

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 certain crimes;
6 creating s. 16.71, F.S.; creating the Florida Gaming
7 Control Commission within the Office of the Attorney
8 General; providing for membership of the commission;
9 authorizing the Governor to remove members of the
10 commission under certain circumstances; providing
11 requirements and prohibitions relating to
12 appointments; requiring the commission to appoint an
13 executive director; requiring the chair of the
14 commission to appoint an inspector general; creating
15 s. 16.711, F.S.; creating the Division of Gaming
16 Enforcement within the commission; specifying the
17 division shall be considered a criminal justice
18 agency; requiring the commissioners to appoint a
19 director of the division; providing powers and duties
20 of the director and such investigators; authorizing
21 the division and its investigators to seize and store
22 certain contraband; defining the term "contraband";
23 providing construction; requiring the Department of
24 Law Enforcement to perform certain background
25 screenings at the request of the division; creating s.

26 | 16.712, F.S.; providing duties and responsibilities of
27 | the commission; authorizing the commission to take
28 | specified actions; requiring the commission to submit
29 | an annual report to the Governor and the Legislature;
30 | providing construction; creating s. 16.713, F.S.;
31 | specifying certain persons are ineligible for
32 | appointment to or employment with the commission;
33 | providing prohibitions for commissioners and employees
34 | of the commission; requiring commissioners and
35 | employees to provide notice relating to certain
36 | crimes; creating s. 16.714, F.S.; requiring the
37 | Department of Law Enforcement to perform specified
38 | background screenings upon the request of the
39 | division; requiring the division to conduct certain
40 | investigations; creating s. 16.715, F.S.; providing
41 | construction; providing standards of conduct for
42 | commissioners and employees of the commission;
43 | requiring commissioners and employees of the
44 | commission to complete specified annual training;
45 | requiring the Commission on Ethics to accept and
46 | investigate any alleged violations of the standards of
47 | conduct for commissioners and employees; providing
48 | requirements for such investigations; requiring a
49 | report to the Governor and Legislature; authorizing a
50 | commissioner or an employee of the Florida Gaming

51 Control Commission to request an advisory opinion from
52 the Commission on Ethics; prohibiting certain persons
53 from placing wagers in a facility licensed by the
54 Florida Gaming Control Commission or an Indian tribe
55 that has a valid and active compact with the state;
56 providing prohibitions for former commissioners and
57 former employees of the commission; providing civil
58 penalties; defining the term "ex parte communication";
59 providing requirements relating to ex parte
60 communications; providing civil penalties; amending s.
61 20.055, F.S.; revising definitions; amending s.
62 20.165, F.S.; conforming provisions to changes made by
63 the act; amending s. 285.710, F.S.; revising the
64 definition of the term "state compliance agency";
65 designating the commission as the state compliance
66 agency having authority to carry out certain
67 responsibilities; transferring all powers, duties,
68 functions, records, offices, personnel, associated
69 administrative support positions, property, pending
70 issues, existing contracts, administrative authority,
71 administrative rules, and unexpended balances of
72 appropriations, allocations, and other funds of the
73 Department of Business and Professional Regulation
74 related to certain responsibilities to the commission
75 by a type two transfer, effective on a specified date;

76 transferring the Pari-mutuel Wagering Trust Fund to
 77 the commission; amending s. 932.701, F.S.; revising
 78 the definition of the term "contraband article";
 79 providing a directive to the Division of Law Revision;
 80 providing an appropriation; requiring the department
 81 to provide administrative support for the commission
 82 during a specified fiscal year; requiring the
 83 department in coordination with the with Department of
 84 Legal Affairs and the Department of Management
 85 Services to establish a working group for a specified
 86 purpose; providing requirements for such working
 87 group; providing construction; providing contingent
 88 effective dates.

