

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Division of Pari-Mutuel Wagering

RULE NO: RULE TITLE

61D-14.041: Randomness Requirements and Game Play Auditing

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.

SUMMARY: The rule has been reworded to improve clarity and updated to specify that as part of game play auditing slot machines may not display any letter, word, message, symbol, or gaming outcome, however briefly, which offers the player “false hope” or “extra visual encouragement” or “subliminal message” implying the possibility of a winning outcome if the patron continues to play the game. It also establishes certification requirements for manufacture and licensed independent test laboratory submission for state approval.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was 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: 551.103(1), 551.122 FS.LAW IMPLEMENTED: 551.103(1)(c), (e), (g) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.041 Randomness Requirements and Game Play Auditing.

(1) Each slot machine shall ~~use~~ ~~utilize~~ an internal random number generator (RNG). The RNG shall ~~comply~~ ~~with the following standards:~~(a) ~~Be~~ ~~The RNG shall be~~ statistically independent from any other device;(b) ~~Conform~~ ~~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) ~~Cycle~~ ~~Be cycled~~ continuously in the background between games and during game play;

(e) Randomly determine the first seed number;

(f) ~~Use a method of re-scaling that permits all numbers within the lower range to be equally probable if~~ ~~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) ~~Re-scale values using a method such as discarding that random number and selecting the next in sequence if~~ ~~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) through (3) No change.

(4) For purposes of this rule “false hope” or “extra visual encouragement” or “subliminal message” is defined as: ~~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.~~

~~(a) Any system representation of a letter, word, message, symbol, sign, or gaming outcome that can not be seen by the naked eye alone that may encourage continued slot machine play; or~~

~~(b) Any letter, word, message, symbol, sign, or gaming outcome that may be detected scientifically through slow motion execution of the program in a frame-by-frame analysis revealing a letter, word, message, symbol, sign, or gaming outcome that is otherwise not immediately discernable by the naked eye during credit play.~~

~~(5) No slot machine authorized for play in Florida shall (after selection of the game outcome) display:~~

~~(a) Any letter, word, message, symbol, sign, or gaming outcome, however briefly, that constitutes false hope or extra visual encouragement or subliminal message of any nature; or~~

~~(b) A variable secondary decision after the selection of the game outcome; or~~

~~(c) Any letter, word, message, symbol, or sign that indicates the patron is getting close to a win or that the chance to win is improved by another play.~~

~~(6) Prior to submitting a game to an independent test laboratory licensed by the state (laboratory) for examination, the manufacturer and/or distributor seeking certification of the machine and/or game shall provide written certification to the laboratory as part of the final game approval documentation that the manufacturer and/or distributor has:~~

~~(a) Performed a line-by-line review of all source code not previously certified for use in Florida;~~

~~(b) Ensured that the code provides the reviewer with accurate descriptive labeling, header comment blocks, and lists of subroutines sufficient to permit thorough review and analysis;~~

~~(c) Certified to the laboratory that all code modules are directly and actively related to the audio and video conduct of game play, record retention, monitoring system operation and/or troubleshooting;~~

~~(d) Certified that the game does not violate any of the language in Rule 61D-14.041, F.A.C., and that the game does not display any letter, word, message, sign, symbol, or gaming outcome, however briefly, which constitutes false hope or extra visual encouragement to continue play, or subliminal message of any nature.~~

~~(7) As part of the final certification to the division, the laboratory shall provide written certification as part of the final game testing documentation attesting to the fact that as part of its examination of the machine and/or game for compliance with Florida Statutes, the laboratory has:~~

~~(a) Performed a line-by-line review of the source code;~~

~~(b) Found that the code provides the laboratory with accurate descriptive labeling, header comment blocks, and lists of subroutines sufficient to permit thorough review and analysis;~~

~~(c) Certified that all code modules are directly and actively related to the audio and video conduct of game play, record retention, monitoring system operation and/or troubleshooting;~~

~~(d) Not found any unused or unexplained code modules present during the laboratory examination; and~~

~~(e) Certified that the machine and/or game complies with the language in Rule 61D-14.041, F.A.C., does not display any letter, word, message, symbol, sign, or gaming outcome, however briefly, which constitutes false hope, extra visual encouragement to continue play, or a subliminal message of any nature.~~

~~(8) The laboratory shall include a copy of each of the certifications required under this rule as part of the formal approval documentation certifying the machine and/or game for play in Florida to the division.~~

~~(9) Any misstatements, omissions or errors in the required certification provided by either the laboratory or the manufacturer and/or distributor is a violation of rules governing slot machine gaming.~~

~~Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), ~~(d)~~, (e), (g) FS. History--New 7-5-06, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007