

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.

Representative(s) Greenstein offered the following:

Amendment (with title amendment)

Between line(s) 1335 and 1336 insert:

Section 8. Definitions.--The following words and terms, when used in these regulations concerning self-exclusion procedures, shall have the following meanings:

(1) "Self-exclusion" means voluntarily having oneself barred from the premises of any licensed gaming establishment (hereinafter "casino") in Florida and from all gaming-related activities and privileges, including the issuance of gaming credit and check-cashing privileges; the receipt of direct-marketing and promotional materials regarding gaming opportunities, junket solicitations, player club memberships, complimentary goods and services and the like; and collection of

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16 any winnings or recovery of any losses during the exclusionary
17 period.

18 (2) "Premises" for purposes of self-exclusion shall mean
19 property of a pari-mutuel facility.

20 (3) "Self-excluded person" means any person whose name is
21 included on the self-exclusion list maintained by the Division.

22 (4) "Self-exclusion list" mean the list of names of self-
23 excluded persons.

24 Section 9. Request for self-exclusion.--

25 (1) Any person may request self-exclusion pursuant to
26 these regulations by appearing personally at any office of the
27 Division on or off of a facility's grounds where he or she
28 shall:

29 (a) Present valid identification credentials containing:

30 1. His or her signature; and

31 2. Either a photograph or a general physical description;

32 (b) Be photographed by the division; and

33 (c) Submit a completed Request for Self-Exclusion form;

34 and

35 (d) Turn over to the division all player club cards and
36 similar items issued by any casinos to the person for purposes
37 of gambling.

38 (2) The Request for Self-Exclusion shall be on a form
39 prescribed by the Division, and shall be available at all
40 licensed casinos and at any office of the division. The Request
41 for Self-Exclusion form shall include the following identifying

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42 information concerning the person submitting the self-exclusion
43 request:

44 (a) Name, including any aliases or nicknames;

45 (b) Date of birth;

46 (c) Address of current residence;

47 (d) Telephone number of current residence;

48 (e) Social Security number, if such information is
49 voluntarily provided by the person requesting self-exclusion;

50 (f) A physical description of the person, including
51 height, weight, gender, hair color, eye color and any other
52 physical characteristic that may assist in the identification of
53 the person;

54 (g) The length of the self-exclusion period requested by
55 the person, which may be for any length of time up to lifetime,
56 but in no event for less than five years.

57 (3) A waiver and release that shall be in the following
58 form:

59
60 "I hereby release and hold the State of Florida, Division of
61 Pari-Mutuel Wagering, The Department of Business and
62 Professional Regulation and its employees, and all casinos and
63 their affiliated companies, employees, officers and agents
64 harmless from any claim by me or any third party for any harm,
65 monetary or otherwise, which may arise out of or by reason of
66 any act or omission relating to the request for self-exclusion
67 or maintenance or enforcement of the self-exclusion list,
68 including, but not limited to, the forfeiture of any money or

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69 thing of value obtained by me from, or owed to me by, a casino
70 as a result of wagers made by me while on the self-exclusion
71 list."

73 (4) The signature of the person submitting the Request for
74 Self-Exclusion indicating acknowledgment of the following
75 statement:

77 "Because I am a problem gambler, I am voluntarily requesting
78 exclusion from the entire premises of all Florida casinos,
79 including gaming premises, restaurants, and hotels, and from the
80 issuance of gaming credit, check-cashing privileges, receipt of
81 direct-marketing and promotional materials regarding gaming
82 opportunities, and collection of any winnings or recovery of any
83 losses during the exclusionary period. I understand that no
84 further points, rewards or benefits may be accumulated or
85 redeemed from the player recognition programs I have
86 participated in. I understand that this self-exclusion request
87 does not release me from any debts incurred prior to or during
88 the self-exclusion period. I understand that during the self-
89 exclusion period, any money or thing of value obtained by me
90 from, or owed to me by, a casino as a result of wagers made by
91 me while on the self-exclusion list shall be subject to
92 forfeiture to the Pari-Mutuel Wagering Trust Fund for donation
93 to a compulsive gambling program to be determined by the
94 Division. I hereby consent to having this form, my photograph
95 and identifying information disseminated to necessary casino

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96 personnel to identify me should I attempt to return to any
97 casino, and further consent to having said information disclosed
98 to casino affiliated companies outside of Florida and that I may
99 be excluded from those casinos without further action on my
100 part. I likewise acknowledge that my self-exclusion information
101 may be forwarded by the Division to other states or Indian
102 gaming commissions in Florida for dissemination to casinos in
103 those jurisdictions, such that I may be self-excluded from those
104 casinos. I acknowledge that for my request of self-exclusion to
105 be truly effective, I must exercise self-restraint and shall not
106 attempt to enter the premises of any casino or ask any casino
107 employee to assist me with any of the services or privileges,
108 which are the subject of this request. I acknowledge that I am
109 hereby banned and forbidden from entering the premises of any
110 casino and that if I am found anywhere on the premises of a
111 Florida casino, I will immediately be ejected, and, within the
112 discretion of the casino, may be arrested and prosecuted for
113 criminal trespass pursuant to Florida Statute; and my continued
114 non-cooperation or attempt to breach my self-exclusion may
115 result in placement by the Division on the involuntary exclusion
116 list. I certify that the information that I have provided herein
117 is true and accurate, and that I have read, understand and agree
118 to the waiver and release above."

