

By the Committees on Appropriations; and Regulated Industries

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1                                   A bill to be entitled  
2       An act relating to gaming enforcement; amending s.  
3       16.56, F.S.; expanding the authority of the Office of  
4       Statewide Prosecution within the Department of Legal  
5       Affairs to investigate and prosecute the offenses of  
6       certain crimes; creating s. 16.71, F.S.; creating the  
7       Florida Gaming Control Commission within the Office of  
8       the Attorney General; providing for membership of the  
9       commission; authorizing the Governor to remove members  
10      of the commission under certain circumstances;  
11      providing rights for certain employees of the  
12      commission; providing requirements and prohibitions  
13      relating to commission members and employees;  
14      providing civil penalties; providing requirements and  
15      powers for employees serving as law enforcement  
16      officers for the commission; providing powers and  
17      duties of the commission; providing requirements for  
18      hearings relating to the commission; authorizing the  
19      commission to submit certain written recommendations  
20      to the Governor and the Legislature upon certain  
21      findings; requiring the commission to annually develop  
22      a budget request; requiring the department to submit  
23      the budget request to the Governor for transmittal to  
24      the Legislature; authorizing the commission to  
25      contract or consult with certain agencies; requiring  
26      the commission to provide an annual report to the  
27      Governor and the Legislature; specifying content  
28      required for the report; creating s. 16.712, F.S.;  
29      requiring a person to submit to certain background

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30 screening requirements before serving on or being  
31 employed with the commission; providing procedures and  
32 conditions for the retention of fingerprints; creating  
33 s. 16.715, F.S.; providing construction; providing  
34 standards of conduct for commissioners and employees  
35 of the commission; requiring commissioners and  
36 employees of the commission to complete specified  
37 annual training; requiring the Commission on Ethics to  
38 accept and investigate any alleged violations of the  
39 standards of conduct for commissioners and employees;  
40 providing requirements for such investigations;  
41 authorizing a commissioner or an employee of the  
42 commission to request an advisory opinion from the  
43 Commission on Ethics; defining the term "ex parte  
44 communication"; providing requirements relating to ex  
45 parte communications; providing civil penalties;  
46 amending s. 285.710, F.S.; revising the definition of  
47 the term "state compliance agency"; designating the  
48 Florida Gaming Control Commission as the state  
49 compliance agency having authority to carry out  
50 certain responsibilities; transferring all powers,  
51 duties, functions, records, offices, personnel,  
52 associated administrative support positions, property,  
53 pending issues, existing contracts, administrative  
54 authority, administrative rules, and unexpended  
55 balances of appropriations, allocations, and other  
56 funds of the Department of Business and Professional  
57 Regulation related to certain responsibilities to the  
58 commission by a type two transfer, effective on a

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59 specified date; requiring the Department of Legal  
60 Affairs to provide administrative support to the  
61 commission until such transfer is complete; amending  
62 s. 932.701, F.S.; revising the definition of the term  
63 "contraband article"; providing a directive to the  
64 Division of Law Revision; providing effective dates.  
65

66 Be It Enacted by the Legislature of the State of Florida:  
67

68 Section 1. Paragraph (a) of subsection (1) of section  
69 16.56, Florida Statutes, is amended to read:

70 16.56 Office of Statewide Prosecution.—

71 (1) There is created in the Department of Legal Affairs an  
72 Office of Statewide Prosecution. The office shall be a separate  
73 "budget entity" as that term is defined in chapter 216. The  
74 office may:

75 (a) Investigate and prosecute the offenses of:

76 1. Bribery, burglary, criminal usury, extortion, gambling,  
77 kidnapping, larceny, murder, prostitution, perjury, robbery,  
78 carjacking, home-invasion robbery, and patient brokering;

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

80 3. Any violation of the Florida RICO (Racketeer Influenced  
81 and Corrupt Organization) Act, including any offense listed in  
82 the definition of racketeering activity in s. 895.02(8)(a),  
83 providing such listed offense is investigated in connection with  
84 a violation of s. 895.03 and is charged in a separate count of  
85 an information or indictment containing a count charging a  
86 violation of s. 895.03, the prosecution of which listed offense  
87 may continue independently if the prosecution of the violation

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88 of s. 895.03 is terminated for any reason;

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

90 5. Any violation of the Florida Antitrust Act of 1980, as  
91 amended;

92 6. Any crime involving, or resulting in, fraud or deceit  
93 upon any person;

94 7. Any violation of s. 847.0135, relating to computer  
95 pornography and child exploitation prevention, or any offense  
96 related to a violation of s. 847.0135 or any violation of  
97 chapter 827 where the crime is facilitated by or connected to  
98 the use of the Internet or any device capable of electronic data  
99 storage or transmission;

100 8. Any violation of chapter 815;

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

102 10. Any violation of the Florida Motor Fuel Tax Relief Act  
103 of 2004;

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

105 12. Any crime involving voter registration, voting, or  
106 candidate or issue petition activities;

107 13. Any criminal violation of the Florida Money Laundering  
108 Act;

