopted and incorporated by Rule 61D-12.001, F.A.C., and Form DBPR PMW-3080, Permitholder Calendar, adopted and incorporated by Rule 61D-10.001, F.A.C.,~~ and submit a fee of \$1,000.00 for each table to be operated during the license period. For cardroom facilities at which more than one pari-mutuel permit is operated during a year, table fees for the facility may be paid by one or all of the permitholders. License fees are non-refundable. For the initial and annual cardroom license application, in addition to the application and fees submitted, the applicant shall submit its written internal controls ~~control~~ system, required by Rule 61D-11.019, F.A.C., for approval by the division, and proof of authorization by a local government pursuant to Section 849.086(16), F.S. ~~Any cardroom operator electing to offer a new authorized game shall inform the patrons on the list of authorized games offered by the operator, as required by Section 849.086(7)(c), F.S. Such list must be~~

~~conspicuously displayed and a description of all card or domino games must be available for patron review. All games offered must comply with Section 849.086, F.S., and Chapter 61D-11, F.A.C., at all times.~~

(3) No license application, amendment to an application, or amendment to request additional cardroom tables shall be effective until the division has received payment of cardroom table fees, inspected and approved the surveillance requirements for compliance with Rule 61D-11.025, F.A.C., and the division has issued a license or amended license to operate a cardroom.

(4) Cardroom operations shall not begin under a cardroom license until the cardroom has been inspected and approved under Rule 61D-11.006, F.A.C., and:

(a) ~~Live racing or gaming is being or has been conducted at the cardroom operator's pari mutuel wagering facility under a license issued pursuant to Section 550.01215, F.S., or Section 550.5251, F.S.; or~~

(b) ~~Intertrack pari mutuel wagering activities are authorized to be conducted at the cardroom operator's pari mutuel wagering facility pursuant to Section 550.615, F.S.~~ Rulemaking Authority 550.0251(12), 849.086(4), (5), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, 9-7-08, _____.

61D-11.008 Cardroom Business Occupational License.

(1) As part of the initial application or renewal for a cardroom business occupational license provided in Section 849.086, F.S., an applicant shall submit the following:

(a) To apply for an initial cardroom business license, a complete Form DBPR PMW-3130, Business Occupational License Application, for an initial cardroom business license, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037; and incorporated by Rule 61D-12.001, F.A.C.;

(b) To renew a cardroom business license, a complete Form DBPR PMW-3135, Business Occupational License Renewal Application, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037;

(c)(b) The \$500.00 \$250.00 cardroom business occupational license fee for a three-year license; and

(d)(e) A complete set of fingerprints for each officer, director, and shareholder holding 10 percent or more interest in the cardroom business person listed in paragraph (3)(a) on an a-pari mutuel wagering applicant fingerprint card or via a live scan device, and the fingerprint processing fees as

established by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, upon initial application, and every three five years thereafter.;

(d) ~~A copy of all records of administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054 and 550.1815, F.S., and a copy of each complaint or other pleading and a copy of any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed; and~~

(e) ~~A list of all business entities that will be providing products or services to the cardroom.~~

(2) ~~A cardroom operator may not do business with any cardroom management company or cardroom or domino distributor that does not possess a current cardroom business occupational license.~~

(2)(3) A business entity may not be issued or possess a cardroom business occupational license in this state if the corporation, partnership, or business entity, or applicant for or holder of the business entity license has been convicted of a felony or misdemeanor involving forgery, larceny, extortion, or conspiracy to defraud, in this state or any other state or under the laws of the United States; or a felony or misdemeanor set forth in Section 550.105, F.S. any person or entity specified in paragraph (a) of this subsection has been determined by the division to be not of good moral character, to have filed a false report to any government agency or pari mutuel wagering or gaming commission or authority, or has been convicted of any offense specified in paragraph (b) of this subsection.

- (a)1. The cardroom business occupational licensee;
2. An employee of the licensee;
3. The sole proprietor operating under the license;
4. A corporate officer or director of the licensee;
5. A general partner of the licensee;
6. A trustee of the licensee;
7. A member of an unincorporated association of the licensee;
8. A joint venturer of the licensee;
9. The owner of more than 5 percent of any equity interest in the licensee, whether as a common shareholder, general or limited partner, voting trustee, or trust beneficiary; or
10. An owner of any interest in the licensee, including any immediate family member of the owner, or holder of any debt, mortgage, contract, or concession from the licensee, who by virtue thereof is able to control the business of the licensee.

(b) ~~A felony or misdemeanor involving forgery, larceny, extortion, or conspiracy to defraud, in this state or any other~~

~~state or under the laws of the United States; or a felony or misdemeanor set forth in Section 550.105, F.S.~~

~~(4) A conviction specified in paragraph (3)(b) of this rule does not constitute an absolute bar to the issuance or renewal of a license or grounds for the revocation or suspension of a license if the applicant has received a full pardon or a restoration of civil rights in accordance with Florida law and pursuant to Section 944.292, F.S.~~

~~(5) After notice, the division may refuse to issue or renew, or may suspend or revoke the license of any licensee or applicant found in violation of paragraph (3)(b) of this rule.~~

~~(3)(6) Sworn Certified Florida Law Enforcement officers are exempt from the occupational license fingerprint requirement, pursuant to Rule 61D-5.005, F.A.C.~~

~~(4)(7) Cardroom business occupational licenses issued and renewed pursuant to Section 849.086, F.S., shall have an effective date of July 1st and shall be valid for a period of three fiscal years. Applications for a cardroom business occupational license shall be submitted between May 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 shall expire on June 30th of every year.~~

~~Rulemaking Specific Authority 550.0251(12), 550.105(2)(b), 849.086(4)(a), (6)(d), (f), (11) FS. Law Implemented 849.086(6) FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, 9-7-08, _____.~~

61D-11.009 Cardroom Employee Occupational License and Pari-Mutuel/Cardroom Combination License.

(1) Food service personnel, maintenance personnel, security personnel, mutuels teller personnel, and permitholder management who possess a current pari-mutuel license and who wish to conduct any activity related to cardroom operations or conduct cardroom activities within the cardroom area for any purpose shall notify the division by completing and submitting Form DBPR PMW-3170, License Upgrade Application, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037. Upon receipt, the division shall provide a new copy of the licensee's current license to the licensee, indicating the license is sufficient for both the pari-mutuel and cardroom operations. Cardroom or pari-mutuel/cardroom combination licenses shall:

(a) Be required for:

1. Cardroom employees who take part in or officiate cardroom activity in any way;

~~2. All cardroom supervisors who are designated to supervise, take part in or officiate cardroom activity in any way;~~

~~3. Food service personnel who perform duties that require the licensee to perform any portion of duty within the cardroom area for any purpose;~~

~~4. Maintenance personnel who perform duties that require the licensee to come into contact with or work within the cardroom area at any time and have responsibilities that require physical contact with cardroom furnishings, lockboxes or similar secured items, surveillance equipment or associated support equipment, surrounding structure for any incidental duty that enables in any way unrestricted access to the above-listed items;~~

~~5. Security personnel who perform duties that require the licensee's presence in the cardroom area for any purpose;~~

~~6. Mutuels teller personnel who perform duties that require the licensee to come into contact with any aspect of cardroom activity, financial activity, management or administration of cardroom information in any way; or~~

~~7. Permitholder management responsible for any aspect of management, supervision, administration or similar functions, or take part in or officiate cardroom activity in any way.~~

~~(b) Not be required for:~~

~~1. Incidental transit through the cardroom area during which time the individual in no way:~~

~~a. Comes in contact with cardroom furnishings, table tops, patrons or patron personal property, lockboxes or similar secured items, surveillance equipment or associated support equipment, surrounding structure for any incidental duty that enables in any way unrestricted access to the above listed items; or~~

~~b. Takes part in or officiates cardroom activity in any way;~~

~~2. Incidental maintenance work performed under the direct and constant visual supervision of an individual possessing a current cardroom or pari-mutuel/cardroom combination license; and~~

~~3. Food service personnel who perform duties that do not at any time require the employee's presence within the cardroom area.~~

(2) Food service personnel, maintenance personnel, security personnel, mutuels teller personnel, and permitholder management who do not possess a current pari-mutuel license and who wish to conduct any activity related to cardroom operations or conduct cardroom activities within the cardroom area for any purpose shall apply for a cardroom occupational license by completing and submitting the following: As part of the initial application or renewal for a cardroom employee

~~occupational license provided in Section 849.086, F.S., an applicant shall submit the following:~~

(a) A complete Form DBPR PMW-3120, Individual Occupational License Application, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037, and incorporated by Rule 61D-12.001, F.A.C., for an initial cardroom employee license;

(b) A complete set of fingerprints on ~~an a pari-mutuel wagering~~ applicant fingerprint card ~~or via a live scan device,~~ and ~~the~~ fingerprint processing fee as established by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, upon initial application and every ~~three five~~ years thereafter;

(c) The cardroom employee occupational license fee, unless qualified pursuant to Sections 205.171 and 1.01, F.S., of:

1. ~~\$120.00 \$50.00~~ for a ~~three-year~~ cardroom employee occupational license;
2. ~~\$80.00 \$40.00~~ for a ~~three-year~~ pari-mutuel/cardroom supervisor combination license; or
3. ~~\$15.00 \$10.00~~ for a ~~three-year~~ pari-mutuel/cardroom employee combination license.

