



309496

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2021	.	
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The Committee on Appropriations (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) of section
16.56, Florida Statutes, is amended to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an
Office of Statewide Prosecution. The office shall be a separate
“budget entity” as that term is defined in chapter 216. The



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11 office may:

12 (a) Investigate and prosecute the offenses of:

13 1. Bribery, burglary, criminal usury, extortion, gambling,
14 kidnapping, larceny, murder, prostitution, perjury, robbery,
15 carjacking, home-invasion robbery, and patient brokering;

16 2. Any crime involving narcotic or other dangerous drugs;

17 3. Any violation of the Florida RICO (Racketeer Influenced
18 and Corrupt Organization) Act, including any offense listed in
19 the definition of racketeering activity in s. 895.02(8)(a),
20 providing such listed offense is investigated in connection with
21 a violation of s. 895.03 and is charged in a separate count of
22 an information or indictment containing a count charging a
23 violation of s. 895.03, the prosecution of which listed offense
24 may continue independently if the prosecution of the violation
25 of s. 895.03 is terminated for any reason;

26 4. Any violation of the Florida Anti-Fencing Act;

27 5. Any violation of the Florida Antitrust Act of 1980, as
28 amended;

29 6. Any crime involving, or resulting in, fraud or deceit
30 upon any person;

31 7. Any violation of s. 847.0135, relating to computer
32 pornography and child exploitation prevention, or any offense
33 related to a violation of s. 847.0135 or any violation of
34 chapter 827 where the crime is facilitated by or connected to
35 the use of the Internet or any device capable of electronic data
36 storage or transmission;

37 8. Any violation of chapter 815;

38 9. Any criminal violation of part I of chapter 499;

39 10. Any violation of the Florida Motor Fuel Tax Relief Act



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40 of 2004;

41 11. Any criminal violation of s. 409.920 or s. 409.9201;

42 12. Any crime involving voter registration, voting, or
43 candidate or issue petition activities;

44 13. Any criminal violation of the Florida Money Laundering
45 Act;

46 14. Any criminal violation of the Florida Securities and
47 Investor Protection Act; ~~or~~

48 15. Any violation of chapter 787, as well as any and all
49 offenses related to a violation of chapter 787; or

50 16. Any violation of chapter 24, chapter 285, chapter 546,
51 chapter 550, chapter 551, or chapter 849, including violations
52 referred by the Department of Agriculture and Consumer Services,
53 the Department of Business and Professional Regulation, the
54 Department of the Lottery, the Florida Gaming Control
55 Commission, or the Seminole Tribe of Florida;

56

57 or any attempt, solicitation, or conspiracy to commit any of the
58 crimes specifically enumerated above. The office shall have such
59 power only when any such offense is occurring, or has occurred,
60 in two or more judicial circuits as part of a related
61 transaction, or when any such offense is connected with an
62 organized criminal conspiracy affecting two or more judicial
63 circuits. Informations or indictments charging such offenses
64 shall contain general allegations stating the judicial circuits
65 and counties in which crimes are alleged to have occurred or the
66 judicial circuits and counties in which crimes affecting such
67 circuits or counties are alleged to have been connected with an
68 organized criminal conspiracy.



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69 Section 2. Section 16.71, Florida Statutes, is created to
70 read:

71 16.71 Florida Gaming Control Commission.—

72 (1) (a) There is created within the Department of Legal
73 Affairs, Office of the Attorney General, a Florida Gaming
74 Control Commission, hereinafter referred to as the commission.
75 The commission shall be a separate budget entity and the agency
76 head for all purposes. The Florida Gaming Control Commission is
77 a criminal justice agency as defined in s. 119.011.

78 (b) The commission is not subject to control, supervision,
79 or direction by the Department of Legal Affairs or the Attorney
80 General in the performance of its duties, including, but not
81 limited to, personnel, purchasing transactions involving real or
82 personal property, and budgetary matters.

83 (2) (a) The commission shall consist of five members
84 appointed by the Governor, and subject to confirmation by the
85 Senate, for terms of 4 years. Members of the commission must be
86 appointed by January 1, 2022.

87 1. For the purpose of providing staggered terms, of the
88 initial appointments, 2 members shall be appointed to 4-year
89 terms, 2 members shall be appointed to 3-year terms, and 1
90 member shall be appointed to a 2-year term.

91 2. Of the five members at least one member must have at
92 least 10 years of experience in law enforcement and criminal
93 investigations, at least one member must be a certified public
94 accountant licensed in this state with at least 10 years of
95 experience in accounting and auditing, and at least one member
96 must be an attorney admitted and authorized to practice law in
97 this state for the preceding 10 years.



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98 3. Of the five members, each appellate district shall have
99 one member appointed from the district to the commission who is
100 a resident of the district at the time of the original
101 appointment.

102 4. A person may not be appointed by the Governor to the
103 commission until after a background investigation of the person
104 is conducted by the Department of Law Enforcement and the
105 investigation is forwarded to the Governor.

106 5. A person who holds any office in a political party, who
107 has been convicted of a felony, or who has been convicted of a
108 misdemeanor related to gambling within the previous 10 years may
109 not apply to the Governor for appointment.