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

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

113 16. Any violation of chapter 24, chapter 285, chapter 546,  
114 chapter 550, chapter 551, or chapter 849, including violations  
115 referred by the Department of Agriculture and Consumer Services,  
116 the Department of Business and Professional Regulation, the

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117 Department of the Lottery, the Florida Gaming Control  
118 Commission, or the Seminole Tribe of Florida;

119  
120 or any attempt, solicitation, or conspiracy to commit any of the  
121 crimes specifically enumerated above. The office shall have such  
122 power only when any such offense is occurring, or has occurred,  
123 in two or more judicial circuits as part of a related  
124 transaction, or when any such offense is connected with an  
125 organized criminal conspiracy affecting two or more judicial  
126 circuits. Informations or indictments charging such offenses  
127 shall contain general allegations stating the judicial circuits  
128 and counties in which crimes are alleged to have occurred or the  
129 judicial circuits and counties in which crimes affecting such  
130 circuits or counties are alleged to have been connected with an  
131 organized criminal conspiracy.

132 Section 2. Section 16.71, Florida Statutes, is created to  
133 read:

134 16.71 Florida Gaming Control Commission.—

135 (1) (a) There is created within the Department of Legal  
136 Affairs, Office of the Attorney General, a Florida Gaming  
137 Control Commission, hereinafter referred to as the commission.  
138 The commission shall be a separate budget entity and the agency  
139 head for all purposes. The Florida Gaming Control Commission is  
140 a criminal justice agency as defined in s. 119.011.

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

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

150       1. For the purpose of providing staggered terms, of the  
151 initial appointments, 2 members shall be appointed to 4-year  
152 terms, 2 members shall be appointed to 3-year terms, and 1  
153 member shall be appointed to a 2-year term.

154       2. Of the five members at least one member must have at  
155 least 10 years of experience in law enforcement and criminal  
156 investigations, at least one member must be a certified public  
157 accountant licensed in this state with at least 10 years of  
158 experience in accounting and auditing, and at least one member  
159 must be an attorney admitted and authorized to practice law in  
160 this state for the preceding 10 years.

161       3. Of the five members, each appellate district shall have  
162 one member appointed from the district to the commission who is  
163 a resident of the district at the time of the original  
164 appointment.

165       4. A person may not be appointed by the Governor to the  
166 commission until after a background investigation of the person  
167 is conducted by the Department of Law Enforcement and the  
168 investigation is forwarded to the Governor.

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

173       6. The Governor may not solicit or request any nominations,  
174 recommendations or communications about potential candidates for

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175 appointment to the commission from:

176 a. Any person that holds a permit or license issued under  
177 chapter 550, or a license issued under chapter 551 or chapter  
178 849; an officer, official, or employee of such permitholder or  
179 licensee; or an ultimate equitable owner, as defined in s.  
180 550.002(37), of such permitholder or licensee;

181 b. Any officer, official, employee, or other person with  
182 duties or responsibilities relating to a gaming operation owned  
183 by an Indian tribe that has a valid and active compact with the  
184 state; be a contractor or subcontractor of such tribe or an  
185 entity employed, licensed, or contracted by such tribe; or be an  
186 ultimate equitable owner, as defined in s. 550.002(37), of such  
187 entity; or

188 c. Any registered lobbyist for the executive or legislative  
189 branch that represents any person or entity identified in sub-  
190 subparagraph a. and sub-subparagraph b.

191 (b)1. The Governor may remove a member for cause,  
192 including, but not limited to, circumstances in which the member  
193 commits gross misconduct or malfeasance in office, substantially  
194 neglects or is unable to discharge their duties as a member, or  
195 is convicted of or found guilty of or has plead nolo contendere  
196 to, regardless of adjudication, in any jurisdiction, a felony or  
197 misdemeanor that directly relates to gambling, dishonesty,  
198 theft, or fraud.

199 2. The Governor may remove a member without cause subject  
200 to approval by a majority of the Senate. Upon the resignation or  
201 removal from office of a member, the Governor shall appoint a  
202 successor pursuant to paragraph (a) who, subject to confirmation  
203 by the Senate, shall serve the remainder of the unfinished term.

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

210 (d) To aid the commission in its duties, the commission  
211 must appoint a person who is not a member of the commission to  
212 serve as the executive director of the commission. The executive  
213 director shall supervise, direct, coordinate, and administer all  
214 activities necessary to fulfill the commission's  
215 responsibilities. The commission must appoint the executive  
216 director by July 1, 2022. The executive director, with the  
217 consent of the commission, shall employ such staff as are  
218 necessary to adequately perform the functions of the commission,  
219 within budgetary limitations. All employees, except the  
220 executive director and attorneys, are subject to part II of  
221 chapter 110. The executive director shall serve at the pleasure  
222 of the commission and be subject to part III of chapter 110.  
223 Attorneys employed by the commission shall be subject to part V  
224 of chapter 110. The executive director shall maintain  
225 headquarters in and reside in Leon County. The salary of the  
226 executive director is equal to that paid under state law to a  
227 commissioner on the Florida Public Service Commission.