~~(d) A copy of all records of administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054 and 550.1815, F.S., and a copy of each complaint or other pleading and a copy of any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed.~~

~~(3) Applicants who intend to work in a position providing food service, maintenance, security, or as a mutuels teller, or in permitholder management, shall apply for a pari-mutuel/cardroom combination occupational license by submitting items (2)(a) through (d) listed above.~~

~~(3)(4) Sworn Certified Florida Law Enforcement officers are exempt from the occupational license fingerprint requirement, pursuant to Rule 61D-5.005, F.A.C.~~

~~(4)(5) All occupational and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error or the applicant withdraws the application before processing begins.~~

~~(5)(6) Request for Waiver of any disqualifying factors in an application that would otherwise be grounds for disapproving the application shall be made on Form DBPR~~

PMW-3180, Request for Waiver, adopted by reference in Rule 61D-5.001, F.A.C., which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037 and incorporated by Rule 61D-12.001, F.A.C.

~~(7) Prior to transferring, a current pari-mutuel wagering occupational licensee who intends to work in a position performing food service, maintenance, security, mutuels teller, and/or permitholder management duties in the cardroom shall make application for and obtain an upgrade for his or her current pari-mutuel license to a pari-mutuel/cardroom combination license on Form DBPR PMW 3170, License Upgrade Application, adopted and incorporated by Rule 61D-12.001, F.A.C.~~

~~(6)(8) Cardroom employee occupational licenses and pari-mutuel/cardroom combination licenses issued and renewed pursuant to Section 849.086, F.S., shall have an effective date of July 1st and shall be valid for a period of three fiscal years. Applications for an initial cardroom employee and pari-mutuel/cardroom combination license shall be submitted between May 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. shall expire on June 30th of every year.~~

Rulemaking Specific Authority 550.0251(12), 550.105(2)(b), 849.086(4)(a), (6)(d), (f) FS. Law Implemented 849.086(6) FS. History—New 1-7-97, Amended 5-9-04, 3-4-07, 9-7-08, _____.

61D-11.012 Duties of Cardroom Operators.

(1) All cardroom operators must conspicuously display a notice of the rake amounts, time limitations, or other rake procedures, and ~~any the minimum and maximum~~ bet limits imposed at each card and domino table.

(2) Cardroom operators shall maintain a roster of all persons a cardroom operator employs. A cardroom operator shall also maintain a weekly listing of all cardroom employees who worked during each week. The list of persons shall include for each employee:

- (a) The job title;
- (b) Full name; and
- (c) Occupational license number.

(3) Cardroom operators shall maintain a log of persons whose employment with the cardroom operator has been terminated, or the employee resigned, or abandoned his or her position, that includes:

- (a) Full name;
- (b) Occupational license number; and

(c) A description of the reason for the employee's separation.

(4) The cardroom operator shall notify the division of any change in companies providing services within 10 days of such change on Form DBPR PMW-3220, List of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom, effective _____, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035 adopted and incorporated by Rule 61D 12.001, F.A.C., of any change in companies providing services within 10 days of such change.

(5) The cardroom operator must display its hours of operation in a conspicuous location in the cardroom subject to the following terms and conditions:

(5)(a) Days and hours of cardroom operation shall be those set forth in the application or renewal of the cardroom operator's license, or in the notice of change in the cardroom operator's hours of operation as required in subsection (6) paragraph (d) below.

(b) When multiple cardroom licenses are used at the same facility, the cardroom operator shall designate which hours of operation apply to its license. The hours of operation for each designated cardroom shall not exceed the number of hours authorized in paragraph (e) below. The licensee's hours of operation shall be designated as the cardroom's cumulative hours of operation.

(c) Pursuant to Section 849.086(7)(b), F.S., a cardroom operator may operate a licensed facility any cumulative 12-hour period within the day for each cardroom license issued;

(6)(d) A cardroom operator shall submit proposed changes to the days and hours of cardroom operation to the division in writing at least seven days prior to proposed implementation.

(e) When multiple cardroom licenses are used at the same facility within the same designated cardroom gaming area specified in the cardroom operator's internal controls pursuant to sub-subparagraph 61D 11.019(4)(n)1.d., F.A.C., a period of transition between each licensee's cumulative hours of operation shall be identified in the cardroom operator's system of internal controls. Procedures shall address exchanging the drop boxes for each table and count room operation and security. Patrons may remain in the cardroom according to the procedures in the system of internal controls if:

1. The cardroom system of internal controls addresses security requirements during the drop; and

2. Only the activities listed in sub-paragraphs (5)(f)1.-3. are conducted until the drop has been completed.

~~(f) The cardroom operator shall allow only the following activities to be conducted during a period of up to one hour prior to or a period of up to one hour after the cumulative hours of operation:~~

1. ~~Buying or cashing out of chips or tokens;~~
2. ~~Seating cardroom customers at cardroom tables; or~~
3. ~~Completing tournament buy ins or cash outs.~~

~~(g) The cardroom operator shall not permit the following activities to occur during a period of up to one hour prior to or a period of up to one hour after the cumulative hours of operation:~~

1. ~~The handling of the decks of cards by the dealers or dominoes by the dominoes supervisors, even if a deck of cards or dominoes are present on the table; or~~

2. ~~The commencement, implementation or conclusion of authorized game play.~~

~~(h) If more than one cardroom operator is licensed to operate a cardroom at the same pari-mutuel facility in the same designated cardroom gaming area specified in the cardroom operator's internal controls pursuant to sub-subparagraph 61D 11.019(4)(n)1.d., F.A.C., the cardroom operator must provide the following in its internal controls:~~

1. ~~Procedures to assure that each cardroom operator's funds are managed and accounted for separately; and~~

2. ~~Count procedures as required in paragraph 61D-11.0175(5)(e), F.A.C.~~

(7) Cardroom operators shall maintain a cardroom floor plan that shall:

(a) Show the placement or location of the following:

1. Each cardroom table and its corresponding number;

2. All camera locations and their assigned numbers;

3. Cashiers' cage(s) and/or vault, count room, and podiums, or other areas for use of cardroom transactions;

4. The surveillance room; and

5. The designated cardroom employee break area that limits opportunity for dealer and player personal interaction.

(b) Be maintained in the surveillance room;

(c) Be based on a readable scale, or specific to the requirements in subsection 61D-14.050(2), F.A.C., if the cardroom operator also offers slot machine gaming and the floor plans for both gaming types are combined;

(d) Be submitted to the division for approval any time there are changes to the floor plan, including, but not limited to:

1. Movement, number, or dimensions of tables;

2. Movement of cameras; or

3. Movement of any podiums on the gaming floor.

~~(8)(6)~~ A cardroom operator must display separate signage throughout the designated cardroom gaming area providing notice of the following restrictions in a conspicuous location:

(a) The minimum age to play required by Section 849.086(12)(b), F.S. A player must be at least 18 years of age;

(b) The hours of operation;

~~(c)(b)~~ No side betting or playing light bets are permitted; and

~~(d)(e)~~ No credit is extended by the house.

(9) Cardroom operators shall establish security controls that limit access into the cashiers' cage(s), count room, vault, and surveillance room which shall include:

(a) A current list of employees authorized to enter each secure area to be posted on the inside door of the entrance to each specific area, in the security office, and in the surveillance room at all times; and

(b) Full names and license numbers as listed on the occupational licenses issued by the division and shall be provided to the division upon request.

~~(10)(7)~~ Cardroom operators are required to issue a photo identification to all cardroom employees. The photo identification shall include, at a minimum, the name of the cardroom facility, cardroom employee occupational license number, and the employee's name, and expiration date of the license.

~~(11)(8)~~ The cardroom operator must provide the division written notice within 20 days of a change in any management company contract.

~~(12)(9)~~ Cardroom operators shall establish a system for using imprest ~~banks and trays~~ and vaults for cardroom operations that is included in the internal controls, and provides for:-

(a) Maximum amounts of currency permitted to be maintained in imprest trays; and

(b) Imprest trays that are lockable and equipped with removable covers; or

(c) A procedure to require the removal of imprest trays to a secure area at the end of each gaming day.

~~(13)(10)~~ At the close of each shift, the chips, tokens, and currency in the imprest tray at each table shall be reconciled to the beginning balances pursuant to the approved cardroom internal controls.

~~(14)(11)~~ Cardroom operators shall remove all drop boxes, other than those used on tables designated as tournament only tables, at the same time each day as indicated in the internal controls and lock them ~~The drop box must be locked~~ in a secure location until the count takes place.

~~(15)(12)~~ The cardroom operator shall designate and assign a licensed cardroom employee as a dealer for each card table that is being used for play. The assigned dealer shall be present at his/her assigned table during all gaming activity. No gaming may be conducted at a card table during the absence of the licensed designated dealer.

~~(16)(13)~~ The cardroom operator shall designate and assign a licensed cardroom employee as a cardroom manager or supervisor during the operation of the cardroom. The assigned manager or supervisor shall be present within the licensed cardroom facility at all times during gaming activity. No gaming may be conducted within the licensed cardroom facility during the absence of the designated manager or supervisor.

~~(17)(14)~~ When a cardroom operator is offering games of dominoes, the cardroom operator shall designate and assign at least one licensed cardroom employee as the supervisor of games of dominoes. A dominoes supervisor may not supervise more than eight dominoes tables.

(18) A cardroom operator shall provide a list of each person it refuses entry into its cardroom for a period of 30 days or longer pursuant to Section 849.086(7)(g), F.S., which shall include the:

(a) Name and current address (if available) of the person refused entry;

(b) Date of the refusal;

(c) Reason for the refusal; and

(d) Period of time.

(19) Each cardroom operator providing dominoes for play shall provide internal controls for the interaction between the vault and the dominoes supervisor.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, 9-7-08,_____.