89

90 Be It Enacted by the Legislature of the State of Florida:

91

92 Section 1. Paragraph (a) of subsection (1) of section
 93 16.56, Florida Statutes, is amended to read:

94 16.56 Office of Statewide Prosecution.—

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

99 (a) Investigate and prosecute the offenses of:

100 1. Bribery, burglary, criminal usury, extortion, gambling,

101 kidnapping, larceny, murder, prostitution, perjury, robbery,
 102 carjacking, home-invasion robbery, and patient brokering;
 103 2. Any crime involving narcotic or other dangerous drugs;
 104 3. Any violation of the Florida RICO (Racketeer Influenced
 105 and Corrupt Organization) Act, including any offense listed in
 106 the definition of racketeering activity in s. 895.02(8)(a),
 107 providing such listed offense is investigated in connection with
 108 a violation of s. 895.03 and is charged in a separate count of
 109 an information or indictment containing a count charging a
 110 violation of s. 895.03, the prosecution of which listed offense
 111 may continue independently if the prosecution of the violation
 112 of s. 895.03 is terminated for any reason;
 113 4. Any violation of the Florida Anti-Fencing Act;
 114 5. Any violation of the Florida Antitrust Act of 1980, as
 115 amended;
 116 6. Any crime involving, or resulting in, fraud or deceit
 117 upon any person;
 118 7. Any violation of s. 847.0135, relating to computer
 119 pornography and child exploitation prevention, or any offense
 120 related to a violation of s. 847.0135 or any violation of
 121 chapter 827 where the crime is facilitated by or connected to
 122 the use of the Internet or any device capable of electronic data
 123 storage or transmission;
 124 8. Any violation of chapter 815;
 125 9. Any criminal violation of part I of chapter 499;

126 10. Any violation of the Florida Motor Fuel Tax Relief Act
127 of 2004;

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

129 12. Any crime involving voter registration, voting, or
130 candidate or issue petition activities;

131 13. Any criminal violation of the Florida Money Laundering
132 Act;

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

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

137 16. Any criminal violation of chapter 24, part II of
138 chapter 285, the Family Amusement Game Act in chapter 546,
139 chapter 550, chapter 551, or chapter 849;

140
141 or any attempt, solicitation, or conspiracy to commit any of the
142 crimes specifically enumerated above. The office shall have such
143 power only when any such offense is occurring, or has occurred,
144 in two or more judicial circuits as part of a related
145 transaction, or when any such offense is connected with an
146 organized criminal conspiracy affecting two or more judicial
147 circuits. Informations or indictments charging such offenses
148 shall contain general allegations stating the judicial circuits
149 and counties in which crimes are alleged to have occurred or the
150 judicial circuits and counties in which crimes affecting such

151 | circuits or counties are alleged to have been connected with an
 152 | organized criminal conspiracy.

153 | Section 2. Section 16.71, Florida Statutes, is created to
 154 | read:

155 | 16.71 Florida Gaming Control Commission creation and
 156 | membership.—

157 | (1) CREATION; MEETINGS.—

158 | (a) There is created within the Department of Legal
 159 | Affairs, Office of the Attorney General, a Florida Gaming
 160 | Control Commission, hereinafter referred to as the commission.
 161 | The commission shall be a separate budget entity and the
 162 | commissioners shall serve as the agency head. The commission's
 163 | exercise of executive powers in the area of planning, budgeting,
 164 | personnel management, and purchasing shall be as provided by
 165 | law.

166 | (b) The commission is not subject to control, supervision,
 167 | or direction by the Department of Legal Affairs or the Attorney
 168 | General in the performance of its duties, including, but not
 169 | limited to, personnel, purchasing transactions involving real or
 170 | personal property, and budgetary matters.

171 | (c) The commission shall convene at the call of its chair
 172 | or at the request of a majority of the members of the
 173 | commission. Meetings may be held via teleconference or other
 174 | electronic means. Three members of the commission constitute a
 175 | quorum, and the affirmative vote of the majority of a quorum is

176 required for any action or recommendation by the commission.
177 However, notwithstanding any other provision of law, the
178 affirmative vote of three members is required to adopt a
179 proposed rule, including an amendment to or repeal of an
180 existing rule that meets or exceeds any of the criteria in s.
181 120.54(3)(b)1. or s. 120.541(2)(a). The commission may meet in
182 any city or county of the state.