228 (e)1. A person may not, for the 2 years immediately  
229 preceding the date of appointment to or employment with the  
230 commission and while appointed to or employed with the  
231 commission:

232 a. Hold a permit or license issued under chapter 550, or a



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233 license issued under chapter 551 or chapter 849; be an officer,  
234 official, or employee of such permitholder or licensee; or be an  
235 ultimate equitable owner, as defined in s. 550.002(37), of such  
236 permitholder or licensee;

237 b. Be an officer, official, employee, or other person with  
238 duties or responsibilities relating to a gaming operation owned  
239 by an Indian tribe that has a valid and active compact with the  
240 state; be a contractor or subcontractor of such tribe or an  
241 entity employed, licensed, or contracted by such tribe; or be an  
242 ultimate equitable owner, as defined in s. 550.002(37), of such  
243 entity; or

244 c. Be a registered lobbyist for the executive or  
245 legislative branch, except while a commissioner when officially  
246 representing the commission.

247 2. A person is ineligible for appointment to or employment  
248 with the commission if, within the 2 years immediately preceding  
249 such appointment or employment, they violated subparagraph 1. or  
250 solicited or accepted employment with, acquired any direct or  
251 indirect interest in, or had any direct or indirect business  
252 association, partnership, or financial relationship with, or is  
253 a relative of, any person or entity who is an applicant,  
254 licensee, or registrant with the Division of Pari-mutuel  
255 Wagering or the commission.

256  
257 For the purposes of this paragraph, the term "relative" means a  
258 spouse, father, mother, son, daughter, grandfather, grandmother,  
259 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-  
260 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,  
261 sister-in-law, stepfather, stepmother, stepson, stepdaughter,

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262 stepbrother, stepsister, half-brother, or half-sister.

263 (f) A commissioner may not, for the 2 years immediately  
264 following the date of resignation or termination from the  
265 commission:

266 1. Hold a permit or license issued under chapter 550, or a  
267 license issued under chapter 551 or chapter 849; be an officer,  
268 official, or employee of such permitholder or licensee; or be an  
269 ultimate equitable owner, as defined in s. 550.002(37), of such  
270 permitholder or licensee;

271 2. Appear before the commission representing any client or  
272 any industry regulated by the commission;

273 3. Accept employment by or compensation from a business  
274 entity which, directly or indirectly, owns or controls a person  
275 regulated by the commission, from a person regulated by the  
276 commission, from a business entity which, directly or  
277 indirectly, is an affiliate or subsidiary of a person regulated  
278 by the commission, or from a business entity or trade  
279 association that has been a party to a commission proceeding  
280 within the 2 years preceding the member's resignation or  
281 termination of service on the commission; or

282 4. Lobby the Governor or any agency of the state, members  
283 or employees of the Legislature, or any county or municipal  
284 government or governmental agency.

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

288 1. Hold a permit or license issued under chapter 550, or a  
289 license issued under chapter 551 or chapter 849; be an officer,  
290 official, or employee of such permitholder or licensee; or be an

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291 ultimate equitable owner, as defined in s. 550.002(37), of such  
292 permitholder or licensee;

293 2. Appear before the commission representing any client  
294 regulated by the commission on any matter which was pending at  
295 the time of termination or resignation and in which such former  
296 employee had participated; or

297 3. Lobby the Governor or any agency of the state, members  
298 or employees of the Legislature, or any county or municipal  
299 government or governmental agency.

300 (h) Any person violating paragraph (f) or paragraph (g)  
301 shall be subject to the penalties for violations of standards of  
302 conduct for public officers, employees of agencies, and local  
303 government attorneys provided in s. 112.317 and a civil penalty  
304 of an amount equal to the compensation which the person receives  
305 for the prohibited conduct.

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

308 1. Been convicted of or found guilty of or pled nolo  
309 contendere to, regardless of adjudication, in any jurisdiction,  
310 a felony or misdemeanor that directly relates to gambling,  
311 dishonesty, theft, or fraud within the 10 years immediately  
312 preceding such appointment;

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

316 3. Had a license or permit issued under chapter 550,  
317 chapter 551, or chapter 849 or a gaming license issued by any  
318 other jurisdiction denied, suspended, or revoked.

319 (j)1. A person is ineligible for employment with the

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320 commission if he or she has been convicted of a felony within 5  
321 years of the date of application; convicted of a misdemeanor  
322 within 5 years of the date of application which the commission  
323 determines bears a close relationship to the duties and  
324 responsibilities of the position for which employment is sought;  
325 or dismissed from prior employment for gross misconduct or  
326 incompetence or intentionally making a false statement  
327 concerning a material fact in connection with the application  
328 for employment to the commission.

329 2. If an employee of the commission is charged with a  
330 felony while employed by the commission, the commission shall  
331 suspend the employee, with or without pay, and terminate  
332 employment with the commission upon conviction. If an employee  
333 of the commission is charged with a misdemeanor while employed  
334 by the commission, the commission shall suspend the employee,  
335 with or without pay, and may terminate employment with the  
336 commission upon conviction if the commission determines that the  
337 offense bears a close relationship to the duties and  
338 responsibilities of the position held with the commission.

339 (k) A commissioner or an employee of the commission must  
340 notify the commission within 3 calendar days of arrest for any  
341 offense.