119 (5) An indication of the type of identification
120 credentials examined containing the signature of the person
121 requesting self-exclusion, and whether said credentials included

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122 a photograph or just a general physical description of the
123 person; and

124 (6) The signature of a Division employee authorized to
125 accept such request, indicating that the signature of the person
126 on the Request for Self-Exclusion appears to agree with that
127 contained on his or her identification credentials, and that the
128 photograph or physical description of the person contained on
129 his identification credentials appears to agree with his or her
130 actual appearance.

131 (7) The request for self-exclusion may be made only by the
132 individual for whom exclusion would apply, and not by any other
133 person.

134 Section 10. Self-Exclusion List.--

135 (1) The Division shall maintain the official self-
136 exclusion list and shall notify each casino of any addition to
137 or deletion from the list by electronic mail, to be followed up
138 with notification via U.S. Mail and/or in the same manner and
139 form as other notices are made by the Division under these
140 regulations.

141 (2) The notice provided by the Commission to all casinos
142 concerning any person whose name shall be either added to or
143 deleted from the self-exclusion list will include the following
144 information:

145 (a) All of the identifying information required by Section
146 2(c)(1) which was given on the Request for Self-Exclusion, or
147 the request for removal from self-exclusion, whichever is
148 applicable ; and,

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149 (b) A copy of the photograph taken by the Division
150 pursuant to Section 2(a).

151 (3) Each casino shall maintain its own copy of the self-
152 exclusion list and shall establish procedures to ensure that its
153 copy of the self-exclusion list is updated and that all
154 appropriate employees and agents of the casino are notified of
155 any addition to or deletion from the list within ten (10) days
156 after the day the notice is received by the casino.

157 (4) Casinos with affiliated gaming establishments in other
158 jurisdictions may choose to share the self-exclusion list with
159 and invoke it in those establishments, in accordance with
160 applicable laws and regulations in those jurisdictions, and
161 without violation of the confidentiality requirements of these
162 regulations.

163 (5) Information furnished to or obtained by the Division
164 pursuant to these regulations shall be deemed confidential and
165 shall not be disclosed except in accordance with these
166 regulations.

167 (6) No casino, its affiliates, officers or employee thereof
168 shall disclose the self-exclusion list or portion thereof except
169 as necessary to comply with the provisions of these regulations.
170 Notwithstanding the foregoing, such information may be disclosed
171 to casino employees, officers, agents and affiliated companies,
172 to law enforcement, and in response to a subpoena request or
173 court order in criminal or civil proceedings .

174 (7) Prior to the expiration of the self-exclusion period,
175 any self-excluded person may request permission from the

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176 Division to enter a specific casino to carry out the duties of
177 employment in a non-gaming position only. Such requests must be
178 made in writing by the human resources department of the casino
179 and state with specificity the reason for the request along with
180 employment documentation. Approval/denial of the request will be
181 provided to the specified casino and to the excluded person
182 making the request.

183 (8) Those persons who are currently self-excluded from one
184 (1) or more casinos upon the effective date of these regulations
185 and whose self-exclusion period has not yet expired shall
186 continue to be self-excluded for the length of time remaining on
187 their self-exclusion period. Said exclusion shall remain
188 effective only for those casinos for which the person requested
189 self-exclusion. At the end of the self-exclusion period, said
190 person's name shall be removed from that casino's self-exclusion
191 list, unless that person submits a request under the procedures
192 set out in these regulations.

193 (9) Those self-exclusion lists referenced above and
194 maintained by the casinos under the prior regulation shall be
195 given the same force and effect, where applicable, as the self-
196 exclusion list provided for in these regulations, until all such
197 persons' self-exclusion periods have expired.

198 Section 11. Duties of casino.--

199 (1) Each casino shall have and make available to all
200 patrons the Self-Exclusion Form developed and provided by the
201 Division.

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202 (2) Each casino shall designate a person or persons to be
203 the contact person with the Designate for purposes of self-
204 exclusion procedures, including receipt and maintenance of the
205 self-exclusion list, submission of the casino licensee's
206 procedures, and all other communications between the Division
207 and the casino for self-exclusion purposes.

