

Notice of Proposed Rule

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

RULE NO: RULE TITLE

61D-14.087: Response to Division Reports and Audits

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 substantially reworded to improve clarity. The updated rule also specifies licensee reporting frequency and response requirements regarding variance reports, including the details of variance and the licensee's proposed corrective action.

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)(d), (g), 551.104(8) 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:

(Substantial rewording of Rule 61D-14.087 follows. See Florida Administrative Code for present text.)

61D-14.087 Variance Reports and Response to Division Reports and Audits.(1) Each slot machine licensee shall provide a written variance report (report) for any variance in financial reporting or accounting detected during daily operations at a facility to the division at 1400 W. Commercial Blvd., Ft. Lauderdale, FL 33309. For purposes of this rule, a variance is defined as the difference between the amount reported in a specific category on the slot machine licensee's initial report to the division and the slot machine licensee's final report for a designated business day. The following requirements apply to this report:(a) The report shall be submitted no later than 48 hours after identification of a variance or at the end of the next business day if the variance is identified on a weekend;(b) The report shall provide details of the variance in narrative form. The report shall also cite the numeric readings from the meters or other accounting equipment found to be out of agreement within the facility based monitoring system and associated facility management systems;(c) The report shall include a statement of corrective action indicating what action was taken or will be taken, what systems or records were or will be updated, and a certification that the correction will be part of the end-of-month revenue report to the division.(d) The report shall include a proposed date of correction in those instances where the corrective action will occur subsequent to the report required by this rule. The slot machine licensee shall submit a follow-up report to the division whenever corrective action occurs subsequent to the report. The follow-up report shall indicate what action was taken, what systems or records were updated and a certification that the correction will be part of the end-of-month revenue report to the division.(2) A slot machine licensee or occupational licensee shall provide a written response to the division within:

(a) Five business days from the date of receipt of a written request from the division for information or corrective action; or

(b) Thirty (30) calendar days from:

1. The date a slot machine licensee conducts an audit and finds deficiencies requiring corrective action; or

2. The date the division or an independent auditor conducts an audit and finds deficiencies requiring corrective action.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), 551.104(8) FS. History—New 6-25-06, 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