342 (1) A commissioner or an employee must immediately provide  
343 detailed written notice of the circumstances to the commission  
344 if the member or employee is indicted, charged with, convicted  
345 of, pleads guilty or nolo contendere to, or forfeits bail for:

346 1. A misdemeanor involving gambling, dishonesty, theft, or  
347 fraud;

348 2. A violation of any law in any state, or a law of the

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349 United States or any other jurisdiction, involving gambling,  
350 dishonesty, theft, or fraud which substantially corresponds to a  
351 misdemeanor in this state; or

352 3. A felony under the laws of this or any other state, the  
353 United States, or any other jurisdiction.

354 (m)1. All employees authorized by the commission shall have  
355 access to, and shall have the right to inspect, premises  
356 licensed by the Department of Business and Professional  
357 Regulation, to collect taxes and remit them to the officer  
358 entitled to them, and to examine the books and records of all  
359 persons subject to chapter 24, chapter 285, chapter 546, chapter  
360 550, chapter 551, or chapter 849. The authorized employees shall  
361 require of each such person strict compliance with the laws of  
362 this state relating to the license or permit of the licensee.

363 2. Each employee serving as a law enforcement officer for  
364 the commission must meet the qualifications for employment or  
365 appointment as a law enforcement officer set forth under s.  
366 943.13 and must be certified as a law enforcement officer by the  
367 Department of Law Enforcement under chapter 943. Upon  
368 certification, each law enforcement officer is subject to and  
369 has the same authority as provided for law enforcement officers  
370 generally in chapter 901 and has statewide jurisdiction. Each  
371 officer also has arrest authority as provided for state law  
372 enforcement officers in s. 901.15. Each officer possesses the  
373 full law enforcement powers granted to other peace officers of  
374 this state, including the authority to make arrests, carry  
375 firearms, serve court process, and seize contraband and the  
376 proceeds of illegal activities.

377 a. The primary responsibility of each officer appointed

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378 under this paragraph is to investigate, enforce, and prosecute,  
379 throughout the state, violations and violators of chapter 24,  
380 chapter 285, chapter 546, chapter 550, chapter 551, or chapter  
381 849, and the rules adopted thereunder, as well as other state  
382 laws that the commission or all state law enforcement officers  
383 are specifically authorized to enforce.

384 b. The secondary responsibility of each officer appointed  
385 under this paragraph is to enforce all other state laws,  
386 provided that the enforcement is incidental to exercising the  
387 officer's primary responsibility and the officer exercises the  
388 powers of a deputy sheriff, only after consultation or  
389 coordination with the appropriate local sheriff's office or  
390 municipal police department or when the commission participates  
391 in the Florida Mutual Aid Plan during a declared state  
392 emergency.

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

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

402 (c) The commission may adopt rules to implement this  
403 provision.

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

406 (4) The commission shall convene at the call of its chair

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407 or at the request of a majority of the members of the  
408 commission. The presence of three members is required to  
409 constitute a quorum, and the affirmative vote of the majority of  
410 the members present is required for any action or recommendation  
411 by the commission. The commission may meet in any city or county  
412 of the state. The commission shall do all of the following:

413 (a) Exercise all of the regulatory and executive powers of  
414 the state with respect to gambling, including, without  
415 limitation thereto, pari-mutuel wagering, cardrooms, slot  
416 machine facilities, oversight of gaming compacts executed by the  
417 state pursuant to the Federal Indian Gaming Regulatory Act, and  
418 any other forms of gambling authorized by the State Constitution  
419 or law, excluding games authorized by s. 15, Art. X of the State  
420 Constitution.

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

424 (c) Ensure that the laws of this state are not interpreted  
425 in any manner that expands the activities authorized in chapter  
426 24, chapter 285, chapter 546, chapter 550, chapter 551, or  
427 chapter 849.

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

430 (e) Review the regulation of licensees, permitholders, or  
431 persons regulated by the Division of Pari-mutuel Wagering and  
432 the procedures used by the division to implement and enforce the  
433 law.

434 (f) Review the procedures of the Division of Pari-mutuel  
435 Wagering which are used to qualify applicants applying for a

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436 license, permit, or registration.

437 (g) Refer criminal violations of chapter 24, chapter 285,  
438 chapter 546, chapter 550, chapter 551, or chapter 849 to the  
439 appropriate state attorney or to the Office of Statewide  
440 Prosecution, as applicable.

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

443 (i) The commission may adopt rules to implement this  
444 section.

445

446 The commission may subpoena witnesses and compel their  
447 attendance and testimony, administer oaths and affirmations,  
448 take evidence, and require by subpoena the production of any  
449 books, papers, records, or other items relevant to the  
450 performance of the duties of the commission or to the exercise  
451 of its powers.

452 (5) Hearings shall be held before the commission, except  
453 that the chair may direct that any hearing be held before one  
454 member of the commission or a panel of less than the full  
455 commission. The commission shall adopt rules to provide for the  
456 filing of a report when hearings are held by a single  
457 commissioner or a panel, which rules shall prescribe the time  
458 for filing the report and the contents of the report. The chair  
459 may schedule hearings to determine whether enforcement of the  
460 gaming laws of this state is sufficient to protect residents  
461 from abuse and misinterpretation of the law or create expansion  
462 of gaming or gambling in this state.

