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Specific Authority 440.13(14), 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History—New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, 4L-7.501, Amended 12-4-03, 1-1-04, 7-4-04.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

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| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 5E-13 | Mosquito Control Program Administration |
| RULE NOS.: | RULE TITLES: |
| 5E-13.021 | Definitions |
| 5E-13.022 | Eligibility for State Approved Program and/or Aid |
| 5E-13.032 | Program Directors, Employment and Classification |
| 5E-13.034 | Penalty for Failure to Comply with Public Law 92-516, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of the U.S. Environmental Protection Agency and Their Rules |
| 5E-13.036 | Demonstrable Increase or Other Indicator of Arthropod Population Level |
| 5E-13.0371 | Mosquito Control Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms |
| 5E-13.039 | Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public |
| 5E-13.040 | Criteria for Licensure of Applicators |
| 5E-13.042 | Criteria for Arthropod Control That May Affect Environmentally Sensitive and Biologically Productive Public Lands and Other Public Lands |

PURPOSE, EFFECT AND SUMMARY: The purpose of the rule amendment would clarify definitions of licensure and certification, requirements for the mosquito control director's examination, clarify requirements for demonstrating an increase in arthropod population levels and reduce the number of employees a certified applicator can supervise. It will also clarify requirements for training records, for passing the public health pest control examination and for continuing education units for public health pest control certification, and clarify language regarding arthropod control plans. The proposed rule amendments address mosquito control activities, licensure and certification including public health pest control certification and licensing, demonstrating an increase in arthropod population levels, supervision by certified applicators, training records, public health pest control examinations and continuing education units, and arthropod control plans for public lands.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

Any person who wishes to provide information regarding the SOERC or to provide a proposal for a lower cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 388.361 FS.

LAW IMPLEMENTED: 388.361 FS.

A RULE HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 20, 2006, 2:30 p.m. – 5:00 p.m.

PLACE: 14101 North West US Highway 441, East Building, Suite 800, Alachua, FL 32615, telephone: (386)418-5500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Clauson, Bureau of Entomology and Pest Control, Division of Agricultural Environmental Services, 1203 Governors Square Blvd., Suite 300, Tallahassee, FL 32301, Telephone: (850)922-7011

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-13.021 Definitions.

In addition to those terms contained in Section 388.011, F.S., the following terms shall mean:

(1) through (14) No change.

(15) "License" "~~Certification~~" – the recognition by the department that a person is competent in the use of pesticides and other arthropod control measures. ~~Thus, upon completion of all requirements for licensing as an applicator, shall be authorized to use or supervise the use of arthropod control pesticides.~~

(16) "Licensed ~~Certified~~ applicator" – any person 18 years or older who is licensed to use or supervise the use of a pesticide intended for arthropod control.

(17) through (20) No change.

(21) “Public health pest control” – a category or classification of licensure certification that includes private applicators, federal, state, or other governmental employees using or supervising the use of general or restricted-use pesticides in public health programs for the management and control of pests having medical and public health and nuisance importance.

(22) through (27) No change.

(28) “Direct supervision” – supervision by licensed applicators, who are responsible for the pesticide use activities and actions of unlicensed individuals. The licensed direct supervisor in which the supervisor must be in immediate contact, either directly or by electronic means, including, but not limited to, cell phones, radios and computers.

Specific Authority 388.361 FS. Law Implemented 388.361 FS. History–New 1-1-77, Formerly 10D-54.21, Amended 2-10-87, Formerly 10D-54.021, Amended 3-14-94, 6-10-04,_____.

5E-13.022 Eligibility for State Approved Program and/or Aid.

(1) A district or county will be eligible to receive state aid for control of arthropods when it provides the following: an annual budget for such purpose; a contractual services contract agreement with the department; a signed acknowledgement of being subject to Section 215.97, F.S.; a detailed work plan budget on DACS Form 13623, (Rev 5/03) entitled “Detailed Work Plan Budget-Arthropod Control”; an operational work plan on DACS Form 13666, (Rev 4/04) entitled “Operational Work Plan for Mosquito Control” hereby incorporated by reference and the district or county complies with provisions of Section 388.271(1), F.S. Copies of these forms may be received from the department’s Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

(2) through (3) No change.

Specific Authority 388.361 FS. Law Implemented 388.361 FS., Section 11, Chapter 91-428, Laws of Florida. History–New 1-1-77, Formerly 10D-54.22, 10D-54.022, Amended 6-10-04,_____.

5E-13.032 Program Directors, Employment and Classification.

(1) Districts or counties in the state budgeting local funds in excess of thirty thousand dollars (\$30,000) for arthropod control during a fiscal year shall employ a qualified director person to plan, supervise and direct the execution of county or district arthropod control programs.

(2) Persons seeking position of mosquito control program director must submit to the board of commissioners a written application setting forth their complete educational background, work experience and three (3) names of persons as reference to their ability in public or business administration.

(3) Commissioners shall forward to the department their recommendation for the new director, along with that individual’s written application, to obtain written approval from together with the individual’s written application, for employment as mosquito control program director of the department, pursuant to subsection 5E-13.032(4), F.A.C. ~~the applicant can be employed following passing an examination as required in subsection 5E-13.032(5), F.A.C.~~

(4) The following minimum director classifications are based upon amount of local funds budgeted for the fiscal year in which they are initially employed and for which they assume responsibilities of administration.

(a) Director I –

Local budget \$30,000.00 to \$249,999.99.

Minimum qualifications for Director I position: High school graduate with minimum of three (3) years of training and field experience in control of mosquitoes, or three (3) years experience in managing a comparable program, or a graduate of four (4) year college or university with a degree in the basic sciences or engineering.

(b) Director II –

Local budget \$250,000.00 to \$999,999.99.

Minimum qualifications for Director II position: Graduate of four (4) year college or university with a degree in the basic sciences or engineering. Requirements for college degree shall be waived upon proof of a satisfactory work experience record of four (4) years duration directing or assisting in directing a work program in the mosquito or arthropod control field of comparable size and budget to that of the District or County where the application is pending.

(c) Director III –

Local budget \$1,000,000.00 and over.

Minimum qualifications for Director III position: Graduate of four (4) year college or university with a degree in the basic sciences or engineering and two years work experience in mosquito control.

(5) Mosquito Control Program Directors Certification.

~~(a)(5) Persons applying for a Director I, II, or III position must hold a valid Director’s Certification. When a mosquito control program director’s position is to be filled, the applicant shall take and pass a written examination prior to appointment or obtain the Director’s Certification within six (6) months of employment.~~

(b) In order to obtain this certification the applicant must pass the department’s Director’s Certification Examination by scoring 70% or better.

(c) Applicants must hold a valid Public Health Pest Control license in order to take the Director’s Certification Exam.

(d) The Director’s Certification expires when the holder’s Public Health Pest Control license expires.

(e) The Director's Exam shall be taken only once within any four (4) month period.

(f) Persons employed as Directors when they apply for a Director's position in another Florida approved program are exempt from paragraph 5E-13.032(5)(a), F.A.C.

(6) The department shall be notified, in writing, when a director's position becomes vacant or open.

Specific Authority 388.361 FS. Law Implemented 388.162 FS. History--New 1-1-77, Formerly 10D-54.32, Amended 2-10-87, Formerly 10D-54.032, Amended 3-14-94, 7-5-95, 6-10-04,_____.

5E-13.034 Penalty for Failure to Comply with Public Law 92-516, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of the U.S. Environmental Protection Agency and Their Rules.

(1) The board of commissioners of a county, or mosquito control district, whichever is applicable, shall be notified when it is found that the mosquito control program director is violating the Federal or state laws or rules governing the application of restricted pesticides. The board of commissioners will take whatever action is necessary to prevent future violations.

(2) Licensure Certification of applicators may be suspended, revoked, or renewal thereof denied, by the Department, its successor agency or programs, upon one or more of the following grounds:

(a) Violation of FIFRA, any relevant EPA rule or regulation, or any ordinance or regulation of the Commissioners;

(b) Conviction in any court within this state of the violation of any provision of this Act, or any rule or regulation or ordinance of the Department or the Commissioners;

(c) A final order imposing civil penalties under subsection 14(a), Public Law 92-516, or a criminal conviction under subsection 14(b), of said Public Law;

(d) Knowingly using methods or materials unsuitable for control undertaken;

(e) Performing control in a negligent manner;

(f) Failure to give the Department or Commissioners or authorized representatives thereof, true information upon request regarding methods and materials used, work performed, falsification of records, or other information essential to the administration of this measure;

(g) Failure of the licensed certified applicators to maintain for a period of at least three (3) two years operational records containing information on kinds, amounts, uses, dates, and places of application of restricted use of pesticides.

(3) through (5) No change.

Specific Authority 388.361 FS. Law Implemented 388.361 FS., Section 11, Chapter 91-428, Laws of Florida. History--New 1-1-77, Formerly 10D-54.34, 10D-54.034, Amended _____.

5E-13.036 Demonstrable Increase or Other Indicator of Arthropod Population Level.

(1) Mosquito and other arthropod control programs will insure that the application of pesticides are made only when necessary by determining a need in accordance with specific criteria that demonstrate a potential for a mosquito-borne disease outbreak or numbers of disease vector mosquitoes sufficient for disease transmission or defined levels of, or a quantifiable increase in numbers of pestiferous mosquitoes or other arthropods as defined by Section 388.011(1), F.S. To determine the need for applications of adulticides, at least one of the following criteria shall will be met and documented by records:

(a)(1) When a large population of adult mosquitoes is demonstrated by either a quantifiable increase in, or a sustained elevated, mosquito population level as detected by landing rate counts or trap counts standard surveillance methods, including.

(b)(2) Where adult mosquito populations build to levels exceeding 25 mosquitoes per trap night or 5 mosquitoes per trap hour during crepuscular periods.

(c)(3) When service requests for arthropod control from the public have been confirmed by one or more standard recognized surveillance methods, which include:

1. Landing rate counts.

2. Mosquito trap counts.

3. Visual confirmation of the presence of adult or immature mosquitoes by a licensed applicator, or an applicator operating under the direct supervision of a licensed applicator.

(d)(4) When counts as determined by landing rate counts normal surveillance methods in the daytime exceed 5 per minute for stable flies (dogflies) on beaches and bayshores.

(2)(5) Aircraft applications of mosquito adulticides along beaches and bayshores shall be justified only when there is a demonstrable three-fold increase over a base population.

(3)(6) All surveillance and adulticide application records shall be kept on file for at least three (3) years, to document need for adulticide applications.

Specific Authority 388.361 FS. Law Implemented 388.361(2)(a) FS. History--New 2-10-87, Formerly 10D-54.036, Amended 3-14-94, 7-5-95,_____.

5E-13.0371 Mosquito Control Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms.

(1) through (6) No change.

(7) Area-of-Application Information. The information listed in paragraphs 5E-13.0371(6)(a) through (g), F.A.C. is required only when a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture declaring an emergency in

the State of Florida. Such information shall be provided and filed with the Department in a manner determined by the department.

(8) Forms. The following forms are hereby incorporated by reference. These forms may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Application for Aircraft Registration (DACS-13354), New 01/02.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42A), Rev. 03/02.

(c) Aircraft Bill of Sale AC Form 8050-2 (09/92).

(d) Report of Aircraft Transaction (DACS-13355), New 01/02.

Specific Authority 487.051(1)(d), (e), 570.07(23), (39), (40) FS. Law Implemented 388.361(2)(b), 487.051(1)(d), (e), 570.07(39), (40) FS. History--New 2-25-03, Amended.

5E-13.039 Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public.

(1) Methods of mosquito control performed on private land where natural resources are a major concern shall be conducted in a manner to protect the environmental and ecological integrity of the lands and waters.

(2) To protect the health, safety and welfare of arthropod control employees and the general public, applicators licensed ~~certified~~ in public health pest control may directly or health related pest control will supervise no more than 10 unlicensed ~~15 uncertified~~ employees and shall provide instructions and training to those employees to include the following:

(a) The safety procedures and precautions to be followed in handling or applying arthropod control pesticides as specified by their labeling.

(b) The proper use and care of safety clothing and equipment to be worn or used as may be specified in the label.

(c) The common symptoms of pesticide poisoning.

(d) The dangers of eating, drinking or smoking while handling or applying pesticides and the need to wash clothing worn and bathe after working with pesticides in order to avoid unnecessary prolonged exposure to pesticides residues.

(e) The name and location of nearby medical facility at which emergency treatment for pesticide exposure may be obtained.

(f) Instructions regarding operation of application equipment in or over residential areas to minimize exposure to the general public.

(g) Instructions regarding emergency procedures to be followed in the event of an accidental pesticide spill particularly those relating to a vehicular accident and resultant spill and dumping procedures in the event of an aircraft emergency.

(3) Licensed applicators shall keep on file, and make available to the department upon request, records showing the training required in subsection 5E-13.039(2), F.A.C., was provided to all unlicensed applicators under their direct supervision. These records shall be maintained for a minimum of three years.

Specific Authority 388.361 FS. Law Implemented 388.361(2)(d) FS., Section 11, Chapter 91-428, Laws of Florida. History--New 2-10-87, Formerly 10D-54.039, Amended.

5E-13.040 Criteria for Licensure ~~or Certification~~ of Applicators.

(1) It is a violation of these rules for a person to apply ~~or supervise the application of~~ a pesticide intended to control arthropods on property other than his own individual residential or agricultural property unless he is licensed to do so or is working under the direct supervision of a licensed applicator, as allowed under subsection 5E-13.039(2), F.A.C.

(2) ~~Licensing and exemptions.~~ All persons who apply an arthropod control pesticide, unless operating ~~they operate~~ under the direct supervision of a licensed applicator, shall be licensed as a Public Health Pest Control ~~apply to the department for certification and be licensed as an arthropod control pesticide~~ applicator by the department whether such pesticides used are classified as general use or restricted use, except those applicators controlling arthropods upon their own individual residential or agricultural property.

(3) ~~Certification standards.~~ Competency standards for licensing the certification of Public Health Pest Control ~~public health pest control~~ applicators will be determined by applicants passing the Public Health Pest Control examination administered by the department, by obtaining a score of 70 percent or above, which demonstrates a practical knowledge of the principles of mosquito control and an examination that demonstrates a practical knowledge of the principles and practices of arthropod control and the safe use of pesticides and a category examination which demonstrates a practical knowledge of vector-disease transmission as it relates to and influences application programs. In addition, applicants shall pass the General Standards (Core) examination administered by the department, by obtaining a score of 70 percent or above, to demonstrate a knowledge of pesticide use and safety. A passing grade of 70 percent, or above, will be required on this examination administered by the department.

(4) ~~Recertification.~~ All persons licensed in Public Health Pest Control ~~certified~~ applicators shall provide evidence of continued competency prior to license ~~certificate~~ renewal by accruing a minimum of sixteen (16) examination or by accrual of not less than 16 hours of continuing education units during

~~their four year licensure period credit. Each certificate holder shall complete a minimum of 2 hours of approved continuing education on legislation, safety, pesticide labeling, mosquito biology, and mosquito control techniques, or pass an examination given by the department. Failure to meet continuing education requirements or to pass an examination on the topics detailed above, shall result in the nonrenewal of the license, and applicators shall retake and pass both the Public Health Pest Control and the General Standards (Core) examinations in order to obtain a new license a certificate.~~

~~(5) Courses or programs to be considered for continuing education units credit shall contain one or more of the following topics:~~

~~(a) The law and rules of the state pertaining to mosquito control.~~

~~(b) Precautions necessary to safeguard life, health, and property in the conducting of mosquito control and the application of pesticides.~~

~~(c) Mosquitoes, their habits, identification, and relative importance as to nuisance pests and vectors of disease.~~

~~(d) Currently accepted practices in the conducting of measures for the control of adult and larval forms of mosquitoes and surveillance techniques.~~

~~(e) How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels on pesticides used in mosquito control.~~

~~(6)(5) Licenses shall be valid for be renewed every 4 years from the date of issuance the original certification.~~

~~(7)(6) Re-examination will be required if 16 continuing education units in public health are not obtained license is not renewed within 90 days following of expiration date.~~

~~(7) All applicators performing public health pest control shall be licensed by January 1, 1988.~~

~~(8) Public Health Pest Control applicators shall keep accurate records so that monthly activity reports relative to pesticide application, source reduction, water management, biological control and surveillance activities can be assessed by the department. Pesticides use records shall include:~~

~~(a) The name of applicator,;~~

~~(b) The pesticide and amount used,;~~

~~(c) Method of application how applied,;~~

~~(d) The location of the application, where applied,;~~

~~(e) The rate of application, rate.~~

~~(f) Date and time of application,;~~

~~(g) Surveillance method and data providing justification for any adulticide applications, as required in Rule 5E-13.036, F.A.C.~~

~~(h) These reports shall be retained for a period of 3 years and be made available to the department upon request.~~

~~(9) All aerial applicators who apply an arthropod control pesticide by aerial means shall be licensed as an Aerial Public Health Pest Control applicator by the department, whether such~~

~~pesticides are classified as general use or restricted use. The department considers the pilot in command to be the aerial applicator. Licensure shall be obtained by passing the Aerial, Public Health Pest Control, and General Standards (Core) examinations, administered by the department, by obtaining a score of 70 percent or higher. Aerial applicators shall demonstrate a practical knowledge of the principles and practices of aerial pest control and the safe application of pesticides by aerial delivery means. Such competence will be demonstrated in an aerial applicator examination administered by the department. In addition, aerial applicators conducting mosquito control operations must be certified in Public Health Pest Control as outlined above.~~

~~(10) All new mosquito control directors shall demonstrate competence in all the areas as heretofore described for Public Health Pest Control certification. In addition, a director must demonstrate an understanding of budgetary planning and mathematical calculations for mixing and applying pesticides. Directors shall demonstrate their knowledge of the above by passing an examination administered by the department.~~

~~Specific Authority 388.361 FS. Law Implemented 388.361(4) FS. History--New 2-10-87, Formerly 10D-54.040, Amended 3-14-94,_____.~~

~~5E-13.042 Criteria for Arthropod Control That May Affect Environmentally Sensitive and Biologically Productive Public Lands and Other Public Lands.~~

~~(1) It is the intent of this rule to implement Section 388.4111, F.S., by establishing the procedures to be followed to implement arthropod control plans on environmentally sensitive and biologically highly productive public lands.~~

~~(2) Land management agencies and local arthropod control agencies are encouraged to work cooperatively to informally achieve agreement on regarding arthropod control on public lands public land control plans. To that end, local arthropod control agencies shall, upon request of a land management agency, describe alternative arthropod control measures which may be appropriate for particular public land and otherwise upon request provide information relative to arthropod control.~~

~~(3) Each public land management agency managing lands in Florida shall:~~

~~(a) Determine whether it is managing public lands in Florida that are environmentally sensitive and biologically highly productive.~~

~~(b) Give written notice to the department and any affected local arthropod control agencies which lands are environmentally sensitive and biologically productive. A list of the mosquito control agencies shall be provided by the department to all land management agencies. Written notice shall include but not be limited to:~~

~~1. Aerial photographs or maps depicting the public lands made subject to the notice;~~

2. A statement of the purpose for which the lands are managed along with a description of ecological data giving rise to the determination of the land management agency;

3. A specification of the potential ecological harm to be guarded against in planning arthropod control on such land with a detailed statement, ~~in so far as reasonably feasible~~, of what reasonably feasible arthropod control measures, if any, the land management agency believes would be suitable for such lands; and

4. Such other pertinent information relative to such determination that provides a better understanding of the land management agency's problems that need to be addressed in an arthropod control plan for the land subject to such determinations.

(4) A local arthropod control agency upon receipt of a written notice shall:

(a) Prepare a written plan for arthropod control on the environmentally sensitive and biologically highly productive public lands identified in the notice. Such proposed plan shall be submitted to the public land management agency within 45 days from receipt of the notice.

(b) The proposed Arthropod Public Lands Control Plan shall include but not be limited to:

1. The need for arthropod control on the identified lands.

2. The areas where arthropod control measures are proposed.

3. The location of any rotary ditching or other land modification activity.

4. Operational schedules for water level fluctuations.

5. Notification of public lands manager before commencement of control measures.

6. Periodic restrictions as applicable, for example peak fish spawning times.

7. The criteria to be used in determining application of pesticides. Such criteria shall not be less restrictive than criteria in Rule 5E-13.036, F.A.C.

8. The common or chemical name of the pesticides expected to be used.

9. The method of application to be used for each specific product.

10. The rate of application to be used for each specific product.

(5) The proposed public lands Arthropod Control Plan ~~control plan~~ shall:

(a) Become effective immediately upon agreement between the public lands management agency ~~Public Lands Management Agency~~, the local arthropod control agency and the department or

(b) Become effective within 45 days, or such other period of time agreed to by both parties, from receipt by the public lands management agency ~~Public Lands Management Agency~~ unless the agency ~~Public Lands Management Agency~~ objects

to the proposed plan. The objection(s) of the land management agency shall be filed with the local arthropod control agency and the department with a statement of the reasons for the objection(s) and suggested alternatives. Failure to object to a proposed control plan or a portion thereof shall be deemed consent to perform control methods not objected to.

(6) If the land management agency and the local arthropod control agency are unable to agree on an Arthropod Control Plan ~~public lands control plan~~, either party may, by written notice, request the department initiate the dispute resolution process pursuant to Section 388.4111(2)(c), F.S. The department shall, within 15 days of receipt of such written notice forward the proposed control plan, the land management agency's objections, and any other pertinent correspondence or information to the Florida Coordinating Council on Mosquito Control for consideration and recommendation.

(7) Lands identified as environmentally sensitive and biologically highly productive shall remain subject to the local arthropod control agency's general work plan prior to approval of a control plan pursuant to this rule. However, environmentally sensitive and biologically highly productive public lands identified and managed by the Trustees of the Internal Improvement Trust Fund shall not be subject to control measures without the Trustees' consent.

(8) Approved current Arthropod Control Plans ~~control plans~~ shall be kept on file with the department. If neither the land management agency or the local arthropod control agency give notice of the need to revise an approved plan, the approved plan shall continue in effect until replaced by substitute plan. If either the land management agency or the local arthropod control agency wishes to revise an approved plan, written notice shall be given to the department and the other agency. A response shall be given within 45 days. Agreed upon revisions shall be submitted to the department. In the event the parties are unable to agree, the dispute resolution procedures of subsection 5E-13.042(6), F.A.C. ~~(6) of this rule~~ shall be utilized.

Specific Authority 388.361, 388.4111 FS. Law Implemented 388.4111 FS., Section 11, Chapter 91-428, Laws of Florida. History--New 2-10-87, Formerly 10D-54.042, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Steven Dwinell, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, FL 32399-1650

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Anderson Rackley, Director, Department of Agriculture and Consumer Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER NO.: 9G-2
 RULE CHAPTER TITLE: Comprehensive Emergency Management Plan

RULE NO.: 9G-2.002
 RULE TITLE: State Comprehensive Emergency Management Plan Adopted

PURPOSE, EFFECT AND SUMMARY: To adopt the 2006 revised version of the State CEMP as required by Chapter 252, Florida Statutes. This action would replace the 2004 version.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 252.35(2)(u) FS.

LAW IMPLEMENTED: 252.35(2)(a) FS.

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

DATE AND TIME: June 14, 2006, 9:00 a.m. – 12:00 noon
 PLACE: Room 120L, Director’s Conference Room, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Charlie Worthen, Planner IV, Bureau of Preparedness and Response, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, SUNCOM 293-9973, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Worthen, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, SUNCOM 293-9973

THE FULL TEXT OF THE PROPOSED RULE IS:

9G-2.002 State Comprehensive Emergency Management Plan Adopted.

(1) The Department hereby adopts and incorporates by reference into this Chapter the State Comprehensive Emergency Management Plan (February 1, 2006 February 1, 2004 Edition, effective _____).

(2) No change.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a) FS. History–New 1-4-01, Amended 7-8-02, 8-4-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charlie Worthen, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, SUNCOM 293-9973

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Fugate, Director, Division of Emergency Management, Department of Community Affairs
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 17, 2006

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-15
 RULE CHAPTER TITLE: Incorporation by Reference

RULE NO.: 14-15.0081
 RULE TITLE: Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: The purpose of this notice of rulemaking is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of the Sand Lake Road/Florida’s Turnpike interchange. Section 338.155(1), Florida Statutes, does not permit the use of the State’s toll facilities without paying a toll.

SUMMARY: The toll rate public hearing is being held to allow the public an opportunity to comment on the proposed toll rate schedule for the Florida Department of Transportation’s construction of a SunPass-Only interchange at Sand Lake Road and Florida’s Turnpike interchange. The project is located in Orange County. Tolls are proposed to be collected from vehicles accessing to and from the northbound direction. This new interchange is located at Milepost 257 and is approximately 21 miles north of the Three Lakes Toll Plaza. This public hearing is being held in conjunction with a Project Development and Environment (PD & E) public hearing for an interchange project, Financial Project Identification 407143-3. A rule development workshop was not requested for this project.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory cost has been prepared.

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

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, May 25, 2006 – Informal Open House 5:30 p.m., Formal Public Hearing begins at 7:00 p.m.

PLACE: The Rosen Centre, Salons 9 and 10, 9840 International Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, ~~and~~ February 5, 2006, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Ely, Executive Director, Florida’s Turnpike Enterprise

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver Stutler Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.313
 RULE TITLE: Inmate Discipline – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC6-112F, Disciplinary Report Worksheet, to add a Prison Rape Elimination Act (PREA) tracking number to link disciplinary reports with department databases to gather data to report to the federal government in accordance with PREA requirements.

SUMMARY: A Prison Rape Elimination Act (PREA) tracking number is being added to Form DC6-112F, Disciplinary Report Worksheet to link disciplinary reports with department databases to gather data to report to the federal government in accordance with PREA requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.55, 944.09, 944.34, 945.04 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) through (e) No change.

(f) DC6-112F, Disciplinary Report Worksheet, effective date _____ ~~5-21-00~~.

(g) through (j) No change.

(2) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History—New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, 3-22-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.010
 RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective upon adoption of this rule.

1. The Agency is deleting the low occupancy adjustment for the direct care component of the nursing home reimbursement rate.
2. The occupancy adjustment for operating and indirect patient care costs shall not result in a reduction of more than 20 percent of the applicable class ceiling.

SUMMARY: The proposed changes to Rule 59G-6.010, F.A.C., incorporate revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The rule deletes the low occupancy adjustment for the direct care component of the nursing home reimbursement rate and the occupancy adjustment for operating and indirect patient care costs shall not result in a reduction of more than 20 percent of the applicable class ceiling.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: May 19, 2006, 9:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXXXIX~~ Effective Date _____ ~~April 19, 2006~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Jim Guyton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Dyke Snipes

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

| | |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 60BB-2 | Florida Unemployment Compensation Tax |
| RULE NOS.: | RULE TITLES: |
| 60BB-2.022 | Definitions |
| 60BB-2.023 | General Reporting Information |
| 60BB-2.024 | Employer Registration Reports and Determinations of Liability |
| 60BB-2.025 | Reports Required of Liable Employers |
| 60BB-2.0255 | Annual Reporting |
| 60BB-2.026 | Determinations to Liable Employers |
| 60BB-2.027 | Payment of Contributions |
| 60BB-2.028 | Delinquent Accounts |
| 60BB-2.029 | Changing Methods of Financing Benefit – Nonprofit and Public Employers. |
| 60BB-2.032 | Employing Unit Records |
| 60BB-2.035 | Protests of Liability, Assessment, Reimbursement, and Tax Rate – Special Deputy Hearings |
| 60BB-2.036 | Unemployment Compensation Tax for Indian Tribes |
| 60BB-2.037 | Forms |

PURPOSE AND EFFECT: The proposed amendments to Chapter 60BB-2, Florida Administrative Code implement the provisions of Chapter 443, Florida Statutes that relate to Unemployment Compensation tax.

SUMMARY: The proposed amendments to Chapter 60BB-2, Florida Administrative Code implement the provisions of Chapter 443, Florida Statutes that relate to Unemployment Compensation tax. In particular, the substantial rewording set forth in these proposed amendments clarifies the definitions to be applied to these rules and updates the list of official forms used by the Agency for Workforce Innovation and the Department of Revenue in administering and collecting Unemployment Compensation Program taxes. This rewording also clarifies the procedures relating to the employer reporting and registration, determinations of liability, payment of contributions, delinquent accounts, methods of financing benefits involving public and nonprofit employers, employing unit records, special deputy hearings to resolve protests of liability, assessment and reimbursement, and unemployment taxation of Indian tribes. The succession rule, Rule 60BB-2.031, Florida Administrative Code, has been omitted from the text of this rulemaking notice, inasmuch as it is the subject of a separate rule development.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 120.569, 120.57(1),(2), 443.036, 443.071, 443.121, 443.1215, 443.1217, 443.131, 443.1312, 443.1313, 443.1315, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.191 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 16, 2006, 1:00 p.m. – 3:00 p.m. or until all business is concluded

PLACE: Agency for Workforce Innovation, Caldwell Building, 107 E. Madison Street, Room B-49, Tallahassee, Florida 32399

Any person requiring special accommodations to participate in this hearing is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting: Ms. Nicole Cutchin, (850)245-7150.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John R. Perry, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 60BB-2.022 follows. See Florida Administrative Code for present text.)

60BB-2.022 Definitions.

For the purpose of administering Chapter 443, F.S., the following definitions apply:

(1) Address of record: The mailing address of a claimant, employing unit, or authorized representative, provided in writing to the Agency, and to which the Agency shall mail correspondence.

(2) Agency: The Agency for Workforce Innovation.