110 6. The Governor may not solicit or request any nominations,
111 recommendations or communications about potential candidates for
112 appointment to the commission from:

113 a. Any person that holds a permit or license issued under
114 chapter 550, or a license issued under chapter 551 or chapter
115 849; an officer, official, or employee of such permitholder or
116 licensee; or an ultimate equitable owner, as defined in s.
117 550.002(37), of such permitholder or licensee;

118 b. Any officer, official, employee, or other person with
119 duties or responsibilities relating to a gaming operation owned
120 by an Indian tribe that has a valid and active compact with the
121 state; be a contractor or subcontractor of such tribe or an
122 entity employed, licensed, or contracted by such tribe; or be an
123 ultimate equitable owner, as defined in s. 550.002(37), of such
124 entity; or

125 c. Any registered lobbyist for the executive or legislative
126 branch that represents any person or entity identified in sub-



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127 subparagraph a. and sub-subparagraph b.

128 (b)1. The Governor may remove a member for cause,
129 including, but not limited to, circumstances in which the member
130 commits gross misconduct or malfeasance in office, substantially
131 neglects or is unable to discharge their duties as a member, or
132 is convicted of or found guilty of or has plead nolo contendere
133 to, regardless of adjudication, in any jurisdiction, a felony or
134 misdemeanor that directly relates to gambling, dishonesty,
135 theft, or fraud.

136 2. The Governor may remove a member without cause subject
137 to approval by a majority of the Senate. Upon the resignation or
138 removal from office of a member, the Governor shall appoint a
139 successor pursuant to paragraph (a) who, subject to confirmation
140 by the Senate, shall serve the remainder of the unfinished term.

141 (c) A commissioner shall serve until a successor is
142 appointed, but commissioners may not serve more than 12 years.
143 Vacancies shall be filled for the unexpired portion of the term.
144 The salary of each commissioner is equal to that paid under
145 state law to a commissioner on the Florida Public Service
146 Commission. The commission shall elect a chair and a vice chair.

147 (d) To aid the commission in its duties, the commission
148 must appoint a person who is not a member of the commission to
149 serve as the executive director of the commission. The executive
150 director shall supervise, direct, coordinate, and administer all
151 activities necessary to fulfill the commission's
152 responsibilities. The commission must appoint the executive
153 director by July 1, 2022. The executive director, with the
154 consent of the commission, shall employ such staff as are
155 necessary to adequately perform the functions of the commission,



156 within budgetary limitations. All employees, except the
157 executive director and attorneys, are subject to part II of
158 chapter 110. The executive director shall serve at the pleasure
159 of the commission and be subject to part III of chapter 110.
160 Attorneys employed by the commission shall be subject to part V
161 of chapter 110. The executive director shall maintain
162 headquarters in and reside in Leon County. The salary of the
163 executive director is equal to that paid under state law to a
164 commissioner on the Florida Public Service Commission.

165 (e)1. A person may not, for the 2 years immediately
166 preceding the date of appointment to or employment with the
167 commission and while appointed to or employed with the
168 commission:

169 a. Hold a permit or license issued under chapter 550, or a
170 license issued under chapter 551 or chapter 849; be an officer,
171 official, or employee of such permitholder or licensee; or be an
172 ultimate equitable owner, as defined in s. 550.002(37), of such
173 permitholder or licensee;

174 b. Be an officer, official, employee, or other person with
175 duties or responsibilities relating to a gaming operation owned
176 by an Indian tribe that has a valid and active compact with the
177 state; be a contractor or subcontractor of such tribe or an
178 entity employed, licensed, or contracted by such tribe; or be an
179 ultimate equitable owner, as defined in s. 550.002(37), of such
180 entity; or

181 c. Be a registered lobbyist for the executive or
182 legislative branch, except while a commissioner when officially
183 representing the commission.

184 2. A person is ineligible for appointment to or employment



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185 with the commission if, within the 2 years immediately preceding
186 such appointment or employment, they violated subparagraph 1. or
187 solicited or accepted employment with, acquired any direct or
188 indirect interest in, or had any direct or indirect business
189 association, partnership, or financial relationship with, or is
190 a relative of, any person or entity who is an applicant,
191 licensee, or registrant with the Division of Pari-mutuel
192 Wagering or the commission.

193
194 For the purposes of this paragraph, the term "relative" means a
195 spouse, father, mother, son, daughter, grandfather, grandmother,
196 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-
197 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
198 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
199 stepbrother, stepsister, half-brother, or half-sister.

200 (f) A commissioner may not, for the 2 years immediately
201 following the date of resignation or termination from the
202 commission:

203 1. Appear before the commission representing any client or
204 any industry regulated by the commission;

205 2. Accept employment by or compensation from a business
206 entity which, directly or indirectly, owns or controls a person
207 regulated by the commission, from a person regulated by the
208 commission, from a business entity which, directly or
209 indirectly, is an affiliate or subsidiary of a person regulated
210 by the commission, or from a business entity or trade
211 association that has been a party to a commission proceeding
212 within the 2 years preceding the member's resignation or
213 termination of service on the commission; or



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214 3. Lobby the Governor or any agency of the state, members
215 or employees of the Legislature, or any county or municipal
216 government or governmental agency.

217 (g) A person employed by the commission may not, for the 2
218 years immediately following the date of termination or
219 resignation from employment with the commission:

220 1. Appear before the commission representing any client
221 regulated by the commission on any matter which was pending at
222 the time of termination or resignation and in which such former
223 employee had participated; or

224 2. Lobby the Governor or any agency of the state, members
225 or employees of the Legislature, or any county or municipal
226 government or governmental agency.