463 (6) The commission may submit written recommendations to  
464 enhance the enforcement of gaming laws of the state to the



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465 Governor, the President of the Senate, and the Speaker of the  
466 House of Representatives.

467 (7) The commission shall make an annual report to the  
468 Governor, the President of the Senate, and the Speaker of the  
469 House of Representatives. The report shall, at a minimum,  
470 include all of the following:

471 (a) Recent events in the gaming industry, including pending  
472 litigation, pending facility license applications, and new and  
473 pending rules.

474 (b) Actions of the commission relative to the  
475 implementation and administration of this section.

476 (c) The state revenues and expenses associated with each  
477 form of authorized gaming. Revenues and expenses associated with  
478 pari-mutuel wagering shall be further delineated by the class of  
479 license.

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

482 (e) A summary of disciplinary actions taken by the  
483 commission.

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

485 (g) A summary of actions taken and investigations conducted  
486 by the commission.

487 (h) Any additional information and recommendations that the  
488 commission considers useful or that the Governor, the President  
489 of the Senate, or the Speaker of the House of Representatives  
490 requests.

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

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494 (9) The commission shall develop a budget request pursuant  
495 to chapter 216 annually. The budget is not subject to change by  
496 the Department of Legal Affairs or the Attorney General, but it  
497 shall be submitted by the Department of Legal Affairs to the  
498 Governor for transmittal to the Legislature.

499 (10) The commission is authorized to contract or consult  
500 with appropriate agencies of state government for such  
501 professional assistance as may be needed in the discharge of its  
502 duties.

503 (11) All rules adopted pursuant to chapters 24, 285, 546,  
504 550, 551, and 849 prior to the effective date of this act are  
505 preserved and remain in full force and effect.

506 (12) The commission shall exercise all of its regulatory  
507 and executive powers and shall apply, construe, and interpret  
508 all laws and administrative rules in a manner consistent with  
509 the gaming compact ratified, approved, and described in s.  
510 285.710(3).

511 (13) The commission shall confirm, prior to the issuance of  
512 an operating license, annually that each permitholder has  
513 submitted proof with their annual application for a license, in  
514 such a form as the commission may require; that the permitholder  
515 continues to possess the qualifications prescribed by chapter  
516 550; and that the permit has not been disapproved by voters in  
517 an election.

518 Section 3. Section 16.712, Florida Statutes, is created to  
519 read:

520 16.712 Florida Gaming Control Commission background  
521 screening provisions.-

522 (1) Prior to serving as a commissioner on the Florida

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523 Gaming Control Commission or becoming an employee of the  
524 commission, a person must have his or her fingerprints taken by  
525 a vendor approved by the Department of Law Enforcement. The set  
526 of fingerprints must be electronically sent to the Department of  
527 Law Enforcement for state processing, and the Department of Law  
528 Enforcement must forward the fingerprints to the Federal Bureau  
529 of Investigation for national processing. Persons who are  
530 foreign nationals must submit such documents as necessary to  
531 allow the commission to conduct criminal history records checks  
532 in the person's home country.

533 (2) All fingerprints submitted to the Department of Law  
534 Enforcement as required under subsection (1) must be retained by  
535 the Department of Law Enforcement as provided under s.  
536 943.05(2)(g) and (h) and (3) and enrolled in the national  
537 retained print arrest notification program at the Federal Bureau  
538 of Investigation when the Department of Law Enforcement begins  
539 participation in the program. The commission must notify the  
540 Department of Law Enforcement when any person whose fingerprints  
541 have been retained is no longer a commissioner or employee of  
542 the commission.

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

545 Section 4. Section 16.715, Florida Statutes, is created to  
546 read:

547 16.715 Florida Gaming Control Commission standards of  
548 conduct; ex parte communications.-

549 (1) STANDARDS OF CONDUCT.-

550 (a) In addition to the provisions of part III of chapter  
551 112, which are applicable to commissioners on and employees with

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552 the Florida Gaming Control Commission by virtue of their being  
553 public officers and public employees, the conduct of  
554 commissioners and employees shall be governed by the standards  
555 of conduct provided in this subsection. Nothing shall prohibit  
556 the standards of conduct from being more restrictive than part  
557 III of chapter 112. Further, this subsection may not be  
558 construed to contravene the restrictions of part III of chapter  
559 112. In the event of a conflict between this subsection and part  
560 III of chapter 112, the more restrictive provision shall apply.

561 (b)1. A commissioner or employee of the commission may not  
562 accept anything from any business entity which, either directly  
563 or indirectly, owns or controls any person regulated by the  
564 commission or from any business entity which, either directly or  
565 indirectly, is an affiliate or subsidiary of any person  
566 regulated by the commission.