61D-11.013 Display of Identification and Possession of Occupational Licenses.

(1) All cardroom employee occupational licensees shall wear their photo identification issued pursuant to subsection ~~61D-11.012(10)~~ ~~61D-11.012(7)~~, F.A.C., while on duty. A cardroom employee shall not attempt to hide his or her photo identification from any patron or from surveillance cameras.

(2) Cardroom occupational licensees may have the option to only wear a facility issued photo identification card if the:

~~(a) The employee has the cardroom employee occupational license on their person at all times; and~~

~~(b) The name which is on the photo identification card shall match the name on the cardroom employee occupational license.~~

Rulemaking Authority 550.0251(12), 849.086(4), (6) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-7-08, _____.

61D-11.014 Cards.

(1) The cardroom operator shall only use cards designed to eliminate the ability of any person to place concealed markings on the back of all cards in a deck.

(2) Cards that are taped, cut, shaved, marked, defaced, bent, crimped, or deformed shall not be used.

(3) All cards shall be plastic.

(4) Decks of playing cards intended for use in a cardroom licensed facility shall be locked in a secure location when not in use.

(5) Each dealer assigned to a card table shall inspect each deck of playing cards intended for use at that table. Inspection of the deck of playing cards shall commence no earlier than the start of the designated cumulative hours of operation for that cardroom license. The assigned dealer must ensure that cards are not taped, cut, shaved, marked, defaced, bent, crimped, or deformed in any fashion that may permit covert identification of the card by players.

(a) Any card that is taped, cut, shaved, marked with any description, defaced, bent, crimped or deformed in any fashion that may permit covert identification of the card by players during the course of play must be withdrawn from play and marked as a complete deck of 52 cards or 54 cards when the joker cards are included, and identified as damaged cards. Each time a card is determined to be damaged, the entire deck shall be withdrawn from play and replaced with a new deck after that new deck is thoroughly inspected under the requirements of this rule.

(b) Any deck of cards in which it is determined damaged cards exist shall be withdrawn from play immediately upon identification of the damage as follows:

1. The entire deck of cards containing the damaged card or cards shall be removed from play before card play may resume at the card table and the damaged card or cards shall be placed in a sealed envelope or evidence bag container;

2. The sealed envelope or evidence bag container shall be marked with the table number, the date, and time the deck was withdrawn from play;

3. The cardroom supervisor shall sign his/her name across the seal of the envelope or as otherwise provided on the evidence bag container indicating the supervisor has sealed and inspected the seal prior to storage of the damaged card or cards;

4. All damaged cards shall be retained for at least 14 ~~30~~ days from the date of withdrawal from play; and

5. The remaining cards in the deck may be reused for play, after the missing card or cards are replaced and the entire deck is inspected by the dealer as required in subsection 61D-11.004(9), F.A.C. paragraph (d) of this rule.

(c) Cards which have been removed from play shall be permanently altered so that the cards can not be put back into play.

~~(d) Dealers shall:~~

~~1. Inspect all cards in the deck of cards provided for play at his/her card table prior to beginning card play;~~

~~2. Exchange or rotate the deck of cards with another approved deck of cards at least every six hours; and~~

~~3. Inspect and count all cards in the deck provided for exchange or rotation before employing that deck in the next game of cards.~~

~~(d)(e)~~ If an automated card shuffling device is being used, a cardroom operator shall use two decks of cards; and

1. The backs of the cards in the two decks shall be of different colors;

2. One deck shall be shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game; and

3. Both decks shall be continuously alternated in and out of play, with each deck being used for every other game.

(6) Internal controls shall be established for the issuance of all cards to the shift supervisor and the floor supervisors.

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-7-08, _____.

61D-11.0149 Dominoes Supervisors.

(1) The dominoes supervisor shall be responsible for oversight of the play of dominoes for the tables which includes:

(a) Collection of any fee for participation;

~~(b) Exchanging of cash for chips or tokens. Each cardroom operator providing dominoes for play shall provide internal controls for the interaction between the imprest bank and the dominoes supervisor;~~

(c) Inspection of the dominoes for compliance with Rule 61D-11.0145, F.A.C., before each ~~the~~ set is made available for play; and

(d) Reporting of any side betting to management pursuant to internal controls.

~~(2) A dominoes supervisor shall not allow a bet or raise amount, or the number of raises in a round of betting, to exceed the limits imposed by Section 849.086(8)(b), F.S.~~

~~(2)(3)~~ Dominoes supervisors shall only take breaks in areas designated by the cardroom operator on the approved cardroom floor plan, submitted pursuant to subsection 61D-11.012(7), F.A.C. in their internal controls.

(3) Other than tips, dominoes supervisors shall not accept any items of value or gifts from players or any patrons of the facility.

(4) Dominoes supervisors shall not allow cash or any other personal items to be placed on a table during the play of any game of dominoes.

~~(5) Dominoes supervisors shall manage the retirement of all dominoes, chips, or tokens, as stated in the internal controls.~~

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 9-7-08, Amended _____.

61D-11.015 Chips and Tokens.

(1) All chips and tokens not in play or which are not available for play or use that day shall be locked in a secure location.

(2) Daily records must be kept for all chips and tokens issued including the date, time, table to which they were issued, the denomination(s), and total value.

(3) The face of each chip or token must include:

(a) The name and/or the logo of the facility that issued the chip or token. ~~Names of other facilities shall not be displayed on a chip or token;~~ and

(b) The value of the chip or token.

(4) The denomination of chips or tokens must be distinguishable from other chips or tokens when stacked.

(5) Chips or tokens purchased at a cardroom facility shall be redeemed by the cardroom operator for the appropriate cash value.

(6) Tournament chips shall:

(a) Be distinguishable from all other chips used at the cardroom facility;

(b) Not be redeemable for anything of value;

(c) Be only purchased at a buy-in or registration; and

(d) Be used to compute the total points or units accumulated and the winner or winners of a tournament.

(7) Cardroom operators shall maintain records documenting the daily ending inventory of tokens and chips pursuant to Section 849.086(11)(a), F.S.

(8) If a cardroom operator elects to cross-cash chips with other licensed cardroom operators under the same ownership, each participating cardroom operator's internal controls shall include procedures to:

(a) Ensure that cross-cashed chips and regular house chips are maintained separately;

(b) Designate a secure area under surveillance to maintain cross-cashed chips;

(c) Establish a threshold for the amount of cross-cashed chips accumulating on a partner cardroom's behalf or designate a time frame for how long cross-cashed chips may remain in the cardroom operator's possession;

(d) Account for the exchange of funds for the exact amount representing the accumulated chips; and

(e) Transport cross-cashed chips back to their original cardroom.

(9) In the event partner cardrooms cross-cash chips, the cross-cashing procedures for each cardroom operator must be in agreement with those submitted by their partner cardroom operator.

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 4-12-06, 9-7-08, _____.

61D-11.016 Card and Domino Tables.

(1) Card tables shall have clearly designated rake circles, imprest trays, tip boxes, and drop box slots. In lieu of a rake circle on a card table, a drop box slide may be used.

(2) Domino tables shall be square with clearly designated areas located at each of the two or four corners of the table for the placement of wagers and the payment of participation fees. The surface of the dominoes table shall be one solid color that will not interfere with the ability of the surveillance system to clearly identify each domino played or the value of chips or tokens in the wagering area. There shall be no imprest tray on a domino table.

(3) Card games shall only be played on card tables.

(4) Dominoes shall only be played on domino tables.

(5) Each table shall be clearly designated with the number of the table, which shall be visible to the surveillance system.

(6) At no time may a cardroom contain more tables than that for which the cardroom operator has been licensed.

(7) Card tables that are used only for tournament play do not need to meet the requirements of authorized tables in subsection (1) above. Domino tables that are used only for tournament play do not need to be equipped with drop boxes and drop box slots. Tables used only for tournament play shall be designated as "tournament only" in the floor plan as required by subsection 61D-11.012(10) Rule 61D-11.019, F.A.C.

(8) If card ~~Card~~ and domino tables are used solely for tournament play may be equipped with "hole card" cameras or are special card tables that allow card play to be displayed via broadcast, the licensed broadcaster shall: that only permit a non-live delayed feed broadcast.

(a) Ensure that there is a minimum of a 60-second delay between the recording and the non-live delayed feed broadcast; and

(b) Ensure that the broadcast does not interfere with the cardroom operator's surveillance system recordings.

Rulemaking Authority 550.0251(12), 849.086(4)(a) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 9-7-08, 1-4-12, _____.

61D-11.0175 Cardroom Drop, Count Rooms, and Count Procedures.

(1) At the close of each shift, but not less than once daily, the cardroom operator shall:

(a) Count and record the amount of chips or tokens and currency for each imprest tray table;

(b) Make fills or replenish a fill or credit to bring the imprest trays to bring them tray back to their its beginning balances balancee;

(c) Document beginning and ending inventories in the fill or credit report reflecting the value of chips or tokens and currency whether final fills are or are not made;

(d) Confirm that the designated supervisor has verified the replenishment of each imprest tray beginning and ending inventories of chips or tokens and currency; and

(e) Ensure that drop boxes are removed from tables immediately and transported to the count room or other secure area by two or more employees. At least one of the transporting employees shall not be a security employee under the immediate supervision of the shift supervisor or manager.

(2) The cardroom operator shall have a count room within its facility used for counting of chips, tokens, and funds. Cardroom operations counts shall be performed at separate times and independent of pari-mutuel or slot operations counts.