227 (h) Any person violating paragraph (f) or paragraph (g)
228 shall be subject to the penalties for violations of standards of
229 conduct for public officers, employees of agencies, and local
230 government attorneys provided in s. 112.317 and a civil penalty
231 of an amount equal to the compensation which the person receives
232 for the prohibited conduct.

233 (i) A person is ineligible for appointment to the
234 commission if he or she has:

235 1. Been convicted of or found guilty of or pled nolo
236 contendere to, regardless of adjudication, in any jurisdiction,
237 a felony or misdemeanor that directly relates to gambling,
238 dishonesty, theft, or fraud within the 10 years immediately
239 preceding such appointment;

240 2. Been convicted of or found guilty of or pled nolo
241 contendere to, regardless of adjudication, in any jurisdiction,
242 a crime listed s. 775.21(4)(a)1. or s. 776.08; or



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243 3. Had a license or permit issued under chapter 550,
244 chapter 551, or chapter 849 or a gaming license issued by any
245 other jurisdiction denied, suspended, or revoked.

246 (j)1. A person is ineligible for employment with the
247 commission if he or she has been convicted of a felony within 5
248 years of the date of application; convicted of a misdemeanor
249 within 5 years of the date of application which the commission
250 determines bears a close relationship to the duties and
251 responsibilities of the position for which employment is sought;
252 or dismissed from prior employment for gross misconduct or
253 incompetence or intentionally making a false statement
254 concerning a material fact in connection with the application
255 for employment to the commission.

256 2. If an employee of the commission is charged with a
257 felony while employed by the commission, the commission shall
258 suspend the employee, with or without pay, and terminate
259 employment with the commission upon conviction. If an employee
260 of the commission is charged with a misdemeanor while employed
261 by the commission, the commission shall suspend the employee,
262 with or without pay, and may terminate employment with the
263 commission upon conviction if the commission determines that the
264 offense bears a close relationship to the duties and
265 responsibilities of the position held with the commission.

266 (k) A commissioner or an employee of the commission must
267 notify the commission within 3 calendar days of arrest for any
268 offense.

269 (l) A commissioner or an employee must immediately provide
270 detailed written notice of the circumstances to the commission
271 if the member or employee is indicted, charged with, convicted



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272 of, pleads guilty or nolo contendere to, or forfeits bail for:
273 1. A misdemeanor involving gambling, dishonesty, theft, or
274 fraud;
275 2. A violation of any law in any state, or a law of the
276 United States or any other jurisdiction, involving gambling,
277 dishonesty, theft, or fraud which substantially corresponds to a
278 misdemeanor in this state; or
279 3. A felony under the laws of this or any other state, the
280 United States, or any other jurisdiction.
281 (m)1. All employees authorized by the commission shall have
282 access to, and shall have the right to inspect, premises
283 licensed by the Department of Business and Professional
284 Regulation, to collect taxes and remit them to the officer
285 entitled to them, and to examine the books and records of all
286 persons subject to chapter 24, chapter 285, chapter 546, chapter
287 550, chapter 551, or chapter 849. The authorized employees shall
288 require of each such person strict compliance with the laws of
289 this state relating to the license or permit of the licensee.
290 2. Each employee serving as a law enforcement officer for
291 the commission must meet the qualifications for employment or
292 appointment as a law enforcement officer set forth under s.
293 943.13 and must be certified as a law enforcement officer by the
294 Department of Law Enforcement under chapter 943. Upon
295 certification, each law enforcement officer is subject to and
296 has the same authority as provided for law enforcement officers
297 generally in chapter 901 and has statewide jurisdiction. Each
298 officer also has arrest authority as provided for state law
299 enforcement officers in s. 901.15. Each officer possesses the
300 full law enforcement powers granted to other peace officers of



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301 this state, including the authority to make arrests, carry
302 firearms, serve court process, and seize contraband and the
303 proceeds of illegal activities.

304 a. The primary responsibility of each officer appointed
305 under this paragraph is to investigate, enforce, and prosecute,
306 throughout the state, violations and violators of chapter 24,
307 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
308 849, and the rules adopted thereunder, as well as other state
309 laws that the commission or all state law enforcement officers
310 are specifically authorized to enforce.

311 b. The secondary responsibility of each officer appointed
312 under this paragraph is to enforce all other state laws,
313 provided that the enforcement is incidental to exercising the
314 officer's primary responsibility and the officer exercises the
315 powers of a deputy sheriff, only after consultation or
316 coordination with the appropriate local sheriff's office or
317 municipal police department or when the commission participates
318 in the Florida Mutual Aid Plan during a declared state
319 emergency.

320 (3) (a) The commission and its law enforcement officers are
321 specifically authorized to seize any contraband in accordance
322 with the Florida Contraband Forfeiture Act. For purposes of this
323 section, the term "contraband" has the same meaning as the term
324 "contraband article" in s. 932.701(2) (a)2.

325 (b) The commission is specifically authorized to store and
326 test any contraband that is seized in accordance with the
327 Florida Contraband Forfeiture Act and may authorize any of its
328 staff to implement this provision.

329 (c) The commission may adopt rules to implement this



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330 provision.

331 (d) This subsection does not limit the authority of any
332 other person authorized by law to seize contraband.