567 2. A commissioner or an employee may attend conferences,  
568 along with associated meals and events that are generally  
569 available to all conference participants without payment of any  
570 fees in addition to the conference fee. Additionally, while  
571 attending a conference, a commissioner or an employee may attend  
572 meetings, meals, or events that are not sponsored, in whole or  
573 in part, by any representative of any person regulated by the  
574 commission and that are limited to commissioners or employees  
575 only, committee members, or speakers if the commissioner or  
576 employee is a member of a committee of the association of  
577 regulatory agencies that organized the conference or is a  
578 speaker at the conference. It is not a violation of this  
579 subparagraph for a commissioner or an employee to attend a  
580 conference for which conference participants who are employed by

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581 a person regulated by the commission have paid a higher  
582 conference registration fee than the commissioner or employee,  
583 or to attend a meal or event that is generally available to all  
584 conference participants without payment of any fees in addition  
585 to the conference fee and that is sponsored, in whole or in  
586 part, by a person regulated by the commission.

587 3. If, during the course of an investigation by the  
588 Commission on Ethics into an alleged violation of this  
589 subparagraph, allegations are made as to the identity of the  
590 person giving or providing the prohibited gift, that person must  
591 be given notice and an opportunity to participate in the  
592 investigation and relevant proceedings to present a defense.

593 4. If the Commission on Ethics determines that the person  
594 gave or provided a prohibited gift, the person may not appear  
595 before the commission or otherwise represent anyone before the  
596 commission for a period of 2 years.

597 5. While employed, and for 2 years after service as a  
598 commissioner or for 2 years after employment with the  
599 commission, a commissioner or an employee may not accept any  
600 form of employment with or engage in any business activity with  
601 any business entity which, either directly or indirectly, owns  
602 or controls any person regulated by the commission; any person  
603 regulated by the commission; or any business entity which,  
604 either directly or indirectly, is an affiliate or subsidiary of  
605 any person regulated by the commission.

606 6. While employed, and for 2 years after service as a  
607 commissioner or for 2 years after employment with the  
608 commission, a commissioner, an employee, or a relative living in  
609 the same household as a commissioner or an employee may not have

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610 any financial interest, other than shares in a mutual fund, in  
611 any person regulated by the commission; in any business entity  
612 which, either directly or indirectly, owns or controls any  
613 person regulated by the commission; or in any business entity  
614 which, either directly or indirectly, is an affiliate or a  
615 subsidiary of any person regulated by the commission. If a  
616 commissioner, an employee, or a relative living in the same  
617 household as a commissioner or an employee acquires any  
618 financial interest prohibited by this subsection during the  
619 commissioner's term of office or the employee's employment with  
620 the commission as a result of events or actions beyond the  
621 commissioner's, the employee's, or the relative's control, they  
622 shall immediately sell such financial interest. For the purposes  
623 of this subsection, the term "relative" has the same meaning as  
624 provided in s. 16.71(2)(e).

625 7. A commissioner or an employee may not accept anything  
626 from a party in a proceeding currently pending before the  
627 commission. If, during the course of an investigation by the  
628 Commission on Ethics into an alleged violation of this  
629 subparagraph, allegations are made as to the identity of the  
630 person giving or providing the prohibited gift, that person must  
631 be given notice and an opportunity to participate in the  
632 investigation and relevant proceedings to present a defense. If  
633 the Commission on Ethics determines that the person gave or  
634 provided a prohibited gift, the person may not appear before the  
635 commission or otherwise represent anyone before the commission  
636 for a period of 2 years.

637 8. A commissioner may not serve as the representative of  
638 any political party or on any executive committee or other

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639 governing body of a political party; serve as an executive  
640 officer or employee of any political party, committee,  
641 organization, or association; receive remuneration for  
642 activities on behalf of any candidate for public office; engage  
643 on behalf of any candidate for public office in the solicitation  
644 of votes or other activities on behalf of such candidacy; or  
645 become a candidate for election to any public office without  
646 first resigning from office.

647 9. A commissioner, during his or her term of office, may  
648 not make any public comment regarding the merits of any  
649 proceeding under ss. 120.569 and 120.57 currently pending before  
650 the commission.

651 10. A commissioner or an employee may not act in an  
652 unprofessional manner at any time during the performance of  
653 official duties.

654 11. A commissioner or an employee must avoid impropriety in  
655 all activities and must act at all times in a manner that  
656 promotes public confidence in the integrity and impartiality of  
657 the commission.

658 12. A commissioner or an employee may not directly or  
659 indirectly, through staff or other means, solicit anything of  
660 value from any person regulated by the commission, or from any  
661 business entity that, whether directly or indirectly, is an  
662 affiliate or subsidiary of any person regulated by the  
663 commission, or from any party appearing in a proceeding  
664 considered by the commission in the last 2 years.

665 13. A commissioner or an employee may not personally  
666 represent another person or entity for compensation before the  
667 commission for a period of 2 years following the commissioner's

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668 end of service or a period of 2 years following employment  
669 unless employed by another agency of state government.

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

674 (c) A commissioner or an employee of the commission must  
675 annually complete at least 4 hours of ethics training that  
676 addresses, at a minimum, s. 8, Art. II of the State  
677 Constitution, the Code of Ethics for Public Officers and  
678 Employees, and the public records and public meetings laws of  
679 this state. This requirement may be satisfied by completion of a  
680 continuing legal education class or other continuing  
681 professional education class, seminar, or presentation, if the  
682 required subjects are covered.