183 (2) MEMBERSHIP.—

184 (a) The commission shall consist of five members appointed
185 by the Governor, and subject to confirmation by the Senate, for
186 terms of 4 years. Members of the commission must be appointed by
187 January 1, 2022. Of the initial five members appointed by the
188 Governor and immediately upon appointment, the Governor shall
189 appoint one of the members as the initial chair and one of the
190 members as the initial vice chair. At the end of the initial
191 chair's and vice chair's terms pursuant to subparagraph 1., the
192 commission shall elect one of the members of the commission as
193 chair and one of the members of the commission as vice chair.

194 1. For the purpose of providing staggered terms, of the
195 initial appointments, two members shall be appointed to 4-year
196 terms, two members shall be appointed to 3-year terms, and one
197 member shall be appointed to a 2-year term.

198 2. Of the five members, at least one member must have at
199 least 10 years of experience in law enforcement and criminal
200 investigations, at least one member must be a certified public

201 accountant licensed in this state with at least 10 years of
202 experience in accounting and auditing, and at least one member
203 must be an attorney admitted and authorized to practice law in
204 this state for the preceding 10 years.

205 3. Of the five members, each appellate district shall have
206 one member appointed from the district to the commission who is
207 a resident of the district at the time of the original
208 appointment.

209 (b) A commissioner shall serve until a successor is
210 appointed, but commissioners may not serve more than 12 years.
211 Vacancies shall be filled for the unexpired portion of the term.
212 The salary of each commissioner is equal to that paid under
213 state law to a commissioner on the Florida Public Service
214 Commission.

215 (c) The Governor shall have the same power to remove or
216 suspend commissioners as set forth in s. 7, Art. IV of the State
217 Constitution. In addition to such power, the Governor may remove
218 a member who is convicted of or found guilty of or has pled nolo
219 contendere to, regardless of adjudication, in any jurisdiction,
220 a misdemeanor that directly relates to gambling, dishonesty,
221 theft, or fraud.

222 (d) Upon the resignation or removal from office of a
223 member of the commission, the Governor shall appoint a successor
224 pursuant to paragraph (a) who, subject to confirmation by the
225 Senate, shall serve the remainder of the unfinished term.

226 (3) REQUIREMENTS FOR APPOINTMENT; PROHIBITIONS.—

227 (a) A person may not be appointed by the Governor to the
228 commission until after a level 2 background screening pursuant
229 to chapter 435 is performed, the results are forwarded to the
230 Governor, and the Governor determines that the person meets all
231 the requirements for appointment under this section. However, a
232 person who is prohibited from being appointed under s. 16.713
233 may not be appointed by the Governor.

234 (b) The Governor may not solicit or request any
235 nominations, recommendations, or communications about potential
236 candidates for appointment to the commission from:

237 1. Any person who holds a permit or license issued under
238 chapter 550, or a license issued under chapter 551 or chapter
239 849; an officer, official, or employee of such permitholder or
240 licensee; or an ultimate equitable owner, as defined in s.
241 550.002(37), of such permitholder or licensee;

242 2. Any officer, official, employee, or other person with
243 duties or responsibilities relating to a gaming operation owned
244 by an Indian tribe that has a valid and active compact with the
245 state; a contractor or subcontractor of such tribe or an entity
246 employed, licensed, or contracted by such tribe; or an ultimate
247 equitable owner, as defined in s. 550.002(37), of such entity;
248 or

249 3. Any registered lobbyist for the executive or
250 legislative branch who represents any person or entity

251 identified in subparagraph 1. or subparagraph 2.

252 (4) EXECUTIVE DIRECTOR.—

253 (a) To aid the commission in its duties, the commission
254 must appoint a person who is not a member of the commission to
255 serve as the executive director of the commission. A person may
256 not be appointed as executive director until after a level 2
257 background screening pursuant to chapter 435 is performed, the
258 results are forwarded to the commission, and the commission
259 determines that the person meets all the requirements for
260 appointment as the executive director. The executive director
261 shall supervise, direct, coordinate, and administer all
262 activities necessary to fulfill the commission's
263 responsibilities. The commission must appoint the executive
264 director by April 1, 2022.

265 (b) The executive director, with the consent of the
266 commission, shall employ such staff as are necessary to
267 adequately perform the functions of the commission, within
268 budgetary limitations.

269 (c) The executive director shall maintain headquarters in
270 and reside in Leon County.