333 (4) The commission shall convene at the call of its chair
334 or at the request of a majority of the members of the
335 commission. The presence of three members is required to
336 constitute a quorum, and the affirmative vote of the majority of
337 the members present is required for any action or recommendation
338 by the commission. The commission may meet in any city or county
339 of the state. The commission shall do all of the following:

340 (a) Exercise all of the regulatory and executive powers of
341 the state with respect to gambling, including, without
342 limitation thereto, pari-mutuel wagering, cardrooms, slot
343 machine facilities, oversight of gaming compacts executed by the
344 state pursuant to the Federal Indian Gaming Regulatory Act, and
345 any other forms of gambling authorized by the State Constitution
346 or law, excluding games authorized by s. 15, Art. X of the State
347 Constitution.

348 (b) Establish procedures consistent with chapter 120 to
349 ensure adequate due process in the exercise of its regulatory
350 and executive functions.

351 (c) Ensure that the laws of this state are not interpreted
352 in any manner that expands the activities authorized in chapter
353 24, chapter 285, chapter 546, chapter 550, chapter 551, or
354 chapter 849.

355 (d) Review any matter within the scope of the jurisdiction
356 of the Division of Pari-mutuel Wagering.

357 (e) Review the regulation of licensees, permitholders, or
358 persons regulated by the Division of Pari-mutuel Wagering and



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359 the procedures used by the division to implement and enforce the
360 law.

361 (f) Review the procedures of the Division of Pari-mutuel
362 Wagering which are used to qualify applicants applying for a
363 license, permit, or registration.

364 (g) Refer criminal violations of chapter 24, chapter 285,
365 chapter 546, chapter 550, chapter 551, or chapter 849 to the
366 appropriate state attorney or to the Office of Statewide
367 Prosecution, as applicable.

368 (h) Exercise all other powers and perform any other duties
369 prescribed by the Legislature.

370 (i) The commission may adopt rules to implement this
371 section.

372
373 The commission may subpoena witnesses and compel their
374 attendance and testimony, administer oaths and affirmations,
375 take evidence, and require by subpoena the production of any
376 books, papers, records, or other items relevant to the
377 performance of the duties of the commission or to the exercise
378 of its powers.

379 (5) Hearings shall be held before the commission, except
380 that the chair may direct that any hearing be held before one
381 member of the commission or a panel of less than the full
382 commission. The commission shall adopt rules to provide for the
383 filing of a report when hearings are held by a single
384 commissioner or a panel, which rules shall prescribe the time
385 for filing the report and the contents of the report. The chair
386 may schedule hearings to determine whether enforcement of the
387 gaming laws of this state is sufficient to protect residents



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388 from abuse and misinterpretation of the law or create expansion
389 of gaming or gambling in this state.

390 (6) The commission may submit written recommendations to
391 enhance the enforcement of gaming laws of the state to the
392 Governor, the President of the Senate, and the Speaker of the
393 House of Representatives.

394 (7) The commission shall make an annual report to the
395 Governor, the President of the Senate, and the Speaker of the
396 House of Representatives. The report shall, at a minimum,
397 include all of the following:

398 (a) Recent events in the gaming industry, including pending
399 litigation, pending facility license applications, and new and
400 pending rules.

401 (b) Actions of the commission relative to the
402 implementation and administration of this section.

403 (c) The state revenues and expenses associated with each
404 form of authorized gaming. Revenues and expenses associated with
405 pari-mutuel wagering shall be further delineated by the class of
406 license.

407 (d) The performance of each pari-mutuel wagering licensee,
408 cardroom licensee, and slot licensee.

409 (e) A summary of disciplinary actions taken by the
410 commission.

411 (f) The receipts and disbursements of the commission.

412 (g) A summary of actions taken and investigations conducted
413 by the commission.

414 (h) Any additional information and recommendations that the
415 commission considers useful or that the Governor, the President
416 of the Senate, or the Speaker of the House of Representatives



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417 requests.

418 (8) The commission's exercise of executive powers in the
419 area of planning, budgeting, personnel management, and
420 purchasing shall be as provided by law.

421 (9) The commission shall develop a budget request pursuant
422 to chapter 216 annually. The budget is not subject to change by
423 the Department of Legal Affairs or the Attorney General, but it
424 shall be submitted by the Department of Legal Affairs to the
425 Governor for transmittal to the Legislature.

426 (10) The commission is authorized to contract or consult
427 with appropriate agencies of state government for such
428 professional assistance as may be needed in the discharge of its
429 duties.

430 (11) All rules adopted pursuant to chapters 24, 285, 546,
431 550, 551, and 849 prior to the effective date of this act are
432 preserved and remain in full force and effect.

433 (12) The commission shall exercise all of its regulatory
434 and executive powers and shall apply, construe, and interpret
435 all laws and administrative rules in a manner consistent with
436 the gaming compact ratified, approved, and described in s.
437 285.710(3).

438 (13) The commission shall confirm, prior to the issuance of
439 an operating license, annually that each permitholder has
440 submitted proof with their annual application for a license, in
441 such a form as the commission may require; that the permitholder
442 continues to possess the qualifications prescribed by chapter
443 550; and that the permit has not been disapproved by voters in
444 an election.

445 Section 3. Section 16.712, Florida Statutes, is created to



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446 read:

447 16.712 Florida Gaming Control Commission background
448 screening provisions.-

449 (1) Prior to serving as a commissioner on the Florida
450 Gaming Control Commission or becoming an employee of the
451 commission, a person must have his or her fingerprints taken by
452 a vendor approved by the Department of Law Enforcement. The set
453 of fingerprints must be electronically sent to the Department of
454 Law Enforcement for state processing, and the Department of Law
455 Enforcement must forward the fingerprints to the Federal Bureau
456 of Investigation for national processing. Persons who are
457 foreign nationals must submit such documents as necessary to
458 allow the commission to conduct criminal history records checks
459 in the person's home country.