683 (d) The Commission on Ethics shall accept and investigate  
684 any alleged violations of this subsection pursuant to the  
685 procedures contained in ss. 112.322-112.3241. The Commission on  
686 Ethics shall provide the Governor, the President of the Senate,  
687 and the Speaker of the House of Representatives with a report of  
688 its findings and recommendations. The Governor is authorized to  
689 enforce the findings and recommendations of the Commission on  
690 Ethics, pursuant to part III of chapter 112. A commissioner or  
691 an employee of the commission may request an advisory opinion  
692 from the Commission on Ethics, pursuant to s. 112.322(3)(a),  
693 regarding the standards of conduct or prohibitions set forth in  
694 this section or s. 16.71.

695 (e) A commissioner, an employee of the commission, or a  
696 relative living in the same household as a commissioner or an



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697 employee may not place a wager in any facility licensed by the  
698 commission or any facility in the state operated by an Indian  
699 tribe that has a valid and active compact with the state.

700 (2) EX PARTE COMMUNICATIONS.—

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

703 1. If it is a written or printed communication or is a  
704 communication in electronic form, is not served on all parties  
705 to a proceeding; or

706 2. If it is an oral communication, is made without adequate  
707 notice to the parties and without an opportunity for the parties  
708 to be present and heard.

709 (b) A commissioner may not initiate or consider ex parte  
710 communications concerning the merits, threat, or offer of reward  
711 in any proceeding that is currently pending before the  
712 commission or that he or she knows or reasonably expects will be  
713 filed with the commission within 180 days after the date of any  
714 such communication. An individual may not discuss ex parte with  
715 a commissioner the merits of any issue that he or she knows will  
716 be filed with the commission within 180 days. This paragraph  
717 does not apply to commission staff.

718 (c) If a commissioner knowingly receives an ex parte  
719 communication relative to a proceeding other than as set forth  
720 in paragraph (a), to which the commissioner is assigned, the  
721 commissioner must place on the record of the proceeding copies  
722 of all written communications received, all written responses to  
723 the communications, and a memorandum stating the substance of  
724 all oral communications received and all oral responses made,  
725 and shall give written notice to all parties to the

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726 communication that such matters have been placed on the record.  
727 Any party who desires to respond to an ex parte communication  
728 may do so. The response must be received by the commission  
729 within 10 days after receiving notice that the ex parte  
730 communication has been placed on the record. The commissioner  
731 may, if deemed by such commissioner to be necessary to eliminate  
732 the effect of an ex parte communication, withdraw from the  
733 proceeding, in which case the chair shall substitute another  
734 commissioner for the proceeding.

735 (d) Any individual who makes an ex parte communication  
736 shall submit to the commission a written statement describing  
737 the nature of such communication, to include the name of the  
738 person making the communication, the name of the commissioner or  
739 commissioners receiving the communication, copies of all written  
740 communications made, all written responses to such  
741 communications, and a memorandum stating the substance of all  
742 oral communications received and all oral responses made. The  
743 commission shall place on the record of a proceeding all such  
744 communications.

745 (e) Any commissioner who knowingly fails to place on the  
746 record any such communications, in violation of this subsection,  
747 within 15 days of the date of such communication is subject to  
748 removal and may be assessed a civil penalty not to exceed  
749 \$5,000.

750 (f)1. It shall be the duty of the Commission on Ethics to  
751 receive and investigate sworn complaints of violations of this  
752 subsection pursuant to the procedures contained in ss. 112.322-  
753 112.3241.

754 2. If the Commission on Ethics finds that there has been a

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755 violation of this subsection by a commissioner, it shall provide  
756 the Governor, the President of the Senate, and the Speaker of  
757 the House of Representatives with a report of its findings and  
758 recommendations. The Governor is authorized to enforce the  
759 findings and recommendations of the Commission on Ethics,  
760 pursuant to part III of chapter 112 and to remove from office a  
761 commissioner who is found by the Commission on Ethics to have  
762 willfully and knowingly violated this subsection. The Governor  
763 shall remove from office a commissioner who is found by the  
764 Commission on Ethics to have willfully and knowingly violated  
765 this subsection after a previous finding by the Commission on  
766 Ethics that the commissioner willfully and knowingly violated  
767 this subsection in a separate matter.

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

772 4. If, during the course of an investigation by the  
773 Commission on Ethics into an alleged violation of this  
774 subsection, allegations are made as to the identity of the  
775 person who participated in the ex parte communication, that  
776 person must be given notice and an opportunity to participate in  
777 the investigation and relevant proceedings to present a defense.  
778 If the Commission on Ethics determines that the person  
779 participated in the ex parte communication, the person may not  
780 appear before the commission or otherwise represent anyone  
781 before the commission for a period of 2 years.