(3) The count room shall include:

(a) Reinforced doors equipped with locks and a device that audibly signals the surveillance monitoring room and the security department whenever a door is opened;

(b) Tables for counting chips, tokens, or currency;

(c) Surveillance equipment as referenced in paragraph 61D-11.025(5)(b) ~~61D-11.025(5)(e)~~, F.A.C.; and

(d) The controlling requirements in Rule 61D-14.063, F.A.C., for count rooms that are also used for slot machine gaming counts. A fixed door type or hand-held metal detector to inspect all persons exiting the count room. In lieu of the use of metal detectors, a cardroom operator may choose to complete a key inventory at the exit door of the count room that shall be described in the internal controls.

(4) The internal controls shall include the following procedures to be followed before any count process:

(a) A procedure for securing chips, tokens, or currency from any previous count, before another count begins;

(b) Procedures providing for a count team, including a designated supervisor and at least two other team members, with the designated supervisor ~~one team member~~ being the count recorder. Count team members' members ~~members~~ shall ~~be rotated as specified in the internal controls~~. The rotation shall be such that the team is not the same three individuals more than any three days per week;

(c) A procedure ensuring that all persons present in the count room during the counting process wear outer garments that must be a full-length, short sleeved, one-piece, pocket-less garment with openings for the arms, feet, and neck only, which are in good condition and completely closed, fastened, or zipped at all times while in the count room;

(d) A procedure ensuring that the cardroom manager or cardroom supervisor is prohibited from participating in the count activities;

~~(e)(d)~~ (e) A procedure ensuring that no person carry any personal items into the count room, other than those items needed for medical necessity; and

~~(f)(e)~~ (f) A procedure ensuring that the designated count team ~~room~~ supervisor record, in writing, the name and license number of each member of the count team, and record the same information on any personnel entering or exiting the count room during the count process.

(5) The internal controls shall include the following procedures for the count process:

(a) A procedure for dual count and reconciliation of all chips, tokens, or currency. ~~Dual count and reconciliation which shall be a procedure to ensure presentation of all chips, tokens, or currency in the count room to an employee who verifies the count chips, tokens, or currency~~;

(b) A procedure to resolve segregate chips, tokens, or currency including a procedure for resolving any discrepancies which arise at any time during the count or in the transfer of the drop to the vault;

(c) A procedure to require that all count team members enter the count room as a group for handling torn or mutilated chips, tokens, or currency;

(d) A procedure for the designated supervisor to ensure that: proper use of any counting machine that may be used;

1. If a count team member has to leave the count room, all count team members:

a. Cease the count;

b. Secure all chips in the count room;

c. Leave the count room together;

d. Are inspected by security before leaving the count room; and

e. Do not re-enter the count room until all count team members are present.

~~2.(e) Count team members empty A procedure for emptying the contents of each drop box on the count table;~~

~~3.(f) Each A procedure requiring that each drop box is be counted separately;~~

~~4. No other box is opened while a box is on the count table;~~

~~5. All content keys remain visible to surveillance until the end of the count;~~

~~6.(g) Once empty, A procedure to ensure that the drop box number and the inside of the drop box is be held up to the full view of a surveillance camera with the drop box number called out verbally;~~

~~7.(h) After A procedure to ensure that after each drop box has been viewed and counted, the drop box shall be locked and placed in a storage area exclusively for drop boxes; and~~

~~8.(i) The A procedure for a count team member to record the following information is recorded on each a count report:~~

~~a.1. The table number to which each drop box contents corresponds;~~

~~b.2. The value of each denomination of chips, tokens, or currency counted;~~

~~c.3. The total value of all denominations of chips, tokens, or currency counted; and~~

~~d.4. The gaming date of the count and shift if more than one count is conducted daily; and~~

~~e. The the total number of all drop boxes opened and counted.~~

~~(e)(j) A procedure to require the signed documents to be transported to the accounting or finance department immediately after the count and for that department to reconcile the daily count records to the totals on the Monthly Remittance Reports required in subsection 61D-11.018(2), F.A.C.;~~

~~(f)(k) A procedure to ensure that the doors to the count room remain locked except to allow authorized entrance to individuals as listed on the inside of the count room door pursuant to subsection 61D-11.012(10), F.A.C. stated in the internal controls;~~

~~(l) A procedure to ensure that:~~

~~1. All count team members secure all of the chips, tokens, or currency in the count room if a count team member leaves the count room;~~

~~2. All count team members are screened before leaving the count room;~~

~~3. No count team member shall be in the count room alone; and~~

~~4. The count team members do not re-enter the count room until all count team members are present;~~

~~(g)(m) A procedure ensuring that each count report is signed by the count team members and the count team room supervisor; and~~

~~(n) A procedure ensuring reconciliation of copies of fill or credit reports to the count sheets.~~

~~(h) A procedure requiring that in the event of an emergency drop at a card or domino table, play ceases at that table during the drop;~~

~~(o) In the event more than one cardroom license is operated at the facility, a procedure ensuring:~~

~~1. Physical security for procedures at the end of each cardroom licensee's cumulative hours of operation for:~~

~~a. The drop;~~

~~b. The count of the drop.~~

~~2. Funds from each licensee's operation are maintained and accounted for separately; and~~

~~3. That prior to beginning the operations for each subsequent license for that day:~~

~~a. Card play ceases at each table during a drop;~~

~~b. The time required pursuant to the cardroom operator's system of internal controls is maintained for the close out of the licensee's cumulative hours of operation;~~

~~e. That procedures required pursuant to the cardroom licensee's internal controls are in place for drop box retrievals and exchanges; and~~

~~d. The drop and count of funds related to each license occur in compliance with all of the requirements of Chapter 61D-11, F.A.C.~~

~~(6) The internal controls shall include the following procedures to be followed after any count process:~~

~~(i)(a) A procedure requiring security employees the supervisor to inspect;~~

~~1. The the entire room and all counting equipment to verify that no chips, tokens, or currency remain in the room; and~~

~~2. Any trash containers prior to removal from the count room and to ensure only clear bags are used in the count room.~~

~~(j)(b) A procedure to make corrections correction to information originally recorded by the count team or to any count documentation by crossing out the error, entering the correct figure, and entering the initials of at least two count team members who verified the change; and~~

~~(k)(e) A procedure to reconcile the cardroom drop revenue to an increase in the vault cash balance, fill or credit report for each imprest tray to the count documentation;~~

~~(d) A procedure for the delivery of the verified and signed count documents to the accounting department. The delivery shall occur immediately after all count procedures are completed; and~~

~~(e) A procedure requiring that the accounting department calculate and record the total drop for that gaming day based upon the verified and signed count documents.~~

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 9-7-08, Amended

61D-11.018 Reporting Requirements to Determine Net Proceeds or Gross Revenues.

(1) Each cardroom operator shall maintain a copy of monthly records related to the cardroom activities on the premises. The cardroom operator must maintain documentation supporting all amounts reported in the records.

(a) For greyhound and jai alai permitholders, each record shall clearly show totals of gross revenues.

(b) For harness or thoroughbred permitholders, each record shall clearly show totals of operating revenues, expenses, and net proceeds.

(2) For each license operated, cardroom operators shall file a separate Form DBPR PMW-3640, Cardroom Monthly Remittance Report, effective _____, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, adopted and incorporated by Rule 61D-12.001, F.A.C., with the division by the fifth day of each month for the preceding month's cardroom activity.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 4-12-06, 9-7-08, _____.

61D-11.019 Internal Controls Control System.

(1) Initial and annual applications for a cardroom license shall include a complete set of written internal controls control system established in compliance with Section 849.086, F.S., and the rules promulgated thereunder. Subsequent changes to the internal controls must be submitted to the division for approval prior to implementation, as one complete set, in a format which will include underlining additions and striking through deletions, since the last date of approved revisions with a footnote of the current revision date. The division will have 30 days from receipt to approve or disapprove the internal controls.

(2) Failure of any cardroom operator to follow the internal controls once approved by the division shall be a violation of these rules.

(3) A cardroom operator shall design and document an internal controls control system to reasonably assure that:

- (a) Assets are safeguarded;
- (b) Financial records are accurate and reliable;
- (c) Transactions are performed in accordance with management's authorization;
- (d) Access to assets is permitted only in accordance with management's specific authorization;

(e) Recorded accountability for assets is compared with actual assets at frequent intervals and appropriate action is taken with respect to any discrepancies;

(f) Functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel so that errors will be disclosed and corrected in a timely manner;

- (g) Fraud is prevented or detected;
- (h) Safety of the public and employees is enhanced; and
- (i) Competency of staff and ability to comply with established policies and procedures is promoted through training; ~~and~~
- ~~(j) Efficiency of operations is enhanced.~~

(4) The cardroom manager or general manager shall sign and submit the internal controls control procedures to the division. The internal controls control procedures shall at a minimum contain the following:

(a) A requirement that a supervisor or the transporter verify all transfers between imprest trays and the cardroom vault bank with their signature on the transfer document or a procedure in which tokens that display monetary amounts, commonly referred to as ~~a~~ lammers, are used by cardroom floor staff to authorize and document transfers between imprest trays and cardroom vaults or cages banks;

(b) The designation of a cardroom vault bank holding all cardroom funds;

(c) The designation of the secure location ~~an imprest bank~~ holding all imprest trays;

(d) The designation of a cashier cage methodology for or as a method of controlling and accounting for funds within the cashiers' cashier cage that are part of the cardroom vault bank ~~as an alternative to an imprest bank if designated in the internal controls~~;

(e) A requirement that all transactions flowing through the cardroom vault bank be summarized daily as specified in the internal controls as follows:

1. Increases and decreases to the cardroom vault bank inventory shall be summarized and supported by documentation;

2. A record shall reflect that the cardroom vault bank inventories are counted by at least two persons and recorded at the end of each day on inventory documentation;

3. Information shall be summarized and recorded in the cardroom operator's accounting records on the business day following each day of operation; and

4. A statement of whether ~~a cardroom vault an imprest bank~~ or cashier cage methodology is used shall be indicated by the cardroom operator.