(3) Cash Value of Board, Lodging, or Other Payment in Kind: When, pursuant to Section 443.1217, F.S., board, lodging or other payments in kind are determined to be wages:

(a) The value of a place of residence is the greater of:

1. The amount agreed upon in the contract of hire, or

2. The fair market rental value of the property.

(b) The value of lodging includes the cost of utilities, such as heat, electricity, gas, water, and sewer service.

(c) The value of meals is as agreed upon in the contract of hire or, where no such agreement exists, at the same rate provided for State of Florida Class C travel subsistence as defined in Section 112.061(6)(b), F.S.

(4) Casual Labor: In accordance with 26 C.F.R. 31.3306(c)(3)-1, services performed for a corporation do not come within the casual labor exception provided in Section 443.1216(13)(s), F.S.

(5) Computation of time: In computing any period of time prescribed, calendar days are counted; the date of issuance of a notice is not counted. The last day of the period is counted unless it is a Saturday, Sunday, or holiday; in which event the period will run until the end of the next day that is not a Saturday, Sunday, or holiday. Holidays are those dates designated by Section 110.117(1) and (2), F.S., and any other day that the offices of the United States Postal Service are closed.

(6) Department: The Department of Revenue, which pursuant to Section 443.1316, F.S., is designated as the tax collection service provider for the Agency.

(7) Payrolling: As used in Rule 60BB-2.025, F.A.C., "payrolling" refers to a practice which is not authorized by law, whereby payrolls for two or more employers are consolidated for tax purposes with one employer reporting for the other(s), when none of the employers is licensed by the Florida Department of Business and Professional Regulation as an employee leasing company or has been approved by the Department as a common paymaster.

(8) Wages:

(a) Gross wages: Total wages for insured employment.

(b) Excess wages: The difference between total wages and taxable wages.

(c) Taxable wages: That portion of an employer's payroll upon which contributions are due.

Specific Authority 443.1317 FS. Law Implemented 443.036(11), 443.1217, 443.131, 443.1316, 443.141, 443.171 FS. History—New 8-25-92, Amended 12-28-97, 12-23-98, 5-3-99, Formerly 38B-2.022, Amended 1-19-03, _____.

(Substantial rewording of Rule 60BB-2.023 follows. See Florida Administrative Code for present text.)

60BB-2.023 General Reporting Information.

(1) Filing date. The postmark date will be the filing date of any report, protest, appeal or other document mailed to the Agency or Department. The term “postmark date” includes the postmark date affixed by the United States Postal Service or the date on which the document was delivered to an express service or delivery service for delivery to the Department. The date of receipt will be the filing date of any report, protest, appeal, or other document faxed to the Agency or Department. It is the responsibility of each employing unit to maintain a current address of record with the Department. It is the responsibility of each claimant to maintain a current address of record with the Agency throughout the benefit year or extended benefit period.

(2) Filing method. Reports must be filed in the manner prescribed on the reporting form, including the worker’s social security number when required. Reports filed by electronic means must be in compliance with Chapter 12-24, F.A.C., incorporated by reference.

(3) Reporting Wages Paid. Wages are considered paid when:

- (a) Actually received by the worker; or
- (b) Made available to be drawn upon by the worker; or
- (c) Brought within the worker’s control and disposition, even if not possessed by the worker.

(4) Incomplete reports.

(a) Any required report incomplete as to detail in accordance with instructions thereon is not deemed a report and the employer is subject to the penalties imposed by Section 443.141(1)(b), F.S., until the filing of a signed and completed report in a format approved by the Department.

(b) Notification to employers of incomplete reports will be issued by the Department by letter or by one of the following forms:

- 1. Form UCTFL06A, *Incomplete Report Notice*, or
- 2. Form UCTFL13A, *Missing Wage Report*.

Both forms are incorporated by reference in Rule 60BB-2.037, F.A.C.

(5) Amended and Corrected Reports.

(a) Amended Reports. Amended reports must be filed as directed by the Agency or Department or as determined necessary by the employing unit. The decision of the Agency or Department will prevail when there is disagreement whether an amended report is necessary.

(b) Corrected Quarterly or Annual Reports. Corrections to quarterly or annual reports must be made on Form UCT-8A, *Correction to Employer’s Quarterly or Annual Domestic Report*, incorporated by reference in Rule 60BB-2.037, F.A.C.

(6) Extensions of Time for Filing Reports. Pursuant to Sections 443.141(1)(b) and 443.141(2)(a), F.S., when a written request for an extension of time for filing a required report is received prior to the report’s delinquent date, the Department will grant an extension not to exceed 30 days. Reports received within an approved extension period will be considered timely.

Specific Authority 443.1317 FS. Law Implemented 443.131, 443.141, 443.171 FS. History—New 8-25-92, Amended 12-28-97, Formerly 38B-2.023, Amended 1-19-03, _____.

(Substantial rewording of Rule 60BB-2.024 follows. See Florida Administrative Code for present text.)

60BB-2.024 Employer Registration Reports and Determinations of Liability Initial Reports and Notification of Liability.

(1) Employer Registration Report.

(a) Each employing unit must file an employer registration report with the Department of Revenue on Form DR-1, *Application to Collect and/or Report Tax in Florida*, incorporated by reference in Rule 60BB-2.037, F.A.C.

(b) The report must include the signature and title of a person legally authorized to act on behalf of the employing unit.

(c) The employer registration report must be filed by the last day of the month immediately following the end of the calendar quarter in which the employing unit commenced operations. Successor employers who wish to transfer employment records must comply with the requirements and time limits in Rule 60BB-2.031, F.A.C.

(2) Determination of Liability. Upon determining an employing unit liable for payment of contributions or reimbursements, the Department will issue a written determination, including the effective date of liability and, when applicable, the rate at which the employer must pay contributions pursuant to Section 443.131, F.S.

Specific Authority 443.1317 FS. Law Implemented 443.131, 443.141(2), 443.171(5) FS. History—New 8-25-92, Formerly 38B-2.024, Amended 1-19-03, _____.

(Substantial rewording of Rule 60BB-2.025 follows. See Florida Administrative Code for present text.)

60BB-2.025 Reports Required of Liable Employers; Filing of Reports by Electronic Means.

(1) Employer’s Quarterly Reports.

(a) Each contributing and reimbursing employer must file quarterly reports on Form UCT-6, *Employer’s Quarterly Report*, incorporated by reference in Rule 60BB-2.037, F.A.C. unless the employer solely employs workers who perform domestic services and has been approved by the Department to

file reports annually pursuant to Section 443.131(1), Florida Statutes. Payrolling, as defined in Rule 60BB-2.022, F.A.C., is not permitted.

(b) Each quarterly report must:

1. Be filed with the Department by the last day of the month following the calendar quarter to which the report applies, except for reports filed by electronic means, which are to be filed as provided in Rule 60BB-2.023, F.A.C. However, an employer reporting for the first time is authorized 15 consecutive calendar days from the notification date of liability to submit reports for previous calendar quarters without incurring penalty charges; and

2. Be filed for each calendar quarter during which the employer was liable, even if no contributions are payable. If there was no employment during the calendar quarter to which the report applies, the report must be completed to so reflect; and

3. Include wages paid at regular and irregular intervals during the calendar quarter; and

4. Include commissions and bonuses and the cash value of all remuneration paid in any medium other than cash during the calendar quarter.

(2) Reports of Change in Status.

(a) Sale, transfer, cessation, or other disposition of a business or part of a business. Each liable employer must report any change in status to the Department using Form UCS-3, *Employer Account Change Form*, incorporated by reference in Rule 60BB-2.037, F.A.C., or by writing to the Department. The report must be signed by a person with authority to submit such reports and:

1. Be reported on or before the due date of the next quarterly report; and when applicable:

2. State the name and address of the person, firm or corporation to whom all or part of the business was sold, transferred or otherwise disposed; and

3. Include the name and address of the trustee, receiver, or other official placed in charge of the business when the status change results from bankruptcy, receivership or other similar situation; and

4. Be made by the employer's court appointed personal representative when the status change results from the death of an employer or, in the event no personal representative is appointed by the heirs succeeding in interest of the employer; and

5. Be made by the former partners or joint adventurers when the change is due to dissolution of a partnership or joint venture.

(b) Other Changes. Employers must report changes to business name, address, ownership, officers, legal entity status (such as from sole proprietorship to corporation or from partnership to limited liability company) and business

operations in the manner required on Form UCS-3, *Employer Account Change Form*, incorporated by reference in Rule 60BB-2.037, F.A.C., or by writing to the Department.

(3) Special Reports.

(a) Employee Leasing Company Reports.

1. Client List. In addition to the information required by Section 443.036(18), F.S., the bi-annual report of each employee leasing company must identify the:

a. Leasing company's employer identification number; and

b. Name of each client that leases employees from the company; and

c. Name and address of each job site where leased employees work, listed under the name of the respective client; and

d. Name and social security number of each leased employee, listed under the respective job site; and

e. Total number of clients during the reporting period; and

f. Total number of employees leased during the reporting period.

2. Filing Date. The bi-annual report due June 30 becomes delinquent on August 1. The bi-annual report due December 31 becomes delinquent on February 1 of the following year. Delinquent reports are subject to penalties pursuant to Section 443.141(1)(b), F.S.

(b) Report of Work and Earnings. During an investigation of eligibility for benefits, an employing unit must, if requested by the Agency or the Department, complete Form UCS-8, *Firm's Statement of Claimant's Work and Earnings*, incorporated by reference in Rule 60BB-2.037, F.A.C.

(c) Independent Contractor Questionnaire. An employing unit must, if requested by the Agency or the Department, complete Form UCS-6061, *Independent Contractor Analysis*, incorporated by reference in Rule 60BB-2.037, F.A.C., when additional information is necessary to establish whether workers are employees or independent contractors.

(d) Annual Reporting of Certain Domestic Workers.

1. Application. An employer whose employees perform only domestic services may elect to report wages and pay taxes annually instead of quarterly, pursuant to Section 443.131(1), F.S., by completing and filing application Form UCT-7A *Application to Select Filing Period for Employers who Employ ONLY Employees who Perform Domestic Services* incorporated by reference in Rule 60BB-2.037, F.A.C., with the Department by December 1 of the year preceding the calendar year the annual reporting period will begin. The Department will issue written notification of approval or denial to the applicant within 30 days after receipt of a completed application. An employer whose application is approved does not need to resubmit an application for consecutive subsequent years. An employer whose application is denied will have 20

days from the mailing date of the notification of denial to file a written protest with the Department. The protest will be governed by the provisions of Rule 60BB-2.035, F.A.C.

2. An employer who is approved must report wages and pay taxes annually by filing Form UCT-7 in accordance with the instructions contained on the form. However, an employer required to file by electronic means must file Form UCT-7 *Annual Report for Employers of Domestic Employees Only* by electronic means and concurrently pay taxes by electronic means in accordance with subsection 60BB-2.023(2) and paragraphs 60BB-2.027(2)(a), F.A.C.

3. An employer who ceases to qualify for annual reporting and payment or voluntarily discontinues annual reporting and payment or is terminated from the annual reporting and payment program for failure to timely furnish wage information must file with the Department, no later than the last day of the month following the calendar quarter in which the disqualification or termination occurred, all quarterly wage and tax reports due for all completed calendar quarters and pay all amounts due. Any request to discontinue annual reporting must be submitted in writing to the Department and include the employer's unemployment tax account number and the date the discontinuation is to be effective. An employer whose participation has been terminated by the Department will have 20 days from the mailing date of the notice of termination to file a written protest with the Department. Pending the final resolution of the protest the employer must timely file quarterly reports and pay all taxes due. The protest will be governed by the provisions of Rule 60BB-2.035, F.A.C.

4. Reapplication.

a. An employer who terminates or is disqualified from annual reporting and payment may reapply by completing and filing Form UCT-7A *Application to Select Filing Period for Employers who Employ ONLY Employees who Perform Domestic Services* with the Department no later than December 1 of the year following disqualification or termination. Upon re-application, an employer who timely furnished all required wage information and paid taxes due will be reconsidered for annual reporting effective January 1 of the calendar year following re-application.

b. An employer of domestic employees who ceased to participate in annual reporting pursuant to a voluntary written request, may reapply by completing and filing Form UCT-7A with the Department no later than December 1 of the year following disqualification or termination to be considered for annual reporting of wages and paying taxes commencing January 1 of the following year.

Specific Authority 443.1317 FS. Law Implemented 443.036(18), 443.131, 443.141, 443.163, 443.171(5) FS. History—New 8-25-92, Formerly 38B-2.025, Amended 1-19-03, _____.

60BB-2.0255 Annual Reporting.

Specific Authority 443.131(1), 443.1317 FS. Law Implemented 443.131(1) FS. History—New 7-8-04, Repealed _____.

(Substantial rewording of Rule 60BB-2.026 follows. See Florida Administrative Code for present text.)

60BB-2.026 Determinations to Liable Employers.

(1) Notice of Benefits Paid and Charged, Invoiced, or Credited. A statement mailed to the employer within 30 days after the end of each calendar quarter will include the name and social security number of each claimant for whom benefits were charged, invoiced, or credited to the employer's account during the previous calendar quarter. Notification to contributing employers is provided on Form UCT-1, *Notice of Benefits Paid*. Notification to reimbursing employers is provided on Form UCT-29, *Unemployment Compensation Reimbursement Invoice*. Both forms are incorporated by reference in Rule 60BB-2.037, F.A.C.

(a) Requests for Redetermination. The information contained on the notification regarding claimant and employer identity is conclusive and binding unless the employer files a written request for redetermination with the Agency within 20 days of the mailing date of the notification. Such request will not serve to protest determinations, redeterminations, decisions, or orders issued pursuant to Section 443.151, F.S.

(b) Adjustment of Charges.

1. Contributing Employer. When the Agency determines benefits charged to an employment record were paid in error or fraudulently obtained, the employment record will be adjusted to remove the erroneous charges. The credit will be applied to the calendar quarter during which the adjustment is made. However, when the employer timely protests the tax rate to the Agency or Department, or timely applies for a tax rate adjustment after determining the tax rate was adversely affected by the charge pursuant to Section 443.131(3)(h) F.S., the credit will be applied to the calendar year in which the benefit payments were charged.

2. Reimbursing Employer: When the Agency determines benefits billed to a reimbursing employer were paid in error or fraudulently obtained, the amount recouped or recovered from the claimant by the Agency will on a pro rata basis be credited to the reimbursing employer or refunded if the employer has no balance due.

(c) Appeals Regarding Charges to an Employer Account.

1. Any appeal from a determination or redetermination with respect to the payment of benefits which involves the issue of whether an employer's account will be charged as provided in Section 443.131(3)(a), F.S., and Rule 60BB-3.018, F.A.C., will be heard and decided by an appeals referee, in accordance with the provisions of Chapter 60BB-5, F.A.C.

2. When an appeal from a determination or redetermination is filed pursuant to Section 443.151(4)(b), F.S., involving the application of Section 443.101, F.S., the appeals referee will, in the same proceeding, hear and decide any collateral issue with respect to whether benefit payments made pursuant to the decision will be charged to the employer's account.

(2) Determination of Tax Rate Pursuant to Computation of a Benefit Ratio. When an employer first becomes eligible for computation of a benefit ratio as provided in Section 443.131(3)(b), F.S., the Department will:

(a) Notify the employer of the contribution rate by use of Form UCT-20, *Unemployment Tax Rate Notice*, incorporated by reference in Rule 60BB-2.037, F.A.C., at least 15 days before the end of the calendar quarter for which the rate is effective.

(b) The rate will be effective for the calendar quarter in which eligibility was established and for the remainder of that calendar year.

(3) Determination of Audit Findings. The Department will notify employers of the results of audit findings on Form UCTFL16F, incorporated by reference in Rule 60BB-2.037, F.A.C.

(4) Determination of Employment Status. The Department will issue determinations to notify employers regarding whether services performed by individuals or classes of workers were in statutorily covered employment, were exempt from unemployment insurance coverage, were performed by employees, or were performed by independent contractors.

Specific Authority 443.1317 FS. Law Implemented 443.131(3), 443.1312, 443.1313, 443.141(2)(b), 443.151(3)(c), (d), (4)(b) FS. History—New 8-25-92, Formerly 38B-2.026, Amended 1-19-03,

(Substantial rewording of Rule 60BB-2.027 follows. See Florida Administrative Code for present text.)

60BB-2.027 Payment of Contributions.

(1) Remittance with Quarterly Reports. Payment is to be submitted concurrently with quarterly reports except for payment by electronic means which is to be submitted as provided in paragraph (2)(a) of this rule. Contributions are payable for each calendar quarter with respect to wages paid during such calendar quarter, except as otherwise provided in this rule and Sections 443.1312-.1313, F.S.

(2) Due and Payable Dates.

(a) Except for payments remitted by electronic means, contributions for the quarter ending March 31 are due April 30 and become delinquent on May 1; contributions for the quarter ending June 30 are due July 31 and become delinquent on August 1; contributions for the quarter ending August 31 are due September 30 and become delinquent October 1; contributions for the quarter ending December 31 are due January 31 and become delinquent February 1. Payments remitted by electronic funds transfer (EFT), Internet, or other electronic means must be in compliance with the rule provisions in Chapter 12-24, F.A.C., incorporated herein by reference, regarding payment by electronic means.

(b) The first contribution payment of an employing unit which becomes an employer must include contributions for the entire period of liability. Payment is due by the last day of the month following the calendar quarter in which the employing unit:

1. Met the liability provisions of the law, or
2. Elected, with written approval by the Department, to become an employer.

(3) Partial payments. When an employer has partially paid contributions for any period before the delinquent date, the taxable payroll for such period will be included in the employer's annual or quarterly payroll in the proportion that contributions paid for the period bear to the contributions due for such period.

Specific Authority 443.1317 FS. Law Implemented 443.121, 443.131, 443.141, 443.171(1), 443.191 FS. History—New 8-25-92, Formerly 38B-2.027, Amended 1-19-03, _____.

(Substantial rewording of Rule 60BB-2.028 follows. See Florida Administrative Code for present text.)

60BB-2.028 Delinquent Accounts.

(1) Application of Partial Payments. When a delinquency exists in the account of an employer not in bankruptcy and payment in an amount less than the total delinquency is remitted, the Department will apply the payment to the delinquency in such manner as the payer directs. In the absence of specific written directions from the employer, the Department will apply a partial payment to billed quarters of delinquency first to satisfy contributions, next interest, next penalty, next service fee, and then filing fee, in each quarter in full before application of the remainder of such payment to the next earlier quarter of delinquency. Once payment is applied pursuant to these rules, the application of payment will not be changed unless the Department made an application error.

(2) Billing. As provided in Section 443.131(3)(g)1., F.S., the term "incurred by" will be applicable only after the indebtedness, determined in accordance with Section 213.24, F.S., has been billed, but unpaid, for at least four (4) consecutive calendar quarters.

(3) Notice of Indebtedness Affecting Tax Rates.

(a) Notice of indebtedness will be mailed on Form UCT-27, *Notice of Amount Due*, incorporated by reference in Rule 60BB-2.037, F.A.C. The Notice will be mailed at least thirty days prior to the effective date of rating to each employer whose tax rate may be affected. Such indebtedness must be paid by the last day of the calendar quarter in which notification was mailed.

(b) An employer who is not notified of indebtedness because it was in an inactive status, as defined in Section 443.121(4), F.S., will be notified of the indebtedness when it returns to active status and the indebtedness must be paid within 30 days of the mailing date of the notification.

(4) Waiver of Penalty and Interest. Pursuant to Sections 443.1316 and 443.141(1), F.S., the Department is authorized to waive imposition of interest or penalty when the employer files a written request for waiver establishing that imposition of interest or penalty would be inequitable, however, the Department will not consider a request for waiver of penalty until the employer has filed all reports due for the five years immediately preceding the request for waiver. Examples of inequity include situations where the delinquency was caused by one of the following factors:

(a) The required report was addressed or delivered to the wrong state or federal agency.

(b) Death or serious illness of the person responsible for the preparation and filing of the report.

(c) Destruction of the employer's business records by fire or other casualty.

(d) Unscheduled and unavoidable computer down time.

(e) Erroneous information provided by the Agency or Department; failure of the Department to furnish proper forms upon a timely request; or inability of the employer to obtain an interview with a representative of the Department. In each case, a diligent attempt to obtain the necessary information or forms must have been made by the employer in sufficient time that prompt action by the Department would have allowed the reports to be filed timely.

Specific Authority 443.1317 FS. Law Implemented 443.121(4), 443.131, 443.1312, 443.1313, 443.1315, 443.141 FS. History—New 8-25-92, Amended 12-23-98, Formerly 38B-2.028, Amended 1-19-03,_____.

(Substantial rewording of Rule 60BB-2.029 follows. See Florida Administrative Code for present text.)

60BB-2.029 Changing Methods of Financing Benefits Reporting – Nonprofit and Public Governmental Employers.

(1) A non-profit or public employer will be assigned the applicable initial tax when changing from the reimbursing method to the contributing method of reporting. Experience as a reimbursing employer will not be used to determine the tax rate.

(2) A non-profit or public employer changing from the reimbursing to the contributing method of financing benefits must continue reimbursing the fund for benefits that are based on wages paid as a reimbursing employer. The requirement to remit taxes with quarterly reports begins on the effective date of the election to contribute.

(3) When a non-profit or public employer changes from the contributing to the reimbursing method of financing benefits and returns to the contributing method, the employment records in the prior contributing period will be used in computing a benefit ratio.

Specific Authority 443.1317 FS. Law Implemented 443.131, 443.1312, 443.1313 FS. History—New 8-25-92, Formerly 38B-2.029, Amended 1-19-03,_____.

(Substantial rewording of Rule 60BB-2.032 follows. See Florida Administrative Code for present text.)

60BB-2.032 Employing Unit Records.

(1) Retention of Records. Each employing unit will maintain all records pertaining to remuneration for services performed. Such records must be maintained for a period of five years following the calendar year in which the services were rendered and must also be made available to the Agency or Department upon request. If the records are maintained outside of Florida, a resident agent must be designated in Florida, through which the records may be obtained by the Agency or the Department.

(2) Record Contents. Records must contain true and accurate information regarding each worker as follows:

(a) Name and social security number; and

(b) Place of employment within the State. For the purpose of this rule, the place of employment is to be recorded as the county in Florida in which the work was performed. The place of employment of a worker who performed work in more than one county is to be recorded as the county in Florida which serves as the worker's base of operation; or, if the worker has no base of operations in Florida, the place of employment is to be recorded as the State of Florida at large; and

(c) Beginning and ending dates of each pay period and dates on which work was performed during each pay period; and

(d) Amount of remuneration paid to each worker for each pay period and dates of payment. If paid on an hourly or piece rate basis, the records must state for each day the remuneration earned on such basis and the date of payment. If paid on an hourly basis, the number of hours worked in each pay period must be recorded; and

(e) Date(s) hired, re-hired, and returned to work after temporary separation from work, and the date(s) of separation; and

(f) Special payments of any kind. All special payments, including bonuses, gifts, prizes, etc., must be recorded separately. The record must include the amount of money payments, reasonable cash value of other remuneration, the nature of such payments and, if appropriate, the period during which services were performed for such payments; and

(g) The address of each location where payroll records are maintained.

(3) Failure to Maintain Records. An employing unit that fails to maintain and/or provide required records of employment will be determined liable effective on the date employment first occurred, as established by the Department using the best available information.

(4) Power of Attorney. An employing unit may authorize its representative to receive confidential tax records or information by submitting a power of attorney with the Department. The Department prescribes DOR Form UCT-62, incorporated by reference in Rule 60BB 2.037, F.A.C.

Specific Authority 443.1317 FS. Law Implemented 443.071(2), (3), 443.141(2), 443.171 FS. History—New 8-25-92, Formerly 38B-2.032, Amended 1-19-03, _____.

(Substantial rewording of Rule 60BB-2.035 follows. See Florida Administrative Code for present text.)

60BB-2.035 Protests of Liability, Assessment, Reimbursements, and Tax Rate – Special Deputy Hearings.

(1) Filing a Protest. Protests of determinations of liability, assessments, reimbursement requirements, and tax rates are filed by writing to the Department of Revenue in the time and manner prescribed on the determination document. Upon receipt of a written protest, the Department will issue a redetermination if appropriate. If a redetermination is not issued, the letter of protest, determination, and all relevant documentation will be forwarded to the Office of Appeals, Special Deputy Section, in the Agency for Workforce Innovation for resolution.

(2) Each protest is to contain:

(a) The employer account number assigned to the Petitioner by the Department of Revenue;

(b) The name, address, and telephone number of the Petitioner; the name, address, and telephone number of the Petitioner's representative, if any, which will be the address for service during the course of the proceeding; and an explanation of how the Petitioner's substantial interests will be affected by the Department's determination;

(c) A statement of when and how the Petitioner received notice of the Department's determination;

(d) A statement of all disputed issues of material fact. If there are none, the petition should so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the Petitioner contends warrant reversal or modification of the determination;

(f) A statement of the specific rules or statutes the Petitioner contends require reversal or modification of the determination; and

(g) A statement of the relief sought by the Petitioner.

(3) Proceedings. Special deputies will conduct hearings and issue recommended orders to the Director or Director's designee on protests of determinations of liability, tax rates, assessments, and reimbursement requirements.

(4) Parties. The Agency through its designee, the Department of Revenue, will be a party respondent in each of the above protests. Where a protest arises from a claim or claims for benefits, the claimant will be joined as a party.

(5) Timely Protest.

(a)1. Determinations issued pursuant to Sections 443.1216, 443.131, and 443.1312, F.S., will become final and binding unless application for review and protest is filed with the Department within 20 days from the mailing date of the determination. If not mailed, the determination will become final 20 days from the date the determination is delivered.

2. Determinations issued pursuant to Section 443.141, F.S., will become final and binding unless application for review and protest is filed within 15 days from the mailing date of the determination. If not mailed, the determination will become final 15 days from the date the determination is delivered.

(b) If a protest appears to have been filed untimely, the Agency may issue an Order to Show Cause to the Petitioner, requesting written information as to why the protest should be considered timely. If the Petitioner does not, within 15 days after the mailing date of the Order to Show Cause, provide written evidence that the protest is timely, the protest will be dismissed.

(6) Acceptance or denial by the Agency Director or the Director's designee.

(a) Each application for review of tax rate, assessment, or redetermination issued pursuant to Sections 443.131(3)(i)1., 443.131(4)(b), 443.1312(3), 443.1313, and 443.141(2)(a), F.S., shall be considered by the Director or Director's Designee. When the application alleges facts which, if true, would entitle the applicant to a favorable redetermination, the Director or the Director's designee will grant the application for review; otherwise the application shall be denied.

(b) If a timely application for review is granted, the Agency will conduct an administrative hearing in the matter.

(7) Burden of Proof. The burden of proof will be on the protesting party to establish by a preponderance of the evidence that the determination was in error.

(8) Hearing. Hearings will be conducted telephonically or, if in-person, at one of the Agency's established UC Appeals Office locations in Florida.

(9) Furnishing Documents to the Parties. Pursuant to Sections 443.171(5) and 443.1715, F.S., the Department will provide to the Special Deputy and to each party documents and official records in its possession regarding the case.

(10) Notice of Hearing. The special deputy will set the time and place for all hearings and mail written notice to each party's address of record at least 14 days before a hearing on the merits of the protest, unless otherwise agreed by the parties.

(11) Subpoenas.

(a) Upon written application of any party of record or upon the special deputy's own motion, the special deputy may issue subpoenas pursuant to Section 443.171(7), F.S., requiring the attendance of witnesses or production of records, files and memoranda at any hearing before a special deputy for the purpose of taking the testimony of such witnesses or inspecting such documents. The application for subpoena must include

the full name and address of the witness for whom the subpoena is to be issued and the time and place for the witness to appear and/or produce documents. Requests for subpoenas duces tecum must describe with particularity the documents to be provided to the special deputy and parties. Any application for subpoena must be delivered to the office of the special deputy sufficiently in advance of the scheduled date of the hearing to allow service prior to hearing.

(b) A subpoena may be served by any person authorized by law to serve process or by any other person who is not a party and who is of majority age. Service may be made by a party's attorney or representative. Proof of personal service will be made by certification of the person making service if not served by an officer authorized by law to do so. If service is made by certified mail, the returned postal service receipt will be proof of service.

(c) Any person subject to a subpoena may, for any of the grounds set forth in Section 120.569(2)(k)1., F.S., file with the special deputy a motion to quash or limit the scope of the subpoena. The motion must be made sufficiently in advance of the date set for compliance with the subpoena to allow the special deputy to rule on the motion and provide notice to the parties of the ruling. If the special deputy's written ruling is not received prior to the date set for compliance, the moving party must appear at the designated time and place prepared to comply with the subpoena. The moving party will be entitled to an oral ruling on the motion entered into the record at the inception of the hearing.

(d) If a person fails to comply with a subpoena, the party requesting the subpoena may seek enforcement by filing a petition for enforcement pursuant to Section 120.569(2)(k)2., F.S., in the circuit court of the judicial circuit wherein the person in noncompliance resides.

(12) Discovery. Parties may obtain discovery as provided in Rules 1.280 through 1.410, Florida Rules of Civil Procedure. Upon request by a party the special deputy is authorized to issue orders to effectuate the purposes of discovery and to prevent delays, including orders shortening the period of time during which discovery is to be performed.

(13) Continuance. The special deputy may, upon request of a party or upon the special deputy's own motion, continue a hearing for good cause.

(a) Requests for continuance must state the reasons therefore and be made either in writing prior to the hearing or orally on the record at the hearing.

(b) The special deputy must immediately consider the request for continuance and provide written notice of the ruling to the parties.