782 Section 5. Effective July 1, 2022, paragraph (f) of  
783 subsection (1) and subsection (7) of section 285.710, Florida

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784 Statutes, are amended to read:

785 285.710 Compact authorization.—

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

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

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

797 Section 6. (1) Effective July 1, 2022, all powers, duties,  
798 functions, records, offices, personnel, associated  
799 administrative support positions, property, pending issues,  
800 existing contracts, administrative authority, administrative  
801 rules, and unexpended balances of appropriations, allocations,  
802 and other funds in the Department of Business and Professional  
803 Regulation related to the oversight responsibilities by the  
804 state compliance agency for authorized gaming compacts under s.  
805 285.710, Florida Statutes, the regulation of pari-mutuel  
806 wagering under chapter 550, Florida Statutes, the regulation of  
807 slot machines and slot machine gaming under chapter 551, Florida  
808 Statutes, and the regulation of cardrooms under s. 849.086,  
809 Florida Statutes, are transferred by a type two transfer, as  
810 defined in s. 20.06(2), Florida Statutes, to the Florida Gaming  
811 Control Commission within the Department of Legal Affairs,  
812 Office of the Attorney General.

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813       (2) Notwithstanding chapter 60L-34, Florida Administrative  
814 Code, or any law to the contrary, employees who are transferred  
815 from the Department of Business and Professional Regulation to  
816 the Florida Gaming Control Commission within the Department of  
817 Legal Affairs, Office of the Attorney General to fill positions  
818 transferred by this act, retain and transfer any accrued annual  
819 leave, sick leave, and regular and special compensatory leave  
820 balances.

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

824       Section 7. Paragraph (a) of subsection (2) of section  
825 932.701, Florida Statutes, is amended to read:

826       932.701 Short title; definitions.—

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

828       (a) "Contraband article" means:

829       1. Any controlled substance as defined in chapter 893 or  
830 any substance, device, paraphernalia, or currency or other means  
831 of exchange that was used, was attempted to be used, or was  
832 intended to be used in violation of any provision of chapter  
833 893, if the totality of the facts presented by the state is  
834 clearly sufficient to meet the state's burden of establishing  
835 probable cause to believe that a nexus exists between the  
836 article seized and the narcotics activity, whether or not the  
837 use of the contraband article can be traced to a specific  
838 narcotics transaction.

839       2. Any equipment, gambling device, apparatus, material of  
840 gaming, proceeds, substituted proceeds, real or personal  
841 property, Internet domain name, gambling paraphernalia, lottery

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842 tickets, money, currency, or other means of exchange which was  
843 obtained, received, used, ~~was attempted to be used,~~ or intended  
844 to be used in violation of the gambling laws of the state,  
845 including any violation of chapter 24, chapter 285, chapter 546,  
846 chapter 550, chapter 551, or chapter 849.

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

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

852 5. Any personal property, including, but not limited to,  
853 any vessel, aircraft, item, object, tool, substance, device,  
854 weapon, machine, vehicle of any kind, money, securities, books,  
855 records, research, negotiable instruments, or currency, which  
856 was used or was attempted to be used as an instrumentality in  
857 the commission of, or in aiding or abetting in the commission  
858 of, any felony, whether or not comprising an element of the  
859 felony, or which is acquired by proceeds obtained as a result of  
860 a violation of the Florida Contraband Forfeiture Act.

861 6. Any real property, including any right, title,  
862 leasehold, or other interest in the whole of any lot or tract of  
863 land, which was used, is being used, or was attempted to be used  
864 as an instrumentality in the commission of, or in aiding or  
865 abetting in the commission of, any felony, or which is acquired  
866 by proceeds obtained as a result of a violation of the Florida  
867 Contraband Forfeiture Act.

868 7. Any personal property, including, but not limited to,  
869 equipment, money, securities, books, records, research,  
870 negotiable instruments, currency, or any vessel, aircraft, item,

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871 object, tool, substance, device, weapon, machine, or vehicle of  
872 any kind in the possession of or belonging to any person who  
873 takes aquaculture products in violation of s. 812.014(2)(c).

874 8. Any motor vehicle offered for sale in violation of s.  
875 320.28.

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

878 10. Any photograph, film, or other recorded image,  
879 including an image recorded on videotape, a compact disc,  
880 digital tape, or fixed disk, that is recorded in violation of s.  
881 810.145 and is possessed for the purpose of amusement,  
882 entertainment, sexual arousal, gratification, or profit, or for  
883 the purpose of degrading or abusing another person.

884 11. Any real property, including any right, title,  
885 leasehold, or other interest in the whole of any lot or tract of  
886 land, which is acquired by proceeds obtained as a result of  
887 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
888 property, including, but not limited to, equipment, money,  
889 securities, books, records, research, negotiable instruments, or  
890 currency; or any vessel, aircraft, item, object, tool,  
891 substance, device, weapon, machine, or vehicle of any kind in  
892 the possession of or belonging to any person which is acquired  
893 by proceeds obtained as a result of Medicaid fraud under s.  
894 409.920 or s. 409.9201.

895 12. Any personal property, including, but not limited to,  
896 any vehicle, item, object, tool, device, weapon, machine, money,  
897 security, book, or record, that is used or attempted to be used  
898 as an instrumentality in the commission of, or in aiding and  
899 abetting in the commission of, a person's third or subsequent

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900 violation of s. 509.144, whether or not comprising an element of  
901 the offense.

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

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