(f) When a cashier cage methodology is used, the facility shall include in the ~~cardroom facility internal controls control procedures security procedures controls~~ that limit access into the ~~cashiers' cashier cage. The internal controls shall also require a list of employees who are granted access to the cashier cage and their individual license numbers;~~

(g) A requirement that the cardroom operator perform an internal audit of the cardroom internal controls once annually audits every six months of operation. Internal audit documentation must:

1. Be submitted in a checklist format consisting of the cardroom operator's existing approved internal controls, with attestation by the signature of the cardroom manager or his/her equivalent;

2. Include a footnote as to the date the audit is completed;

~~3.1.~~ Include documentation of material exceptions to internal controls; and

~~4.2.~~ Be provided to the division within 30 days of the date of completion of the internal audit.

(h) A description of the cardroom's patron dispute resolution process;

~~(i) A list of all authorized games offered for play and a description of the rules of play and wagering requirements for each game;~~

~~(j) A requirement for the complete replacement of all card decks that have been in play for three months and domino sets that have been in play for six months;~~

~~(i)(k)~~ The methodology for administration of jackpot payouts shall include:

1. Documentation of whether the payment was made in chips, tokens, currency, or by check, or any combination thereof; and

2. That the patron shall have the option to select the type of payment.

~~(j)(4)~~ An identification of where dealers may take their break, and provide at a minimum, that such breaks be arranged so there is limited opportunity for dealer and player personal interaction;

~~(m) The methodology for administration of rakes to include:~~

~~1. A flat fee rake or a rake on a time limit shall be designated for each cardroom or cardroom game. The method of rake may be different for different cardroom games within one cardroom;~~

~~2. When the cardroom elects to use a flat fee rake, the amount of the rake the cardroom operator designates shall be stated in the cardroom internal controls; and~~

~~3. When the cardroom operator elects to employ a rake on a time limit basis, the amount of the rake for each time period shall be stated in the cardroom internal controls;~~

~~(n) A floor plan of the cardroom that shall be maintained in the surveillance room. The floor plan shall:~~

~~1. Be based on a readable scale and show the placement or location of the following:~~

~~a. Each cardroom table and its corresponding table number;~~

~~b. Security cameras and other surveillance equipment;~~

~~c. Count rooms and cashier cage;~~

~~d. The location of the cardroom operator's designated cardroom gaming area. Designated cardroom gaming areas shall be separated by a check in area where the cardroom operator shall check identifications of players prior to being seated for play or shall have controlled entry and exit points where the cardroom operator shall check identifications to ensure no persons under 18 years of age are allowed access to the designated cardroom gaming area; and~~

~~e. The security surveillance system monitoring room.~~

~~2. Provide for clear lines of sight for the security surveillance system. There shall be no area where cards or dominoes are played or where money is collected, distributed, or counted which the security surveillance system is unable to monitor with clarity.~~

~~(k)(o)~~ The methodology for key access controls for drop boxes;

~~(l)(p)~~ The methodology for retirement of cards, chips, dominoes, or tokens. The methodology shall:

1. Designate the individual position responsible for the retirement procedure;

~~2. State the time line for how often the retirements shall occur; and Require the cardroom operator to notify the division in writing of the retirement action no later than 30 days after retirement of the cards, chips, dominoes, or tokens; and~~

~~3. Maintain a record of all retirement actions, which shall be available to the division upon request. Require all retired cards, chips, dominoes, or tokens be retained in a secure location for 60 days.~~

~~(m)(q) The methodology for a dealer or cage cashier when counting the impressments under surveillance coverage, when a card table imprest tray is replenished, maintaining a database of persons who have been excluded from its facility by the cardroom operator or the division;~~

~~(r) A requirement that all internal control documents include a footnote with the revision date for that version of the internal controls; and~~

~~(s) If the facility permits the use of cardroom chips or tokens to purchase pari mutuel tickets, then the internal controls must provide a procedure to:~~

- ~~1. Identify all cardroom chips or tokens used to purchase pari mutuel tickets;~~
- ~~2. Convert the cardroom chips or tokens to cash; and~~
- ~~3. Return all cardroom chips or tokens to the cardroom at the end of each shift.~~

~~(t) The methodology for maintenance of any jackpot rake funds withheld for cash payment of jackpot winnings for the following cardroom gaming day; and~~

~~(u) The methodology for administration of Texas Hold-em without a betting limit when a player moves to an active table because play at a previous table is terminated due to circumstances beyond the player's control, pursuant to paragraph 61D-11.004(2)(a), F.A.C.~~

~~(5) The division shall not approve an internal control submission if:~~

~~(a) Any provision of the internal control submission is inconsistent with the requirements of Chapter 61D-11, F.A.C.;~~

~~(b) Any game or series of games played is not an authorized game under Section 849.086(2)(a), F.S.; or~~

~~(c) Players are allowed to wager in excess of the wagering limitation found in Section 849.086(8)(b), F.S.~~

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-07-08,_____.

61D-11.020 Drop Box and Key Control Procedures.

(1) Each table shall have a drop box that is configured to permit the dealer to insert the rake directly into the drop box. The drop box shall be:

- (a) Marked with a permanent number corresponding to the table number to which the drop box is assigned;
- (b) Affixed with a lock to the table; and
- (c) Separately keyed from the table release lock.

(2) Each cardroom operator shall develop and use a lock and key control system that limits or restricts access to secure compartments, drop boxes, and areas as identified in the operator's internal control procedures.

(a) The cardroom operator's security department shall receive the locks and keys; and

(b) A master locksmith or similarly qualified cardroom operator employee shall install all locks specified in this subsection.

(3) The cardroom operator's security department shall maintain all drop box keys as specified in the internal controls.

(4) Drop boxes shall require dual keys: Drop box release keys used to unlock the box from the table and the drop box contents keys shall have separate custodians who shall be authorized by the cardroom operator's internal controls to:

(a) Have access to the drop box release keys and remove the drop boxes from the tables; and

(b) Have access to the drop box contents keys and open the drop boxes during the count procedures.

(5) If access to keys is manually controlled, all access shall be documented in a written log that shall include:

- (a) The justification for access to keys;
- (b) The identity of the key and key box;
- (c) The occupational license number or employee number of the employee removing the key;
- (d) The date and time each key is signed out;
- (e) The date and time each key is returned; and
- (f) The signatures of at least two persons for each key removed.

(6) If an electronic key box is used, the electronic key box system shall provide scheduled and on-demand reports for a complete audit trail of all access including:

- (a) The identity of the key and key box;
- (b) The occupational license number or employee number of the employee removing the key;
- (c) The date and time each key is signed out;
- (d) The date and time each key is returned;
- (e) A report of unauthorized attempts to access the key box;
- (f) All entries, changes, or deletions in the key box system; and
- (g) The identity of the employees who made attempts to enter or perform changes, or deletions in the key box system.

(7) All duplicate keys shall be controlled in the same fashion as the original keys.

(8) Cardroom operators shall:

(a) Remove all drop boxes immediately after the end of the final game for each day's activity. In the event the immediate removal of drop boxes is not possible, a security guard shall be in the room until the drop boxes are removed; and

(b) Remove drop boxes so that the markings are clearly visible to surveillance cameras.

(9) The drop box count shall comply with Rule 61D-11.0175, F.A.C., and the cardroom operator's internal controls control system.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-7-08,_____.

61D-11.021 Tip Box Procedures.

(1) Each table shall have a dealer tip box that is configured to permit the dealer to insert a tip directly into the tip box.

(2) All tip boxes shall be marked:

- (a) To make them clearly visible to surveillance cameras;
- (b) To distinguish from all other boxes as a tip box; and
- (c) With a permanently affixed identification number or name.

~~(3) Dealers shall:~~

~~(a) Place each tip on the table in front of the tip box so that surveillance can identify the tip; and~~

~~(b) Tap the tip on the corner of the imprest tray before inserting the tip into the tip box.~~

~~(3)(4)~~ The cardroom operator shall maintain, by date, a log indicating tip box assigned, by number or name, and total tips each dealer collected.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-7-08,_____.

61D-11.022 Cardroom Imprest ~~Bank and Card Table Imprest~~ Tray.

~~(1) A cardroom operator shall designate a secure area for housing the bank for cardroom operations.~~

~~(1)(2)~~ The chips, tokens, and currency for the cardroom operation shall be physically maintained separately from any other currency of the pari-mutuel wagering facility, except that chips may be used to purchase pari-mutuel tickets if the cardroom operator’s internal controls include procedures for converting the designated chips back to cash and returning that cash to the cardroom at a minimum of once daily.

~~(3) All cardroom operators must employ an imprest bank or cashier cage method.~~

~~(2)(4)~~ When a card table imprest tray is replenished, the dealer or cage cashier shall count the impressments under surveillance coverage by the method as stated in paragraph 61D-11.019(4)(m), F.A.C. from the cardroom imprest bank:

~~(a) The dealer shall count all chips, tokens, and currency transferred in public view under surveillance on the card table; and~~

~~(b) The transporter or a supervisor shall verify the value of the transferred chips, tokens, and currency the dealer has counted.~~

~~(3)(5)~~ The cardroom supporting area where unused imprest trays are stored ~~bank or cashier cage~~ must be a secure area where access is limited to those persons authorized

pursuant to subsection 61D-11.012(9), F.A.C. If unused imprest trays are not maintained in such secure area, they must be locked and secured to the table under constant surveillance coverage at all times ~~in the internal controls.~~

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-7-08,_____.