1. If granted, the special deputy will so notify the parties in writing.

2. If denied, the appeals referee will so notify the parties in writing and proceed with the hearing as scheduled.

3. If it does not appear that the parties will receive a mailed ruling prior to the scheduled date of the hearing, the special deputy will nevertheless mail the ruling. If the request is denied the special deputy will proceed with the hearing. If the request is granted, the Office of Appeals will attempt to so notify each party by telephone.

4. If a continuance request is made during the course of a hearing, the special deputy will enter the ruling on the motion into the record and then proceed or adjourn.

5. If subsequent to hearing, but prior to rendition of a Recommended Order, the special deputy decides an additional hearing is necessary, the parties shall be so advised in writing.

(14) Appeals Procedures. Appeals procedures will be in accordance with Section 120.057, F.S., and this rule.

(15) Evidence.

(a) Oral evidence shall be taken only on oath or affirmation, whether the hearing is conducted by telephone, in-person, or by other means approved by the Agency.

(b) The special deputy will prescribe the order in which testimony will be taken and preserve the right of each party to present evidence relevant to the issues, cross-examine opposing witnesses, impeach any witness and rebut the evidence presented. The special deputy will restrict the inquiry of each witness to the scope of the proceedings.

(c) Hearsay evidence, whether received in evidence over objection or not, may be used to supplement or explain other evidence, but will not be sufficient in itself to support a finding unless the evidence falls within an exception to the hearsay rule as found in Chapter 90, F.S.

(d) The rules of privilege apply to the same extent as in civil actions under Florida law.

(e) Any party wishing to proffer documents at a telephone hearing must deliver a copy of each document to the special deputy and all parties and addresses shown on the *Notice of Hearing*, in sufficient time for receipt prior to the telephone hearing. Only documents received by the parties will be considered, unless the right to view the documents is waived.

(16) Recordation. The proceedings will be recorded by the special deputy. The recording of the testimony will be placed in the official record and preserved at least 180 days from the date of the Final Order.

(17) Non-Appearance of Petitioner. The failure of the Petitioner to appear at the hearing or to comply with any lawful order will be cause for dismissing the appeal.

(18) Request to Re-Open Proceedings. Upon written request of the Petitioner or upon the special deputy's own motion, the special deputy will for good cause rescind a Recommended Order to dismiss the case and reopen the proceedings. Upon written request of the Respondent or Joined Party, or upon the special deputy's own motion, the special deputy may for good cause rescind a Recommended Order and reopen the proceedings if the party did not appear at the most recently scheduled hearing and the special deputy entered a

recommendation adverse to the party. The special deputy will have the authority to reopen an appeal under this rule provided that the request is filed or motion entered within the time limit permitted to file exceptions to the Recommended Order. A threshold issue to be decided at any hearing held to consider allowing the entry of evidence on the merits of a case will be whether good cause exists for a party's failure to attend the previous hearing. If good cause is found, the special deputy will proceed on the merits of the case. If good cause is not found, the Recommended Order will be reinstated.

(19) Post Hearing Submissions. Any party initiating correspondence pursuant to items (a) through (e) of this subsection must send a copy of the correspondence to each of the parties whose address is shown on the notice of hearing or was added at the hearing, and indicate that copies were sent.

(a) The parties will have 15 days from the date of the close of testimony to submit written proposed findings of fact and conclusions of law with supporting reasons. If mailed, the postmark date will be considered the date of submission. However, no additional evidence will be accepted after the hearing has been closed.

(b) The special deputy will prepare and transmit a Recommended Order including findings of fact and conclusions of law together with the record of the proceedings and the parties' proposed findings of fact and conclusions of law to the Director or the Director's designee for decision. A copy of the Recommended Order will be mailed to all parties of record.

(c) Any party aggrieved by the Recommended Order may file written exceptions to the Director or the Director's designee within 15 days of the mailing date of the Recommended Order.

(d) Any opposing party may file counter exceptions within 10 days of the mailing of the original exceptions.

(e) A brief in opposition to the counter exceptions may be filed within 10 days of the mailing of the counter exceptions.

(20) Extensions of Time. Upon application, an extension of time may be granted for submitting proposed findings of fact and conclusions of law, and for submitting exceptions, counter-exceptions, and briefs. Unless verbally approved on the record during the hearing, a written application for extension of time, including the reason for the request and the amount of time requested, must be received by the special deputy prior to the expiration of the original deadline.

(21) Director's Order. The Director or the Director's designee will make a decision and issue a written order in the matter and serve a copy of the order to the parties by certified mail.

(22) Finality. Orders of the Director or the Director's designee will become final when the time has expired for seeking judicial review, provided such review has not been invoked.

Specific Authority 443.1317, 443.171(2) FS. Law Implemented 120.569, 120.57(1), (2), 443.036(19), (20), (21), 443.131(3), 443.141(2), (3), 443.151, 443.171(1), (6), (7), (8), (9) FS. History—New 8-25-92, Formerly 38B-2.035, Amended 1-19-03.

(Substantial rewording of Rule 60BB-2.036 follows. See Florida Administrative Code for present text.)

60BB-2.036 Unemployment Compensation Tax for Indian Tribes.

(1) Each liable Tribe or tribal unit that elects to make reimbursements in lieu of contributions must submit a completed form UCT-28T *Indian Tribe Election of Payment Method Under the Unemployment Compensation Law*, in accordance with Sections 443.1312 and 443.1315, F.S. The Tribe or tribal unit must also submit a surety bond. The surety bond must be issued by a bonding company or insurance company authorized by the Department of Insurance to do business in this state. If the bond is signed by an out-of-state agent it must be countersigned by a Florida resident agent. The surety bond must be submitted on form UCT-40 within 90 days of the effective date of an Indian tribe or tribal unit's election to make reimbursements in lieu of contributions. The bond must be effective as of January 1 of that calendar year. The Department will not grant final approval of the election application until the bond is timely received and approved. The bond is to be conditioned upon the Indian tribe or tribal unit's timely compliance with the payment provisions of Section 443.1315, F.S. Forms UCT-28T and UCT-40 are hereby incorporated by reference in Rule 60BB-2.037, F.A.C., and are available by:

(a) Writing to the Florida Department of Revenue, Central Registration-Unemployment Tax, Post Office Box 6510, Tallahassee, Florida 32314-6510;

(b) Faxing a request to the Department of Revenue's Unemployment Tax Registration Unit at (850)488-5833;

(c) Calling the Department of Revenue's Unemployment Tax Registration Unit at (850)488-5079; or

(d) Dialing the TDD number for the Department of Revenue at (800)367-8331 for persons with hearing or speech impairments.

(2) The bond will be duly executed by the principal and the surety. The amount of the bond will be calculated by determining the average amount of benefits charged to the applicant per quarter during the previous calendar year and multiplying that average by two. If there is insufficient employer history to determine the average, the amount of the bond will be thirty percent of the number of the applicant's employees, multiplied by three thousand dollars. The Department may review the bond annually to determine if there is a need to adjust the face amount. If the Department determines that the bond amount needs to be increased it will advise the Indian tribe or tribal unit which will have 90 days from the date of notification to increase the amount of the bond. The Department may seek recovery from the surety on

the bond at any time subsequent to the failure of the Indian tribe or tribal unit to pay any bill within 30 days of the mailing date of the bill pursuant to Section 443.1313, F.S.

(3) The bond will be effective until it is canceled. The surety company must give the Department at least 90 days written notice if it intends to cancel the surety bond. The cancellation will not be effective until 90 days after the Department receives written notice of the cancellation. Any cancellation of the bond will not affect any liability incurred or accrued prior to the effective date of the cancellation. Failure of the Indian tribe or tribal unit to have in effect a surety bond in the amount determined necessary by the Department will cause the Indian tribe or tribal unit to lose the option to make reimbursements in lieu of contributions effective the following calendar year.

Specific Authority 443.1315(7), 443.1317 FS. Law Implemented 443.1315 FS. History—New 7-29-03, Amended _____.

(Substantial rewording of Rule 60BB-2.037 follows. See Florida Administrative Code for present text.)

60BB-2.037 Forms.

(1) The following forms are incorporated into this Chapter by reference.

(a) Form DR-1, Application to Collect and/or Report Tax in Florida (Rev. 07/06).

(b) LES Form UCS-2A, Questionnaire for Voluntary Election of Unemployment Compensation Coverage (Rev. 09/01).

(c) Form UCS-1S, Report to Determine Succession and Application for Transfer of Experience Rating Records (Rev. 01/06).

(d) Form UCS-2, Voluntary Election to Become an Employer Under the Florida Unemployment Compensation Law (Rev. 08/01).

(e) Form UCS-3, Employer Account Change Form (Rev. 01/06).

(f) Form UCS-6, Employers Reciprocal Coverage Election (Rev. 12/00).

(g) Form UCS-6061, Independent Contractor Analysis (Rev. 11/05).

(h) Form UCS-70, Application for Common Paymaster (Rev. 08/01).

(i) Form UCT-1, Notice of Benefits Paid (Rev. 05/03).

(j) Form UCT-6, Employer's Quarterly Report (Rev. 01/06).

(k) Form UCT-7, Annual Report for Employers of Domestic Employees Only (Rev. 08/04).

(l) Form UCT-7A, Application to Select Filing Period for Employers who Employ ONLY Employees who Perform Domestic Services (Rev. 06/03).

(m) Form UCT-8A, Correction to Employer's Quarterly or Annual Domestic Report (UCT-6) (Rev. 05/04).

(n) Form UCT-18, Notice of Tax Lien (Rev. 07/04).

(o) Form UCT-20, Unemployment Compensation Tax Rate Notice (Rev. 01/06).

(p) Form UCT-27, Unemployment Tax Notice of Tax Action (Rev. 09/04).

(q) Form UCT-28T Indian Tribe Election of Payment Method Under the Unemployment Compensation Law (Rev. 08/02).

(r) Form UCT-29, Unemployment Compensation Reimbursement Invoice (Rev. 01/05).

(s) Form UCT-40 Indian Tribe Unemployment Surety Bond (Rev. 05/03).

(t) Form UCT-50T, Magnetic Media Reporting Transmittal (Rev. 01/01).

(u) Form UCTFL06A, Incomplete Report Notice (Rev. 05/01).

(v) Form UCTFL16F, Notification of Audit Results (Rev. 01/04).

(w) Form UCT-FL13A, Missing Wage Report (Rev. 05/01).

(x) Form UCT-62, Power of Attorney for Unemployment Tax (Rev. 11/05).

(y) Form UCS-8, Firm's Statement of Claimant's Work and Earnings (Rev. 07/03).

(2) Copies of forms. Forms incorporated in this rule are available, by one or more of the following methods:

(a) Writing to the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304;

(b) Faxing a request to the Forms Distribution Center at (850)922-2208;

(c) Visiting any local Department of Revenue Service Center to personally obtain a copy;

(d) Calling the Forms Request Line Monday-Friday from 8:00 a.m. to 5:00 p.m. Eastern Time at (800)352-3671 (in Florida only) or (850)488-6800;

(e) Downloading selected forms from the Department of Revenue's Internet site (www.myflorida.com/dor);

(f) Dialing the TDD number for the Department of Revenue at (800)367-8331 for persons with hearing or speech impairments.

Specific Authority 443.1317 FS. Law Implemented 443.131, 443.141, 443.171(5) FS. History—New 1-19-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John R. Perry, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mindy K. Raymaker, Deputy General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-7128

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-20.504
RULE TITLE: Fees
PURPOSE AND EFFECT: The Board proposed the amendment to the rule to update processing fees.
SUMMARY: The amendment to the rule is to update processing fees.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 468.4315, 943.053 FS.
LAW IMPLEMENTED: 455.2171, 455.219(3), (6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435, 943.053 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61-20.504 Fees.
- (1) through (10) No change.
- (11) Change of status processing fee. A \$15.00 ~~40.00~~ licensee shall pay a change of status processing fee to change the licensee's status at any time other than the beginning of a licensure period
- (12) through (16) No change.

Specific Authority 468.4315, 943.053 FS. Law Implemented 455.2171, 455.219(3), (6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435, 943.053 FS. History—New 5-4-97, Amended 5-10-98, 9-9-98, 2-11-99, 3-13-00, 11-2-00, 1-3-01, 7-15-02, 12-14-03, 7-13-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering
RULE CHAPTER NO.: 61D-14
RULE CHAPTER TITLE: Pari-Mutuel Facility Slot Machine Operations
RULE NOS.: 61D-14.001
RULE TITLES: General Definitions
 61D-14.002 Application Requirements
 61D-14.003 Renewal of Slot Machine Licenses
 61D-14.004 Denial Criteria for Applications and Renewals
 61D-14.005 Occupational License Requirements for Individual Persons
 61D-14.006 Occupational License Application Requirements for Business Entities
 61D-14.007 Business Occupational License Requirements for an Independent Testing Laboratory
 61D-14.008 Occupational License Renewal Application
 61D-14.009 Denial Criteria for Occupational License Application or Renewal
 61D-14.010 Identification of the Occupational License Applicant
 61D-14.011 Occupational License and Fingerprint Fees
 61D-14.012 Change of Position, Place of Work, Name, or Address
 61D-14.013 Pari-Mutuel Occupational License Transition Period Provisions
 61D-14.014 Occupational Licensee Termination List
 61D-14.015 Slot Machine Licensee Organizational Structure
 61D-14.016 Operational Requirements
 61D-14.017 Days and Hours of Operation
 61D-14.018 State Office Space Requirements
 61D-14.019 Compulsive or Addictive Gambling Prevention Program
 61D-14.020 Excluded Persons
 61D-14.021 Complimentary Services or Items
 61D-14.022 Slot Machine Requirements
 61D-14.023 Slot Machine Doors and Compartments
 61D-14.024 Logic Compartment
 61D-14.025 Currency Compartments
 61D-14.026 Cabinet Wiring

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|------------|---|------------|---|
| 61D-14.028 | Printed Circuit Board (PCB) Identification | 61D-14.074 | Security Requirements, System Access, and Firewalls |
| 61D-14.029 | Mechanical Devices Used for Displaying Game Outcomes | 61D-14.075 | Jackpot and Credit Meter Payouts Not Paid Directly From the Slot Machine |
| 61D-14.030 | Video Monitors/Touchscreens | | |
| 61D-14.031 | Bill Acceptors | 61D-14.080 | Retention, Storage and Destruction of Books, Records, and Documents |
| 61D-14.037 | Games with Bonus Features, Multiple Win Lines, Prizes | 61D-14.081 | Monthly Remittance Reports |
| 61D-14.038 | Percentage Payout and Odds | 61D-14.082 | Annual Financial Report |
| 61D-14.039 | Credit Redemption, Meter, Cancel Credit, and Taxation Reporting Limits | 61D-14.083 | Compliance with Federal Reporting Requirements |
| 61D-14.040 | Game Cycle, Payment of Credits by Ticket Printer, and Ticket Redemption | 61D-14.085 | Records Regarding Ownership |
| 61D-14.041 | Randomness Requirements and Game Play Auditing | 61D-14.086 | Annual Compliance Audit |
| 61D-14.042 | Accounting and Occurrence Meter Specifications | 61D-14.087 | Response to Division Reports and Audits |
| 61D-14.043 | Transaction Log, Accountability of Bills/Tickets, Bill Acceptor Recall, and Number of Last Plays Required | 61D-14.090 | Prohibited Acts |
| 61D-14.044 | Identification of Program Storage Media, and Slot Machine Technical Requirements | | PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities. |
| 61D-14.046 | Facility Based Monitoring System Functionality | | SUMMARY: The rules address the following subject matter areas: the method of applying for a slot machine license, technical requirements and qualifications for licenses, procedures to test and technically evaluate slot machines, verifying and accounting for revenues, auditing, collection of taxes and fees, procedures for bond, procedures regarding maintenance of records, 85% minimum payout, minimum security standards, approval process for facilities based computer systems, monthly reports, occupational licensing, renewal of occupational licenses, occupational license fees, fingerprint rules, posting of signage, office space requirements, the compulsive gambling program, the impact of slot machines on cardroom operations, or any other rules required for the implementation of Chapter 551, Florida Statutes. |
| 61D-14.047 | Facility Based Monitoring System and Computer Diagnostics | | SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. |
| 61D-14.048 | Facility Based Monitoring System Required Reports | | Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. |
| 61D-14.050 | Floor Plan | | SPECIFIC AUTHORITY: 551.103(1), 551.122 FS. |
| 61D-14.051 | Security Plan | | LAW IMPLEMENTED: 551.103(1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (2), (3), (4), 551.104(4)(f), (i), (8), 551.106(3), 551.107, 551.107(2)(b), (4)(a), (b), (d), 551.113(3), 551.114, 551.114(5), 551.117, 551.118, 551.118(1) FS. |
| 61D-14.052 | Electronic Identification and Access Control System | | 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): |
| 61D-14.053 | Key Controls | | DATE AND TIME: May 23, 2006, 9:00 a.m. – 4:00 p.m. |
| 61D-14.054 | Surveillance Equipment | | |
| 61D-14.055 | Storage and Retrieval of Surveillance Recordings | | |
| 61D-14.056 | Security and Surveillance Logs | | |
| 61D-14.058 | Slot Machine Licensees System of Internal Controls | | |
| 61D-14.059 | Slot Machine Licensee Personnel | | |
| 61D-14.060 | Business Entities, Internal Controls and Personnel Records | | |
| 61D-14.061 | Slot Cash Storage Boxes | | |
| 61D-14.063 | Count Rooms | | |
| 61D-14.065 | Procedure for Slot Cash Storage Box Count | | |
| 61D-14.067 | Slot Booths and Change Machines | | |
| 61D-14.069 | Accounting and Security Records | | |
| 61D-14.072 | Cashier's Cage, Satellite Cages, Vaults, and Accounting Controls | | |
| 61D-14.073 | Meter Readings | | |

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.001 General Definitions.

The following words and terms, when used in these regulations, shall have the following meanings unless the context clearly indicates otherwise:

(1) “Affiliate” or “affiliated” means person(s) one of whom directly or indirectly has the power to control the other, or persons who are both controlled by a third party.

(2) “Asset number” means a unique number permanently affixed to a slot machine or a slot cash storage box by a slot machine licensee for purposes of tracking that slot machine or storage box.

(3) “Bill” means a piece of United States paper currency.

(4) “Credit” means a unit of entitlement for play of a slot machine game created by the conversion of bills, tickets, or vouchers when inserted into a slot machine.

(5) “Currency” means the money of the United States that is designated as legal tender.

(6) “Custodian of Records” means the officer, director or employee of the slot machine who is designated as the employee responsible for records regarding the departments referenced in Rule 61D-14.015, F.A.C. The custodian of records shall be responsible for the maintenance of all records of the department for which he or she is delegated responsibility.

(7) “Drop” means the total amount of bills, tickets, and vouchers received by a slot machine or collected by a device that collects such items.

(8) “EPROM” means erasable programmable read only memory of a slot machine.

(9) “Facility Based Monitoring System” means a central site computer system that shall be accessible by the division and FDLE to which all slot machines at a gaming facility communicate for the purpose of auditing capacity, real-time information retrieval of the details of any financial event that occurs in the operation of a slot machine facility, door openings and closings, power failure, and disabling of slot machines.

(10) “F.A.C.” means the Florida Administrative Code.

(11) “FDLE” means the Florida Department of Law Enforcement.

(12) “Gaming day” means the sixteen hour period the slot machine gaming areas of a slot machine licensee are open pursuant to Section 551.116, Florida Statutes.

(13) “Jackpot” means any money, merchandise or thing of value to be paid to a patron as the result of a specific combination(s) of characters displayed on a slot machine that the slot machine is not capable to automatically pay out.

(14) “Play” means the making of a slot machine wager or the use of a free play award in lieu of a wager, the activation of the slot machine game by the patron, and an indication to the patron of the outcome of the wager.

(15) “Slot cash storage box” is a tamper-resistant container, used in slot machine gaming that provides storage for bills, tickets, and vouchers accepted by a device such as a slot machine or automated ticket redemption machine.

(16) “Ticket” means a receipt for credits printed by a slot machine or ticket issuing machine used for slot machine play or redeemed for cash by the slot machine licensee.

(17) “Voucher” means a receipt for cash or property which is issued at a cashier’s cage and that is inserted into a slot machine to initiate play.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 51.103(1)(a), (b), (d), (e), (g), (i), 551.104(4) FS. History—New_____.

61D-14.002 Application Requirements.

(1) Each application for a slot machine license filed by a pari-mutuel wagering permitholder shall include the following information on Form DBPR PMW-3400, Permitholder Application for Annual Slot Machine License, which is adopted and incorporated by Rule 61D-15.001, F.A.C.:

(a) The full name of the applicant;

(b) A list of all ownership interests of five percent or greater. If a corporation, the name of the state in which incorporated and the names and addresses of the officers, directors, and shareholders holding five percent or more equity or, if a business entity other than a corporation, the names and addresses of the principals, partners, shareholders or any other person holding five percent or more equity;

(c) The names and addresses of the ultimate equitable owners for a corporation or other business entity, if different from those provided under paragraph (b), unless:

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

2. If such corporation or entity files with the United States Securities and Exchange Commission the reports required by Section 13 of the act above or if the securities of the corporation or entity are regularly traded on an established securities market in the United States;

(d) The names and addresses of any mortgagee of any pari-mutuel facility and any financial agreement between the parties including the names and addresses of the officers and directors of the mortgagee, and of those stockholders who hold more than five percent of the stock of the mortgagee. If applicable, a mortgagee shall also file the same information for equitable owners under paragraph (c) if the mortgagee is a publicly traded company;

(e) For each individual listed in the application as an owner, partner, officer, or director:

1. A complete set of fingerprints that have been taken by a law enforcement officer or division staff to allow for electronic submission to FDLE; and

2. Form DBPR PMW 3460, Request for Release of Information and Authorization to Release Information, which is adopted and incorporated by Rule 61D-15.001, F.A.C., authorizing the division and FDLE to obtain any record held by a financial or public institution;

(f) A security plan that is in compliance with the specifications cited in Rule 61D-14.051, F.A.C.;

(g) A copy of the contracts required by Section 551.104(10), Florida Statutes;

(h) Each applicant shall provide the name and address of the custodian of records for slot machine operations;

(i) Each applicant shall disclose each permit to conduct pari-mutuel wagering that is issued to the applicant in which it has any ownership interest;

(j) Each applicant shall provide proof of a bond, in the amount of at least 2 million dollars (\$2,000,000.00) payable to the Governor or his/her successor in office issued by a surety authorized to issue such a bond in the state of Florida. The bond required by this section shall be conditioned to require faithful payment of all taxes, fees, or any other moneys payable under Chapter 551, Florida Statutes, and indicate whether it is renewable for successive license renewal periods and how many renewals are provided by the bond;

(k) Each applicant shall pay the non-refundable application fee upon the filing of the application as required by Section 551.106(1), Florida Statutes;

(l) Each applicant shall pay the non-refundable regulatory fee to fund the compulsive gambling program as required by Section 551.118, Florida Statutes;

(m) A copy of each policy required by Sections 551.104(4)(i) and 551.118, Florida Statutes, for the following:

1. Creating opportunities to purchase from vendors in this state, including minority vendors;

2. Creating opportunities for employment of residents of this state, including minority residents;

3. Ensuring that opportunities for construction services are from minority contractors;

4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis; and

5. Training for employees on responsible gaming and working with a compulsive or addictive gambling treatment program as required by Section 551.118, Florida Statutes;

(n) Each applicant shall disclose all 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, Florida Statutes;

(o) Each applicant shall disclose all judgments entered as the result of any 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, Florida Statutes;

(p) Internal control procedures required by Rule 61D-14.058, F.A.C.; and

(q) The dates and hours of slot machine operations as specified in Rule 61D-14.017, F.A.C.

(2) The application shall be filed under oath by the applicant for a slot machine license.

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

(4) If the applicant intends to claim any exemption from public records disclosure under Section 119.07, Florida Statutes, or any other exemption from public records disclosure provided by law, for any part of its application, it shall indicate in its application the specific sections for which it claims an exemption and the basis for the exemption.

Specific Authority 551.103(1), 551.122 FS, Law Implemented 551.103(1)(a), (b), (f), 551.104(4), 551.118 FS. History—New

61D-14.003 Renewal of Slot Machine Licenses.

(1) Any slot machine license in effect shall be renewed by the division for the next succeeding license period upon proper application for renewal and payment of fees as required by Sections 551.106, Florida Statutes.

(2) The license period for a renewed slot machine license shall be 1 year, which shall be concurrent with the pari-mutuel wagering annual license issued pursuant to Section 550.01215, Florida Statutes.

(3) An application for a slot machine license renewal shall be filed with the division in conjunction with the filing of the annual application for a pari-mutuel wagering license pursuant to Section 550.01215 or Section 550.5251, Florida Statutes, by the pari-mutuel wagering permitholder. Such application shall include any changes to any of the information set forth in Rule 61D-14.002, F.A.C., and identify any changes to internal controls that have not been previously approved by the division.

(4) Each renewal applicant shall provide certification of renewal of the bond required by paragraph 61D-14.002(1)(j), F.A.C., or a new bond meeting the requirements of that section.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.104(4) FS. History—New _____.

61D-14.004 Denial Criteria for Applications and Renewals.

An application for a slot machine license or a renewal of a slot machine license shall be denied if a review of the application or the investigation of the applicant demonstrates any of the following:

(1) Failure to provide any document required by Rule 61D-14.002, F.A.C.;

(2) A referendum was not held in the county where the slot machine facility is to be operated which demonstrates that the majority of the electors voting on the referendum have approved the operation of slot machines within pari-mutuel facilities in that county and the county is authorized to hold such a referendum as specified in Section 23, Art. X of the State Constitution;

(3) The applicant is not a pari-mutuel wagering permitholder;

(4) Slot machine gaming will be conducted at an ineligible pari-mutuel wagering facility;

(5) The applicant has outstanding fines, or the applicant's pari-mutuel wagering permit or license has been suspended or revoked, for noncompliance with Chapter 550, Florida Statutes;

(6) The applicant has outstanding fines, or has been suspended or revoked, for noncompliance with Chapter 551, Florida Statutes, or the application indicates slot machine operations shall be conducted in a manner that is not consistent with Chapter 551, Florida Statutes, or the rules contained in Chapter 61D-14, F.A.C.;

(7) The applicant failed to conduct a full schedule of live racing or games as defined in Section 550.002(11), Florida Statutes. In the event that the applicant did not conduct a full schedule of live racing or games, the applicant shall provide an

affidavit setting forth the facts and circumstances for the applicant's failure to have conducted a full schedule of live racing or games in the previous racing or jai alai season;

(8) The applicant failed to submit a security plan in accordance with Rule 61D-14.051, F.A.C., or if an application for renewal fails to report any changes to the applicant's previously approved plan;

(9) The applicant has failed to reveal any fact mandatory to the application for licensure, or has supplied information that is untrue or misleading as to a mandatory fact pertaining to the licensure criteria; or

(10) A conviction, as specified in Section 550.1815 or 551.107(6)(a), Florida Statutes, of the applicant or of any person referenced in that section required to be licensed of any disqualifying offense listed in Section 550.1815, Florida Statutes.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (i), 551.104(4), 551.117, 551.118(1) FS. History—New _____.

61D-14.005 Occupational License Requirements for Individual Persons.

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

(a) Professional Employee Occupational License – An individual seeking a license as an employee of a slot machine facility who will be a security employee or hold a position as the head of a department referenced in Rule 61D-14.015, F.A.C., or a supervisor of employees of the slot machine licensee shall apply for a professional employee occupational license;

(b) General Employee Occupational License – An individual seeking a license as an employee of a slot machine facility with no management or supervisory authority related to the slot machine licensee's facility or employees shall apply for a general employee occupational license; and

(c) Business Employee Occupational License – An individual seeking a license as an employee of any person or entity providing slot machine related services as referenced in Section 551.107(2)(a)3., Florida Statutes, to a slot machine licensee, who may be granted access to slot machine areas of a slot machine licensee due to their employment, shall apply for a business employee occupational license.

(2) As part of the initial application or renewal for a slot machine occupational license provided in Section 551.107, Florida Statutes, an applicant shall submit the following information under oath on Form DBPR PMW-3410, Slot Machine Employee Occupational License Application, which is adopted and incorporated by Rule 61D-15.001, F.A.C.:

(a) Name, including any prior names, aliases, maiden name or nicknames;

(b) Date of birth;

(c) Current physical and mailing address, a mailing address alone shall not be sufficient unless is also the applicant's physical address;

(d) Social security number;

(e) Telephone number of current place of employment and home;

(f) The applicant's marital status and the names of the applicant's spouse, children, siblings, grandchildren, the applicant's parents and any other relative over the age of 21 living in the same household as the applicant;

(g) Disclosure of other jurisdictions in which the applicant holds, has held, or is applying for a gaming license including:

1. Any license, permit or registry required in order to participate in any legal gaming operation; and

2. Any denial, suspension or revocation of a license, permit or certification issued by any governmental agency; and

(h) Any administrative, civil or criminal proceedings or any investigations known to the applicant that have been initiated by any governmental agency or any other state or federal agency that could affect the license status of the applicant in that jurisdiction or any judgment entered as the result of any such proceeding.

(3) Every applicant for a slot machine occupational license pursuant to paragraphs (1)(a) and (1)(c) shall disclose in his or her application:

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

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

(c) An employment history including:

1. All gaming-related employment; and

2. Any non-gaming employment for the previous ten years;

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

(e) A release signed by the individual authorizing the division and FDLE to obtain any record held by a financial or public institution.

(4) Every initial application for a slot machine occupational license shall include:

(a) A duly completed original Form DBPR PMW-3410, Slot Machine Employee Occupational License Application, which is adopted and incorporated by Rule 61D-15.001, F.A.C., in accordance with subsection (3);

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

(c) The electronic submission of fingerprints of the applicant taken by division staff that shall be submitted for state and federal regulatory inquiry purposes; and

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

(5) In the event the division determines that the licensee has applied for multiple positions that have been determined as incompatible functions as set forth in the internal controls of the employing slot machine licensee under paragraph 61D-14.015(1)(b), F.A.C., the licensee shall be informed in writing and allowed to amend the application to select the position of his or her preference.