460 (2) All fingerprints submitted to the Department of Law
461 Enforcement as required under subsection (1) must be retained by
462 the Department of Law Enforcement as provided under s.
463 943.05(2)(g) and (h) and (3) and enrolled in the national
464 retained print arrest notification program at the Federal Bureau
465 of Investigation when the Department of Law Enforcement begins
466 participation in the program. The commission must notify the
467 Department of Law Enforcement when any person whose fingerprints
468 have been retained is no longer a commissioner or employee of
469 the commission.

470 (3) The costs of fingerprint processing, including the cost
471 for retaining fingerprints, shall be borne by the commission.

472 Section 4. Section 16.715, Florida Statutes, is created to
473 read:

474 16.715 Florida Gaming Control Commission standards of



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475 conduct; ex parte communications.-

476 (1) STANDARDS OF CONDUCT.-

477 (a) In addition to the provisions of part III of chapter
478 112, which are applicable to commissioners on and employees with
479 the Florida Gaming Control Commission by virtue of their being
480 public officers and public employees, the conduct of
481 commissioners and employees shall be governed by the standards
482 of conduct provided in this subsection. Nothing shall prohibit
483 the standards of conduct from being more restrictive than part
484 III of chapter 112. Further, this subsection may not be
485 construed to contravene the restrictions of part III of chapter
486 112. In the event of a conflict between this subsection and part
487 III of chapter 112, the more restrictive provision shall apply.

488 (b)1. A commissioner or employee of the commission may not
489 accept anything from any business entity which, either directly
490 or indirectly, owns or controls any person regulated by the
491 commission or from any business entity which, either directly or
492 indirectly, is an affiliate or subsidiary of any person
493 regulated by the commission.

494 2. A commissioner or an employee may attend conferences,
495 along with associated meals and events that are generally
496 available to all conference participants without payment of any
497 fees in addition to the conference fee. Additionally, while
498 attending a conference, a commissioner or an employee may attend
499 meetings, meals, or events that are not sponsored, in whole or
500 in part, by any representative of any person regulated by the
501 commission and that are limited to commissioners or employees
502 only, committee members, or speakers if the commissioner or
503 employee is a member of a committee of the association of



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504 regulatory agencies that organized the conference or is a
505 speaker at the conference. It is not a violation of this
506 subparagraph for a commissioner or an employee to attend a
507 conference for which conference participants who are employed by
508 a person regulated by the commission have paid a higher
509 conference registration fee than the commissioner or employee,
510 or to attend a meal or event that is generally available to all
511 conference participants without payment of any fees in addition
512 to the conference fee and that is sponsored, in whole or in
513 part, by a person regulated by the commission.

514 3. If, during the course of an investigation by the
515 Commission on Ethics into an alleged violation of this
516 subparagraph, allegations are made as to the identity of the
517 person giving or providing the prohibited gift, that person must
518 be given notice and an opportunity to participate in the
519 investigation and relevant proceedings to present a defense.

520 4. If the Commission on Ethics determines that the person
521 gave or provided a prohibited gift, the person may not appear
522 before the commission or otherwise represent anyone before the
523 commission for a period of 2 years.

524 5. While employed, and for 2 years after service as a
525 commissioner or for 2 years after employment with the
526 commission, a commissioner or an employee may not accept any
527 form of employment with or engage in any business activity with
528 any business entity which, either directly or indirectly, owns
529 or controls any person regulated by the commission; any person
530 regulated by the commission; or any business entity which,
531 either directly or indirectly, is an affiliate or subsidiary of
532 any person regulated by the commission.



533 6. While employed, and for 2 years after service as a
534 commissioner or for 2 years after employment with the
535 commission, a commissioner, an employee, or a relative living in
536 the same household as a commissioner or an employee may not have
537 any financial interest, other than shares in a mutual fund, in
538 any person regulated by the commission; in any business entity
539 which, either directly or indirectly, owns or controls any
540 person regulated by the commission; or in any business entity
541 which, either directly or indirectly, is an affiliate or a
542 subsidiary of any person regulated by the commission. If a
543 commissioner, an employee, or a relative living in the same
544 household as a commissioner or an employee acquires any
545 financial interest prohibited by this subsection during the
546 commissioner's term of office or the employee's employment with
547 the commission as a result of events or actions beyond the
548 commissioner's, the employee's, or the relative's control, they
549 shall immediately sell such financial interest. For the purposes
550 of this subsection, the term "relative" has the same meaning as
551 provided in s. 16.71(2)(e).

552 7. A commissioner or an employee may not accept anything
553 from a party in a proceeding currently pending before the
554 commission. If, during the course of an investigation by the
555 Commission on Ethics into an alleged violation of this
556 subparagraph, allegations are made as to the identity of the
557 person giving or providing the prohibited gift, that person must
558 be given notice and an opportunity to participate in the
559 investigation and relevant proceedings to present a defense. If
560 the Commission on Ethics determines that the person gave or
561 provided a prohibited gift, the person may not appear before the



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562 commission or otherwise represent anyone before the commission
563 for a period of 2 years.