208 (3) Each casino shall establish procedures and systems
209 which:

210 (a) Require employees of the casino, upon identification
211 of a self-excluded person present in the casino, to notify:

212 1. Those employees of the casino designated to monitor the
213 presence of self-excluded persons; and

214 2. Designated representatives of the Division via
215 facsimile transmission and U.S. Mail;

216 (b) Utilize the player tracking systems and other
217 electronic means, including checking all taxable patron winnings
218 against the self-exclusion list, to assist in determining
219 whether self-excluded persons are participating in any gaming
220 activities;

221 (c) Deny casino credit, check cashing privileges, player
222 club membership, complimentary goods and services, junket
223 participation and other similar privileges and benefits to any
224 self-excluded person;

225 (d) Ensure that self-excluded persons do not receive,
226 either from the casino or any agent thereof, targeted mailings,
227 telemarketing promotions, player club materials or other

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228 promotional materials relative to gaming activities at its
229 licensed casino.

230 (4) Each casino shall post or provide at each entrance and
231 exit to the gaming premises, and in conspicuous places in or
232 near gaming or cage areas and cash dispensing machines located
233 on the gaming premises written materials concerning the nature
234 and symptoms of problem gambling, the procedure for self-
235 exclusion, including where they can obtain the Request for Self-
236 Exclusion form, and the toll-free number of Division approved
237 compulsive gambling program that provides information and
238 referral services for problem gamblers.

239 (5) Upon discovery by a casino that a self-excluded person
240 has breached his self-exclusion and obtained access to the
241 premises, said casino shall take steps to immediately eject such
242 person from the premises, and notify the Division of the breach.
243 Both the security and surveillance departments shall immediately
244 determine, to the extent possible:

245 (a) How the person was able to gain access to the premises
246 without being detected and, where possible, how the casino plans
247 to prevent such breaches in the future;

248 (b) Whether and how many times said person has gained such
249 access on previous occasions; and

250 (c) The net winnings or losses attributable to the
251 excluded person, in which case the casino shall retain any such
252 winnings and, after withholding appropriate taxes, donate said
253 winnings to the Division of Pari-Mutuel Wagering

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255 A report of the foregoing shall be prepared and forwarded to the
256 Division within five (5) days after the breach is discovered.

257 (6) Each casino shall submit to the Division for written
258 approval a copy of its procedures established pursuant to these
259 regulations within 90 days from the adoption of this regulations
260 concerning self-exclusion. Any amendment to the casino's
261 procedures shall be submitted to the Division at least fourteen
262 (14) days prior to their implementation.

263 Section 12. Removal from self-exclusion list.--

264 (1) Except for those persons choosing a lifetime self-
265 exclusion, removal from the self-exclusion shall be automatic
266 upon expiration of the period of self-exclusion specified in
267 this section.

268 (2) Upon the expiration of the self-exclusion period, the
269 division shall delete the name of the person from the self-
270 exclusion list and notify each casino of such deletion from the
271 list.

272 Section 13. Training of Casino Employees.--Each casino
273 shall implement procedures for training for all new employees,
274 and annual re-training for all employees who directly interact
275 with gaming patrons in gaming areas. That training shall, at a
276 minimum, consist of information concerning the nature of problem
277 gambling, the procedures for requesting self-exclusion, and
278 assisting patrons in obtaining information about problem
279 gambling programs. This section shall not be construed to impose
280 a duty upon employees of casinos to identify problem gamblers
281 nor to impose any liability for failure to do so. Each licensee

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282 shall designate personnel responsible for maintaining the
283 training program. Training programs conducted or certified by
284 the Division and a compulsive gambling program to be selected by
285 the Division are presumed to provide adequate training under
286 this section.

287 Section 14. Noncompliance.--

288 (1) Any casino violating any requirements of these
289 regulations on self-exclusion may be subject to disciplinary
290 action by the Division.

291 (2) Any self-excluded person violating the terms of his or
292 her self-exclusion agreement during the self-excluded period may
293 be subject to conviction for criminal trespass.

294 (3) The provisions of this regulation are solely regulatory
295 in nature and neither create a minimum standard of care toward
296 the public nor establish a private cause of action for non-
297 compliance.

298 Section 15. Sharing the Self-Exclusion List with other
299 jurisdictions.--The Division may enter into agreements with the
300 Seminole and Miccosukee Tribes for the mutual sharing of self-
301 exclusion lists, by which the Division would forward Florida's
302 self-exclusion list to the other commissions and likewise
303 receive from those commissions the self-exclusion list from that
304 jurisdiction. The Division may then provide and update the
305 casinos with the self-exclusion lists from those jurisdictions
306 in the same manner and using the same procedures as is provided
307 in these regulations for Florida's self-exclusion list. In that
308 event, all rules and regulations concerning self-exclusion in

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309 Florida shall be applicable to the self-exclusion lists from
310 those jurisdictions, just as if those persons had submitted a
311 self-exclusion request in Florida; likewise, those persons who
312 have self-excluded in Florida will be excluded in the other
313 jurisdictions just as they are in Florida.

314

315 ===== T I T L E A M E N D M E N T =====

316 Between line(s) 49 and 50 insert:

317 providing self-exclusion procedures; providing definitions;
318 providing for a self-exclusion list; providing duties of
319 casinos; providing for removal from the list; providing for
320 training for casino employees; providing for noncompliance;

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