271 (d) The salary of the executive director is equal to that
272 paid under state law to a commissioner on the Florida Public
273 Service Commission.

274 (5) INSPECTOR GENERAL.—The chair of the commission shall
275 appoint an inspector general who shall perform the duties of an

276 inspector general under s. 20.055.

277 Section 3. Section 16.711, Florida Statutes, is created to
278 read:

279 16.711 Division of Gaming Enforcement; creation; duties.-

280 (1) There is created within the Florida Gaming Control
281 Commission a Division of Gaming Enforcement. The Division of
282 Gaming Enforcement shall be considered a criminal justice agency
283 as defined in s. 943.045.

284 (2) The commissioners shall appoint a director of the
285 Division of Gaming Enforcement who is qualified by training and
286 experience in law enforcement or security to supervise, direct,
287 coordinate, and administer all activities of the division.

288 (3) The director and all investigators employed by the
289 division must meet the requirements for employment and
290 appointment provided by s. 943.13 and must be certified as law
291 enforcement officers, as defined in s. 943.10(1). The director
292 and such investigators shall be designated law enforcement
293 officers and shall have the power to detect, apprehend, and
294 arrest for any alleged violation of chapter 24, part II of
295 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
296 849, or any rule adopted pursuant thereto, or any law of this
297 state. Such law enforcement officers may enter upon any premises
298 at which gaming activities are taking place in the state for the
299 performance of their lawful duties and may take with them any
300 necessary equipment, and such entry does not constitute a

301 trespass. In any instance in which there is reason to believe
302 that a violation has occurred, such officers have the authority,
303 without warrant, to search and inspect any premises where the
304 violation is alleged to have occurred or is occurring. Any such
305 officer may, consistent with the United States and Florida
306 Constitutions, seize or take possession of any papers, records,
307 tickets, currency, or other items related to any alleged
308 violation. Investigators employed by the division shall also
309 have access to, and shall have the right to inspect, premises
310 licensed by the commission, to collect taxes and remit them to
311 the officer entitled to them, and to examine the books and
312 records of all persons licensed by the commission.

313 (4) (a) The division and its investigators are specifically
314 authorized to seize any contraband in accordance with the
315 Florida Contraband Forfeiture Act. For purposes of this section,
316 the term "contraband" has the same meaning as the term
317 "contraband article" in s. 932.701(2) (a)2.

318 (b) The division is specifically authorized to store and
319 test any contraband that is seized in accordance with the
320 Florida Contraband Forfeiture Act and may authorize any of its
321 staff to implement this paragraph.

322 (c) This subsection does not limit the authority of any
323 other person authorized by law to seize contraband.

324 (5) The Department of Law Enforcement shall provide
325 assistance in obtaining criminal history information relevant to

326 investigations required for honest, secure, and exemplary gaming
327 operations, and such other assistance as may be requested by the
328 executive director of the commission and agreed to by the
329 executive director of the Department of Law Enforcement. Any
330 other state agency, including the Department of Business and
331 Professional Regulation and the Department of Revenue, shall,
332 upon request, provide the commission with any information
333 relevant to any investigation conducted pursuant to this
334 section. The commission shall reimburse any agency for the
335 actual cost of providing any assistance pursuant to this
336 subsection.

337 Section 4. Effective July 1, 2022, section 16.712, Florida
338 Statutes, is created to read:

339 16.712 Florida Gaming Control Commission authorizations,
340 duties, and responsibilities.—

341 (1) The commission shall do all of the following:

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

350 (b) Establish procedures consistent with chapter 120 to

351 ensure adequate due process in the exercise of its regulatory
352 and executive functions.

353 (c) Ensure that the laws of this state are not interpreted
354 in any manner that expands the activities authorized in chapter
355 24, part II of chapter 285, chapter 546, chapter 550, chapter
356 551, or chapter 849.

357 (d) Review the rules and regulations promulgated by the
358 Seminole Tribal Gaming Commission for the operation of sports
359 betting and propose to the Seminole Tribal Gaming Commission any
360 additional consumer protection measures it deems appropriate.
361 The proposed consumer protection measures may include, but are
362 not limited to, the types of advertising and marketing conducted
363 for sports betting, the types of procedures implemented to
364 prohibit underage persons from engaging in sports betting, and
365 the types of information, materials, and procedures needed to
366 assist patrons with compulsive or addictive gambling problems.