564 8. A commissioner may not serve as the representative of
565 any political party or on any executive committee or other
566 governing body of a political party; serve as an executive
567 officer or employee of any political party, committee,
568 organization, or association; receive remuneration for
569 activities on behalf of any candidate for public office; engage
570 on behalf of any candidate for public office in the solicitation
571 of votes or other activities on behalf of such candidacy; or
572 become a candidate for election to any public office without
573 first resigning from office.

574 9. A commissioner, during his or her term of office, may
575 not make any public comment regarding the merits of any
576 proceeding under ss. 120.569 and 120.57 currently pending before
577 the commission.

578 10. A commissioner or an employee may not act in an
579 unprofessional manner at any time during the performance of
580 official duties.

581 11. A commissioner or an employee must avoid impropriety in
582 all activities and must act at all times in a manner that
583 promotes public confidence in the integrity and impartiality of
584 the commission.

585 12. A commissioner or an employee may not directly or
586 indirectly, through staff or other means, solicit anything of
587 value from any person regulated by the commission, or from any
588 business entity that, whether directly or indirectly, is an
589 affiliate or subsidiary of any person regulated by the
590 commission, or from any party appearing in a proceeding



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591 considered by the commission in the last 2 years.

592 13. A commissioner or an employee may not personally
593 represent another person or entity for compensation before the
594 commission for a period of 2 years following the commissioner's
595 end of service or a period of 2 years following employment
596 unless employed by another agency of state government.

597 14. A commissioner may not lobby the Governor or any agency
598 of the state, members or employees of the Legislature, or any
599 county or municipal government or governmental agency except to
600 represent the commission and department in an official capacity.

601 (c) A commissioner or an employee of the commission must
602 annually complete at least 4 hours of ethics training that
603 addresses, at a minimum, s. 8, Art. II of the State
604 Constitution, the Code of Ethics for Public Officers and
605 Employees, and the public records and public meetings laws of
606 this state. This requirement may be satisfied by completion of a
607 continuing legal education class or other continuing
608 professional education class, seminar, or presentation, if the
609 required subjects are covered.

610 (d) The Commission on Ethics shall accept and investigate
611 any alleged violations of this subsection pursuant to the
612 procedures contained in ss. 112.322-112.3241. The Commission on
613 Ethics shall provide the Governor, the President of the Senate,
614 and the Speaker of the House of Representatives with a report of
615 its findings and recommendations. The Governor is authorized to
616 enforce the findings and recommendations of the Commission on
617 Ethics, pursuant to part III of chapter 112. A commissioner or
618 an employee of the commission may request an advisory opinion
619 from the Commission on Ethics, pursuant to s. 112.322(3)(a),



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620 regarding the standards of conduct or prohibitions set forth in
621 this section or s. 16.71.

622 (e) A commissioner, an employee of the commission, or a
623 relative living in the same household as a commissioner or an
624 employee may not place a wager in any facility licensed by the
625 commission or any facility in the state operated by an Indian
626 tribe that has a valid and active compact with the state.

627 (2) EX PARTE COMMUNICATIONS.—

628 (a) As used in this section, the term "ex parte
629 communication" means any communication that:

630 1. If it is a written or printed communication or is a
631 communication in electronic form, is not served on all parties
632 to a proceeding; or

633 2. If it is an oral communication, is made without adequate
634 notice to the parties and without an opportunity for the parties
635 to be present and heard.

636 (b) A commissioner may not initiate or consider ex parte
637 communications concerning the merits, threat, or offer of reward
638 in any proceeding that is currently pending before the
639 commission or that he or she knows or reasonably expects will be
640 filed with the commission within 180 days after the date of any
641 such communication. An individual may not discuss ex parte with
642 a commissioner the merits of any issue that he or she knows will
643 be filed with the commission within 180 days. This paragraph
644 does not apply to commission staff.

645 (c) If a commissioner knowingly receives an ex parte
646 communication relative to a proceeding other than as set forth
647 in paragraph (a), to which the commissioner is assigned, the
648 commissioner must place on the record of the proceeding copies



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649 of all written communications received, all written responses to
650 the communications, and a memorandum stating the substance of
651 all oral communications received and all oral responses made,
652 and shall give written notice to all parties to the
653 communication that such matters have been placed on the record.
654 Any party who desires to respond to an ex parte communication
655 may do so. The response must be received by the commission
656 within 10 days after receiving notice that the ex parte
657 communication has been placed on the record. The commissioner
658 may, if deemed by such commissioner to be necessary to eliminate
659 the effect of an ex parte communication, withdraw from the
660 proceeding, in which case the chair shall substitute another
661 commissioner for the proceeding.

662 (d) Any individual who makes an ex parte communication
663 shall submit to the commission a written statement describing
664 the nature of such communication, to include the name of the
665 person making the communication, the name of the commissioner or
666 commissioners receiving the communication, copies of all written
667 communications made, all written responses to such
668 communications, and a memorandum stating the substance of all
669 oral communications received and all oral responses made. The
670 commission shall place on the record of a proceeding all such
671 communications.

672 (e) Any commissioner who knowingly fails to place on the
673 record any such communications, in violation of this subsection,
674 within 15 days of the date of such communication is subject to
675 removal and may be assessed a civil penalty not to exceed
676 \$5,000.

677 (f)1. It shall be the duty of the Commission on Ethics to



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678 receive and investigate sworn complaints of violations of this
679 subsection pursuant to the procedures contained in ss. 112.322-
680 112.3241.