61D-11.025 Cardroom Electronic Surveillance.

(1) Each cardroom operator shall operate an on-site install ~~in its establishment a room with an~~ electronic surveillance system according to the specifications herein to monitor the activities within ~~its~~ the cardroom and supporting areas ~~facility.~~

(2) The surveillance system must be capable of:

(a) Covert ~~The covert~~ monitoring of:

- 1. The conduct and operation of card and domino tables;
- 2. The conduct and operation of the location(s) central location where tournament buy-ins, registrations, re-entries, and prize payouts ~~and registration~~ occur;
- 3. The conduct and operation of the cashiers’ cage(s) and/or vault ~~cashier’s cage;~~

4. The collection and count of the cardroom’s gaming revenue and jackpot drop;

5. The movement of any cardroom imprest tray, chips, tokens, or currency while being transported within the facility to a card or domino table, count room, money room, vault, cardroom vault ~~bank~~ or cashiers’ ~~cashier~~ cage, or other secure area.

(b) Detection and recording of:

1. Cheating, theft, embezzlement, and any other activity considered illegal under the law or inconsistent with Chapter 61D-11, F.A.C., or Section 849.086, F.S., in the cardroom facility; and

2. The presence in the cardroom facility of any unauthorized or excluded person.

(3) The person holding the position of cardroom manager or supervisor with oversight of cardroom drops and revenue shall not be in a position to conduct surveillance for the count room and drop activities.

(4) The surveillance system and equipment shall employ digital electronic technology with the acuity and clarity ~~that is~~ no less than that provided by magnetic tape systems. ~~The digital surveillance equipment installed at cardroom facilities shall provide the capability equal to or better than that required by this rule no later than January 1, 2009.~~ The digital surveillance equipment shall:

(a) Record to a quality of 4 Common Intermediate Format (CIF);

(b) Be viewable on a monitor; and

(c) Include date and time generators that display the accurate (real); ~~and~~

~~(4) Display the date and time of recorded events in the record to enable the operator to identify the point on such record at which a particular event was recorded.~~

(5) Different capability levels of cameras shall be:

(a) Dedicated cameras that record at a rate of 30 frames per second for viewing;

~~1. All all activities on the entire surface of each card, and domino, and count room table;~~

~~(b) Dedicated cameras that record at a rate of 30 frames per second for viewing;~~

~~2.1. The central location for tournament buy-ins and registration;~~

~~3.2. The cashiers' cage(s), cashiers' cashier's cage, cashier's drawers, and/or and vault, including windows, cabinets, and shelving; and~~

~~4.3. The surveillance room and activities conducted therein pursuant to subsection (17) of this rule.~~

(b)(e) PTZ cameras that:

1. Are placed behind domes or one-way mirrors;

2. Are concealed from view;

3. Permit unobstructed viewing with sufficient video monitors;

4. Simultaneously cover various vantage points;

5. Operate at a rate of 30 frames per second;

6. Permit identification of any person in the gaming area, and cardroom supporting areas, by obtaining a complete and clear image of the players' faces with sufficient clarity;

7. Monitor and record the movement of chips, tokens, currency, imprest trays, drop boxes, and tip boxes within the cardroom facility;

8. Monitor all areas and activities occurring within the count rooms with audio capability and motion-sensitive performance to record during any occupancy in the count process;

9. Monitor and record all areas where chips and tokens are exchanged for cash or checks with sufficient clarity to permit identification of all physical items involved in the recorded transactions; and

10. Magnify or zoom to clearly distinguish table numbers and the value of playing cards, dominoes, chips, tokens, and currency.

(6) During each count of chips, tokens, and currency in the count room cardroom facility:

(a) The surveillance room must be staffed with the personnel identified pursuant to subsection 61D-11.012(9), F.A.C. in the facility internal controls; and

(b) The count must be recorded with cardroom surveillance equipment.

(7) The surveillance room:

(a) Entrance shall be located so that it is not readily visible or accessible to the general public;

(b) Access must be limited to ~~the cardroom manager or other personnel authorized pursuant to subsection 61D-11.012(9), F.A.C. in the facility's internal controls;~~ and

(c) Shall be used for surveillance purposes only. The interior shall not be visible or accessible to the public.

(8) If a cardroom operator allows surveillance coverage to be viewed from a location outside of the surveillance room, the cardroom operator shall:

(a) Ensure that access to the room is limited to personnel authorized pursuant to subsection 61D-11.012(9), F.A.C.;

(b) Provide the location(s) in the cardroom internal controls;

(c) Provide the location(s) on the cardroom floor plan; and

(d) Ensure that the surveillance system or equipment at the location(s) is configured to prohibit manipulation, or instruction to be manipulated by any reviewer, of the surveillance system's settings and cameras.

~~(9)(8) Each camera unit required by this rule must be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled.~~

~~(10)(9) Employees shall not intentionally obstruct surveillance system equipment.~~

~~(11)(10) Adequate lighting shall be present in all areas of the cardroom to enable camera coverage of sufficient quality to produce clear recordings.~~

~~(12)(11) Reasonable effort must be made to repair each malfunction of surveillance system equipment required by this rule within 24 seventy two (72) hours after the malfunction is discovered.~~

(13) The cardroom licensee shall:

~~(a) Notify the division within 24 Within twenty four (24) hours of discovery of any surveillance equipment malfunction; the licensee shall notify the division via facsimile transmission or email pursuant to Rule 61D-11.0025, F.A.C.; of the equipment malfunction. If a malfunction is not repaired within seven (7) days after it is discovered, causing the licensee to be in non-compliance with this rule, the licensee must immediately notify the division via facsimile transmission of the failure to repair.~~

(b) Maintain a log of all malfunctions of the surveillance and recording equipment; and

(c) Notify the division within 24 hours upon completion of the surveillance equipment repairs.

~~(14)(12) All tapes and other electronic surveillance recordings of cardroom activity shall be:~~

(a) Maintained for at least 14 days;

(b) Labeled in chronological order by date and time of recording; and

(c) Retained for a period of time longer than 14 days if requested by the division or any law enforcement agency.

~~(15)(13)~~ The surveillance system must possess the capability to monitor, identify, and record the activities of all persons throughout the cardroom and supporting areas the patrons and dealers at each table in a manner that provides 100 percent camera coverage of the cardroom at all times.

(16) The surveillance system shall provide for clear lines of sight for any surveillance cameras or equipment and shall cover all areas where cards or dominoes are played or where money is collected, distributed, or counted.

~~(17)(14)~~ Each cardroom operator shall maintain a log of all surveillance activities in the surveillance room that shall include:

(a) Date and time each surveillance recording commenced and terminated;

(b) The name and license number of each person who initiates, performs, or supervises the surveillance;

(c) Reason for the surveillance, including the name, if known, and the description of each individual being monitored, and a brief description of the activity in which the monitored person is engaging;

~~(d) The time each recording commenced and terminated;~~

(d)(e) The time each suspected criminal or regulatory offense is observed, and a notation of the reading on the meter, counter, or device that identifies the point on the recording that such offense was recorded; and

~~(f) The time the surveillance is terminated; and~~

(e)(g) The date and time of any equipment malfunction and repair.

~~(18)(15)~~ When surveillance equipment malfunctions and fails to operate as required by this rule, play:

~~(a)~~ Play at the table or tables in any area for which there is inadequate monitoring shall be suspended, and designated with signage as "closed," until the quality of the surveillance system is restored to the levels required by this rule.;

~~(b) The cardroom operator shall ensure that any malfunction of surveillance equipment is immediately repaired or replace the malfunctioning equipment or component with a working unit to restore surveillance operation to the levels required by this rule; and~~

~~(c) The cardroom operator shall:~~

~~1. Maintain a log of all malfunctions of the surveillance and recording equipment;~~

~~2. Notify the division by the beginning of the next business day when:~~

~~a. Such repair is required; and~~

~~b. Upon completion of the repairs.~~

~~3. Repair or replace any video or audio recording system that has failed within 24 hours of the failure; and~~

~~4. Close the tables for play in that area for which there is inadequate monitoring if after 24 hours surveillance recording has not been restored.~~

~~(16) The surveillance system shall provide back up for video or audio recording during the repair and replacement time.~~

~~(19)(17)~~ The activity within the surveillance room shall be continuously recorded.

(20) Procedures for the operation of the surveillance system shall be maintained in the surveillance room.

(21) For a permit holder that is licensed to conduct both cardroom and slot machine gaming, that utilizes one surveillance system to monitor both types of gaming activities, Rule 61D-14.054, F.A.C., shall be the controlling rule for the surveillance room.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 10-21-97, Amended 9-7-08,_____.

61D-11.0251 Security Plans.

(1) The cardroom operator shall maintain a security plan in its security office that shall include:

(a) A position description for each security officer or employee that includes the position's duties, assignments, and responsibilities;

(b) The minimum number of security officers or employees required for each shift;

(c) Procedures for handling incidents requiring the assignment of a security officer or employee;

(d) Procedures for providing a security escort for unlicensed persons requiring incidental access to secure areas within the cardroom, that shall require the following information to be recorded:

1. The date the escort was conducted;

2. The full name of the security officer or employee conducting the escort;

3. The full name of the escorted person;

4. The reason for the escort; and

5. The area(s) to be escorted to and from.

(e) Procedures for providing physical security for:

1. Clearing the cardroom floor at the end of the gaming day; and

2. Securing the count room after each count is completed.

~~(f)(d)~~ Training requirements and procedures for employees and officers, that shall include; and

1. Use and location of alarm system devices; and

2.(e) Methods of response to A description of each alarm or alert used for incidents of violent crime that shall include, but not be limited to, robbery, armed robbery, or an incident involving a hostage situation.