367 (e) Evaluate, as the state compliance agency or as the
368 commission, information that is reported by sports governing
369 bodies or other parties to the commission related to any
370 abnormal betting activity or patterns that may indicate a
371 concern about the integrity of a sports event or events; any
372 other conduct with the potential to corrupt a betting outcome of
373 a sports event for purposes of financial gain, including, but
374 not limited to, match fixing; suspicious or illegal wagering
375 activities, including the use of funds derived from illegal

376 activity, wagers to conceal or launder funds derived from
377 illegal activity, use of agents to place wagers, or use of false
378 identification; and the use of data deemed unacceptable by the
379 commission or the Seminole Tribal Gaming Commission, and provide
380 reasonable notice to state and local law enforcement, the
381 Seminole Tribal Gaming Commission, and any appropriate sports
382 governing body of nonproprietary information that may warrant
383 further investigation by such entities to ensure integrity of
384 wagering activities in the state.

385 (f) Review any matter within the scope of the jurisdiction
386 of the Division of Pari-mutuel Wagering.

387 (g) Review the regulation of licensees, permitholders, or
388 persons regulated by the Division of Pari-mutuel Wagering and
389 the procedures used by the division to implement and enforce the
390 law.

391 (h) Review the procedures of the Division of Pari-mutuel
392 Wagering which are used to qualify applicants applying for a
393 license, permit, or registration.

394 (i) Receive and review violations reported by a state or
395 local law enforcement agency, the Department of Law Enforcement,
396 the Department of Legal Affairs, the Department of Agriculture
397 and Consumer Services, the Department of Business and
398 Professional Regulation, the Department of the Lottery, the
399 Seminole Tribe of Florida, or any person licensed under chapter
400 24, part II of chapter 285, chapter 550, chapter 551, or chapter

401 849 and determine whether such violation is appropriate for
402 referral to the Office of Statewide Prosecution.

403 (j) Refer criminal violations of chapter 24, part II of
404 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
405 849 to the appropriate state attorney or to the Office of
406 Statewide Prosecution, as applicable.

407 (k) Exercise all other powers and perform any other duties
408 prescribed by the Legislature.

409 (2) (a) The commission may adopt rules to implement this
410 section.

411 (b) The commission may subpoena witnesses and compel their
412 attendance and testimony, administer oaths and affirmations,
413 take evidence, and require by subpoena the production of any
414 books, papers, records, or other items relevant to the
415 performance of the duties of the commission or to the exercise
416 of its powers.

417 (c) The commission may submit written recommendations to
418 enhance the enforcement of gaming laws of the state to the
419 Governor, the President of the Senate, and the Speaker of the
420 House of Representatives.

421 (3) By December 1 of each year, the commission shall make
422 an annual report to the Governor, the President of the Senate,
423 and the Speaker of the House of Representatives. The report
424 must, at a minimum, include all of the following:

425 (a) Recent events in the gaming industry, including

426 pending litigation, pending facility license applications, and
427 new and pending rules.

428 (b) Actions of the commission relative to the
429 implementation and administration of this section.

430 (c) The state revenues and expenses associated with each
431 form of authorized gaming. Revenues and expenses associated with
432 pari-mutuel wagering shall be further delineated by the class of
433 license.

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

436 (e) Actions of the commission as the state compliance
437 agency, and financial information published by the Office of
438 Economic and Demographic Research, relative to gaming activities
439 authorized pursuant to s. 285.710(13).

440 (f) A summary of disciplinary actions taken by the
441 commission.

442 (g) The receipts and disbursements of the commission.

443 (h) A summary of actions taken and investigations
444 conducted by the commission.

445 (i) Any additional information and recommendations that
446 the commission considers useful or that the Governor, the
447 President of the Senate, or the Speaker of the House of
448 Representatives requests.