(6) If the applicant intends to claim any exemption from public records disclosure under Section 119.07, Florida Statutes, or any other exemption from public records disclosure provided by law, for any part of its application, it shall indicate in its application the specific sections for which it claims an exemption and the basis for the exemption.

(7) Each application shall be filed with the division's office located at the slot machine licensee's facility or to the division at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(b), 551.107(4)(a) FS. History--New _____.

61D-14.006 Occupational License Application Requirements for Business Entities.

(1) No business entity, including a sole proprietorship, shall manage, oversee, or provide services for slot machine operations or provide services, products or goods to a slot machine licensee unless the entity is licensed by the division as a slot machine business entity occupational licensee. The slot machine occupational license requirements of this section apply to any business entities as follows:

(a) A business entity that acts as a slot machine management company, slot machine manufacturer or distributor, or sells products, services or goods to a slot machine licensee, or whose employees may be granted access to the designated slot machine area by reason of the employment position they hold with the business entity shall apply for a business entity occupational license; and

(b) Business entities that do not supply slot machine related goods or services are not required to hold a business occupational license. However, the slot machine licensee shall be required to maintain a list of employees of such a business who may occasionally require incidental access to slot machine gaming areas in its security plan referenced in Rule 61D-14.051, F.A.C.

(2) An application for a business slot machine occupational license shall be made on Form DBPR PMW-3420, Slot Machine Business Entity Occupational License Application, which is adopted and incorporated by Rule 61D-15.001, F.A.C.

(3) Failure to include the following information as required by Form DBPR PMW-3420, Slot Machine Business Entity Occupational License Application, which is adopted and incorporated by Rule 61D-15.001, F.A.C., shall constitute grounds to deny the incomplete license application:

(a) The name of the business, including “doing business as” (d/b/a) names or fictitious names;

(b) The business Federal Employer Identification Number or, for sole proprietors, a social security number;

(c) Whether the business is a sole proprietorship, corporation, estate, trust, partnership, or if not one of the foregoing, a description of the business entities ownership and management structure;

(d) Whether the applicant is seeking a one or three-year license;

(e) A check or money order for the applicable business license fee as provided in Rule 61D-14.011, F.A.C.;

(f) The physical and mailing address(es), including the country if not the United States of America;

(g) The name and title of a contact person working for the business, including a primary telephone number, an alternate telephone number, and a primary e-mail address;

(h) A list of all officers, directors, or managers of the business including:

1. A set of fingerprints that have been taken by a law enforcement officer or division staff to allow for electronic submission to FDLE; and

2. A release signed by the individual authorizing the division and FDLE to obtain any record held by a financial and public institution.

(i) The name, title, and job description of each employee who is required to access any area of a slot machine licensee’s facility;

(j) Disclosure of other jurisdictions in which the applicant holds, has held, or is applying for a gaming license including:

1. Any license, permit or registry required in order to participate in any legal gaming operation; and

2. Any denial, suspension or revocation of a license, permit or certification issued by any governmental agency;

(k) Disclosure of whether the applicant has had a gaming license in another jurisdiction suspended, revoked or denied, or whether there are administrative, civil, or criminal proceedings in any other jurisdiction that could result in the imposition of any suspension, revocation or denial in that jurisdiction. Such disclosure shall include any license which has been relinquished in lieu of such prosecution;

(l) A description of the services, products or goods which the business intends to provide;

(m) If the applicant is a corporation, the application shall also disclose:

1. The state in which the applicant is incorporated;

2. Disclosure of whether the corporation has ever been convicted of a crime, and a listing of those offenses;

3. A copy of the corporation’s registration to do business in the state of Florida;

4. The name of any person authorized to accept service of process for administrative, civil or criminal proceedings in the state of Florida;

5. A complete listing of any subsidiaries of the corporation; and

6. A complete listing of any other corporations holding an ownership interest in the applicant corporation, including any officers, directors, managers or ownership interest in such a company holding an interest in the applicant; and

7. A list of slot machine licensees to whom the applicant intends to provide services, products or goods.

(4) If the applicant is a business entity, the business occupational license application shall be filed under oath by an officer, director or manager who is authorized by the applicant business entity to bind the applicant to the representations made in the license application.

(5) An applicant for a license as a manufacturer or distributor of slot machines, or any equipment necessary for the operation of slot machines, shall include with its application an affidavit attesting that the applicant, its officers, directors, or employees have no ownership or financial interest in a slot machine licensee or any business owned by a slot machine licensee.

(6) If the applicant intends to claim any exemption from public records disclosure under Section 119.07, Florida Statutes, or any other exemption from public records disclosure provided by law, for any part of its application, it shall indicate in its application the specific sections for which it claims an exemption and the basis for the exemption.

(7) Each application shall be filed with the division’s office located at the slot machine licensee’s facility or to the division at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a) FS. History—New _____.

61D-14.007 Business Occupational License Requirements for an Independent Testing Laboratory.

(1) In addition to the requirements of Rule 61D-14.006, F.A.C., an applicant for a business occupational license as an independent testing laboratory to test and technically evaluate slot machines, or facility based computer systems of a slot machine licensee shall meet the following criteria:

(a) The applicant has submitted proof of current licensure, certification to test, or has a current contract in good standing with a gaming regulator in at least five jurisdictions in which electronic gaming devices are authorized;

(b) No contract held by the applicant with a state or other gaming jurisdiction has been cancelled, suspended, or not renewed in any way for failure to provide adequate testing of slot machines or facility-based operating systems, or other similar system for control of slot machine gaming; and

(c) No independent testing laboratory or its officers, directors, managers, or owner shall own any interest in the following licensees, nor shall any of the following licensees own any interest in an independent testing laboratory:

1. A slot machine licensee; and

2. A manufacturer or distributor of slot machines, slot machine software, or any other part of a slot machine.

(2) An applicant for a business occupational license as an independent testing laboratory or renewal of such a license shall identify in its application all persons employed or contracted by the independent laboratory that will test slot machines for compliance with Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C. The application shall include each person's name, job title and engineering license number.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (c), 551.107 FS. History–New _____.

61D-14.008 Occupational License Renewal Application.

(1) The application for renewal of a slot machine occupational license shall be made under oath and include:

(a) A duly completed original Form DBPR PMW-3410, Slot Machine Employee Occupational License Application or 3420, Slot Machine Business Entity Occupational License Application, which are adopted and incorporated by Rule 61D-15.001, F.A.C.; and

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

(2) Slot machine occupational licenses shall be issued by the division for a period of one year or three years when accompanied by the corresponding license fee, beginning on October 1 of each year and expiring on September 30 of the following year.

(3) The completed renewal application shall be filed with and received by the division between August 2nd through September 30th of the year the license is due to expire.

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

(5) Any person whose slot machine occupational license has expired and who seeks a subsequent slot machine occupational license shall be considered an initial slot machine occupational license applicant.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a) FS. History–New _____.

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

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

(1) The applicant fails to provide any document required by Rule 61D-14.005 or 61D-14.006, F.A.C.;

(2) The applicant is not at least 21 years old;

(3) The applicant has failed to pay the license fee or fingerprint fees;

(4) The applicant has unpaid fines from any gaming jurisdiction or holds any gaming license that is currently suspended, held a gaming license that has been suspended on multiple occasions resulting in a total time suspended of one year or more, or that has been revoked or relinquished in lieu of prosecution for a criminal, civil or administrative offense;

(5) The applicant is an employee of the division;

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

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

(a) Has been convicted of any disqualifying offense under Section 551.107(6), Florida Statutes; or

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

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a), (b) FS. History–New _____.

61D-14.010 Identification of the Occupational License Applicant.

Every applicant for a professional, general or business employee slot machine occupational license shall establish his/her identity in one of the following ways:

(1) Providing an original or copy of one (1) of the following documents:

(a) A current United States of America passport;

(b) A Certificate of United States citizenship, or Certificate of Naturalization issued by the United States Department of Justice, Immigration and Customs Enforcement (ICE); or

(c) A current permanent resident card issued by the ICE, which contains a photograph; or

(2) Providing an original or copy of any two (2) of the following documents:

(a) Certified copy of the birth certificate of the applicant;

(b) Current driver's license containing a photograph, name, signature, date of birth, sex, height, color of eyes and address of the applicant;

(c) Current identification card issued by the Federal Department of Defense to persons who serve in the United States military or their dependents containing a photograph, name, date of birth, height, and color of eyes of the applicant;

(d) Current student identification card which contains a photograph, student number or social security number, date of expiration, seal or logo of the issuing institution, and the signature of the applicant;

(e) Current country identification card issued by the federal government or government issued identification credential which contains a photograph, the name, date of birth, sex, height, color of eyes and address of the applicant;

(f) Current identification card issued by the Immigration and Naturalization Service containing a photograph or information about the name, date of birth, sex, height, color of eyes and address of the applicant; or

(g) A current foreign passport that is recognized by the ICE and contains a photograph of the applicant.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a), (d) FS. History--New _____.

61D-14.011 Occupational License and Fingerprint Fees.

(1) The license fee for an individual applying for a license under Rule 61D-14.005, F.A.C., shall be \$50 for a one-year license, or \$150 for a three-year license.

(2) The slot machine occupational license fee for a business entity applying for an occupational licensee under Rule 61D-14.006, F.A.C., shall be \$1,000 for a one-year license, or \$3,000 for a three-year license.

(3) An applicant for general slot machine occupational license shall provide his or her application to the division with a written acknowledgement from the slot machine licensee agreeing to pay the division the fee established in subsection (1).

(4) An applicant for a professional occupational license shall submit payments for licensure and fingerprinting to the slot machine licensee and provide an acknowledgement from the slot machine licensee agreeing to pay the division the fee established in subsection (1).

(5) The slot machine licensee shall remit a check or money order daily for payment of all general and professional occupational licenses for employees who work at the slot machine facility outlined in subsections (3) and (4) above to the division.

(6) An applicant for a business occupational license, including those individuals employed by the business entity, shall provide a check or money order for payment of fingerprint fees with their application for a slot machine occupational license. A check or money order can be provided for the individual employees by the employing business entity.

The fee for fingerprinting shall equal the fee established by Section 943.053(3)(b), Florida Statutes, and subsection 11C-6.010(5), F.A.C.

(7) Payment of professional and general employee application fees by the slot machine licensee shall be submitted to the division at the division's office located on the grounds of the slot machine licensee's facility.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (g), 551.107(4)(a), (d) FS. History--New _____.

61D-14.012 Change of Position, Place of Work, Name, or Address.

(1) In the event a person holding a slot machine general employee occupational license changes job duties or functions, or employment to a position requiring a slot machine professional occupational license or slot machine business employee occupational license, the licensee shall apply to upgrade the license by completing Form DBPR PMW-3170, which is adopted and incorporated by Rule 61D-15.001, F.A.C., prior to performing the professional-level duties.

(2) Any person employed by a slot machine licensee or slot machine business entity licensee in a position that requires a slot machine occupational license shall notify the division in writing of any change of employment to a different slot machine licensee or to any business entity licensed pursuant to Rule 61D-14.006, F.A.C., prior to commencing the new employment.

(3) Any person or entity holding a slot machine occupational license shall inform the division in writing of any change in their name or their physical or mailing address within seven days of the date the name or address changed.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (g), 551.107(4)(a) FS. History--New _____.

61D-14.013 Pari-Mutuel Occupational License Transition Period Provisions.

(1) Any person who on the effective date of these regulations possesses a pari-mutuel wagering occupational license and is required by Section 551.107(2), Florida Statutes, to obtain a slot machine occupational license, shall file an initial application for a slot machine license within thirty days following the effective date of these regulations. Such a person, except for a person who obtained a license through the waiver process of Section 550.105(5)(c), Florida Statutes, and Rule 61D-5.006, F.A.C., is authorized to work in the slot machine area of a slot machine licensee until such time as the initial application for a slot machine occupational license has been granted or denied.

(2) All rule provisions of Chapter 61D-14, F.A.C., shall apply to any person who is authorized to work in the slot machine area under their current pari-mutuel wagering license as provided in this section.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(2)(b) FS. History–New _____.

61D-14.014 Occupational Licensee Termination List.

Prior to beginning slot machine gaming, a slot machine licensee shall provide a roster of all slot machine employees to the division. Thereafter, the slot machine licensee shall submit a weekly roster change list to the division indicating all new slot machine employees and all slot machine employees whose employment has been terminated regardless of whether or not the employee's termination was voluntary.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (g), 551.107(4)(a) FS. History–New _____.

61D-14.015 Slot Machine Licensee Organizational Structure.

(1) Each slot machine licensee shall maintain an organizational structure which meets the following criteria designed to preserve the integrity of the eligible facility operation. Provided the criteria of this section are met, each slot machine licensee shall be permitted to tailor its organizational structure to meet the needs of its own particular management style. The proposed table of organization of each slot machine licensee shall be approved by the division and shall provide for the following criteria:

(a) A list identifying management and supervisory personnel holding professional occupational licenses who will be held accountable for actions or omissions within their area of responsibility; and

(b) Supervisory positions which permit the authorization or supervision of necessary transactions at all relevant times.

(2) Each slot machine licensee shall designate a chief gaming executive. The chief gaming executive shall be the person located at the slot machine licensee's facility who is responsible for the daily conduct of slot machine gaming including the direct or indirect supervision of the departments required by this section regardless of the slot machine licensee's form of business association or the particular title which that person holds.

(3) In addition to satisfying the requirements of subsection (1) above, each slot machine licensee's organizational structure shall include, at a minimum, the following mandatory departments and supervisory positions:

(a) The Accounting Department is responsible for verifying financial transactions, and reviewing and controlling accounting forms and data. The function shall include, but is not limited to, a daily audit of the slot machine gaming documentation, a daily audit of the gaming facility cage accountability, a daily audit of the vault accountability, document control and signature verification;

(b) The Cashier's Cage is responsible for the following:

1. The custody of coin, currency, documents, and records associated with the operation of a cashier's cage;

2. The receipt, distribution, and redemption of any tickets and vouchers; and

3. The segregation of funds related to slot machine activity from funds related to pari-mutuel activity;

(c) The Surveillance Department shall be independent of all aspects of gaming facility operations and shall be supervised by a gaming facility employee holding a professional occupational license assigned the position of Director of Surveillance. The Director of Surveillance shall report to the slot machine licensee, or to a corporate executive outside the immediate property management team, or to another independent reporting line. The Surveillance Department is responsible for the covert monitoring of:

1. The conduct and operation of slot machines;

2. The conduct and operation of the cashier's cage;

3. The collection and count of the slot drop;

4. The movement of any cash storage box within the facility, any bills, tickets, or vouchers removed from a slot machine, or the movement of cash while being transported to a count room or armored car bay;

5. Detection and recording of cheating, theft, embezzlement, and other illegal activities in the gaming facility; and

6. Detection of the presence in the gaming facility of any person who is required to be excluded pursuant to voluntary and involuntary exclusions;

(d) The Security Department is responsible for the overall security of the facility including the following:

1. The physical safety of patrons and employees in the slot machine licensee's facility;

2. The physical safeguarding of assets transported to, from, or through the facility;

3. The protection of patrons, employees and gaming facility property from illegal activity;

4. The detainment of individuals when there is probable cause to believe that they are in violation of the law or gaming regulations;

5. The recordation of any and all suspicious activity including the date, time, nature of the incident, persons involved in the incident, and the assigned Security Department personnel; and

6. The identification and removal of any person who is required to be excluded pursuant to voluntary or involuntary exclusion requirements;

(e) The Slot Department is responsible for all aspects of the operation of the slot machines and shall be supervised by a management-level employee manager or assistant manager;

(f) The Internal Audit Function of a slot machine licensee shall be through a separate or through outsourcing of this function. The Internal Audit Function shall be responsible for the following:

1. Reviewing and appraising the adequacy of internal controls;

2. Ensuring compliance with internal controls through observations and review of accounting documentation;

3. Reporting instances of non-compliance with the system of internal controls;

4. Reporting of any material weaknesses in the system of internal controls disclosed by an audit conducted under generally accepted accounting principles;

5. Recommending improvements in the system of internal controls;

6. Creating audit reports that shall include the following information:

a. Audit objectives;

b. Audit procedures and scope;

c. Findings and conclusions;

d. Recommendations, if applicable; and

e. Management's response; and

7. Internal audit findings shall be reported to management. Management shall be required to respond to internal audit findings stating corrective measures to be taken to avoid recurrence of the audit exception. Such management responses shall be included in the internal audit report that shall be delivered to management, the audit committee, the division upon request, or any other entity designated by the slot machine licensee; and

(g) The Management Information Systems (MIS) Department is responsible for the quality, reliability, and accuracy of all computer systems used in the operation and shall be responsible for and maintenance of:

1. Access codes and other data-related security controls used to ensure authorized access to computers and the system-wide reliability of data;

2. Computer tapes, disks, or other electronic storage media containing data relevant to gaming facility operations; and

3. Computer hardware, communications equipment and software used in the conduct of gaming facility operations.

(4) No person shall be assigned to duties of more than one department listed in subsection (3). Further, no person within a department shall be assigned job duties that would enable such a person to both perpetrate an error or commit fraud and conceal evidence of the error or fraud in the course of their duties.

(5) The slot machine licensee shall designate a custodian of records for each department referenced in subsection (3). The slot machine licensee shall provide a written notification to the division and FDLE listing the custodian of records for each department. The slot machine licensee shall update the list whenever the employee designated as the custodian of records is changed.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (d), (e), (i) FS. History—New _____.

61D-14.016 Operational Requirements.

(1) Prior to commencing slot machine gaming at its facility, a slot machine licensee shall file a certification from a licensed independent testing laboratory that verifies the following:

(a) The facilities based computer system which the slot machine licensee will use for operation and accounting functions of the slot machine facility is in full compliance with the requirements of Chapter 551, Florida Statutes, and the Chapter 61D-14, F.A.C., and

(b) That each slot machine shall operate in compliance with the requirements of Chapter 551, Florida Statutes, and all rules setting forth requirements for slot machines contained in Chapter 61D-14, F.A.C.

(2) The slot machine licensee shall maintain an office on the premises of the eligible facility.

(3) The slot machine licensee shall maintain all records required by Chapter 551, Florida Statutes, and all rules setting forth requirements for slot machines contained in Chapter 61D-14, F.A.C., at the slot machine facility that at all times reflect the current ownership and, if a corporation, of every class of security issued by the slot machine licensee that shall be available for inspection by the division or FDLE at all reasonable times without notice.

(4) The slot machine licensee shall provide written certification to the division and FDLE from each bank, financial institution, funds transmitter or other entity that handles or facilitates the slot machine licensee's financial operations, that each such entity will accept and comply with any administrative or investigative subpoena or request for production of records from the division or FDLE and shall make all books and records related to the slot machine licensee available for audit or review when required by the division or FDLE.

(5) The slot machine licensee shall post separate signage throughout the designated slot machine gaming areas providing notice of the following:

(a) Warning of the risks and dangers of gambling;

(b) Showing the odds of winning, which shall be updated quarterly and stated as either:

1. The actual payout percentage for the facility based upon the previous quarter; or

2. The average of the overall certified payout percentage for the machines currently offered for play;

(c) Informing of the toll-free number available to provide information and referral services regarding compulsive or problem gambling from the division's compulsive gambling prevention program contractor; and

(d) The minimum age to play required by Section 551.113(3), Florida Statutes.

(6) The slot machine licensee or its employees shall not allow a person who has been excluded from a slot machine facility by a final order of the division pursuant to Section 551.112, Florida Statutes, to enter the slot machine licensee's facility.

(7) No less than two weeks prior to a slot machine licensee opening its facility for slot machine play, the slot machine licensee shall contact the division and FDLE for a trial operation day to test slot machines, the facility based monitoring system, security systems, back up systems and employee training on internal controls. The division and FDLE shall test for contingencies or situations that impact slot machine operations at the slot machine licensee's facility. If the slot machine licensee's systems do not function as required by Chapter 551, Florida Statutes, Chapter 61D-14, F.A.C., and the internal controls submitted for compliance with the rules, the division shall provide the slot machine licensee with a written list of deficiencies. The slot machine licensee shall advise the division and FDLE when those deficiencies have been addressed and the division and FDLE shall retest those systems to verify compliance. A slot machine licensee shall not open its facility for slot machine play until the division acknowledges in writing that all deficiencies noticed by the division are resolved.

(8) No slot machine or any part of the logic compartment referenced in Rule 61D-14.024, F.A.C., shall be removed from its location designated by the facility floor plan without prior written notification to the surveillance department, the division or FDLE.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (e), (g), (h), (i), 551.113(3), 551.114 FS. History-New _____.

61D-14.017 Days and Hours of Operation.

(1) Days and hours of slot machine operation shall be those set forth in the application or renewal of the slot machine licensee. Changes to days and hours of slot machine operation shall be submitted to the division 14 days prior to implementation.

(2) For purposes of auditing, monitoring and regulatory compliance, a day shall be 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. Slot machine licensees may choose to begin and end their gaming day at hours other than those specified in this section.

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

61D-14.018 State Office Space Requirements.

(1) There shall be, for the exclusive use of division and FDLE employees, office space at each facility for regulatory and law enforcement purposes. The slot machine licensee shall

not have access to the designated space unless authorized by the division or FDLE and a division or FDLE representative is present.

(2) The Licensing/Compliance Room shall be at least 500 square feet in office area at each facility in order to station on-site division employees to facilitate the licensing process and provide workspace for compliance auditors, investigators, and other regulatory staff and meet the following minimum requirements:

(a) Internet connectivity will be provided that has bandwidth equal or greater than 1Mb/s and at least 2 static, routable IP addresses;

(b) Connectivity to the facility based monitoring system to run slot activity reports and real time access as referenced in Rule 61D-14.048, F.A.C.;

(c) A segregated telephone communication system, which prohibits the licensee from accessing division calls, fax communication or email;

(d) A house telephone communication system and multiple handsets capable of communicating with facility security;

(e) Live-scan electronic fingerprinting equipment approved for use by FDLE as referenced in Section 551.107(7)(a), Florida Statutes;

(f) A customer service counter for the acquisition of information from prospective applicants and to facilitate the licensing process;

(g) An electronic access badge system that records all entries on the facility's security event log referenced in Rule 61D-14.052, F.A.C.;

(h) A security camera providing coverage of the room and entryway linked to the facility's surveillance system referenced in Rule 61D-14.054, F.A.C.;

(i) A security window or feed from the security camera that allows division employees in the Licensing/Compliance room to visually identify individuals attempting to access the room;

(j) An intercom system that allows communication from the licensing counter to outside of the entry door that includes a buzzer entry system;

(k) Adequate lighting, power outlets, and ventilation as provided in other office space in the slot facility; and

(l) Four internal security radios capable of containing all facility security channel frequencies.

(3) The Secure Room space shall be at least 1,086 square feet at each facility in order to station FDLE and task force partners and shall meet the following minimum requirements:

(a) One bay area not less than 936 square feet (includes 80 square feet for a work station for real time video surveillance) to accommodate 7 special agents/analysts/task partners;

(b) One office not less than 100 square feet;

(c) One telecommunications closet not less than 50 square feet. This closet shall have plywood installed to facilitate the installation of a T-1 circuit(s) for connectivity to FDLE's and the division's secure state network;

(d) The secure monitoring room shall be accessible through a solid core door with locking mechanism that permits entry only by employees of the division and FDLE. The office within the secure monitoring room shall be accessible through a solid core door only from the bay area;

(e) The interior of the secure monitoring room shall not be visible to the public or to the slot machine licensee;

(f) Access to the secure monitoring room shall be controlled by FDLE;

(g) Switching capabilities to insure that all surveillance cameras are accessible to the monitors in the secure monitoring room;

(h) Cabling and connecting media to accommodate telephone and communications media and computers; and

(i) Eight internal security radios capable of containing all facility security channel frequencies.

(4) The Interview/Detention Room shall be at least 100 square feet and shall include, a bench or other apparatus which is permanently affixed to the facility and to which the person in custody can be handcuffed.

(5) Ten parking spaces shall be provided adjacent to the facility, six which are marked for FDLE use and four marked for division use.

(6) The Licensing/Compliance Room, the Secure Room, and the Interview/Detention Room shall be contiguous or adjacent unless otherwise approved by the division.

(7) The telephone and communication media systems required by this section shall be segregated so that the slot machine licensee is prohibited from accessing calls or communications made from and into the licensing/compliance and secure monitoring rooms.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(i), 551.114(5) FS. History--New _____.

61D-14.019 Compulsive or Addictive Gambling Prevention Program.

(1) A slot machine licensee shall work with a compulsive or addictive gambling prevention program and provide training for its employees on responsible gaming in accordance with the requirements of Sections 551.104(4)(i)5. and 551.118(1), Florida Statutes. The compulsive gambling prevention program shall include, but is not limited to, the following elements:

(a) Identification of a program manager or other person responsible for ensuring that a program is implemented and administered by the slot machine licensee and monitored to maintain the minimum standards established by this rule;

(b) Printed materials to educate patrons about compulsive gambling and inform them of local and state wide resources available to compulsive gamblers and their families. The materials can include signs and posters located inside the licensed premises and brochures discussing compulsive gambling issues and sources of treatment and information. A plan shall also specify sources of the printed materials and proposed distribution methods;

(c) Completion of a log detailing employee names, dates, and training certifying that each employee required to obtain the training has done so within the time period specified by these regulations; and

(d) An annual follow-up training program to reinforce employee training.

(2) The employee training program shall include training and materials on the following topics:

(a) Characteristics and symptoms of compulsive gambling behavior;

(b) Identification of vulnerable populations, including women, low-income patrons, the elderly and persons who abuse drugs and alcohol;

(c) Techniques to be employed where a compulsive gambling problem is identified or suspected; and

(d) Assistance and referral programs, including specific resources and training on how to discuss compulsive gambling with a patron and give advice concerning access to available services.

(3) Training shall be conducted within thirty (30) days of the employee's hire date. Certification of such training shall be maintained onsite in each employee's personnel file.

(4) The program shall provide for notification to compulsive or addictive gamblers of the availability to request voluntary exclusion from the slot machine licensee's facility.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (g), (i), 551.104(4)(i), 551.118(1) FS. History--New _____.

61D-14.020 Excluded Persons.

(1) Each slot machine licensee shall maintain a database of persons:

(a) Who the slot machine licensee has excluded from its facilities, including persons excluded as compulsive gamblers; and

(b) Persons that have been excluded by a final order of the division.

(2) A slot machine licensee database of excluded patrons shall include the following information for each excluded person:

(a) The full name and aliases, if known, of the person to be excluded;

(b) A description of the person’s physical appearance, including height, weight, type, build, color of hair and eyes and other physical characteristics which would assist in the identification of the person;

(c) Date of birth;

(d) The date the person was excluded;

(e) If obtainable, a photograph, and the date of the photo or a photo taken by the eligible facility surveillance department; and

(f) A brief description of why the person has been excluded.

(3) A slot machine licensee shall exclude or eject any person that has been placed in its exclusion database.

(4) If the slot machine licensee withholds winnings from any excluded person, such withheld winnings shall be included in the slot machine licensee’s revenues pursuant to subsection 61D-14.081(5), F.A.C.

(5) Whenever an excluded person enters or attempts to enter, or is upon the premises of a slot machine licensee, the slot machine licensee’s agents or employees shall immediately inform the security department. The security department shall:

(a) Immediately notify the division or FDLE of the presence of the excluded person in any area of the gaming establishment;

(b) Request such excluded person to not enter or if on the premises to immediately leave; and

(c) Notify the appropriate law enforcement agency and the division if such excluded person fails to comply with the request of the licensee, its agents or employees.

(6) Catering to a person excluded by a final order of the division is a violation of these rules.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (i), 551.118 FS. History–New _____.

61D-14.021 Complimentary Services or Items.

(1) Complimentary items or services offered directly or indirectly by a slot machine licensee shall not constitute “cash, cash equivalents, credits or prizes paid to winners of slot machine gaming” for the purpose of a deduction from slot revenues as referenced in Section 551.102(12), Florida Statutes, when calculating taxes due to the division.

(2) Any complimentary item that is redeemable for credits for slot machine play shall be presented at a cashier’s cage. The cashier shall convert the complimentary item into a voucher, which shall only work in a slot machine.

(3) Each slot machine licensee that offers complimentary services or items shall establish and maintain as part of its system of internal controls a monthly report including:

(a) A description of the services or items;

(b) A description of the program or promotion under which they were offered;

(c) The total cost of the services or items to the slot machine licensee, its affiliates, or third parties contracted for the provision of complimentary services or items; and

(d) The total retail value of the services or items.

(4) If complimentary services or items provided any person or entity have a total cost pursuant to paragraph (3)(c) or value pursuant to paragraph (3)(d) of \$500 or more, the slot machine licensee shall establish and maintain as a part of its system of internal controls a log including the following:

(a) The name and address of the recipient;

(b) The method of verification of the identity of the recipient;

(c) The name(s) and occupational license number(s) of the issuer of the complimentary services or items, including affiliates, or third parties contracted for the provision of complimentary services or items;

(d) The type of complimentary service or item; and

(e) Date the complimentary services or items were provided.

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

61D-14.022 Slot Machine Requirements.

(1) Slot machines offered for play by a slot machine licensee shall utilize a game services protocol, such as the Slot Accounting System (SAS), for transmission or tracking of financial data.