(g) Key control procedures for:

1. Addressing missing, lost, or stolen keys;

2. Addressing broken locks;

3. Issuing replacement keys; and

4. Destroying keys and locks.

(2) The security plan shall include procedures for annual testing of all security alarms or alerts required by rules regulating the cardroom operator facility.

(3) For a permitholder that is licensed to conduct both cardroom and slot machine gaming, that maintains only one security plan to encompass all security measures for both gaming types, the plan shall meet all requirements of this rule in addition to those required by Rule 61D-14.051, F.A.C.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 9-7-08, Amended

61D-11.0275 Tournaments.

(1) ~~Each As part of its internal controls, each~~ cardroom operator; who conducts tournaments shall maintain provide written procedures for the conduct of each tournament tournaments that shall provide:

(a) ~~Require that the entry fee and any rebuys do not exceed the wagering limitations of Section 849.086(8)(b) and (c), F.S.;~~

(a)(b) ~~The Provide~~ a method for charging house and tournament fees for participation in a tournament of poker or dominoes; ~~and~~

(c) ~~Describe:~~

(b)1- The point values of chips or tokens;

(c)2- The number of chips or tokens each participant will receive upon buy-in or registration;

(d)3- ~~Tournament The appearance of~~ chips or tokens that are which shall be visually distinct from those used in regular play;

(e)4- The allowance and use of blinds;

(f)5- The allowance and use of re-buys;

(g) The charge for the purchase of additional chips;

(h)6- The estimated distribution of winnings; and

(i)7- The process to ensure that chips or tokens will not be redeemed for cash or any other thing of value.

(2) The written procedures must be available to all interested participants upon request and displayed within the cardroom.

(3) Cash received for entry fees shall be separate from all other cash received by the cardroom operator for regular cardroom gaming until such time as all cash is counted.

(4) The monthly remittance report filed with the division ~~as in conjunction with the report~~ required by subsection 61D-11.018(2), F.A.C. Section 849.086(13), F.S., shall include an aggregate accounting of:

(a) The amount collected for games played in a tournament per player;

(b) The total amount of participation fees collected;

(c) The total number of participants;

(d)The total amount distributed to winning participants;

(e) The taxable gross receipts amount; and

(f) The calculation of total tax due for tournaments the tournament.

(5) The cardroom operator shall:

(a) Maintain supporting documentation for a log of all tournaments played with a separate entry for each type of daily tournament that reconciles containing the information in paragraphs (4)(a) through (f) of this rule; and

(b) ~~Reconcile the log of tournament activity~~ to the aggregated columns information provided in the monthly remittance report in subsection (4); ~~and;~~

(b) Maintain a log of all tournament and prize pool payouts of \$500.00 or more on Form DBPR PMW-3642, Tournament Control Log, effective _____, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

(6) If a cardroom operator offers tournament registration to patrons through licensed vendors, the cardroom operator shall notify the division of the vendor(s), prior to conducting registrations.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 9-7-08, Amended

61D-11.0279 Jackpots, Prizes, and Giveaways.

(1) The following requirements apply to all cardroom and dominoes tables participating in jackpots:

(a) The cardroom operator shall post the rules of the jackpots offered, including which specific hands constitute a winner or winners, and all details regarding seeding the jackpot fund;

(b) Post the jackpot rake for each authorized game in the cardroom;

(c) Ensure that:

1. For jackpot proceeds, an additional drop box is installed on the left hand side of tables or another area of the table as specified in the cardroom's system of internal controls;

2. The internal controls require that the dealer drop the jackpot rake into the jackpot drop box;

3. Jackpot drop boxes have a permanently affixed number(s) or letter(s) that are of sufficient size to be verified through surveillance coverage and correspond that corresponds to the table to which the drop box is assigned;

4. Jackpot drop boxes are marked or colored to distinguish them from the regular drop box and tip box;

5. All jackpot drop boxes are dropped and counted daily using drop procedures set forth in Rule 61D-11.0175, F.A.C.;

6. Jackpot revenues are not commingled with other monies;

7. All revenue from the jackpot drop is ~~accumulated separately from other revenue and shall be:~~

a. Deposited daily into a separate non-interest bearing bank account; or

b. Held as cash on hand in the cashiers' cage or vault.:

~~(I) In a holding location or cash box;~~

~~(II) To be available for payment of winning jackpots for the following day, as specified in the approved system of internal controls;~~

~~(III) To be transferred from the jackpot count to the temporary holding location or cash box under surveillance until the next day; and~~

~~(IV) To be retrieved the next day and to be used to pay jackpots in cash;~~

8. The daily balance for each jackpot is displayed prominently within the cardroom gaming area facility;

9. All jackpot accounting records:

a. Include a detailed ledger with all credits, debits, and any jackpot amount carried forward to the jackpot from the prior playing day; and

b. Are maintained to account for each different jackpot offered.

10. All jackpot payouts are made in accordance with the internal controls; and

11. The internal controls will state whether a maximum jackpot threshold limit is established. The internal controls shall state if a threshold is selected, when the designated threshold is achieved, the series of cards comprising the hand winning the jackpot shall be changed to a series of cards that has a higher probability of occurring.

(2) Each jackpot amount shall be equal:

~~(a) Equal to the ending total balance of that specific jackpot fund at the end of the previous day's count.;~~ and

~~(b) Displayed as required in subparagraph (1)(c)8. of this rule.~~

(3) The cardroom operator shall:

(a) Maintain a separate Form DBPR PMW-3605, Daily Tracking of Cardroom Jackpot, effective _____, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035 ~~adopted and incorporated by Rule 61D-12.001, F.A.C., for each day of cardroom activity, and each different jackpot;~~

~~(b) Submit each Form DBPR PMW 3605 monthly to the division along with each Form DBPR PMW-3640, Cardroom Monthly Remittance Report, adopted and incorporated by Rule 61D-12.001, F.A.C.; and~~

~~(b)(e) Maintain a daily log of all jackpot payouts on Form DBPR PMW-3641, Jackpot Control Log, effective _____, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, that shall include the cardroom manager's or supervisor's signature; and:~~

~~1. The name, address, and telephone number of each winner. Address and telephone numbers shall not be required for winners of jackpots less than the Internal Revenue Service threshold;~~

~~2. The check number if paid by check;~~

~~3. A copy of the winner's identification for winnings which meet the Internal Revenue Service threshold required minimum of \$1,000 per wagering pool pursuant to 26 CFR 31.3402(q) 1, Aug. 18, 2000, adopted and incorporated by reference; and~~

~~(c)4. Maintain a A copy of all any forms required to be filed with by the Internal Revenue Service pursuant to 26 CFR 31.3402(q) 1, Aug. 18, 2000, adopted and incorporated by reference.~~

~~(4) A jackpot, prize, or giveaway shall only be awarded to player(s) a player holding a combination of cards specified by the cardroom operator prior to play.~~

~~(5) The internal controls shall include procedures for reporting winnings that reach the Internal Revenue Service threshold.~~

~~(5)(6) The transaction for a giveaway or prize must be a separate transaction from any buy-in or re-buy ~~rebuy~~. Jackpot contributions may be a part of a buy-in or re-buy, but the jackpot portion of the buy-in or re-buy must be fully disclosed and accounted for separately.~~

~~(6)(7) A cardroom operator may not withhold a percentage of the jackpot pool for the cost of administering the jackpot. One hundred percent of any jackpot shall be applied to the payment of jackpots.~~

~~(7) Cardroom operators shall retain all receipts and invoices for any items purchased to be awarded as jackpot payouts.~~

~~(8) If jackpot pools from multiple cardroom permitholders are combined to make one collective jackpot pool, the internal controls for each participating cardroom must include procedures to:~~

~~(a) Notify each cardroom that participates in contributing to the collective jackpot pool when a winning jackpot claim occurs, which notice shall include:~~

~~1. The method of notification;~~

~~2. The specified time frame in which the notification shall occur; and~~

3. The employee positions that will be notified at each participating cardroom facility.

(b) Verify a winning jackpot claim;

(c) Address the possibility of near simultaneous jackpot claims;

(d) Ensure:

1. The time accounting in the internal video surveillance systems are synchronized for the multiple locations; and

2. The jackpot pool will be split equally between the multiple claimants when review of surveillance recordings confirm that two or more simultaneous claims are made within 300 seconds of each other, with consideration given to differences in time zones.

(e) Notify cardroom patrons of a jackpot claim, which shall include:

1. The announcement at each participating cardroom when a jackpot claim is confirmed; and

2. The display, by each participating cardroom, of the jackpot balance(s) as required in subsection (1) of this rule.

(f) Ensure that the accounting and tracking of the jackpot shall be made only on Form DBPR PMW-3605, Daily Tracking of Cardroom Jackpot, effective _____, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, which shall be:

1. Completed separately for each location; and

2. Combined for all locations.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 9-7-08, Amended _____.

61D-11.031 Cashiers' Cage.