681 2. If the Commission on Ethics finds that there has been a
682 violation of this subsection by a commissioner, it shall provide
683 the Governor, the President of the Senate, and the Speaker of
684 the House of Representatives with a report of its findings and
685 recommendations. The Governor is authorized to enforce the
686 findings and recommendations of the Commission on Ethics,
687 pursuant to part III of chapter 112 and to remove from office a
688 commissioner who is found by the Commission on Ethics to have
689 willfully and knowingly violated this subsection. The Governor
690 shall remove from office a commissioner who is found by the
691 Commission on Ethics to have willfully and knowingly violated
692 this subsection after a previous finding by the Commission on
693 Ethics that the commissioner willfully and knowingly violated
694 this subsection in a separate matter.

695 3. If a commissioner fails or refuses to pay the Commission
696 on Ethics any civil penalties assessed pursuant to this
697 subsection, the Commission on Ethics may bring an action in any
698 circuit court to enforce such penalty.

699 4. If, during the course of an investigation by the
700 Commission on Ethics into an alleged violation of this
701 subsection, allegations are made as to the identity of the
702 person who participated in the ex parte communication, that
703 person must be given notice and an opportunity to participate in
704 the investigation and relevant proceedings to present a defense.
705 If the Commission on Ethics determines that the person
706 participated in the ex parte communication, the person may not



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707 appear before the commission or otherwise represent anyone
708 before the commission for a period of 2 years.

709 Section 5. Effective July 1, 2022, paragraph (f) of
710 subsection (1) and subsection (7) of section 285.710, Florida
711 Statutes, are amended to read:

712 285.710 Compact authorization.—

713 (1) As used in this section, the term:

714 (f) "State compliance agency" means the Florida Gaming
715 Control Commission ~~Division of Pari-mutuel Wagering of the~~
716 ~~Department of Business and Professional Regulation~~ which is
717 designated as the state agency having the authority to carry out
718 the state's oversight responsibilities under the compact.

719 (7) The Florida Gaming Control Commission ~~The Division of~~
720 ~~Pari-mutuel Wagering of the Department of Business and~~
721 ~~Professional Regulation~~ is designated as the state compliance
722 agency having the authority to carry out the state's oversight
723 responsibilities under the compact authorized by this section.

724 Section 6. (1) Effective July 1, 2022, all powers, duties,
725 functions, records, offices, personnel, associated
726 administrative support positions, property, pending issues,
727 existing contracts, administrative authority, administrative
728 rules, and unexpended balances of appropriations, allocations,
729 and other funds in the Department of Business and Professional
730 Regulation related to the oversight responsibilities by the
731 state compliance agency for authorized gaming compacts under s.
732 285.710, Florida Statutes, the regulation of pari-mutuel
733 wagering under chapter 550, Florida Statutes, the regulation of
734 slot machines and slot machine gaming under chapter 551, Florida
735 Statutes, and the regulation of cardrooms under s. 849.086,



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736 Florida Statutes, are transferred by a type two transfer, as
737 defined in s. 20.06(2), Florida Statutes, to the Florida Gaming
738 Control Commission within the Department of Legal Affairs,
739 Office of the Attorney General.

740 (2) Notwithstanding chapter 60L-34, Florida Administrative
741 Code, or any law to the contrary, employees who are transferred
742 from the Department of Business and Professional Regulation to
743 the Florida Gaming Control Commission within the Department of
744 Legal Affairs, Office of the Attorney General to fill positions
745 transferred by this act, retain and transfer any accrued annual
746 leave, sick leave, and regular and special compensatory leave
747 balances.

748 (3) The Department of Legal Affairs shall provide
749 administrative support to the Florida Gaming Control Commission
750 until the transfer in subsection (1) is complete.

751 Section 7. Paragraph (a) of subsection (2) of section
752 932.701, Florida Statutes, is amended to read:

753 932.701 Short title; definitions.—

754 (2) As used in the Florida Contraband Forfeiture Act:

755 (a) "Contraband article" means:

756 1. Any controlled substance as defined in chapter 893 or
757 any substance, device, paraphernalia, or currency or other means
758 of exchange that was used, was attempted to be used, or was
759 intended to be used in violation of any provision of chapter
760 893, if the totality of the facts presented by the state is
761 clearly sufficient to meet the state's burden of establishing
762 probable cause to believe that a nexus exists between the
763 article seized and the narcotics activity, whether or not the
764 use of the contraband article can be traced to a specific



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765 narcotics transaction.

766 2. Any equipment, gambling device, apparatus, material of
767 gaming, proceeds, substituted proceeds, real or personal
768 property, Internet domain name, gambling paraphernalia, lottery
769 tickets, money, currency, or other means of exchange which was
770 obtained, received, used, ~~was~~ attempted to be used, or intended
771 to be used in violation of the gambling laws of the state,
772 including any violation of chapter 24, chapter 285, chapter 546,
773 chapter 550, chapter 551, or chapter 849.

774 3. Any equipment, liquid or solid, which was being used, is
775 being used, was attempted to be used, or intended to be used in
776 violation of the beverage or tobacco laws of the state.

777 4. Any motor fuel upon which the motor fuel tax has not
778 been paid as required by law.

779 5. Any personal property, including, but not limited to,
780 any vessel, aircraft, item, object, tool, substance, device,
781 weapon, machine, vehicle of any kind, money, securities, books,
782 records, research, negotiable instruments, or currency, which
783 was used or was attempted to be used as an instrumentality in
784 the commission of, or in aiding or abetting in the commission
785 of, any felony, whether or not comprising an element of the
786 felony, or which is acquired by proceeds obtained as a result of
787 a violation of the Florida Contraband Forfeiture Act.