(2) No slot machine game shall be certified for play in this state by a licensed independent test laboratory if it operates a program of play that replicates a game that is prohibited under Section 849.08, Florida Statutes, unless the slot machine game contains a player skill component and is not based on a banking game.

(3) Prior to the sale or delivery of a slot machine for play in this state, a slot machine manufacturer shall provide certification in writing to the division from a licensed independent testing laboratory that each of the slot machines it intends to offer for sale in this state meet all criteria for operation contained in Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C. All testing of slot machines to be offered for play in this state is the responsibility of the manufacturer.

(4) Electrical testing of slot machines shall be performed by a licensed independent test laboratory. Electrical testing is the responsibility of the manufacturer, purchaser, and operator of the equipment. A slot machine shall be able to withstand the following tests, resuming game play without operator intervention:

(a) Random Number Generator. The random number generator and random selection process shall not be subject to influences from outside the device;

(b) Electro-Magnetic Interference. Gaming devices shall not create electronic noise that would affect the operation of neighboring machines or associated equipment;

(c) Electro-Static Interference. Protection against static discharges requires that the machine's conductive cabinets be grounded in such a way that static discharge energy shall not damage, or inhibit the operation of the electronics or other components within the gaming device. Gaming devices may exhibit temporary disruption when subjected to a significant electro-static discharge greater than human body discharge, but they shall exhibit a capacity to recover and complete any interrupted play without loss or corruption of any control or data information associated with the gaming device. The tests shall be conducted with a severity level of 27 kilovolt (KV) air discharge;

(d) Radio Frequency Interference (RFI). Gaming devices shall not alter the slot machine's operation by the application of RFI at a frequency range from twenty-seven (27) to one thousand (1000) megahertz (MHZ) with a field strength of three (3) volts per meter;

(e) Magnetic Interference. Gaming devices shall not alter their operation due to magnetic interference; and

(f) Liquid Spills. Liquid spills applied to the outside of a gaming device shall not alter the operation of the machine, the integrity of the material or information stored inside the cabinet, or the safety of the players operating the equipment. If liquids are spilled into a bill acceptor, the only degradation permitted is for the bill acceptor to reject all inputs or generate an error condition message.

(5) A slot machine shall have an identification badge permanently affixed to the exterior of the cabinet by the manufacturer. The badge shall include the following information:

- (a) The manufacturer;
- (b) A unique serial number;
- (c) The slot machine model number; and
- (d) The date of manufacture.

(6) The slot machine shall have a light located on top of the slot machine that automatically illuminates when a player attempts to redeem credits that the slot machine cannot automatically pay, or an error condition has occurred, or a 'Call Attendant' condition has been initiated by the player. An audible alarm for 'bar-top' style games where multiple terminals share a common tower light is authorized for this requirement.

(7) An on/off switch that controls the electrical current shall be located in a place which is readily accessible within the interior of the slot machine, but positioned so that power cannot be disconnected from outside of the machine using the on/off switch. The on/off positions of the switch shall be labeled.

(8) The slot machine's operation shall not be altered, other than resets, by surges or dips of $\pm 10\%$ of the supply voltage. It is acceptable for the equipment to reset provided no damage to the equipment or loss or corruption of data occurs.

(9) Each slot machine shall be controlled by one or more microprocessors that are physically located within the individual slot machine cabinet in such a manner that the play of the game is controlled by the internal microprocessor(s).

(10) For printer games, the printer shall be located in a locked area of the slot machine. Ticket printers shall be interfaced in such a way as to allow the slot machine control program to interpret and act when the ticket printer is out of paper or low on paper, there is a printer jam or failure, or the printer is disconnected.

(11) The slot machine game shall lock-up if the sum of awards from the single play of a game is equal to or greater than \$1,200 per 26 Code of Federal Regulations, Section 7.6021-1. The lock-up condition shall require an attendant to clear the slot machine before the slot machine may be played again.

(12) Communication controller electronics, and components housing the communication control program that is used for communicating financial data, program information and security events to the facility based accounting and monitoring, ticket validation, facility based monitoring system and any other system used that would effect the integrity of slot machine gaming shall be housed in a secure locked compartment of the slot machine.

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

61D-14.023 Slot Machine Doors and Compartments.

The following requirements shall apply to the slot machine's cabinetry.

(1) All external doors shall be locked and monitored by door access sensors, which shall have the ability to detect when a door is opened or moved from its fully closed and locked position and immediately:

(a) Report the door opened event to the slot machine by way of an error; and

(b) Notify the surveillance department of the door opening, which shall monitor and record all activities at that slot machine until such time as the incident has been satisfactorily resolved.

(2) A log of compartment door openings and closings shall be maintained inside the locked compartment of the slot machine. The log shall include the time and reason for the opening.

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

61D-14.024 Logic Compartment.

(1) The logic compartment is a locked compartment within the cabinet area with its own locked door that is separate from any external door lock that houses critical electronic components, which would include central processing units and other electronic components involved in the operation and calculation or display of game play.

(2) Once a slot machine has been certified by a licensed independent laboratory, the division or FDLE shall apply evidence tape to all program storage media, both writable or non-writable, including EPROM, DVD, CD-ROM, and any other type of program storage devices, and logic compartments prior to the slot machine being offered for play.

(3) Any occupational licensee who observes a break in the security tape, or that security tape has been tampered with, fallen off, or has been removed from within the logic compartment shall immediately notify security and the slot machine shall be shut down. Security shall notify the division or FDLE. Such a slot machine shall not be offered for play until the division or FDLE has examined the slot machine and determined that there has been no tampering and that the slot machine is in compliance with Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C.

(4) A log of logic compartment door openings and closings shall be maintained inside a locked compartment of the slot machine. The log shall include the time and reason for the opening.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (i) FS. History–New _____.

61D-14.025 Currency Compartments.

All currency compartments shall be locked separately from the main cabinet area and shall require a key that is different from the key required to open the main cabinet door. Currency compartments shall also meet the following requirements:

(1) The compartment shall be fitted with sensors that will allow the slot machine to immediately communicate the currency door open event or when the storage container has been removed;

(2) Access to the currency storage area shall be through a locked relevant outer door plus one other door or lock, before the receptacle or currency can be removed; and

(3) The bill stacker device shall have a “stacker full” sensor.

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

61D-14.026 Cabinet Wiring.

The slot machine shall be designed so that power and data cables into and out of the slot machine shall be routed so that they are not accessible to the general public. Security related wires and cables that are routed into a logic compartment shall not be easily accessed.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History–New _____.

61D-14.028 Printed Circuit Board (PCB) Identification.

Each Printed Circuit Board (PCB) shall be identifiable by a permanently affixed name or number, and revision level and:

(1) The top assembly revision level of the PCB shall be identifiable;

(2) Spare PCBs shall be inspected and approved by the division, then kept and maintained in a secure area. Such PCBs shall meet all the requirements of this section;

(3) Manufacturers shall ensure that PCBs, used in their slot machines, conform to the documentation and the certified versions of those PCBs that were evaluated and certified by a licensed independent test laboratory;

(4) The slot machine licensee shall maintain a log of all PCBs that tracks each PCB to its original approved software number, PAR sheet, and asset number; and

(5) The PCB and the log required in subsection (4) shall be presented to the division for inspection and approval prior to slot machine being offered for play.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History–New _____.

61D-14.029 Mechanical Devices Used for Displaying Game Outcomes.

(1) Electro-mechanically controlled display devices shall have a closed loop of control so as to enable the software to detect a malfunction or an attempt to interfere with the correct operation of that device. If a reel or wheel is not in the position it is supposed to be in, an error condition shall be generated.

(2) Mechanical assemblies shall have a mechanism that ensures the correct mounting of the assembly’s artwork.

(3) Displays shall be constructed in such a way that winning symbol combinations match up with pay lines or other indicators.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History–New _____.

61D-14.030 Video Monitors/Touchscreens.

Games that have video monitors shall meet the following requirements:

(1) The slot machine licensee shall maintain any touch screen monitors to ensure the accuracy of the calibration of the machine;

(2) A touch screen shall be capable of being re-calibrated by the slot machine licensee’s staff without access to the slot machine cabinet other than opening the main door;

(3) There shall be no hidden or undocumented buttons or touch points anywhere on a touch screen; and

(4) The slot machine shall be capable of displaying all possible outcomes of play of the machine during testing.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History–New _____.

61D-14.031 Bill Acceptors.

All acceptance devices shall be able to detect the entry of bills, tickets, or vouchers and provide a method, utilizing a bi-directional communication protocol, to enable the slot machine software to interpret and act appropriately upon a valid or invalid input. The bill input system shall be electronically based and constructed in a manner that protects against vandalism, abuse, acceptance of invalid bills, tickets, or vouchers, or other fraudulent activity. Bill acceptance device(s) shall only register credits when the bill, ticket or voucher has passed the point where it is accepted and has been irrevocably stacked.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History–New _____.

61D-14.037 Games with Bonus Features, Multiple Win Lines, Prizes.

If the slot machine game contains a bonus feature including a “game within a game,” the following requirements shall be met:

(1) The game shall display to the player which game rules apply to the current game state;

(2) The number of plays remaining for the free game event shall be displayed as each free game is played;

(3) If a bonus or feature game requires extra credits to be wagered the game shall provide the player an opportunity to not participate;

(4) The probability of obtaining winning events or symbols on the base game shall not decrease as the game progresses; and

(5) The game shall display to the player that the game is in a bonus feature mode.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e) FS. History–New _____.

61D-14.038 Percentage Payout and Odds.

(1) No slot machine game shall be certified for play by a licensed independent test laboratory if the manufacturer’s Payout and Retention (PAR) sheet does not indicate a probable minimum payout percentage of at least eighty-five percent (85%) of all credits played over the mathematical cycle of the game at a ninety-five percent (95%) level of confidence. The licensed independent test laboratory shall test the slot machine to certify that the slot machine game meets the probable minimum payout indicated on its PAR sheet at a ninety-nine percent (99%) level of confidence. The manufacturer or distributor shall also provide a PAR sheet with each slot machine game delivered to a slot machine licensee.

(a) The game’s player return over the cycle of both the bonus and non-bonus part of the game combined shall conform to this minimum theoretical payout to player:

(b) The minimum theoretical payout percentage of the game shall be met at all times;

(c) The minimum theoretical payout percentage of the game shall be met when playing at the lowest end of a non-linear payable; and

(d) The licensed independent test laboratory shall provide the minimum and maximum theoretical payout percentage within the certification report for each game. Any alteration of a game shall require a re-evaluation of the minimum theoretical payout percentage.

(2) The slot machine licensee shall evaluate each slot machine game no less than once each month to ensure its payout is within its manufactured volatility range. If any test of the slot machine game indicates that it is not within its manufactured volatility range, the division shall be notified and the slot machine game shall be tested for compliance by a licensed independent testing laboratory. The slot machine game shall not be offered for play until a licensed independent testing laboratory certifies that the slot machine game complies with Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C.

(3) A report for each slot machine game shall be generated at least once each quarter. The report shall be generated from the facility monitoring system indicating the slot machine game’s actual payout up to that point. If the slot machine game’s actual payout is less than eighty-five percent (85%), the division shall be notified and the slot machine game shall not be offered for play until a licensed independent testing laboratory certifies that the slot machine game complies with Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C.

(4) If a licensed independent laboratory tests a slot machine game for compliance under subsection (2) or (3) above, and finds that the slot machine game is in compliance with Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C., the slot machine licensee may continue to offer that slot machine game for play.

(5) A slot machine game shall be removed from play if:

(a) The slot machine game has failed to remain within its manufactured volatility range for two consecutive testing periods under subsection (2); or

(b) The slot machine game’s actual payout is less than eighty-five percent (85%) for two consecutive tests under subsection (3).

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (h) FS. History–New _____.

61D-14.039 Credit Redemption, Meter, Cancel Credit, and Taxation Reporting Limits.

(1) A patron shall have the option to collect any of their remaining credits from the slot machine by the player pressing the ‘CASH OUT’ button at any time other than during a time when:

(a) A game being is played;

(b) A game is in audit mode;

(c) Any time a door is open;

(d) A game is in test mode;

(e) A credit meter or win meter incrementation is indicated, unless the entire amount is placed on the meters when the collect button is pressed; or

(f) A game is in a payout or a memory error condition is indicated.

(2) The credit meter shall be maintained in credits or cash value.

(3) The patron's current options and/or choices shall be clearly indicated electronically or by video display. These options shall not be misleading.

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

61D-14.040 Game Cycle, Payment of Credits by Ticket Printer, and Ticket Redemption.

(1) A game shall be considered completed when the final transfer to the player's credit meter takes place, in case of a win, or when all credits wagered or won that have not been transferred to the credit meter, are lost. The following are all considered to be part of a single game:

(a) Games that trigger a free game feature and any subsequent free games;

(b) "Second screen" bonus feature(s);

(c) Games with player choices;

(d) Games where the rules permit wagering of additional credits; and

(e) Double-up/gaming features.

(2) Payment of credits by ticket printer as a method of credit redemption shall only be permissible when the slot machine is linked to a computerized ticket validation system, which allows validation of the printed ticket. The ticket validation system shall be able to identify duplicate tickets and allow for a final ticket to be printed in the event of loss of communication between slot machines with the ticket validation system. A ticket shall contain the following information:

(a) Slot machine licensee name/site identifier;

(b) Machine asset number or cashier/change booth location number;

(c) Date and time in a 24 hour format;

(d) Alpha and numeric dollar amount of the ticket;

(e) Ticket sequence number;

(f) Validation number, unless the ticket is printed due to a loss of communication with the ticket validation system;

(g) Bar code or any machine readable code representing the validation number;

(h) Type of transaction or other method or differentiating ticket types; and

(i) Indication of an expiration period from date of issue, or date and time the ticket will expire in a 24 hour format based upon the local date/time format.

(3) A slot machine shall only generate a ticket through an internal document printer by redeeming all credits.

(4) Tickets or payment vouchers shall only be paid at a cashier's cage or ticket payment automated ticket redemption machine linked to the ticket validation system.

(5) Where ticket validation is to take place at a cashier/change booth, the cashier shall print a validation receipt, after the ticket is electronically validated. The validation receipt shall contain the following printed information:

(a) Machine asset number;

(b) Validation number;

(c) Date and time paid;

(d) Amount; and

(e) Cashier/change booth identifier.

(6) Any adjustment made to any ticket or voucher shall require two approval signatures, of which at least one of the signatures shall be by a supervisor, and all changes shall be contained in a log indicating who, what, when, the item value before and after the change, and the reason for the adjustment.

(7) Any device that holds ticket information in its memory shall not allow the removal of that information unless it has first transferred that information to the database of the facility based monitoring system.

(8) Provisions shall be made in the slot machine licensee's internal controls for an alternate method to pay credits in the event of the loss of communication with the ticket validation system.

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

61D-14.041 Randomness Requirements and Game Play Auditing.

(1) Each slot machine shall utilize an internal random number generator (RNG). The RNG shall comply with the following standards:

(a) The RNG shall be statistically independent from any other device;

(b) The RNG shall conform to the random distribution values specified in the slot machine's PAR sheet;

(c) Pass statistical tests such as the chi-squared test or random distribution analysis test;

(d) Be cycled continuously in the background between games and during game play;

(e) Randomly determine the first seed number;

(f) If a function of a slot machine requires a random number to be generated with a smaller range than that provided by the slot machine's RNG, the method of re-scaling shall be designed in such a way that all numbers within the lower range are equally probable; and

(g) If a particular random number selected is outside the range of equal distribution of re-scaling values, it is permissible to re-scale using a method such as discarding that random number and selecting the next in sequence.

(2) A slot machine shall use communication protocols to protect the RNG and random selection process from influence by associated equipment.

(3) Each possible permutation or combination of game elements that produces a winning or losing game outcome shall be available for random selection at the initiation of each play.

(4) The slot machine shall not make a variable secondary decision after selection of the game outcome. The slot machine shall not make a display that indicates the patron is getting close to a win or that the chance to win is improved by another play.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g) FS. History—New _____.

61D-14.042 Accounting and Occurrence Meter Specifications.

(1) There shall be a minimum of two (2) electro-mechanical meters contained in each slot machine. One electro-mechanical meter shall measure total credits into the slot machine. The other electro-mechanical meter shall measure total credits paid out of the slot machine.

(2) The required electronic accounting meters are as follows:

(a) The amounts wagered or cash in meter shall cumulatively count the total amounts wagered during game play, except credits that are won during the game that are subsequently risked in a double-up mode;

(b) The amounts won or credit out meter shall cumulatively count all amounts won by the player at the end of the game that were not paid by an attendant, including amounts paid by a ticket printer. This meter shall not increment for bills inserted and cashed out to allow the slot machine to be used as a change machine;

(c) The drop meter shall maintain a cumulative count of the credit value of all bills and tickets inserted into the bill acceptor for play;

(d) The handpays meter shall reflect the cumulative amounts paid by an attendant;

(e) The cancelled credit meter shall reflect the cumulative amounts paid by an attendant that are in excess of the credit limit and residual credits that are collected; and

(f) Printer games do not require a cancelled credit meter unless a "printer limit" option exists on the game.

(3) The required electronic occurrence meters are as follows:

(a) The games-played meter shall display the cumulative number of games played since the last RAM clear;

(b) A cabinet door meter shall display the number of times the front cabinet door was opened since the last RAM clear; and

(c) The drop door meter shall display the number of times the drop door and the bill acceptor door was opened since the last RAM clear.

(4) Each individual slot machine available for play shall have at least amount bet and amount won meters in either credits or dollars.

(5) For each type of slot machine that offers a double-up option, there shall be two meters to indicate the amount doubled and the amount won, which shall increment every time a double-up play occurs.

(6) All electronic meters required by this section shall communicate their information to the facility based monitoring system.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g) FS. History—New _____.

61D-14.043 Transaction Log, Accountability of Bills/Tickets, Bill Acceptor Recall, and Number of Last Plays Required.

(1) All slot machines shall have the ability to display a complete transaction history for the most recent transactions with a cashless wagering system including at least the previous thirty-four (34) transactions prior to the most recent transaction that incremented any of the accounting meters.

(2) A slot machine shall maintain electronic metering to be able to report the following:

(a) Total monetary value of all bills, tickets, or vouchers accepted;

(b) Total number of all bills, tickets, or vouchers accepted; and

(c) A breakdown of the following items accepted by the bill acceptor:

1. For bills, the game shall report the number of bills accepted for each bill denomination; and

2. For all tickets or vouchers the game shall have a separate meter that reports the number of such items accepted.

(3) A slot machine shall retain in its memory and be capable of displaying the denomination of the last five (5) items referenced in paragraph (2)(c) accepted by the bill acceptor.

(4) Information on at least the last ten (10) games shall be retrievable by the operation of an external key-switch, or another secure method that is not available to the player. The slot machine shall provide all information required to fully reconstruct the last ten (10) plays. The information shall include:

- (a) The value of initial credits;
- (b) The value of credits bet;
- (c) The value of credits won;
- (d) The value of credits paid;
- (e) Each final game outcome including all player choices and bonus features; and
- (f) The results of double-up options.

(5) The last game recall shall reflect bonus rounds in their entirety. If a bonus round lasts a specific number of events, each with separate outcomes, each of the specific events shall be displayed with its corresponding outcome, if the outcome resulted in an award. The recall shall reflect events that are screen position dependent, if the outcome resulted in an award. There shall be a minimum of fifty (50) games recallable for slot machines that have the potential for infinite free games.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g) FS. History—New _____.

61D-14.044 Identification of Program Storage Media, and Slot Machine Technical Requirements.

(1) All program storage media, both writable or non-writable, including EPROMs, DVD, CD-ROM, and any other type of program storage devices shall be marked with information to identify the software and revision level of the information stored in the devices and shall only be accessible with access to the locked logic compartment. If the program is copied to and executed from RAM, the slot machine shall have a method to display the program storage media identification information.

(2) The program storage media shall not be re-writable and shall be finalized and closed to prevent further writing.

(3) The control program shall authenticate all files that are critical to the accurate operation of the slot machine (“critical files”) by employing a hashing algorithm which produces a “message digest” output of at least 128 bits at minimum, as certified by the licensed independent test laboratory. The message digest(s) shall be stored on a memory device within the slot machine. Message digests which reside on any other medium shall be encrypted, using a public/private key algorithm with a minimum of a 768 bit key or an equivalent encryption algorithm with similar security certified by the licensed independent test laboratory.

(4) The slot machine shall authenticate all critical files against the stored message digest(s), as required in subsection (3), above. In the event of a failed authentication after the slot machine has been powered up, the slot machine shall immediately enter an error condition with a tower light signal activation and record the details including time and date of the error in a log. This error shall require supervisor intervention to clear. The slot machine shall display specific error information and shall not clear until the file authenticates, following the supervisor intervention, or the medium is replaced or corrected.

(5) Integrity checks of the components that are critical to the slot machine’s operation shall occur during the execution of those components and the first time the files are loaded for use. RAM and program storage device space that is not critical to machine security are not required to be validated.

(6) Tests of critical files shall be made during each slot machine restart.

(7) Test methodology shall detect 99.99 percent of all possible failures. All critical memory shall:

(a) Have the ability to retain data for a minimum of thirty (30) days after power is removed from the slot machine. The battery used to retain power shall recharge itself to its full potential in a maximum of twenty-four (24) hours. The shelf life of the battery used shall be at least five (5) years;

(b) Only be cleared in accordance with internal controls established by the slot machine licensee;

(c) Result in a RAM error message, if the control program detects an unrecoverable memory error; and

(d) The RAM shall not be cleared automatically, but shall require a full RAM clear performed by a supervisory employee.

(8) A RAM clear shall only be authorized for the following:

(a) A slot machine malfunction that results in an unrecoverable memory error;

(b) Failure of the RAM chip;

(c) To permit modifications to the slot machine’s program; and

(d) To allow system troubleshooting for possible RAM failure.

(9) No RAM clear procedure shall be approved unless the division and FDLE are notified in writing of the RAM clear procedure within eight hours prior to the requested RAM clear. The notification to the division or FDLE shall state the reason set forth in subsection (8) for the RAM clear and provide supporting documentation to substantiate the request. The notification of the RAM clear shall also include a written record of the slot machine’s previous ten plays, unless the slot machine is incapable of producing a record of such plays. If the division or FDLE object to the RAM clear for failure to comply with this section or because of an active investigation, the slot machine licensee shall not conduct the RAM clear until such time as the division’s or FDLE’s objection has been resolved.

(10) Following the initiation of a RAM clear procedure the slot machine’s control program shall execute a routine that initializes each and every bit of data in RAM to the default state, except those portions of RAM that are critical to the operation of the slot machine. The default reel position or game display after a RAM clear shall not indicate the top award on any selectable line. The default game display, upon entering game play mode, shall also not display the top award.

(11) Slot machines shall be capable of detecting and displaying error conditions and illuminating the tower light for each machine. Play of the slot machine shall cease if the error is for:

- (a) Loss of communication with the facility based monitoring system;
- (b) RAM error;
- (c) ROM error;
- (d) Low RAM battery, for batteries external to the RAM itself, or low power source;
- (e) Currency-in jam;
- (f) Program error or authentication mismatch;
- (g) Door open, including bill acceptor;
- (h) Reel spin errors;

1. The specific reel number shall be identified in the error code;

2. The final positioning of the reel, if the final indexed position error exceeds one-half of the width of the smallest symbol on the reel strip; and

3. Malfunctions such as a reel which is jammed, or is not spinning freely, or any attempt to manipulate their final resting position;

- (i) Power reset;
- (j) Out-of-paper;
- (k) Printer jam;
- (l) Printer failure; and
- (m) Printer disconnected.

(12) A description of slot machine error codes and their meanings shall be affixed inside the slot machine. However, this subsection does not apply to video-based games that shall display text messages for error conditions.

(13) The software shall be able to recover to the state it was in immediately prior to the occurrence of a program interruption. Communications to an external device shall not begin until the program resumption routine is completed, and

(a) Upon restoration of power to the slot machine, the previous error message shall be displayed and the slot machine shall remain locked-up; and

(b) Upon resumption of the slot machine's control program, the following procedures shall be performed:

1. Slot machine control programs shall test themselves for possible corruption due to failure of the program storage media; and

2. Mechanical displays shall re-spin automatically to display the last valid game's result when the play mode is re-entered, and the reel positions have been altered.

(14) When the slot machine's main door is opened, the slot machine game shall cease play, enter an error condition, display an error message, disable bill acceptance and illuminate the tower light. When the slot machine's main door

is closed, the game shall return to its original state and display an error message, until the next game has ended. The software shall detect any access to the following doors or secure areas:

- (a) External doors;
- (b) Drop box door; and
- (c) Bill acceptor door.

(15) Each slot machine and/or bill acceptor shall detect and display an error condition and the bill acceptor shall be disabled for the following conditions:

- (a) Bill stacker full;
- (b) Bill jams;
- (c) Bill acceptor door open; and
- (d) Bill stacker door open or bill stacker removed.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (f) FS. History--New _____.

61D-14.046 Facility Based Monitoring System Functionality.

A facility based monitoring system shall provide for the following security and audit requirements:

(1) A program that enables on-line searching of the event log for the present storage cycle and for the previous 30 days through archived data or restoration from backup memory devices. The program shall have the ability to perform a search based on the following:

- (a) Date and time range;
- (b) Unique hardware components that interface with the facility based monitoring system; and
- (c) Event number or identifier.

(2) A master "slot file" that is an operating database for every slot machine in operation and includes the following information:

- (a) Unique interface element or location identification number;
- (b) Asset number;
- (c) The lowest value of a wager that can be placed on the slot machine;
- (d) Theoretical payout percentage of the slot machine; and
- (e) Control program identification numbers within the slot machine;

(3) A database that maintains events generated by a slot machine including the following:

- (a) Date and time which the event occurred;
- (b) Identity of the slot machine that generated the event; and
- (c) A unique number/code that defines the event;

(4) Password access or logon. There shall be a provision for system administrator notification and user lockout or audit trail entry after five (5) unsuccessful login attempts; and

(5) Prohibit alteration of any log information communicated from the slot machine.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (i), 551.104(4)(f) FS. History—New _____.

61D-14.047 Facility Based Monitoring System and Computer Diagnostics.

(1) The slot machine communication protocol shall have the ability to, in real-time, immediately act upon commands received from the facility based monitoring system, which provide:

- (a) The ability to suspend play on a slot machine; and
- (b) Daily reports of events and all accounting data.

(2) The facility based monitoring system shall capture all information required for tickets enumerated in subsection 61D-14.040(2), F.A.C.

(3) The facility based monitoring system shall not permit a configuration setting change that causes an obstruction or interruption to the electronic accounting meters, affect the integrity of the slot machine, or communications without a RAM clear as provided in subsection 61D-14.044(8), F.A.C.

(4) All systems that are critical to the operation of the slot machine's interface element and the facility based monitoring system shall be tested to determine performance with its manufactured design specifications through the following tests:

- (a) Within the laboratory setting; and
- (b) On-site testing following the initial install of the system to ensure proper configuration of the equipment and installation of the security applications.

(5) An interface element is any component within a system that is external to the operation of the slot machines that assists in the collection and processing of data that is sent to the facility based monitoring system. All interface elements shall:

- (a) Be installed in a locked area;
- (b) Maintain separate electronic meters that shall be capable of review on demand at the interface element level;
- (c) Retain the required information after a power loss for 72 hours;

(d) Provide a means to preserve all meter information required by Rule 61D-14.042, F.A.C., and event information required by Rule 61D-14.046, F.A.C., until it is communicated to the facility based monitoring system; and

(e) Allow for the association of an asset number used in conjunction with a slot machine file on the facility based monitoring system. The asset number shall be used by the facility based monitoring system to track all information of the slot machine. The facility based monitoring system shall not allow for a duplicate slot machine file entry of the slot machine's asset number.

(6) The interface elements that serve as data collectors for the facility based monitoring system shall provide for the following:

(a) An error detection and correction scheme to ensure an accuracy of ninety-nine percent (99%) or better of messages received; and

(b) Encryption of communications.

(7) The facility based monitoring system shall maintain an internal master clock that reflects time in 24 hour format and data that shall be used to provide for the following:

- (a) Time stamping of events;
- (b) The reference clock for reporting; and
- (c) Updating of clocks in the system servers, networked systems or distributed systems.

(8) The facility based monitoring system shall not permit the alteration of any accounting or event log information without the approval of a supervisor. In the event financial data is changed, an audit log shall be maintained to document:

- (a) Data element altered;
- (b) Data element value prior to alteration;
- (c) Data element value after alteration;
- (d) Time and date of alteration; and
- (e) Personnel that performed alteration.

(9) There shall be redundant copies of each log file or system database or both, with open support for backups and restoration.

(10) The data contained in the facility based monitoring system shall be saved to a back-up file that shall be updated no less than once every eight hours. The information shall be used in the event of a system wide failure when the facility based monitoring system cannot be restarted in any other way. The facility based monitoring system shall only be reloaded utilizing data contained in the most recent complete back-up that contains at least the following:

- (a) Events log;
- (b) Accounting information;
- (c) Auditing information; and
- (d) Specific site information such as device file or employee file.

(11) The facility based monitoring system shall implement self monitoring for all interface elements and shall notify the system administrator of any error condition.

(12) The facility based monitoring system shall monitor the operation of each slot machine in real-time. In addition:

(a) All financial accounting information for each slot machine shall be retrieved on a daily basis;

(b) All events shall be reported in real-time; and

(c) Security shall support measures to ensure that there is no alteration of any information as it is being communicated from the slot machines to the facility based monitoring system.

(13) The facility based monitoring system shall not enable the slot machine(s) for play until the control program is authenticated following receipt of any handpay reset or error listed in subsection 61D-14.044(11), F.A.C.