(1) Each licensed cardroom shall have a cage to accommodate cashiers that shall serve as the central location for the:

(a) Issuance, receipt, and reconciliation of imprest trays used by cardroom dealers or chip runners, in the event the imprest trays are not processed and distributed daily from the vault;

(b) Exchange of currency, chips, or tokens;

(c) Custody of currency, chips, or tokens, if the cardroom operator does not have a vault;

(d) Custody of any cash on hand to be used for jackpot payouts, if not stored in a vault; and

(e) Temporary holding of daily records related to the operation of the cage.

(2) The cage shall be constructed to provide security for the materials housed and the activities performed therein and shall, at a minimum, be:

(a) Fully enclosed, except for openings through which cash, chips, records, and documents can be exchanged with the public;

(b) Accessible only through a solid reinforced entrance door equipped with locks or electronic access controls; and

(c) A secure area where access is limited to those persons authorized pursuant to subsection 61D-11.012(9), F.A.C. In the event a vault is used for any of the cardroom requirements of a cardroom cage as stated in this rule, the application of this rule will apply to the vault.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Leon Biegalski, Director, Division of Pari-Mutuel Wagering

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 9, 2010, January 28, 2013

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-13.030 RULE TITLE: Standards for Licensed Out-of-Home Caregivers

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 128, July 2, 2013 issue of the Florida Administrative Register.

65C-30.030(3)(i)1. contains the following language that has been stricken: ~~“A minimum of forty square feet per child is required. Homes that are licensed prior to the promulgation of this rule shall be exempt from this requirement.”~~ The Notice of Change published in the July 2, 2013 issue of the Florida Administrative Weekly in Vol. 39, No. 128 inadvertently did not reflect this language as being stricken. Paragraph 65C-30.030(3)(i) is corrected to read:

1. All sleeping areas shall be in bedrooms separate from the public areas of the house. Children’s bedrooms Bedrooms shall have adequate space for the number of children sleeping

~~in the room. A minimum of forty square feet per child is required. Homes that are licensed prior to the promulgation of this rule shall be exempt from this requirement.~~

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

NONE

**Section VI
Notice of Meetings, Workshops and Public
Hearings**

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
The Region XIV Trust Fund Advisory Council announces a public meeting to which all persons are invited.
DATE AND TIME: January 16, 2014, 10:00 a.m.
PLACE: Miami Dade College, North Campus, Room 9118
GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of Region XIV Reports and other Region XIV business matters.
A copy of the agenda may be obtained by contacting: Maevis Pierre, Interim, Region XIV Secretary, (305)237-1329, email: mpierre6@mdc.edu.

DEPARTMENT OF TRANSPORTATION
Florida Seaport Transportation and Economic Development Council
The Florida Ports Financing Commission announces a telephone conference call to which all persons are invited.
DATE AND TIME: Tuesday, January 14, 2014, 10:00 a.m.
PLACE: Call in number: 1(646)307-1300, Access Code: 9348585
GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business.
A copy of the agenda may be obtained by contacting: Toy Keller at the Florida Ports Council, (850)222-8028.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Toy Keller at the Florida Ports Council, (850)222-8028. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Toy Keller at the Florida Ports Council, (850)222-8028.

DEPARTMENT OF TRANSPORTATION
Florida Seaport Transportation and Economic Development Council

The Florida Seaport Transportation and Economic Development Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, January 14, 2014, 10:30 a.m.
PLACE: Call-In Number: 1(646)307-1300, Access Code: 9348585

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business

A copy of the agenda may be obtained by contacting: Toy Keller at the Florida Ports Council, (850)222-8028.

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For more information, you may contact: Toy Keller at the Florida Ports Council, (850)222-8028.

REGIONAL PLANNING COUNCILS
Northeast Florida Regional Planning Council
The Northeast Florida Regional Council announces a public meeting to which all persons are invited.
DATE AND TIME: January 8, 2014, 9:00 a.m., Planning & Growth Management Committee; 9:30 a.m., Personnel,

Budget & Finance Committee; 10:00 a.m., Full Board of Directors; Legislative Policy Committee immediately following the full Board meeting. Please check our website at: www.nefrc.org for any changes.

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or sforde@nefr.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: (904)279-0880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

Division of Communications

The Department of Management Services announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 28, 2014, 9:00 a.m.

PLACE: CCOC – Betty Easley Conference Center, 4075 Esplanade Way, Room 166, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Joint Task Force (JTF) Technical Committee will discuss items to bring to the attention of the JTF Board. The Agenda and handouts will be made available closer to the date of the meeting at:

http://www.dms.myflorida.com/business_operations/telecommunications/public_safety_bureau/radio_communications/state_law_enforcement_radio/current_joint_task_force_meeting

A copy of the agenda may be obtained by contacting: The Agenda may be obtained by visiting:

http://www.dms.myflorida.com/business_operations/telecommunications/public_safety_bureau/radio_communications/state_law_enforcement_radio/current_joint_task_force_meeting

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debi Smith at (850)922-7435 or debi.smith@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Debi Smith at (850)922-7435 or debi.smith@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

The Board of Landscape Architecture announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2014, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399; (850)717-1982

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board and business meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1982.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1982. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1982.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:RULE TITLES:

62-42.100 Scope

62-42.200 Definitions

62-42.300 Minimum Flows and Levels and Recovery and Prevention Strategies

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2014, 10:00 a.m.

PLACE: Alachua County Administration Building; John R. “Jack” Durrance Auditorium, Room 209, Second Floor, 12 SE 1st Street, Gainesville, Florida 32601

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the proposed

Minimum Flows and Levels (MFLs) and Recovery Strategies for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs.

A copy of the agenda may be obtained by contacting: Linda Clemens, (850)245-3194, Linda.Clemens@dep.state.fl.us or by visiting <http://www.dep.state.fl.us/water/waterpolicy/mflrulemaking.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Linda Clemens at (850)245-3194. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Linda Clemens at (850)245-3194.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 23, 2014, 2:00 p.m.

PLACE: *Note: This meeting has been changed to a telephone conference call. The meeting will not be held in Panama City.

The telephone conference call in number is 1(888)670-3525; when prompted, enter conference code 5805370981

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Board Business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474 at least one week prior to the meeting.

**Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Petitioner, Linda W. Horton, DS 2013-114 on November 26, 2013. The petition seeks the agency's opinion as to the applicability of the Beverage Law and of the rules of the Division pursuant to Section 120.565, Florida Statutes, as it applies to the petitioner. The Petitioner is substantially effected due to proposing to commercially baking and selling cakes in Florida of which an alcoholic beverage is an ingredient.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joy.Cottrell@myfloridalicense.com, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-1020.

Please refer all comments to: Michael Ross, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-1020.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Williams Compliance, DS 2013-111 on November 1, 2013. The petition seeks the agency's opinion as to the applicability of Title XXXIV of 564.08 and 561.42 F.S with regards to the subject of a Winemakers Diner as it applies to the petitioner.

The Petitioner seeks this information in order to aid in compiling a nationwide survey regarding regulations for several of their west coast winery client with national distribution. The Petitioner is substantially effected concerning the permissibility of out of state winery representative to attend winery events for the sole purpose of educating the attendees, the permissibility of out of state advertisement on social media sources such as Facebook and Twitter, and beverage licensing requirements.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joy.Cottrell@myfloridalicense.com, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-1020.

Please refer all comments to: Michael Ross, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, FL 32399-1020.

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of the
Joint Administrative Procedures Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION
University of West Florida

CALL FOR BIDS

The University of West Florida Board of Trustees is soliciting sealed bids for the following:

Recreation Field Improvements

A Mandatory Pre-Submittal Conference will be held on January 7, 2014 at 9:00 a.m. Central Time in Building 92, Room 110 Training Room. The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

All bidders are required to attend the pre-submittal conference. Failure of a representative from the principal firm to attend and sign in on the UWF official log as documented proof of attendance, shall result in immediate disqualification from this competitive solicitation process.

Potential subcontractors are invited to attend to become familiar with the project specifications and to become acquainted with contractors who may bid the project. However, attendance by subcontractors is not required.

Sealed bids will be received until January 24, 2014 at 10:00 a.m. Central Time at the Office of Procurement and Contracts, Bldg. 20E, Room 101, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number 13ITBCI-06JJ must be marked on outside of bid package. The University will not be responsible for unopened bid packages at the bid opening when the package is not properly identified. Bids must be submitted in full and in accordance with the requirements of all terms and conditions of the Invitation to Bid.

View this solicitation and related information on Procurement and Contracts' website at <http://uwf.edu/procurement>. All bidding documents and technical specifications may be downloaded from this site. Requests for drawings and all other questions should be directed to Judy Jasmyn at jjasmyn@uwf.edu.

Publication dates: Florida Administrative Register December 16, 2013; Pensacola News Journal December 15, 2013.

**Section XII
Miscellaneous**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Receipt of Applications for Permit Coverage under the State's Generic Permit for MS4's

The Department announces receipt of the application listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from Town of Melbourne Beach, City of New Smyrna Beach and City of Satellite Beach. The applications are being processed and are available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee,

Florida. Any comments related to noticed application, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address: Ms. Kathleen Downey, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, (M.S. 3585), Tallahassee, FL 32399-2400.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For

information, call (850) 245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF FINANCIAL SERVICES
Division of Treasury
Notice of Qualified Public Depository Withdrawal
DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF TREASURY
BUREAU OF COLLATERAL MANAGEMENT
PUBLIC DEPOSITS SECTION

THE QUALIFIED PUBLIC DEPOSITORY LISTED
BELOW WITHDREW FROM THE FLORIDA PUBLIC
DEPOSITS PROGRAM AS OF THE DATE SHOWN.

BAC FLORIDA BANK (CORAL GABLES)
12/16/2013

Section XIII
Index to Rules Filed During Preceding
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.