

Notice of Proposed Rule

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

RULE NO: RULE TITLE

61D-14.020: Excluded Persons

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 updates the division and licensee's procedure for excluded persons.

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)(g), (i), 551.112, 551.118 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:

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-14.020 Excluded Persons.

(1) The slot machine licensee's internal controls shall set forth the criteria for exclusion of individuals from the slot machine licensee's facility.

(2)(~~1~~) Each slot machine licensee shall maintain a database of persons entitled "Exclusion List." The Exclusion List shall contain information on:

(a) ~~Persons who~~ the slot machine licensee has excluded from its facilities for a specific amount of time as determined by the licensee, including persons self-excluded as compulsive gamblers; and

(b) Persons who that have been excluded by a final order of the division or an emergency order of suspension or exclusion by the division pursuant to Section 120.60, F.S.

(3) The excluded person's name shall be entered on each slot machine licensee's Exclusion List, and each slot machine licensee shall make every reasonable effort to ensure that the listed individual is excluded from its facilities.

(4)(~~2~~) A slot machine licensee's Exclusion List shall include the following information for each person listed: ~~A slot machine licensee database of excluded patrons shall include the following information for each excluded person:~~

(a) through (d) No change.

(e) If obtainable, a photograph, and the date of the photo or a photo taken by the slot machine licensee's eligible facility surveillance department; ~~and~~

(f) A brief explanation ~~description~~ of why the person has been excluded; ~~and-~~

(g) The length of time of exclusion that includes the start date of exclusion.

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

(5)(~~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.

~~(6)(5)~~ The slot machine licensee's agents or employees shall immediately inform the slot machine licensee's security department whenever an excluded person enters or attempts to enter, or is found present at a slot machine licensee's facility from which that person has been excluded. 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) through (c) No change.

~~(7)(6)~~ Permitting Catering to a person excluded by a final order of the division to remain at a slot machine licensed facility is a violation of these rules.

(8) If a slot machine licensee seeks to remove an individual from the Exclusion List, the licensee must notify the division at 1400 W. Commercial Blvd., Ft. Lauderdale, Fl. 33309, at least 14 days prior to the requested removal date. The request shall be delivered on the date of the request to the division. The slot machine licensee shall submit a request to the division that includes the following information on the individual the licensee seeks to remove from the Exclusion List:

(a) The full name and any aliases, if known, of the individual currently excluded from the facility;

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

(c) The individual's date of birth;

(d) The date the individual was originally excluded;

(e) The original term of the individual's exclusion;

(f) If obtainable, a photograph, and the date of the photo;

(g) A brief description of why the individual was originally excluded from the slot machine licensee facility;
and

(h) A statement signed by the slot machine licensee president or general manager justifying removing the excluded individual from the slot machine licensee Exclusion List and stating that the slot machine licensee internal control requirements have been observed.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)~~(d)~~, (g), (i), 551.112, 551.118 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