(14) The facility based monitoring system shall collect and store the following information from each slot machine:

- (a) Total credits-in;
- (b) Total credits-out;
- (c) Total value of all bills, tickets and vouchers collected by the slot machine;
- (d) Total value of all handpays;
- (e) Cancelled unpaid credits;
- (f) Total monetary value of all bills accepted;
- (g) Total number of each type of bill accepted by denomination;
- (h) Games played;
- (i) Cabinet door openings;
- (j) Drop door openings;
- (k) Total monetary value of all tickets accepted; and
- (l) Total monetary value of all tickets produced.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (i), 551.104(4)(f) FS. History–New _____.

61D-14.048 Facility Based Monitoring System Required Reports.

(1) Reports shall be generated on daily, weekly, monthly, and yearly periods. A life to date report shall also be generated yearly from stored database information. These reports at minimum shall consist of the following:

- (a) Net win/revenue report for each slot machine;
- (b) Comparison reports for bills, tickets or vouchers accepted by the slot machine with dollar value totals for each type;
- (c) Metered vs. actual jackpot comparison report with the dollar value totals for each;
- (d) Statistical payout percentage vs. actual payout percentage comparison with variances; and
- (e) Event log of errors referenced in subsection 61D-14.044(11), F.A.C., and hand-paid jackpots for each slot machine.

(2) A facility based monitoring system shall capture and record every handpay message from each slot machine and meet the following requirements:

- (a) Handpay messages shall be created for single wins and accumulated credit cash outs, which result in handpays;
- (b) For every single win event that is equal to or greater than the tax reporting threshold, which has been established pursuant to 26 Code of Federal Regulations, Section 7.6041-1 as \$1,200, the facility based monitoring system shall send a message advising of the need for Internal Revenue Service forms W2G or 1042-S, which is to be processed, either via the facility based monitoring system or manually. This option shall not be overridden;
- (c) An original jackpot slip shall not be voided without the written authorization of a supervisor; and

(d) The following information shall be required for all slips generated by the facility based monitoring system:

- 1. Type of slip;
- 2. Numeric slip identifier that increments per event;
- 3. Date and time;
- 4. Slot machine asset number;
- 5. The lowest value wager that can be made on the game;
- 6. Amount of jackpot, accumulated credit, and additional pay;
- 7. A \$1,200 payout message referenced in paragraph (b);
- 8. Additional payout;
- 9. Total before taxes and taxes withheld; and
- 10. Amount paid to the patron.

(3) The following reports shall be generated and reconciled with all validated/redeemed tickets:

- (a) Ticket issuance report;
- (b) Ticket redemption report;
- (c) Ticket liability report for tickets that have been issued and not redeemed;
- (d) Ticket drop variance report;

(e) Transaction detail report shall be available from the ticket validation system that shows all tickets generated by a slot machine and all tickets redeemed by a ticket validation terminal or other slot machines; and

(f) Cashier report that details individual tickets, the sum of the tickets paid by cashier/change booth or redemption terminal.

(4) The facility based monitoring system shall have the ability to produce the following financial and player reports:

- (a) A liability report that shall include previous days starting value of outstanding cashless liability, aggregate cashless-in and out totals, and ending value cashless liability;
- (b) Cashless meter reconciliation summary and detail reports that shall reconcile each participating slot machine's cashless meter(s) against the facility based monitoring system's records of cashless activity; and
- (c) Cashier summary and detail reports that shall include player electronic buy-ins and cash-out, amount of transaction, date and time of transaction.

(5) Nothing in this section shall be interpreted to limit the ability of the division or FDLE to request reports from the facility based monitoring system as authorized by Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (i), 551.104(4)(f) FS. History–New _____.

61D-14.050 Floor Plan.

(1) No slot machine licensee shall operate any slot machine unless it has submitted a floor plan of the slot machine gaming area to the division, and the division and FDLE have approved the floor plan pursuant to the requirements of this section.

(1) No slot machine licensee shall operate any slot machine unless it has submitted a floor plan of the slot machine gaming area to the division, and the division and FDLE have approved the floor plan pursuant to the requirements of this section.

(2) The floor plan shall be based on a scale of one quarter inch equals one foot and demonstrates the placement or location of the following:

(a) Each slot machine with its corresponding location number;

(b) Security cameras or any other surveillance equipment;

(c) Count rooms and cages;

(d) The exact location of the designated slot machine gaming areas of the applicant's facility. Any designated slot machine gaming area shall be separated by a physical barrier with controlled entry and exit points where the slot machine licensee shall check identifications to ensure no persons under twenty-one (21) years of age are allowed access to the designated slot machine gaming area;

(e) The security surveillance system monitoring room;

(f) The office space provided for use by the division and FDLE as required by Rule 61D-14.018, F.A.C.;

(g) At least one armored car bay which is capable of accommodating of loading and unloading an armored car while enclosed within the armored car bay; and

(h) All man traps contained within the slot machine licensee's facility used to control access to restricted areas of the facility.

(3) The floor plan shall provide for clear lines of sight for the security surveillance system. There shall be no area in any part of the slot machine licensee's facility where slot machines are played or where money is collected, distributed, or counted which the security surveillance system shall be unable to monitor with the clarity required in Rule 61D-14.054, F.A.C.

(4) A slot machine licensee who proposes to make changes to the floor plan shall submit the proposed changes to the division for review. The division shall review the proposed changes with FDLE for compliance with the security standards set forth in these rules prior to approving the changes. Floor plan changes shall not be made without the approval of the division and FDLE. The division shall notify the slot machine licensee in no less than 30 days of whether it approves the new floor plan. If the floor plan is a pre-approved slot machine tournament floor plan, the slot machine licensee can change the floor plan upon seven days notice to the division and FDLE.

(5) A copy of the floor plan shall be maintained in the surveillance control room and the slot department office. A copy shall be provided to the division and FDLE for use in the secure monitoring room.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(i), 551.104(4)(h), 551.114(5) FS. History--New _____.

61D-14.051 Security Plan.

(1) A security plan detailing internal controls for compliance with Rules 61D-14.050 through 61D-14.056, F.A.C., shall be submitted for approval with a license application. The security plan shall include a floor plan

referenced in Rule 61D-14.050, F.A.C., and a description of the surveillance system and equipment utilized to comply with Rule 61D-14.054, F.A.C. The security plan shall include a description of the layout of the surveillance room and the configuration of the monitoring equipment as placed throughout the pari-mutuel wagering facility.

(2) The security plan shall include descriptions of all equipment used by the surveillance system, a diagram that shows all of the areas to be monitored and the placement of surveillance equipment in relation to the activities being observed and a description of the procedures used in the operation of the surveillance system.

(3) Any change to the security plan shall be submitted to the division and FDLE for approval pursuant to the requirements of Rules 61D-14.050 through 61D-14.056, F.A.C., prior to implementation.

(4) A security plan shall include a system of internal controls, which shall include the following:

(a) A description by position of each security officer or employee, to include their duties, assignments and responsibilities;

(b) The minimum number of security employees to be staffed by shift;

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

(d) Plans to provide for segregated access to the surveillance room and procedures to prevent disclosure of the identity of surveillance employees to other employees and patrons;

(e) Radio protocol and a description of authorized radio codes to be used;

(f) Training requirements and procedures for employees and officers of the slot machine licensee;

(g) A contingency plan for natural disasters, such as a hurricane, which would require a complete shut down of the facility;

(h) A contingency plan including the use of alarms or alerts for incidents of violent crime that shall include, but not be limited to robbery, armed robbery, or an incident involving a hostage situation. The contingency plan shall provide for no less than quarterly drills with all employees working in an area where buttons or triggers for alarms are located to ensure the employees know where all alarm or alert buttons or triggers are located and how to use them;

(i) A contingency plan for fire preparation including, but not limited to evacuation plans;

(j) A contingency plan for bomb or terrorist threats; and

(k) A plan to provide for security escort and/or surveillance of access to the gaming areas by either non-gaming employees of the slot machine licensee or employees of non-gaming businesses who might require incidental access to slot machine gaming areas. A list of such employees shall be pre-approved by the slot machine licensee.

The slot machine licensee shall maintain a record of the employee's name, job title, driver's license number, date of birth, home address, and name of the employer.

(5) The security plan shall include procedures for quarterly testing of all security alarms or security alerts required by rules regulating the slot machine licensee's operations in the slot machine licensee's facility.

(6) The security plan shall detail the slot machine licensee's procedure for clearing the designated slot machine gaming areas prior to non-gaming hours.

(7) Every slot machine licensee shall have a contingency power source in the event of a power outage that shall be sufficient to maintain the security and surveillance of all slot machine gaming related areas.

(8) In the event any security alarm or alert is activated for any reason other than a drill or test, activity in the area covered by the security plan for that alarm or alert shall not be resumed until clearance has been obtained from FDLE.

(9) The personnel of the Security Department shall be prohibited from carrying firearms.

(10) The slot machine licensee shall notify the division and FDLE of any event which require additional staffing.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(i), 551.104(4)(h) FS. History--New _____.

61D-14.052 Electronic Identification and Access Control System.

(1) A slot machine licensee shall utilize an electronic identification and access control system for its employees and employees of its vendors that shall be used to open doors to controlled areas of the slot machine licensee's facility. The electronic identification and access control system shall:

(a) Provide a clear color photograph identification card or badge for all employees of the slot machine licensee or employees of its vendors;

(b) The identification card shall be color coded or provide an alpha or numeric symbol to indicate which areas of the slot machine licensee's facility the employee is authorized to enter; and

(c) The photograph and color code or symbol required by these rules shall be unique to the slot machine licensee's facility and shall be of sufficient size and clarity to allow the surveillance system to observe the photograph and identify the employee to confirm his or her authorized access to the area under surveillance.

(2) The electronic identification and access control system shall be capable of immediately creating an event log of doors opened by use of the identification card or badge upon the request of the security or surveillance departments, the division or FDLE. The system shall:

(a) Be able to display a photograph of the employee opening any door; and

(b) Cause an alarm to alert the security and surveillance departments, the division, and FDLE if a door is opened:

1. Without the use of an identification card; or

2. With an identification card that is not programmed to open the door.

(3) The division and FDLE shall be provided access to any data contained in the electronic identification and access control system.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(g), (i), 551.104(4)(h) FS. History--New _____.

61D-14.053 Key Controls.

(1) Each slot machine licensee shall develop and utilize a lock and key control system that limits or restricts access to secure compartments and areas as identified in the slot licensee's internal control procedure. Locks and keys shall be received by the slot machine licensee's security department and installed by a master locksmith or similarly qualified employee of the slot machine licensee.

(2) Notwithstanding the requirements of Rule 61D-14.052, F.A.C., the internal controls procedure of the slot machine licensee shall identify persons authorized by the slot machine licensee to possess keys providing access to the following compartments or areas:

(a) Slot cash storage boxes;

(b) Trolleys to transport slot cash storage boxes;

(c) Count rooms;

(d) Areas in which slot cash storage boxes are located; and

(e) Compartments housing microprocessors in any slot machine.

(3) Each process outlined in the internal control procedure shall describe the method by which secure keys are accessed and the documentation requirements in subsection (4) below.

(4) Each slot machine licensee shall implement a log system that requires documentation of access to any secure key that shall include without limitation:

(a) The name and occupational license number of the employee signing out the key;

(b) The time the key was signed out from security; and

(c) The time the key was returned to security.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(b), (e), (g), (i), 551.104(4)(h) FS. History--New _____.

61D-14.054 Surveillance Equipment.

(1) Each slot machine licensee shall install, maintain and continuously operate an on-site closed circuit television surveillance system (surveillance system) at the facility.

(2) The surveillance system shall meet the following requirements:

(a) The surveillance system shall employ digital electronic technology with the acuity and clarity that is no less than that provided by magnetic tape systems. To insure that all movements are discernible upon review of recorded activity,

the digital equipment shall record to a quality of 4 Common Intermediate Format and shall be capable of observing and recording at no less than 30 frames per second;

(b) The system shall utilize 30 frames per second in light sensitive color cameras with pan, zoom, tilt capabilities that can be placed behind domes or one-way mirrors that conceal the cameras from view and permit clear, unobstructed views with sufficient video monitors to simultaneously cover the following various vantage points:

1. Patrons, spectators, slot machine employees with an assigned work station and other persons in the slot machine gaming area with sufficient clarity to permit identification of such person;

2. The movement of cash, tickets or vouchers used for play, drop boxes, drop buckets, tip boxes and other gaming equipment within the slot machine licensee's facility;

3. All areas and activities occurring within the count rooms, with audio-capability in those rooms, during any occupancy of those rooms;

4. All slot change booths, with sufficient clarity to permit identification of all transactions, cash and paperwork conducted therein;

5. Each slot machine with sufficient clarity as to determine the display of the screen of the slot machine, the denomination of any bill, voucher or ticket used in the slot machine or any information printed on a player card inserted into a slot machine and the identification numbers affixed to each machine; and

6. All areas where slot machines are repaired;

(c) The system may utilize less than 30 frames per second, but no less than 15 frames per second in light sensitive color cameras with pan, zoom, tilt capabilities and/or fixed cameras that can be placed behind domes or one-way mirrors that conceal the cameras from view and permit clear, unobstructed views with sufficient video monitors to simultaneously cover the areas not listed above in paragraph (b) to specifically include the following:

1. All entrance and exit doors to the slot machine licensee's facility including the armored car bay, and any man trap located in the facility; and

2. All parking areas owned by the slot machine licensee with sufficient lighting in those areas to provide for clear viewing and recording;

(d) Video-printers that possess the capability to generate instantaneously upon command, a clear, still copy of the image depicted on the video recording using a minimum of four colors at 720 x 480 dots per inch on photo quality paper;

(e) All images and audio shall be digitally recorded and stored on a system with backup and retrieval capabilities including a duplication system to allow for the play-back of suspected illegal activity while the master tape continues to record activities on the designated slot machine gaming area. Recording systems shall be locked by the manufacturer to

disable the erase and reformat functions and to prevent access to the system data files. The system shall provide uninterrupted recording while the playback or copy function is used. If the slot machine licensee chooses to use a network for the digital recording equipment, it shall be a closed network with limited access. The slot machine licensee shall provide the division and FDLE with the necessary software and hardware to review a downloaded recording;

(f) The system shall have a failure notification system that provides an audible alarm, as well as a visual alert of any failure in the surveillance system or the media storage system. The alarm and alert system shall advise the division and FDLE as well as the facility surveillance department of the failure;

(g) The system shall have a media storage system that is configured so that a failure of any single component shall not result in the loss of any data from the media storage system;

(h) All digital video disks or other storage media produced from the surveillance system shall contain the data with the time and date it was recorded superimposed by the media player to provide images with a video verification encryption code;

(i) A video verification encryption code, shall be submitted to the division and FDLE, before the inspection and approval of the system;

(j) Any slot machine that makes plays with credits equal to twenty-five dollars (\$25) or more shall be covered by a dedicated surveillance camera and recorder. Such a slot machine shall not be played without the surveillance coverage required by this subsection; and

(k) A slot machine licensee's surveillance system shall not have more than eight cameras required in the first stage of concentration, unless the licensee has a fault tolerant or redundant system so there is no loss of data in the event of a failure of a single first stage of concentration.

(3) Access, or the ability to access, a surveillance system from any location outside of the surveillance room, shall be disclosed in a quarterly report filed with the division and FDLE which sets forth the location and to whom access is being provided, other than surveillance personnel, and certifies that the transmission is encrypted, firewalled on both ends and password protected. The password protection shall contain alpha and numeric characteristics with a minimum of six characters and be changed to a previously unused password when the employment of any employee of the surveillance department is terminated or transferred.

(4) Access to the surveillance system, surveillance system plan, and any related information, shall be limited to surveillance employees, the division, and FDLE.

(5) The division and FDLE shall have access to all security cameras or other surveillance equipment. The surveillance system shall be configured so that the division and FDLE are able to direct the surveillance of a particular area or person on the grounds of the slot machine licensee.

(6) Employees of the slot machine licensee, when assigned to monitoring duties in the surveillance room, shall have no other gaming related duties. No surveillance department employee shall transfer from the surveillance department to another department of the slot machine licensee in which he or she is employed, unless the employee is being transferred or promoted into a position that requires knowledge of the surveillance system and procedures or until one year has passed since the surveillance department employee worked in the surveillance department.

(7) The interior of the surveillance room shall not be visible or accessible to the public.

(8) The division or FDLE shall have immediate access to the surveillance room and other surveillance areas. The division and FDLE shall be provided, upon request, copies of digital recorded media of activities as well as copies of any images produced on a video printer.

(9) The surveillance room shall be maintained at all times by a sufficient number of approved surveillance operators as reflected in the surveillance plan approved by the division. The division, after consultation with FDLE, shall require additional surveillance personnel should it be determined that an inadequacy of surveillance monitoring exists.

(10) Before implementing any changes to a surveillance system, the slot machine licensee shall submit the proposed changes to the division and FDLE for approval.

(11) A slot machine licensee shall notify the division and FDLE immediately of any failure of the surveillance system to continuously monitor the eligible facility or to otherwise operate properly. Play of slot machines in any area for which there is inadequate monitoring shall be suspended until the surveillance system is restored.

(12) The surveillance room shall be staffed for monitoring 24 hours a day by at least one surveillance department employee who is trained in the use of the equipment, has knowledge of slot machine operations, and the slot machine licensee's approved internal control procedures for security and surveillance.

(13) The slot machine licensee shall be responsible to ensure that any malfunction of surveillance equipment shall be immediately repaired or replaced with a working unit. If immediate replacement is not possible, alternative live monitoring shall be provided by the slot machine licensee personnel; otherwise, gaming in the unmonitored area(s) of the eligible facility shall immediately cease.

(14) Failure of any storage system for video or audio recordings shall be repaired or the storage system replaced within 8 hours of the failure. The surveillance system shall provide back-up for video or audio recording during the repair and replacement time. If after 8 hours, activity in the affected area cannot be recorded, the slot machines in that area shall be closed for play until recording is restored. A log of all

malfunctions of the surveillance and recording equipment shall be kept and such malfunctions shall be reported to the division and FDLE each day.

(15) All surveillance monitoring equipment shall be located in the surveillance room of a slot machine licensee and the surveillance department shall be responsible for its proper operation and maintenance.

(16) A slot machine licensee shall provide written notification to the division and FDLE prior to the video or audio format of any portion of their surveillance system being changed, setting forth what the change will be, when the change will occur, and how the change will affect their surveillance system as a whole.

(17) All equipment that is used to monitor and record activities within the designated gaming area(s) shall remain accessible solely to surveillance personnel except when such equipment is being repaired or replaced. All repairs shall take place in the presence of surveillance department personnel.

(18) Each slot machine licensee facility shall have at least one surveillance room to be used exclusively to monitor the activities within the slot machine licensee's facility. The interior of the surveillance room shall not be visible to the public and shall be continuously monitored and recorded.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(g), (i), 551.104(4)(h) FS. History--New _____.

61D-14.055 Storage and Retrieval of Surveillance Recordings.

(1) All surveillance recordings shall be in digital format and retained for at least thirty (30) days in areas referenced in paragraph 61D-14.054(2)(b), F.A.C., and seven (7) days for areas referenced in paragraph 61D-14.054(2)(c), F.A.C., unless provided otherwise in this section. Recordings shall be listed on a log by surveillance personnel with the date, times, and identification of the person monitoring or changing the recording medium in a recorder. Surveillance recordings shall be released to the division or FDLE upon demand.

(2) Any surveillance recording of illegal or suspected illegal activity or jackpot payment procedures, upon completion of the monitoring, shall be saved and stored separately and labeled in a manner with date, time and identity of surveillance personnel. The saved recordings shall be placed in a separate, secure area and written notification given to the division and FDLE.

(3) Video recordings of activities under subsection (2) shall not be destroyed without the written authorization of the division and FDLE.

(4) All surveillance recordings relating to the following shall be retained in a secure area and shall be listed on a log maintained by surveillance personnel:

(a) All count room areas;

(b) The vault area;

(c) All credit and fill slip confirmation recordings; and

(d) Any areas with cashiers or where the patrons cash tickets or vouchers.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (g), (i), 551.104(4)(h) FS. History--New _____.

61D-14.056 Security and Surveillance Logs.

(1) The slot machine licensee shall maintain a surveillance log(s) in the surveillance room containing the following information:

(a) The names of all persons entering or exiting the surveillance room;

(b) A summary, including the date and time each surveillance activity commenced and terminated;

(c) Record of any equipment or camera malfunctions;

(d) Description of the activity observed or performed;

(e) Any additional information as required by the division or FDLE after notification of a specific incident; and

(f) All communications received by or sent from the surveillance room.

(2) A slot machine licensee shall maintain a security log of any and all unusual occurrences for which the assignment of a security department employee is made. Each incident shall be assigned a sequential number and an entry made in the log(s) containing the following information:

(a) The assignment number;

(b) The date of the incident;

(c) The time of the incident;

(d) The location of the incident;

(e) The nature of the incident;

(f) The person(s) involved in the incident; and

(g) The security department employee(s) assigned.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(g), (i), 551.104(4)(h) FS. History--New _____.

61D-14.058 Slot Machine Licensees System of Internal Controls.

(1) Each slot machine licensee shall develop and implement internal control procedures to ensure compliance with Chapter 551, Florida Statutes and Chapter 61D-14, F.A.C.

(2) Each slot machine licensee shall submit to the division a written description of internal control procedures that incorporate administrative and accounting controls with its application before slot machine gaming commences.

(3) Each slot machine licensee's internal control procedures shall include the following:

(a) Administrative controls which include the procedures and records that detail authorization of transactions; and

(b) Accounting controls shall require that:

1. Transactions are executed in accordance with management's general authorization;

2. Transactions are recorded to permit preparation of financial statements in conformity with generally accepted accounting principles;

3. Access to assets is permitted only in accordance with management authorization; and

4. The recorded accountability for assets shall be compared with existing assets at set intervals and corrective action shall be taken with respect to any differences.

(4) Each submission of internal control procedures shall include a statement signed by the slot machine licensee's chief executive officer, chief operating officer, director of surveillance, director of security, director of slot machine operations, chief financial officer, and the applicant's chief legal officer or their equivalents that the submitted internal controls conform to the requirements of Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C.

(5) The division shall evaluate the internal control procedures of each applicant for a slot machine license pursuant to (1) above based on the following criteria:

(a) Conformity to Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C.; and

(b) Evidence that the following standards are met:

1. An audit trail that permits the review of slot machine operations or the reconstruction of gross revenue transactions;

2. The segregation of functions as referenced in subsection 61D-14.015(4), F.A.C.; and

3. The inclusion of all forms or documents referenced in the submission or required by Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C.

(6) A current version of the internal controls of the slot machine licensee shall be maintained in the accounting, slot, and surveillance departments of the slot machine licensee. The slot machine licensee shall maintain copies of previous internal controls pursuant to the requirements of Rule 61D-14.080, F.A.C.

(7) The slot machine licensee's accounting internal controls shall include procedures for the establishment of a patron signature file if such a file is utilized by the slot machine licensee.

(8) Failure of the slot machine licensee to implement or comply with any internal control procedure required in Chapter 61D-14, F.A.C., is a violation of this section.

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

61D-14.059 Slot Machine Licensee Personnel.

(1) Each slot machine licensee shall maintain a level of staffing, supervision, and delineation of responsibilities of the organizational structure that ensures the proper operations as provided in the internal control procedures.

(2) The slot machine licensee's internal controls shall provide for a pre-employment screening process for each prospective employee, including the following:

(a) A completed employment application;

(b) Documentation that prospective employees for supervisory, managerial or surveillance positions have skills, training and experience for the position; and

(c) A reviewed credit report.

(3) The slot licensee shall maintain a personnel file for each employee that shall contain without limitation the following:

(a) The original employment application required by the slot licensee;

(b) The initial credit report and all subsequent credit reports that shall be obtained at least every 24 months;

(c) A copy of all occupational licenses issued by the division during employment;

(d) A current detailed position description that includes access rights granted to the employee relating to secure areas, keys, or information;

(e) A chronological log of all positions held by the employee indicating the effective and termination date of each position;

(f) All performance evaluations conducted by the slot licensee;

(g) Documentation relating to performance issues such as promotions, demotions, reprimands, or separations;

(h) The slot licensee shall ensure that persons in positions requiring professional occupational licenses satisfactorily complete Form DBPR PMW-3440, Professional or Business Employee Supplemental Information, which is adopted and incorporated by Rule 61D-15.001, F.A.C.; and

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

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

61D-14.060 Business Entities, Internal Controls and Personnel Records.

(1) The slot machine licensee's internal controls shall provide for screening of business entities supplying slot machine gaming related equipment and services, which shall include out-sourced general employment services, to the slot machine licensee or its affiliates including the following:

(a) A reference check of the business entity from other gaming jurisdictions; and

(b) Ensure the business entity has obtained a current occupational license.

(2) The slot licensee shall maintain a file for each business referenced in subsection (1) above that shall contain the following:

(a) Documentation of the results of the reference check in subsection (1) above;

(b) A copy of the current business license issued by the division;

(c) A list of the business entity's employees who require an occupational license pursuant to Section 551.107(2)(a)3., Florida Statutes;

(d) A copy of each contract the slot machine licensee has entered into with the business entity; and

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

(3) Any business entity holding an occupational license shall conduct pre-employment screening referenced in subsection 61D-14.059(2), F.A.C., for any employee that would be required to obtain an occupational license referenced in Rule 61D-14.005, F.A.C. The documentation required for such employees shall be maintained in an office of the business entity located in this state or with a registered agent of the business entity located in this state.

(4) Any business entity holding an occupational license shall maintain a file for each of its employees, in compliance with subsection 61D-14.059(3), F.A.C.

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

61D-14.061 Slot Cash Storage Boxes.

(1) Each slot cash storage box shall:

(a) Have two separate locks that shall only be opened by keys that are different from each other;

(b) Have a device that prohibits access to the contents of the slot cash storage box, when it is removed from the machine; and

(c) Have an asset number that corresponds to the asset number of its assigned machine and is identifiable by the surveillance system referenced in Rule 61D-14.054, F.A.C.;

(2) Emergency slot cash storage boxes that are used when the slot cash storage boxes of a specific machine are not available shall be maintained without asset numbers, provided:

(a) The word "emergency" is permanently imprinted, affixed or impressed thereon; and

(b) The emergency slot cash storage box is temporarily marked with the asset number of the machine to which it is assigned.

(3) Nothing in this rule shall be interpreted to prohibit the use of a bar code or similar device for tracking of slot cash storage boxes, so long as the requirements of this section are met.

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

61D-14.063 Count Rooms.

(1) The slot machine licensee shall have within its facility a count room used exclusively for counting of funds received from the wagering operations of pari-mutuels and slot

machines. Counts conducted for slot machine operations shall be performed at separate times and independent of counts from pari-mutuel operations.

(2) The count room shall have:

(a) Metal doors equipped with:

1. Two separate locks, independent of one another and those of the slot cash storage boxes; and

2. An alarm device, which audibly and visibly signals the surveillance monitoring room and the security department whenever a door to the count room is opened;

(b) Tables shall be constructed of clear lexan or similar material;

(c) Audio-video surveillance equipment as referenced in subparagraph 61D-14.054(2)(b)3., F.A.C.; and

(d) A fixed door type or hand-held metal detector to inspect all persons exiting the count room.

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

61D-14.065 Procedure for Slot Cash Storage Box Count.

(1) Each slot machine licensee shall include in its internal control procedures:

(a) A workflow diagram indicating all equipment used in the counting process;

(b) A description of all computer equipment used in the counting and recording process and other systems that communicate with computer equipment for purposes related to the counting of revenue;

(c) Procedures for controlling changes in software use in the counting and recording process, which provide for notification to the division at least 24 hours prior to the implementation of any proposed change; and

(d) Controls that prevent access to any count room information by anyone outside of the count room until the entire count process is concluded.

(2) Pre-count requirements in the internal controls shall include:

(a) Notification to the surveillance department to make an audio-visual recording of the count process;

(b) Procedures providing for a count team including a professional occupational licensee supervisor and at least two team members who shall also be present, with one team member being the count recorder;

(c) All persons present in the count room during the counting process shall wear as outer garments, only a full-length, one-piece, pocket-less garment with openings only for the arms, feet, and neck;

(d) No person present shall carry any items into the count room; and

(e) The count room supervisor shall record, in writing the name and license number of each member of the count team, as well as any entries and exits of the count room during the process by any persons.

(3) Count process requirements in the internal controls shall include:

(a) Dual count and reconciliation;

(b) Segregation of bills, tickets, or vouchers and resolving any discrepancies;

(c) Handling of torn or mutilated bills, tickets, or vouchers;

(d) Utilization of counting machines;

(e) The contents of each slot cash storage box shall be emptied on the count table and counted separately;

(f) The inside of the slot cash storage box shall be held up to the full view of a surveillance camera, after which the slot cash storage box shall be locked and placed in the storage area for slot cash storage boxes;

(g) As the contents of each slot cash storage box are counted, a count team member shall record information regarding the details of the count to include:

1. The asset number of the machine to which the slot cash storage box contents correspond;

2. The value of each denomination of currency counted;

3. The total value of all denominations of currency counted;

4. A listing of each slot machine ticket or voucher counted by validation number and the value of each gaming ticket counted; and

5. The gaming date of the items being recorded and the total number of all slot cash storage boxes opened and counted.

(h) The doors to the count room shall be locked and remained locked except when the doors are opened as follows:

1. At the start or conclusion of a count team employee's shift;

2. To permit slot cash storage boxes to be secured in the count room;

3. To permit empty slot cash storage boxes or emergency slot cash storage boxes that were not part of the current count to be removed from the count room;

4. To allow a main bank cashier or cage supervisor to enter the count room to perform his or her job responsibilities;

5. In the event of an emergency;

6. To allow the count team to exit the room at the conclusion of the count; and

7. To allow for scheduled breaks that shall be taken by the entire count team;

(i) During the counting process, the count room supervisor shall notify the surveillance department whenever a count room door will be opened;

(j) The count team members shall not leave the count room until all money is counted, verified, sorted, and totaled into the computer and cash drop funds are transferred to the cash vault. If a count team member leaves the count room, all count team members shall secure all of the bills, tickets and vouchers in the count room, and notify security that the count team needs to leave the count room. All count team members shall be screened by security before leaving the count room. No count team member shall remain in the count room alone. The count team members shall not reenter the count room until all count team members are present;

(k) Any person leaving the count room prior to the completion of the entire count process, shall also record the time that he or she exited the count room, if the person exiting the count room is unable to sign the document due to an emergency, the count room supervisor shall record the person's name and time of exit and a notation describing the emergency on the document;

(l) After preparation of the slot cash storage box report, the count team members performing the banking functions and the count room supervisor shall sign the reports attesting to the accuracy of the information recorded thereon as evidence of their participation in the counting of the slot cash storage boxes; and

(m) If a discrepancy in excess of \$500 occurs during verification of the count funds, it shall be brought to the immediate attention of the division and FDLE and a detailed written report explaining the problem and the corrective action taken shall be filed by the count room supervisor with the division within 48 hours of the conclusion of the count.