788 6. Any real property, including any right, title,
789 leasehold, or other interest in the whole of any lot or tract of
790 land, which was used, is being used, or was attempted to be used
791 as an instrumentality in the commission of, or in aiding or
792 abetting in the commission of, any felony, or which is acquired
793 by proceeds obtained as a result of a violation of the Florida



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794 Contraband Forfeiture Act.

795 7. Any personal property, including, but not limited to,
796 equipment, money, securities, books, records, research,
797 negotiable instruments, currency, or any vessel, aircraft, item,
798 object, tool, substance, device, weapon, machine, or vehicle of
799 any kind in the possession of or belonging to any person who
800 takes aquaculture products in violation of s. 812.014(2)(c).

801 8. Any motor vehicle offered for sale in violation of s.
802 320.28.

803 9. Any motor vehicle used during the course of committing
804 an offense in violation of s. 322.34(9)(a).

805 10. Any photograph, film, or other recorded image,
806 including an image recorded on videotape, a compact disc,
807 digital tape, or fixed disk, that is recorded in violation of s.
808 810.145 and is possessed for the purpose of amusement,
809 entertainment, sexual arousal, gratification, or profit, or for
810 the purpose of degrading or abusing another person.

811 11. Any real property, including any right, title,
812 leasehold, or other interest in the whole of any lot or tract of
813 land, which is acquired by proceeds obtained as a result of
814 Medicaid fraud under s. 409.920 or s. 409.9201; any personal
815 property, including, but not limited to, equipment, money,
816 securities, books, records, research, negotiable instruments, or
817 currency; or any vessel, aircraft, item, object, tool,
818 substance, device, weapon, machine, or vehicle of any kind in
819 the possession of or belonging to any person which is acquired
820 by proceeds obtained as a result of Medicaid fraud under s.
821 409.920 or s. 409.9201.

822 12. Any personal property, including, but not limited to,



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823 any vehicle, item, object, tool, device, weapon, machine, money,
824 security, book, or record, that is used or attempted to be used
825 as an instrumentality in the commission of, or in aiding and
826 abetting in the commission of, a person's third or subsequent
827 violation of s. 509.144, whether or not comprising an element of
828 the offense.

829 Section 8. The Division of Law Revision shall prepare a
830 reviser's bill to conform the Florida Statutes to the transfer
831 described in section 6 of this act.

832 Section 9. Except as otherwise expressly provided in this
833 act, this act shall take effect July 1, 2021.

834
835 ===== T I T L E A M E N D M E N T =====

836 And the title is amended as follows:

837 Delete everything before the enacting clause
838 and insert:

839 A bill to be entitled
840 An act relating to gaming enforcement; amending s.
841 16.56, F.S.; expanding the authority of the Office of
842 Statewide Prosecution within the Department of Legal
843 Affairs to investigate and prosecute the offenses of
844 certain crimes; creating s. 16.71, F.S.; creating the
845 Florida Gaming Control Commission within the Office of
846 the Attorney General; providing for membership of the
847 commission; authorizing the Governor to remove members
848 of the commission under certain circumstances;
849 providing rights for certain employees of the
850 commission; providing requirements and prohibitions
851 relating to commission members and employees;



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852 providing civil penalties; providing requirements and
853 powers for employees serving as law enforcement
854 officers for the commission; providing powers and
855 duties of the commission; providing requirements for
856 hearings relating to the commission; authorizing the
857 commission to submit certain written recommendations
858 to the Governor and the Legislature upon certain
859 findings; requiring the commission to annually develop
860 a budget request; requiring the department to submit
861 the budget request to the Governor for transmittal to
862 the Legislature; authorizing the commission to
863 contract or consult with certain agencies; requiring
864 the commission to provide an annual report to the
865 Governor and the Legislature; specifying content
866 required for the report; creating s. 16.712, F.S.;
867 requiring a person to submit to certain background
868 screening requirements before serving on or being
869 employed with the commission; providing procedures and
870 conditions for the retention of fingerprints; creating
871 s. 16.715, F.S.; providing construction; providing
872 standards of conduct for commissioners and employees
873 of the commission; requiring commissioners and
874 employees of the commission to complete specified
875 annual training; requiring the Commission on Ethics to
876 accept and investigate any alleged violations of the
877 standards of conduct for commissioners and employees;
878 providing requirements for such investigations;
879 authorizing a commissioner or an employee of the
880 commission to request an advisory opinion from the



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881 Commission on Ethics; defining the term "ex parte
882 communication"; providing requirements relating to ex
883 parte communications; providing civil penalties;
884 amending s. 285.710, F.S.; revising the definition of
885 the term "state compliance agency"; designating the
886 Florida Gaming Control Commission as the state
887 compliance agency having authority to carry out
888 certain responsibilities; transferring all powers,
889 duties, functions, records, offices, personnel,
890 property, pending issues, existing contracts,
891 administrative authority, administrative rules, trust
892 funds, and unexpended balances of appropriations,
893 allocations, and other funds of the Department of
894 Business and Professional Regulation to the commission
895 by a type two transfer, effective on a specified date;
896 requiring the Department of Legal Affairs to provide
897 administrative support to the commission until such
898 transfer is complete; amending s. 932.701, F.S.;
899 revising the definition of the term "contraband
900 article"; providing a directive to the Division of Law
901 Revision; providing effective dates.