(4) Post-count requirements in the internal controls shall include:

(a) All bills, tickets and vouchers shall be presented in the count room to a main bank cashier or cage supervisor who, prior to having access to the information recorded on the slot cash storage box report and in the presence of a count team member, shall verify the bills, tickets and vouchers presented in accordance with the slot licensee's internal controls. The cashier or cage supervisor shall attest by signature for the custody of the bills, tickets, and vouchers;

(b) Once all signatures required by this section have been obtained, all tickets and vouchers have been removed from the slot cash storage boxes, and any other supporting documentation has been completed, those documents shall be transported directly to the accounting department and shall not be available to any cashier's cage personnel. The accounting department shall record the figures and calculate the total drop for that gaming day. All coupons shall be received and processed by the accounting department and reconciled with the facility based central monitoring system;

(c) A count room employee, in the presence of a count room supervisor, shall conduct an inspection of the entire count room and all counting equipment located therein to verify that no bills, tickets, or vouchers remain in the room; and

(d) Cash from a previous count shall be locked and secured before another count can begin.

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

61D-14.067 Slot Booths and Change Machines.

(1) Each slot cashier shall operate with an individual imprest inventory. At the end of each shift, the slot cashier assigned to the outgoing shift shall record on a daily slot cashier's count sheet maintained by the slot machine licensee, the face value of each slot booth inventory item counted and the total opening and closing slot booth inventories and shall reconcile the total closing inventory with the total opening inventory.

(2) At the end of each gaming day, a copy of the daily slot cashiers' count sheets for that gaming day shall be forwarded to the accounting department.

(3) The slot booth inventory shall be used to supply change persons with an imprest inventory of bills, tickets or vouchers. The slot booth inventory shall also be used to provide a change person with bills, tickets, and vouchers in exchange for an equal amount of any combination of bills, tickets, or vouchers.

(4) The slot booth inventory shall be used to supply any mechanical, electrical or other device which operates independently of a slot machine and which, upon insertion of a ticket or voucher, dispenses an amount of currency equivalent to the face value of the ticket or voucher, and which immediately upon exchange cancels the ticket or voucher with an imprest inventory of slot tickets.

(5) A slot attendant shall not be permitted to function as a slot change person.

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

61D-14.069 Accounting and Security Records.

(1) Each slot machine licensee shall maintain records of all transactions pertaining to the revenues and costs for its facility.

(2) General accounting records shall be on a double entry system of accounting with transactions recorded on the accrual basis that shall also be maintained as follows:

(a) The slot licensee shall maintain a uniform chart of accounts and accounting classification;

(b) The chart of accounts shall provide the classifications necessary to prepare standard financial statements; and

(c) The slot machine licensee shall not alter the account numbering system without prior written notification to the division.

(3) Supporting subsidiary records to be maintained by the slot machine licensee shall include:

(a) Records detailing all complimentary items or services provided as required by Rule 61D-14.021, F.A.C.;

(b) Records of all financial investments, advances, loans and receivable balances, due to the establishment; and

(c) Records related to investments in real property and equipment.

(4) Prior to commencement of slot machine activities, the slot machine licensee shall submit to the division the name and location, bank account number and routing information of a financial institution for collection and distribution of slot machine gaming revenue. The financial institution shall be a bank or trust company authorized to do business in Florida. The bank account shall be used exclusively for the deposit and distribution of slot machine gaming revenues that shall not be commingled with any other funds.

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

61D-14.072 Cashier's Cage, Satellite Cages, Vaults, and Accounting Controls.

(1) Each slot machine licensee shall have on or immediately adjacent to the designated slot machine gaming area a physical structure known as a cashier's cage ("the cage") to house the cashiers and to serve as the central location for the following:

(a) The custody of the cage inventory comprising currency including patrons' deposits, and of forms, documents, and records normally associated with the operation of a cage;

(b) The custody and exchange of currency, electronic cards, forms, documents and records normally generated or utilized by cashiers, change persons, and slot attendants;

(c) The responsibility for the overall reconciliation of all documentation generated by cashiers, slot cashiers, change persons, and slot attendants; and

(d) The receipt of currency, tickets or vouchers from the count room in conformity with this document.

(2) The cage shall be designed and constructed to provide security for the materials housed therein and the activities performed therein; such design and construction shall provide for the following:

(a) Fully enclosed except for openings through which materials such as cash, records, and documents can be passed to service the public and slot booths;

(b) Manually triggered silent alarm systems for the cage, its ancillary office space and any related vault, which alarm systems shall be connected directly to the monitoring rooms of the surveillance system and the security department office;

(c) Double door entry and exit system that shall not permit a person to pass through the second door until the first door is securely locked. In addition:

1. The first door of the double door entry and exit system shall be controlled by the security department. The second door of the double door entry and exit system shall be controlled by the cashier's cage;

2. The system shall have surveillance camera coverage which shall be monitored by the surveillance department; and

3. Any entrance to the cage that is not a double door entry and exit system shall be an alarmed emergency exit door only; and

(d) Separate locks on each door of the double door entry and exit system, the keys to which shall be different from each other.

(3) Each vault shall include the following:

(a) A metal door with one key that shall be maintained and controlled by the cage. The slot machine licensee shall establish a sign-in and sign-out procedure for removal and replacement of the key or an electronic lock release that can be activated by vault personnel inside the vault;

(b) An alarm device that signals the surveillance department whenever the door to the vault is opened; and

(c) Surveillance cameras meeting the requirements in Rule 61D-14.054, F.A.C.

(4) Vaults shall be under the control of the accounting department. The storage or removal of currency from vaults shall be documented, and the amount of currency in each vault shall be reconciled daily.

(5) The cashiers assigned to an outgoing shift shall record on a daily cashier's count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory.

(6) At the end of the slot machine licensee's hours of operation for each day, a copy of the cashier's count sheets and related documentation shall be forwarded to the accounting department for agreement with opening and closing inventories.

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

61D-14.073 Meter Readings.

(1) Accounting department employees shall at least once a month manually read and record all meters and reconcile those readings with the information on the facility based monitoring system.

(2) After preparation of the slot meter sheet each employee involved with its preparation shall sign the slot meter sheet attesting to the accuracy of the information. The slot meter sheet shall be forwarded directly to the accounting department for comparison to the slot win sheet and calculation of slot machine statistics.

(3) Whenever there is a variance of more than two percent or more than \$100 between the slot machine's internal meters and the meters of the facility based monitoring system, the slot

machine licensee shall investigate the cause of the variance and prepare and file an incident report documenting the variance with the controller, the director of surveillance, and the division. The incident report shall include:

- (a) The date of the meter reading;
- (b) The date the report was filed;
- (c) The amount of the variance, by denomination, which shall be by total value;
- (d) The asset number of the machine involved;
- (e) The amount of the variance by bills, tickets, and/or vouchers;
- (f) An indication as to the cause of the variance with documentation attached to support the explanation; and
- (g) The signature and license number of the preparer.

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

61D-14.074 Security Requirements, System Access, and Firewalls.

(1) The firewall application shall maintain an audit log and disable all communications and generate an error event if the audit log becomes full. An audit log shall contain the following information:

- (a) All changes to configuration of the firewall;
- (b) All successful and unsuccessful connection attempts through the firewall; and
- (c) The source and destination IP addresses, port numbers and MAC addresses.

(2) The facility based monitoring system shall not allow for remote access. All access to the facility based monitoring system shall be conducted from within the slot machine licensee's facility.

(3) Automated ticket redemption machines are only to be used for the purpose of accepting, validating and providing payment for tickets inserted. Automated ticket redemption machines shall not incorporate other functions. Automated ticket redemption machines shall use a communication protocol that shall not permit the automated ticket redemption machine to write directly to the system database and only process payments based on commands from the system. Automated ticket redemption machines shall meet the slot machine hardware requirements for security and player safety, as set forth in Rules 61D-14.022-.044, F.A.C.

(4) Automated ticket redemption machines shall be capable of detecting and displaying the following error conditions:

- (a) Power loss or power reset;
- (b) Interpretation of communication with the automated ticket redemption machine.
- (c) Cash dispenser empty or timed out;
- (d) RAM error;
- (e) Low RAM battery;

(f) Ticket in jam;

(g) Door open;

(h) Bill acceptor stacker full;

(i) Bill acceptor door open;

(j) Bill stacker door open or bill stacker removed; and

(k) Printer errors.

(5) The error conditions referenced in subsection (4) shall illuminate the tower light alarm. The automated ticket redemption machine shall be able to recover to its prior operating condition.

(6) Error conditions listed in paragraphs (4)(a)-(g) and (k) shall require a slot machine attendant to intervene and clear the error from the automated ticket redemption machine prior to the resumption of operation.

(7) There shall be a maximum ticket value of \$500 that can be paid by an automated ticket redemption machine, per individual ticket.

(8) The automated ticket redemption machine shall maintain the following meters:

(a) A "total in" meter that accumulates the total value of tickets or vouchers accepted by the automated ticket redemption machine; and

(b) A "total out" meter(s) for payments issued by the machine.

(c) Separate "out meters" shall report the value of all bills dispensed by denomination.

(9) A log shall be maintained in critical memory or on a paper log housed within the individual automated ticket redemption machine that consists of the following:

(a) An event log which shall record the following information about the ticket redeemed:

1. Date/time of redemption;

2. Amount of ticket; and

3. At least last 4-digits of validation number; and

(b) The automated ticket redemption machine shall maintain the most recent 35 events in the event log.

(10) Tickets may only be accepted by the automated ticket redemption machine when:

(a) All communication links are intact;

(b) Tickets inserted into a automated ticket redemption machine shall be rejected in the event of a communication failure; and

(c) Payment shall only be made when the ticket is collected and physically housed within the bill stacker.

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

61D-14.075 Jackpot and Credit Meter Payouts Not Paid Directly From the Slot Machine.

(1) When a patron wins a jackpot that is not totally and automatically paid directly from the slot machine, an employee of the slot machine licensee shall prepare a manual jackpot payout slip or a system generated payout slip.

(2) Manual jackpot payout slips shall be serially prenumbered forms. Each series of payouts shall be used in sequential order and the series of all payouts received by a slot machine licensee shall be accounted for by employees independent of the cashier's cage and the slot department. System generated payout slips shall be sequentially numbered by the facility based monitoring system. All original and duplicate void payouts shall be marked "void" and shall require the signature of the preparer and a slot attendant or supervisor.

(3) Each series of manual jackpot payout slips shall be a three-part form and shall be inserted in a dispenser that shall be locked and shall permit an individual slip in the series and its copies to be written upon simultaneously while still in the dispenser and that shall discharge the original and duplicate while the triplicate remains in a continuous unbroken form in the dispenser. Access to the triplicates shall be maintained and controlled at all times by employees responsible for controlling and accounting for the unused supply of forms, placing those forms in the dispenser and removing from the dispenser the triplicates remaining.

(4) When payouts are computer prepared, each series shall be a two-part form and shall be inserted in a printer that shall simultaneously print an original and a duplicate and store in a machine-readable form all information printed on the original and duplicate. The stored data shall not be susceptible to change or removal by any personnel after the preparation.

(5) The information which shall be included on every form and in all stored data for payout is the asset number of the slot machine on which the jackpot was registered, the total amount of the jackpot, the winning combination of reel characters constituting the jackpot, the date and time during which the jackpot occurred, the amount to be paid from cashier's cage, and the time of preparation of the jackpot payout.

(6) All payouts to a patron as a result of winning a jackpot in excess of \$10,000 shall be disbursed by the cashier's cage directly to the patron, or to a supervisor who shall transport the winnings directly to the patron.

(7) Signatures attesting to the accuracy of the information contained on the original and duplicate of the payout shall be of the cashier/slot personnel who prepared the payout slip and a slot attendant or supervisor who observed the reel characters of the slot machine. A manager and a member of the security department shall also attest the payout if the amount of the jackpot is equal to or in excess of \$10,000.

(8) The original jackpot payout slip shall be forwarded to the accounting department for reconciliation with the triplicate or stored data. The duplicate jackpot payout slip shall be maintained by the cashier for recording on the slot win sheet, reconciliation with the meter reading stored on the slot meter sheet, and reconciliation with the triplicate or stored data.

(9) Prior to the payment of a slot jackpot of \$25,000 or more, an FDLE representative shall conduct an investigation, including verification check of game related storage media and that all documents are complete and legible. The slot machine licensee shall utilize a verification device that is approved by the division as being an accepted device recognized by slot machine gaming jurisdictions for testing slot machines for regulatory compliance. The jackpot shall only be awarded after the FDLE representative verifies compliance with this section.

(10) The accounting department shall verify that all jackpots are in compliance with Chapter 61D-14, F.A.C.

(11) When a non-cash prize is offered as a slot machine jackpot or payout for winnings, the slot machine licensee shall make an equivalent cash option available to the patron. For purposes of tax calculations, the amount of the equivalent cash option shall be used in the calculation of slot machine revenue. Details of each cash/prize jackpot option transaction shall be included on Form DBPR PMW-3680, Slot Jackpot Prize/Cash Option Report, which is adopted and incorporated by Rule 61D-15.001, F.A.C.

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

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

(1) All books, records and documents pertaining to the slot machine licensee's operations shall be:

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

(b) Retained on site for a period of at least one year from the document's creation and subsequently authorized to be maintained at another secure location for the time period specified in subsection (3) below;

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

(d) Organized and indexed in such a manner as to provide immediate accessibility; and

(e) Destroyed only after expiration of the minimum retention period, except that the division shall, upon the written petition of any slot machine licensee, permit such destruction at an earlier date.

(2) For the purposes of this section, "books, records and documents" shall mean any book, record or document pertaining to, prepared in or generated by the operation of the slot machine licensee or on its behalf including all forms, reports, accounting and financial records, ledgers, subsidiary records, computer generated data, internal audit records,

correspondence including e-mail, personnel records, and its compulsive gambling program. This definition shall apply without regard to the medium through which the record is generated or maintained.

(3) All books, records and documents shall be retained by a slot machine licensee in accordance with the following schedules:

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

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

2. Records of corporate investigations and due diligence procedures;

3. Current employee personnel files; and

4. A record of any book, record or document destroyed, identifying the particular book, record or document, the period of retention and the date of destruction;

(b) All other books, records and documents shall be retained by a licensee for a minimum of five years unless additional time is requested by the division or FDLE for audit or investigation; and

(c) Tickets and vouchers shall be retained on site for a period of sixty (60) days, after which they are authorized to be stored in a secure location for a period of no less than a year. The slot machine licensee shall provide for the retrieval of specific tickets or vouchers in its system of internal control procedures.

(4) For purposes of this section, the slot machine licensee shall retain original books, records and documents except for copies:

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

(b) That were copies when obtained by the slot machine licensee; or

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

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

61D-14.081 Monthly Remittance Reports.

(1) Monthly remittance reports documenting the previous month's slot machine gaming activity shall be due by the 5th calendar day of each month. Each slot machine license shall file a Slot Operations Monthly Remittance Report, Form DBPR PMW-3660, and Slot Operations Cumulative Monthly Remittance Report, Form DBPR PMW-3670, which are adopted and incorporated by Rule 61D-15.001, F.A.C., with the division at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

(2) When reporting credits on Forms DBPR PMW-3660 and 3670:

(a) "Credits In" shall include all credits registered on the 'in meter' of a slot machine; and

(b) "Credits Out" shall include all credits registered on the 'out meter' of a slot machine.

(3) Each report to the division shall be received or postmarked not later than the required filing date referenced in subsection (1).

(4) Tickets or vouchers which remain unclaimed after 30 days shall be accounted for as taxable slot machine revenue reported as referenced in subsection (1).

(5) Winnings withheld from an excluded person shall be accounted for as taxable slot machine revenue reported as referenced in subsection (1).

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), 551.106(3) FS. History—New _____.

61D-14.082 Annual Financial Report.

(1) Each slot machine licensee shall generate an annual financial report. The annual financial report shall be based on the slot machine licensee's audited financial statements, which shall be audited by an independent certified public accountant in accordance with generally accepted accounting and auditing standards. The audited financial statements shall be used to generate the slot machine licensee's annual financial report.

(2) The annual financial report shall be prepared on a comparative basis for the current and prior fiscal year.

(3) Two copies of the annual financial report shall be filed with the division no more than 120 days after completion of the slot machine licensee's fiscal year.

(4) The annual financial reports shall be signed by the chief executive officer or chief gaming executive pursuant to subsection 61D-14.015(2), F.A.C., and the financial vice president, treasurer, or controller of the slot machine licensee attesting that they have read the report and that to their knowledge the information contained in the report is accurate and complete.

(5) The annual financial report required by this section shall include a footnote reconciling and explaining any differences between the financial statements included in the slot machine licensee's annual financial report and the cumulative monthly remittance reports in Form DBPR PMW-3670, Slot Operations Cumulative Monthly Remittance Report, which is adopted and incorporated by Rule 61D-15.001, F.A.C. Such footnote shall disclose any adjustments to:

(a) Revenues from the slot machines;

(b) Total costs and expenses; and

(c) Net income.

(6) Each slot machine licensee shall include in its annual financial report:

(a) Any opinion or report on the slot machine licensee's internal control procedures issued by its independent certified public accountant;

(b) A report expressing that the slot machine licensee has followed in all material respects during the period covered by this examination, the system of internal accounting controls on file with the division. Whenever the slot machine licensee has materially deviated from the system of internal accounting controls on file with the division, the report shall enumerate any deviations and any areas of the system no longer considered effective, and shall make recommendations regarding improvements in the system of internal accounting control; and

(c) Any corrective actions taken to deviations referenced in paragraph (b).

(7) If an independent Florida certified public accountant who was previously engaged as the principal accountant to audit the licensee's financial statements resigns or is dismissed as the licensee's principal accountant, or another independent certified public accountant is engaged as principal accountant, the licensee shall file a report with the division within 48 hours of when such event occurs, setting forth the name and business address of the certified public accountant and the date of such resignation, dismissal, or engagement.

(8) Any adjustments resulting from the annual audit shall be recorded in the accounting records of the year to which the adjustment relates. In the event the adjustments were not reflected in the licensee's annual report, a revised annual report shall be required from the slot machine licensee within 30 days.

(9) Slot machine licensees shall report to the division details of any loans, borrowings, installment contracts, guarantees, leases, or capital contributions with a value of over \$25,000 per year no later than 10 days after the end of the month in which the transaction or event occurs.

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

61D-14.083 Compliance with Federal Reporting Requirements.

(1) A slot machine licensee shall comply with the requirements of 31 Code of Federal Regulations 103, or any other regulations promulgated under the Bank Secrecy Act, Public Law 91-508, as amended, codified at 12 United States Code 1829b, 12 United States Code 1951-1959, and 31 United States Code 5311-5332, that is related to the conduct of gambling.

(2) Each slot machine licensee shall file a copy of any report required for compliance in subsection (1) with FDLE in no more than forty-eight (48) hours of the completion of such report.

(3) The slot machine licensee shall immediately inform FDLE of the occurrence of any suspicious activity that requires the filing of a Suspicious Activity Report by Casinos and Card Clubs, FinCEN Form 102 (April 2003), 31 United States Code 5318(g).

(4) Each slot machine licensee shall develop and implement within its internal control procedures a program to assure and monitor compliance with the requirements set forth in this section including:

(a) Internal and/or external independent testing for compliance;

(b) Training of the slot machine licensee employees, including training in the identification of unusual or suspicious transactions; and

(c) A employee assigned to assure compliance with the internal control adopted for this section.

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

61D-14.085 Records Regarding Ownership.

Each slot machine licensee shall maintain the following records:

(1) If a corporation:

(a) A certified copy of the articles of incorporation and any amendments thereto;

(b) A copy of the by-laws and amendments thereto;

(c) A current list of officers and directors;

(d) Minutes of all meetings of stockholders and directors;

(e) A current list of all stockholders and stockholders of affiliates, including their names and the names of beneficial owners of shares held where any beneficial owner has an interest in five percent or more of the outstanding shares of any class of stock, the number of shares held by each and the date acquired;

(f) A record of all transfers of stock;

(g) A record of amounts paid to the corporation for issuance of stock and any capital contributions and dates of transactions;

(h) A record, by stockholder, of all dividends distributed by the corporation; and

(i) A record of all salaries, wages, and other remuneration, including perquisites, direct and indirect, paid during the calendar or fiscal year, by the corporation, to all officers, directors, and stockholders with an ownership interest at any time during the calendar or fiscal year, equal to or greater than five percent of the outstanding capital stock of any class of stock.

(2) If a partnership including limited partnerships:

(a) A schedule showing the amounts and dates of capital contributions, the names and addresses of the contributors, and percentage of interest in net assets, profits, and losses held by each partner;

(b) A record of the withdrawals of partnership funds or assets;

(c) A record of salaries, wages, and other remuneration, including perquisites, direct and indirect, paid to each partner during the calendar or fiscal year; and

(d) A copy of the partnership agreement and certificate of limited partnership, if applicable.

(3) If a limited liability company:

(a) Certificates of formation, amendment, and cancellation;

(b) Operating agreement;

(c) A current list of all members and managers;

(d) A schedule showing the amounts and dates of contributions by members, the names and addresses of the contributors, and percentage of interest in net assets, profits, and losses held by each member and manager;

(e) A record of the distributions of limited liability company funds or assets; and

(f) A record of salaries, wages, and other remuneration (including prerequisites), direct and indirect, paid to each member and manager during the calendar or fiscal year.

(4) If a sole proprietorship:

(a) A schedule showing the name and address of the proprietor and the amount and date of his original investment;

(b) A record of dates and amounts of subsequent additions to the original investment and withdrawals there from; and

(c) A record of salaries, wages, and other remuneration, including prerequisites, direct or indirect, paid to the proprietor during the calendar or fiscal year.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (g) FS. History–New _____.

61D-14.086 Annual Compliance Audit.

In addition to the audit required by Rule 61D-14.082, F.A.C., each slot machine licensee shall file an audit report to comply with the requirements of Section 551.104(8), Florida Statutes. The audit shall contain recommendations of all findings and observations made by the slot licensee’s internal audit function referenced in paragraph 61D-14.015(2)(f), F.A.C.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (1)(g), 551.104(8) FS. History–New _____.

61D-14.087 Response to Division Reports and Audits.

A written response shall be provided by the slot machine licensee or occupational licensee within 30 days of the date of issuance of any division report or audit finding by the slot machine licensee.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), 551.104(8) FS. History–New _____.

61D-14.090 Prohibited Acts.

(1) No person shall engage in conduct that resists, obstructs, or opposes a division or FDLE employee in the performance of his or her duties and responsibilities.

(2) No person shall conspire with, solicit, aid, abet, counsel, hire, or procure any other person or persons to engage in a violation of Chapter 551, Florida Statutes, or Chapter 61D-14, F.A.C., nor shall he or she commit any such act on his or her own.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d),(1)(e), (g), (h), (i) (2), (3), (4) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2006

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006 and February 24, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE CHAPTER NO.: RULE CHAPTER TITLE:

61D-15 Pari-Mutuel Facility Slot Machine Operations – Forms

RULE NO.: RULE TITLE:
61D-15.001 Incorporated and Approved Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of slot machine activities conducted at a pari-mutuel wagering facility.

SUMMARY: This proposed rule addresses the creation of all forms utilized by the division in its rules regulating slot machine operations at a pari-mutuel wagering facility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145 FS.

LAW IMPLEMENTED: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145 FS.

IF REQUESTED IN WRITING 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: May 23, 2006, 9:00 a.m. – 4:00 p.m.

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-15.001 Incorporated and Approved Forms.

The following is a list of all forms now incorporated which are to be used by the Division in its dealing with the slot operators and licensees who conduct slot gaming. A copy of these forms may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of each of these forms is the promulgation date of this rule.

| | <u>FORM NUMBER</u> | <u>SUBJECT</u> | <u>EFFECTIVE DATE</u> |
|-----|----------------------|--|-----------------------|
| (1) | <u>DBPR PMW-3400</u> | <u>Permitholder Application for Annual Slot Machine License</u> | <u>()</u> |
| (2) | <u>DBPR PMW-3410</u> | <u>Slot Machine Employee Occupational License Application</u> | <u>()</u> |
| (3) | <u>DBPR PMW-3420</u> | <u>Slot Machine Business Entity Occupational License Application</u> | <u>()</u> |
| (4) | <u>DBPR PMW-3430</u> | <u>Business Entity Internal Control Information</u> | <u>()</u> |
| (5) | <u>DBPR PMW-3440</u> | <u>Professional or Business Employee Supplemental Information</u> | <u>()</u> |
| (6) | <u>DBPR PMW-3450</u> | <u>Slot Machine Occupational License Upgrade Application</u> | <u>()</u> |
| (7) | <u>DBPR PMW-3460</u> | <u>Request for Release of Information and Authorization to Release Information</u> | <u>()</u> |

- (8) DBPR PMW-3660 Slot Operations Monthly Remittance Report ()
- (9) DBPR PMW-3670 Slot Operations Cumulative Monthly Remittance Report ()
- (10) DBPR PMW-3680 Slot Jackpot Prize/Cash Option Report ()

Specific Authority 551.103, 551.104, 551.106, 551.114, 551.118, 551.145 FS. Law Implemented 551.103, 551.104, 551.106, 551.114, 551.118, 551.145 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2006
 DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006 and February 24, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-8.002
 RULE TITLE: Special Assessment Fee

PURPOSE AND EFFECT: The Board proposes to create the rule in order to establish a special assessment fee in order to eliminate the cash deficit in the operating funds of the Board.

SUMMARY: Each active and voluntary inactive licensee, will be required to pay a one-time assessment fee of \$25.00.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.219(2), 489.507(3) FS.

LAW IMPLEMENTED: 455.219(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-8.002 Special Assessment Fee.

(1) In order to eliminate the current cash deficit in the operating funds of the Board and to maintain the Board's financial integrity, each active and voluntary inactive licensee,

including all certified or registered electrical contractors, who received their initial license or registration prior to the effective date of this rule shall pay a one-time special assessment fee of twenty-five dollars (\$25.00) no later than 5:00 p.m. on August 31, 2006.

(2) Failure to comply with this rule and pay the required fee shall constitute grounds for disciplinary action pursuant to Sections 489.533(1)(o) and 455.227(1)(k) and (q), F.S.

Specific Authority 455.219(2), 489.507(3) FS. Law Implemented 455.219(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

| | |
|--------------|--|
| RULE NO.: | RULE TITLE: |
| 61G17-5.001 | Continuing Education Requirements for Reactivation of Inactive license |
| 61G17-5.0031 | Continuing Education Credit for Biennial Renewal |
| 61G17-5.0051 | Approval of Classes |

PURPOSE AND EFFECT: The Board of Professional Surveyors and Mappers (hereafter "Board") is revising Rules 61G17-5.001, 61G17-5.0031 and 61G17-5.0051 of the Florida Administrative Code to replace outdated Rule citations with current Rule citations.

SUMMARY: The Florida Board of Professional Surveyor and Mappers (hereafter board) is updating Rules 61G17-5.001, 61G17-5.0031 and 61G17-5.0051, F.A.C., to replace outdated rule citations with current rule citations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 472.019(2), 455.212(2), 472.008, 472.018, 455.219, 472.011 FS.

LAW IMPLEMENTED: 455.271(9), 472.019(2), 455.2124(2), 455.2179, 472.018 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-5.001 Continuing Education Requirements for Reactivation of Inactive License.

A license which has been inactive for more than one year may be reactivated upon application to the Department and demonstration to the Board by the licensee of having completed on (1) continuing education credit in surveying and mapping related courses or seminars per inactive month up to a maximum of twenty-four (24) continuing education credits which must be completed within one year prior to the date of application for reactivation. This education shall be related to the licensee's field of practice. Verification of the above-mentioned education shall be in the form of a continuing education course certificate of completion that complies with subsection 61G17-5.0043(2), F.A.C. paragraph 61-6.051(4)(a), F.A.C.

(1) through (4) No change.

Specific Authority 472.019(2) FS. Law Implemented 455.271(9), 472.019(2) FS. History--New 10-29-80, Formerly 21HH-5.01, Amended 2-7-91, Formerly 21HH-5.001, Amended 3-28-94, 5-30-95, 10-13-97, 6-29-00, 6-22-03, _____.

61G17-5.0031 Continuing Education Credit for Biennial Renewal.

(1) through (3) No change.

(4) Licensees shall retain, and make available to the Department, the Board or their designees, upon request, continuing education course certificates of completion that comply with subsection 61G17-5.0043(2), F.A.C. paragraph 61-6.015(4)(a), F.A.C. for four (4) years following course completion.

Specific Authority 455.2124(2), 472.008, 472.018 FS. Law Implemented 455.2124(2), 455.2179, 472.018 FS. History--New 3-28-94, Amended 5-30-95, 9-21-98, 7-27-00, 6-22-03, 6-23-05, _____.

61G17-5.0051 Approval of Classes.

(1)(a) through (c) No change.

(d) The course provider shall submit to the Board a sample continuing education course certificate of completion that complies with subsection 61G17-5.0043(2), F.A.C., subsection 61G17-5.0043(2), F.A.C., that is given to each course participant if the participant completes that course.

(e) through (4) No change.

Specific Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History--New 8-18-03, Amended 6-23-05, 12-28-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Professional Surveyors
and Mappers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 10, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 10, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-8.0011 RULE TITLE: Fees
PURPOSE AND EFFECT: The Board of Professional
Surveyors and Mappers (hereafter "Board") is establishing
licensing fees for possible reinstatement of null and void
licenses pursuant to Section 455.271(6)(b), Florida Statutes.
SUMMARY: The Florida Board of Professional Surveyors and
Mappers (Board) is establishing licensing fees for possible
reinstatement of null and void surveyor and mapper licenses
pursuant to Section 455.271(6)(b), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS: No Statement of Estimated
Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 472.011, 455.213(2), 455.217(2),
472.013(2)(a) FS.

LAW IMPLEMENTED: 455.217(2), 472.011, 472.013(2)(a),
472.019(2), 472.023 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE SCHEDULED AND
ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Rick Morrison, Executive Director,
Board of Professional Surveyors and Mappers, 1940 North
Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-8.0011 Fees.
(1) through (15) No change.

(16) An individual applying to reinstate his or her null and
void survey and mapper license pursuant to section
455.271(6)(b) of the Florida Statutes must pay a
non-refundable application fee of \$125.00 and also must pay
\$255.00 for every licensure biennium that the individual failed
to renew his or her surveyor and mapper license.

Specific Authority 472.011, 455.213(2), 455.217(2), 472.013(2)(a)
FS. Law Implemented 455.217(2), 472.011, 472.013(2)(a),
472.019(2), 472.023 FS. History–New 1-5-95, Amended 4-2-98,
7-27-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Professional Surveyors
and Mappers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 10, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 10, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-9.007 RULE TITLE: Survey Review
PURPOSE AND EFFECT: The Board of Professional
Surveyors and Mappers (hereafter "Board") is revising the
manner by which probationers submit surveys and supporting
documents to the Board's Probation Committee for review.

SUMMARY: The Board is requiring a probationer to submit a
list of all signed and sealed surveys a minimum of 6 performed
for or without compensation to the board within 120 days of
completing all required continuing education. Within 5
calendar days of being notified what surveys have been
selected for review, the probationer shall have the selected
surveys and all supporting materials post-marked and
submitted to the Board. The Board's Probation Chair will
randomly select 6 surveys from the probationer's survey list.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No Statement of Estimated Regulatory
Cost was prepared.

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

SPECIFIC AUTHORITY: 472.008, 472.013(4) FS.

LAW IMPLEMENTED: 472.013(4), 472.033(2)(e) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE SCHEDULED AND
ANNOUNCED IN THE NEXT AVAILABLE EDITION OF
THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Rick Morrison, Executive Director,
Board of Professional Surveyors and Mappers, 1940 North
Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-9.007 Survey Review.

(1) A ~~probationer licensee on probation~~ required to submit surveys for review shall:

~~(a) Provide the Board with a list of all signed and sealed surveys, which shall contain a minimum of six (6) surveys, that have been performed by the probationer, for or without compensation, within 120 days of completing any and all continuing education courses required by the Board in its final order. The survey list submitted by the probationer shall contain each survey's project name and/or number, the client name (if available), the date of the survey and the type of survey performed. Perform six (6) surveys, for or without compensation, within thirty days of the time required by the Board in its final order;~~

~~(b) The Board's Probation Chair will randomly select six (6) of the probationer's signed and sealed surveys for review from the survey list submitted by the probationer. Within five (5) calendar days of being notified by Board of the surveys that have been selected for review, the probationer shall have post-marked and submit to the Board office signed and sealed surveys for the surveyed properties selected for review, along with copies of the relevant field notes, the relevant full size record plats, all measurement and computational records, and all other documents necessary for a full and complete review of the surveys. If the probationer does not submit the surveys which have been post-marked within five (5) calendar days of being notified of what surveys have been selected for review, then the probationer will be referred to DBPR for non-compliance with a final order of the Board and the Board may lift the stay of suspension. Within thirty days of the date on which the surveys are performed, submit to the Board office signed and sealed surveys of the properties surveyed, along with a copy of the relevant field notes, the relevant full size record plat, all measurement and computational records, and all other documents necessary to a full and complete understanding of the survey;~~

(c) through (4) No change.

Specific Authority 472.008, 472.013(4) FS. Law Implemented 472.013(4), 472.033(2)(e) FS. History--New 12-25-95, Amended 10-1-97, 5-17-99, 2-23-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: January 10, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-10.001
RULE TITLE: Reinstatement of Null and Void License

PURPOSE AND EFFECT: The Board of Professional Surveyors and Mappers (hereafter "Board") is implementing Section 455.271(6)(b), Florida Statutes, to establish the manner in which an individual applies to the Board to possible have his or her null and void license reinstated.

SUMMARY: The Board is drafting rules which establish the requirements for the reinstatement of null and void surveying and mapping licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.271(6)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-10.001 Reinstatement of Null and Void License.

(1) Submit a Florida DBPR Surveyor and Mapper application for reinstatement of a null and void surveyor and mapper license in which the applicant shall:

(a) Answer questions regarding the applicant's education, employment, and criminal history;

(b) Submit a written statement of when the applicant's surveyor and mapper license was last active and in good standing with the Board;

(c) Submit a written statement regarding whether or not the applicant has completed one (1) continuing education credit in surveying and mapping related courses or seminars, which shall include completion of Minimum Technical Standards (MTS) and Florida Laws and Rules courses, for each month that the applicant's license was delinquent in accordance with the continuing education requirements of Rule 61G17-5.0031, F.A.C., within twenty-four (24) months prior to the applicant's submission of his or her application for reinstatement of a null and void license;

(d) Submit evidence of completion of all continuing education requirements for twenty-four (24) months prior to the applicant's application for reinstatement of his or her null and void license in accordance with Rule 61G17-5.0032, F.A.C., to demonstrate that the applicant has satisfied all continuing education requirements;

(e) Submit a written statement as to whether or not the applicant has engaged in the practice of surveying and mapping during the time period the applicant's surveying and mapping license was null and void;

(f) submit a written statement of the applicant's good faith effort to comply with Chapters 455 and 472 of the Florida Statutes and also the applicant's failure to comply due to illness or unusual hardship.

(g) Submit a written statement of the applicant's illness or unusual hardship which prevented the applicant from renewing his or her surveyor and mapper license;

(h) Submit documents that verify the applicant's illness or unusual hardship;

(i) Submit a written time-line that chronologically documents when the applicant's surveyor and mapper license was last active, when the applicant's surveyor and mapper license became null and void, when the applicant suffered his or her illness, and/or when the applicant experienced an unusual hardship that prevented the renewal of the surveyor and mapper license.

(2) Pay a non-refundable application fee of \$125.00.

(3) Pay a \$255.00 fee for every licensure biennium that the applicant failed to renew his or her surveyor and mapper license.

Specific Authority 455.271(6)(b) FS. Law Implemented 455.271(6)(b) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-11.007

RULE TITLE: Definition of "Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor"

PURPOSE AND EFFECT: The Board proposes to review the existing rule text to determine whether changes are necessary.

SUMMARY: The definition requirements in subsection (1)(a) of this rule are reduced solely to that of holding an active license as a clinical social worker in the State of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 491.004(5), 491.005(1)(c) FS.

LAW IMPLEMENTED: 491.005(1)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-11.007 Definition of "Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor."

(1) "Licensed clinical social worker, or the equivalent, who is a qualified supervisor," as used in Section 491.005(1)(c), F.S., is defined as an individual who, during the period for which the applicant claims supervised clinical experience, meets one of the following:

(a) Holds an active license as a clinical social worker in the State of Florida ~~or is not required to hold such license, but nevertheless meets the education and experience requirements for licensure as a clinical social worker under Section 491.005(1), F.S.;~~

(b) through (4) No change.

Specific Authority 491.004(5), 491.005(1)(c) FS. Law Implemented 491.005(1)(c) FS. History--New 7-6-88, Amended 1-4-90, 12-19-90, Formerly 21CC-11.007, 61F4-11.007, Amended 1-7-96, 12-29-96, 6-16-97, Formerly 59P-11.007, Amended 12-11-97, 8-8-99, 6-14-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-21.007
RULE TITLE: Definition of "Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who is a Qualified Supervisor"

PURPOSE AND EFFECT: The Board proposes to review the existing rule text to determine whether changes are necessary.

SUMMARY: The definition requirements in subsection (1)(a) of this rule are reduced solely to that of holding an active license as a marriage and family therapist in Florida for a minimum of 2 years and to have completed five years of clinical experience as a marriage and family therapist.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 491.003(3), 491.004(5), 491.005(3)(c) FS.

LAW IMPLEMENTED: 491.005(3)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-21.007 Definition of "a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who is a Qualified Supervisor."

(1) "A licensed marriage and family therapist with at least five years experience or the equivalent, who is a qualified supervisor," as used in Section 491.005(3)(c), F.S., is defined as an individual who, during the period for which the applicant claims supervision meets one of the following:

(a) Holds an active license as a marriage and family therapist in Florida for a minimum of 2 years ~~or is not required to hold such license, but nevertheless meets the education and experience requirements for licensure as a marriage and family therapist under Section 491.005(3), F.S.,~~ and has completed five years of clinical experience as a marriage and family therapist;

(b) through (4) No change.

Specific Authority 491.003(3), 491.004(5), 491.005(3)(c) FS. Law Implemented 491.005(3)(c) FS. History--New 7-6-88, Formerly 21CC-21.007, Amended 1-9-94, Formerly 61F4-21.007, Amended 12-29-96, Formerly 59P-21.007, Amended 8-8-99, 6-14-05_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-31.007
RULE TITLE: Definition of "Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor"

PURPOSE AND EFFECT: The Board proposes to review the existing rule text to determine whether changes are necessary.

SUMMARY: The definition requirements in paragraph (1)(a) of this rule are reduced solely to that of holding an active license as a mental health counselor issued by the Florida Department of Health and the educational requirements for Qualified Supervisor are revised.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.005(4)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-31.007 Definition of a "Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor."

(1) A "licensed mental health counselor, or the equivalent, who is a qualified supervisor," as used in Section 491.005(4)(c), F.S., is defined as an individual who, during the period for which the applicant claims supervision, meets one of the following:

(a) Holds an active license as a mental health counselor issued by the Florida Department of Health ~~or is not required to hold such license, but nevertheless meets the education and experience requirements for licensure as a mental health counselor under Section 491.005(4), F.S.;~~

(b) No change.

(c) Is licensed as a clinical social worker or marriage and family therapist in Florida or in the state in which the supervision took place and can demonstrate a three semester or four quarter hour graduate level course in three of the following six content areas: counseling theories, counseling practice, assessment, career counseling, substance abuse, or legal, ethical, and professional standards from a clinical counseling program in an institution fully accredited by an accrediting body recognized by the Council for Higher Education Accreditation and/or the U.S. Department of Education ~~an accredited graduate program in mental health counseling;~~

(d) through (3) No change.

Specific Authority 491.004(5), 491.005(4)(c) FS. Law Implemented 491.005(4)(c) FS. History--New 8-14-88, Amended 1-3-91, Formerly 21CC-31.007, 61F4-31.007, Amended 12-29-96, Formerly 59P-31.007, Amended 8-8-99, 8-9-00, 6-14-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-7.005 RULE TITLE: Teaching Permits

PURPOSE AND EFFECT: The Board proposes to update the rule text.

SUMMARY: The rule amendment specifies four circumstances where a teaching permit may be issued to practice dentistry, defines a dental school, recognizes the exception for the Jacksonville Orthodontic Specialty Program, and clarifies that the permit holder is a full time dental instructor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 466.002(6), 466.004(4) FS.

LAW IMPLEMENTED: 466.002(6), 466.017(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-7.005 Teaching Permits.

(1) A teaching permit ~~shall~~ may be issued by the Board of Dentistry to a faculty member of a dental education program ~~school~~ accredited by the Commission on Dental Accreditation of the American Dental Association and, except for the orthodontic specialty program at Jacksonville University, shall be located within a dental school as defined herein or in a medical school accredited by the American Medical Association's Liaison Committee for Medical Education upon the request of the dean of the school if the faculty member:

(a) Has a degree in dentistry and either: 1) is eligible to take the Florida dental licensure examination and has not failed the examination on three occasions or; 2) was at one time eligible to take the Florida examination, and has not failed the Florida dental licensure examination on three occasions or; 3) has successfully completed a post-doctoral training program of at least two years in duration and accredited by the

Commission on Dental Accreditation of the American Dental Association or: 4) is not eligible to take the Florida examination, but obtained the degree from a foreign dental education program and agrees to practice dentistry only under the general supervision of a Florida licensed dentist A permit may not be issued if an applicant fails to pass the clinical examination in three attempts until he or she completes a one year general practice residency, advanced education general dentistry residency, or pedodontic residency or a minimum of one academic year of undergraduate clinical coursework in dentistry at a dental school approved by the American Dental Association's Commission on Dental Accreditation; and

(b) Is a full-time faculty member; and

(c) Does not engage in the practice of dentistry, except at the teaching facilities under the accredited dental programs of the dental or medical school described in subsections 64B5-7.005(1), (3), F.A.C.

(2) A dental school is an educational institution that includes a predoctoral dental education program of not less than four years from which students graduate with a D.D.S. or D.M.D. degree. A teaching permit be issued to a graduate of a foreign dental college if the graduate meets the requirements of paragraphs 64B5-7.005(1)(a)-(e), F.A.C.

(3) A teaching permit or temporary teaching permit authorizes the holder to practice dentistry at the teaching facility under the following terms and conditions:

(a) All records pertaining to the teaching practice shall be subject to review and available to the Board.

(b) Upon the Board's request, the permit holder shall submit any information the Board deems necessary to evaluate compliance with Chapters 456 and 466, F.S., and Chapter 64B5, F.A.C.

(c) Permits shall be in effect only as long as the holder is a full-time dental instructor ~~faculty member of the College of Dentistry or School of Medicine~~ and shall be automatically cancelled and nullified by the termination of the holder as a dental instructor at a faculty member of the teaching facility or third time failure of the Florida dental licensure examination.

(d) Teaching permits are subject to cancellation or revocation by the Board for failure to comply with Chapters 456 and 466, F.S., and Chapter 64B5, F.A.C.

(4) Prior to issuance of a teaching permit, each faculty member must provide proof of current CPR certification. If otherwise eligible, the faculty member will be granted a permit with the requirement that current CPR certification be obtained within 60 days. Each faculty member holding a teaching faculty permit shall maintain current CPR certification.

Specific Authority 466.002(6), 466.004(4) FS. Law Implemented 466.002(6), 466.017(4) FS. History—New 4-30-80, Amended 1-13-81, Formerly 21G-7.05, Amended 1-29-89, Formerly 21G-7.005, 61F5-7.005, Amended 10-16-96, 3-16-97, Formerly 59Q-7.005, Amended 11-10-98, 8-3-00, 1-12-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendments are intended to address changes in the disciplinary guidelines.

SUMMARY: The proposed rule amendments clarify disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

| VIOLATION | FIRST OFFENSE | RECOMMENDED RANGE OF PENALTY SECOND OFFENSE |
|---|--|---|
| <p>(a) through (s) No change. (t) <u>Failure to practice medicine in accordance with appropriate level of care, skill and treatment recognized in general law related to the practice of medicine</u> Gross or repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent physician as being acceptable under similar conditions and circumstances. (456.50(1)(g), F.S.) (458.331(1)(t), F.S.) 1. No change. 2. Repeated Malpractice <u>as defined in Section 456.50, F.S.</u> 3. Failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent physician as being acceptable under similar conditions and circumstances. (u) through (ss) No change. (3) through (7) No change.</p> | <p>(t) From one (1) year two (2) years probation to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00. 2. <u>Revocation</u> From three (3) years probation to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00 and the licensee shall be subject to revocation. 3. From two (2) years probation to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.</p> | <p>(t) From <u>two (2) years probation</u> suspension to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00. 2. From suspension or denial to revocation or denial and an administrative fine of \$5,000.00 to \$10,000.00 and an evaluation or reexamination by a physician evaluation program approved by the Board. 3. From a reprimand and probation or denial to revocation and an administrative fine of \$5,000.00 to \$10,000.00.</p> |

Specific Authority 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, 1-04-06,

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.017
 RULE TITLE: Citation Authority
 PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify violations which are appropriate for issuance of citations.
 SUMMARY: The proposed rule amendments clarify those violations which the Board deems as appropriate for issuance of citations.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 456.077, 458.309 FS.
 LAW IMPLEMENTED: 456.072(2)(d), 456.077 FS.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

VIOLATIONS

(a) CME violations. (Sections 458.321, 458.331(1)(g), (x), 456.072(1)(e), (s), F.S.)

1. through 5. No change. (b) Failure to comply with a CME audit. (Sections 456.072(1)(e), (s), F.S.)

(c)(b) No change.

(d)(e) No change.

(e)(d) No change.

(f)(e) Failure to provide medical records of only one patient or excessively charging copying fees for patient records

(Rule 64B8-10.003, F.A.C.)

(Sections 458.331(1)(g), 456.057, F.S.)

(Section 4

(g)(f) No change.

(h)(g) No change.

(i)(h) Failure to update physician profile as required in Sections 456.039(3) and 458.319(1), F.S.

(j) through (p) renumbered (j) through (q) No change.

(4) through (5) No change.

Specific Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History--New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03, 7-27-04, 2-7-05, 1-4-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2006

64B8-8.017 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

PENALTY

Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued. Respondent's continuing education courses will be audited for the next two biennia to ensure compliance with renewal requirements; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period;

AND

\$500 fine and compliance with the CME audit within 10 days.

\$500 fine and reimbursement of fees charged. In addition, the physician must provide the medical records to the patient within 10 days.

\$1,000 fine; and 3 hours CME in ethics; and requirement that physician update the profile within 30 days.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

RULE NO.: 69C-6.003

RULE TITLE: The Plan; Prescribed Forms

PURPOSE AND EFFECT: The purpose of the rule amendment is to amend the Deferred Compensation Plan and to adopt the Deferred Compensation Investment Policy and Product Selection and Retention Policy.

SUMMARY: This rule amendment revises the Deferred Compensation Plan document and adopts a revised Deferred Compensation Investment Policy and Product Selection and Retention Policy. The changes to the Plan are as follows:

- (1) The definition of UNREDUCED BENEFITS is changed to fit the ORP and PEORP which do not have a defined benefit calculation.
- (2) Section 3.06 is amended to reflect the IRS policy that employment with another employer cannot be used to calculate a catch-up contribution.
- (3) Section 3.08 is added to provide for the payment of excess contributions to the participant.
- (4) Section 5.08 is added to explicitly allow investment providers to impose reasonable limitations to limit frequent trading of mutual funds.
- (5) Foreclosure upon real property is added as an unforeseeable emergency to conform to federal regulation.
- (6) Separation is added to divorce or dissolution of marriage as not constituting an unforeseeable emergency.
- (7) A simplified process for an unforeseeable emergency withdrawal for up to \$1500 for damage due to a disaster such as a hurricane is provided.
- (8) Several other minor edits and clarifications are made that do not have a significant substantial effect.

The Deferred Compensation Investment Policy and Product Selection and Retention Policy is changed with regard to the standards for the retention of mutual funds in the program.

The rule is also revised to incorporate up to date versions of applicable federal law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 112.215(11) FS.

LAW IMPLEMENTED: 18.125(4)(c), 112.215 FS.

IF REQUESTED IN WRITING 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: Wednesday, May 31, 2006, 9:00 a.m.

PLACE: Room 415, Hermitage Centre, Suite 400, 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, Bureau of Deferred Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0346, phone (850)413-3162

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69C-6.003 The Plan; Prescribed Forms.

(1) Form DFS-J3-1176 (rev. 11/05 ~~4/04~~), State of Florida Employees Deferred Compensation Plan, is hereby established and incorporated into this rule by reference as the plan contemplated in Section 112.215, F.S.

(2) The forms listed below are incorporated into and made a part of this rule chapter by reference and shall take effect on the effective date of this rule. The forms can be obtained from investment providers servicing the plan. A listing of authorized investment providers can be obtained from the Deferred Compensation Section, Division of State Treasury, 200 East Gaines Street, Tallahassee, Florida 32399-0346.

(a) Form DFS-J3-1163 (rev. 8/03) Participant Action Form

(b) Form DFS-J3-1164 (rev. 8/03) Enrollment Information Form

(c) Form DFS-J3-1165 (rev. 7/03) Company to Company Transfer and/or Replacement Authorization

(d) Form DI4-1166 (rev. 1/02) Company to Company Transfer Invoice

(e) Form DI4-1169 (rev. 1/02) Plan to Plan Transfer Invoice

(f) Form DI4-1152 (rev. 1/02) Application to Participate in the Standard Catch-Up Provision

(g) Form DI4-1171 (rev. 1/02) Request for Unforeseeable Emergency Withdrawal

(h) Form DI4-1172 (rev. 1/02) Request for Distribution

(i) Form DI4-1174 (rev. 1/02) Commonly Asked Questions with Answers

(j) Form DI4-1175 (rev. 1/02) Forms Procedures

(k) Form DI4-1525 (rev. 1/02) Purchase of Prior Service Credits

(l) Form DI4-1526 (rev. 1/02) Rollover Form

(m) Form DFS-J3-1541 (rev. 10/05 ~~06/04~~) Investment Policy and Product Selection and Retention Policy

(3) The State of Florida Employees Deferred Compensation Plan shall be construed to conform to the requirements of 26 USC 457 (2005 ~~2001~~ USCA Cumulative Annual Pocket Part Supplementary Pamphlet as modified by the USCA September 2001 Pamphlet Number 1), which is hereby incorporated by reference into this rule.

(4) The following portions of the Internal Revenue Code and Code of Federal Regulations are also hereby incorporated by reference;

(a) 26 USCA 401 (2001 Supplementary Pamphlet as modified by the USCA September 2001 Pamphlet Number 1);

(b) 26 USCA 403(b) (2001 USCA Cumulative Annual Pocket Part Supplementary Pamphlet as modified by the USCA September 2001 Pamphlet Number 1);

(c) 26 USCA 911 (~~2002~~ 2001 Supplementary Pamphlet);

(d) 26 CFR 1.457-2 (~~August 27, 2003~~ April 1, 2001).

Specific Authority 112.215(11) FS. Law Implemented 18.125(4)(c), 112.215 FS. History--New 1-1-87, Amended 10-7-87, 2-14-88, 2-19-89, 6-21-89, 8-7-95, 9-21-98, 6-11-02, Formerly 4C-6.003, Amended 8-26-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kandi Winters, Financial Administrator, Deferred Comp Section, Division of Treasury, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bruce Gillander, Division Director, Division of Treasury, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

| | |
|-------------|--|
| RULE NOS.: | RULE TITLES: |
| 69O-149.005 | Reasonableness of Benefits in Relation to Premiums |
| 69O-149.006 | Actuarial Memorandum |
| 69O-149.007 | Annual Rate Certification (ARC) Filing Procedures |

PURPOSE, EFFECT, AND SUMMARY: The rule interprets, clarifies and implements the related statutes for Reasonableness of Benefits in Relation to Premiums; establishes ARC filing procedures; and requires the experience exhibit in the actuarial memorandum be in an Excel document.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 624.308, 627.410(6)(b), (e) FS.

LAW IMPLEMENTED: 626.9541(1), 627.410, 627.411(1)(a), (e), 627.9175 FS.

IF REQUESTED IN WRITING 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: May 22, 2006, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Ziegler, Life and Health Product Review, Office of Insurance Regulation, E-mail inda.ziegler@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) through (11) No change.

(12) Upon request of the Office, the company shall provide actuarial demonstration that benefits provided on a form currently available for sale bear a sound actuarial relationship to benefits provided in other forms currently available for sale in the same rating pool.

(13)(a) Whenever a company makes a non-contractual offering to existing insureds, without underwriting, to replace or exchange their policy with alternate coverage where the original policy is priced on an issue age rate schedule, the rate charged to the insured for the new policy shall recognize the policy reserve buildup, due to the prefunding inherent in the use of an issue at rate basis, to the benefit of the insured. The method proposed by the company must be filed for approval. The rate for the conversion shall be at the most similar rating class as was the original coverage.

(b) Notwithstanding the above, a company may always convert at the original issue age and duration of the insured without providing justification to the Office.

Specific Authority 624.308(1), 627.410(6)(~~b~~)(~~d~~), (~~e~~) FS. Law Implemented 626.9541(1), 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175 FS. History--New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, 11-20-02, Formerly 4-149.005, Amended 5-18-04, _____.

69O-149.006 Actuarial Memorandum.

(1) through (2) No change.

(3) Descriptions.

(a) No change.

(b) The descriptions, by item number, of the terms listed above in subsection (2) follow:

1. through 22. No change.

23. Experience on the Form (Past and Future Anticipated): This section shall display the actual experience on the form and that expected for the future.

a. through c. No change.

d. The experience exhibit shall be ~~available to be submitted upon request directly to the assigned analyst~~ electronically in an active Excel worksheet or workbook, i.e., not converted to a PDF or other image format. Formulas used

to develop other values in the worksheet or workbook shall be included. It is noted that the I-file system does provide for the submission of information on a trade secret basis. If this is used, the company shall additionally file a workbook without the trade secret information for the public domain.

24. through 28. No change.

Specific Authority 624.308(1), 627.410(6)(b), (e) FS. Law Implemented 627.410(1), (2), (6), 627.411(1)(e) FS. History--New 7-1-85, Formerly 4-58.06, 4-58.006, Amended 4-18-94, 4-9-95, 11-20-02, 6-19-03, Formerly 4-149.006, Amended 5-18-04, _____.

690-149.007 Annual Rate Certification (ARC) Filing Procedures.

(1) through (3) No change.

(4) Non-cancellable coverages which are no longer available for sale and which have not been sold or marketed for at least 5 years shall be eligible for an exemption from the filing requirements of this rule. The exemption is limited to the ARC filing requirements and does not exempt the form from the reasonableness standards of Rule 690-149.005, F.A.C.

(a) An insurer shall be exempt from the ARC filing requirements if the form meets compliance with the reasonableness standards. A company that exercises this exemption and is subsequently discovered to have not met the standards shall, in addition to other administrative remedies, be required to enhance benefits and make refunds to bring the form into full compliance with the loss ratio standards of Rule 690-149.005, F.A.C.

(b) Notwithstanding paragraph (a) above, a company may request such exemption in writing, including an experience exhibit demonstrating compliance with the standards of Rule 690-149.005, F.A.C., and how the form is reasonably expected to remain in compliance with such standards. If the Office grants such exemption, the company shall not be subject to administrative remedies for failure to file or compliance with the loss ratio standards of Rule 690-149.005, F.A.C.

(5) An ARC filing shall consist of:

(a) through (b) No change.

(c) A certification by an actuary, in accordance with subparagraph 690-149.006(3)(b)28., F.A.C. For policies subject to the provisions of Part II of Rule 690-157, F.A.C., the certification in accordance with paragraph 690-157.108(1)(c), F.A.C., is required.

(6)(a) A filing shall include only forms that are pooled together for rating purposes as provided by subsection 690-149.003(1), F.A.C. Separate filings shall be made for separate rating pools.

~~(b) Forms that are pooled together for rating purposes should be submitted under a single ARC filing. The company may request that an ARC filing may be made for a form separate from the other forms within the rating pool. Making separate ARC filings for forms that would otherwise be considered combined for rating purposes does not constitute a~~

~~change in the forms to be pooled for rating purposes. At the time any of the forms would be filed for a rate change, all forms shall be pooled as required by subsection 690-149.003(1), F.A.C., regardless of how the forms were filed for ARC compliance.~~

(7) No change.

(8) When a company using a current rate schedule is unable to demonstrate that the minimum loss ratio standards in Rule 690-149.005, F.A.C., are met, it shall make a rate filing with the Office pursuant to Rule 690-149.003, F.A.C., to reduce rates, enhance benefits, make refunds, or a combination of these both to satisfy the standards.

(a) A company may make a certification in compliance with this rule without such change to benefits, refunds, or premiums if the A/E ratio for the past experience periods are, both in pattern and aggregate value, consistently at or in excess of .85; or-

~~(b) For rating pools that are not fully credible, the company may make a certification in compliance with this rule if both the lifetime A/E ratio and the future A/E ratio are at or in excess of .85 when assuming best estimate assumptions in determining projected values. In determining the necessary adjustment, the company may assume up to a 15 percent margin in future projected claim costs and may target a future and lifetime actual to expected ratio of .85.~~

(c) If the certification in paragraph (a) or (b) is unable to be made, and the company has been in compliance with these rules, the company shall make a rate filing pursuant to Rule 690-149.003, F.A.C., to reduce rates, enhance benefits, make refunds, or a combination of these which shall target a future A/E ratio of at least 1.0.

(9) through (10) No change.

Specific Authority 624.308 FS. Law Implemented 627.410 FS. History--New 5-14-92, Amended 11-20-02, Formerly 4-149.007, Amended 5-18-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Ziegler, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

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