449 (4) The commission shall develop a legislative budget
450 request pursuant to chapter 216 annually. The budget is not

451 subject to change by the Department of Legal Affairs or the
452 Attorney General, but it shall be submitted by the Department of
453 Legal Affairs to the Governor for transmittal to the
454 Legislature.

455 (5) The commission is authorized to contract or consult
456 with appropriate agencies of state government for such
457 professional assistance as may be needed in the discharge of its
458 duties.

459 (6) The commission shall exercise all of its regulatory
460 and executive powers and shall apply, construe, and interpret
461 all laws and administrative rules in a manner consistent with
462 the gaming compact ratified, approved, and described in s.
463 285.710(3).

464 (7) The commission shall confirm, prior to the issuance of
465 an operating license, that each permitholder has submitted proof
466 with his or her annual application for a license, in such a form
467 as the commission may require, that the permitholder continues
468 to possess the qualifications prescribed by chapter 550 and that
469 the permit has not been disapproved by voters in an election.

470 Section 5. Section 16.713, Florida Statutes, is created to
471 read:

472 16.713 Florida Gaming Control Commission; appointment and
473 employment restrictions.—

474 (1) PERSONS INELIGIBLE FOR APPOINTMENT TO THE COMMISSION.—
475 All of the following people are ineligible for appointment to

476 the commission:

477 (a) A person who holds any office in a political party.

478 (b) A person who within the previous 10 years has been
479 convicted or found guilty of or has pled nolo contendere to,
480 regardless of adjudication, in any jurisdiction, any felony, or
481 a misdemeanor that directly related to gambling, dishonesty,
482 theft, or fraud.

483 (c) A person who has been convicted of or found guilty of
484 or pled nolo contendere to, regardless of adjudication, in any
485 jurisdiction, a crime listed in s. 775.21(4)(a)1. or s. 776.08.

486 (d) Had a license or permit issued under chapter 550,
487 chapter 551, or chapter 849 or a gaming license issued by any
488 other jurisdiction denied, suspended, or revoked.

489 (2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS
490 INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE
491 COMMISSION.—

492 (a) A person may not, for the 2 years immediately
493 preceding the date of appointment to or employment with the
494 commission and while appointed to or employed with the
495 commission:

496 1. Hold a permit or license issued under chapter 550, or a
497 license issued under chapter 551 or chapter 849; be an officer,
498 official, or employee of such permitholder or licensee; or be an
499 ultimate equitable owner, as defined in s. 550.002(37), of such
500 permitholder or licensee;

501 2. Be an officer, official, employee, or other person with
502 duties or responsibilities relating to a gaming operation owned
503 by an Indian tribe that has a valid and active compact with the
504 state; be a contractor or subcontractor of such tribe or an
505 entity employed, licensed, or contracted by such tribe; or be an
506 ultimate equitable owner, as defined in s. 550.002(37), of such
507 entity;

508 3. Be or have been a member of the Legislature;

509 4. Be a registered lobbyist for the executive or
510 legislative branch, except while a commissioner when officially
511 representing the commission; or

512 5. Be a bingo game operator or an employee of a bingo game
513 operator.

514 (b) A person is ineligible for appointment to or
515 employment with the commission if, within the 2 years
516 immediately preceding such appointment or employment, he or she
517 violated paragraph (a) or solicited or accepted employment with,
518 acquired any direct or indirect interest in, or had any direct
519 or indirect business association, partnership, or financial
520 relationship with, or is a relative of:

521 1. Any person or entity who is an applicant, licensee, or
522 registrant with the Division of Pari-mutuel Wagering or the
523 commission; or

524 2. Any officer, official, employee, or other person with
525 duties or responsibilities relating to a gaming operation owned

526 by an Indian tribe that has a valid and active compact with the
527 state; any contractor or subcontractor of such tribe or an
528 entity employed, licensed, or contracted by such tribe; or any
529 ultimate equitable owner, as defined in s. 550.002(37), of such
530 entity.

531 (c) A person who is ineligible for employment with the
532 commission under paragraph (b) due to being a relative of a
533 person listed under subparagraph (b)1. or subparagraph (b)2. may
534 submit a waiver request to the commission for the employee to be
535 considered eligible for employment. The commission shall
536 consider waiver requests on a case-by-case basis and shall
537 approve or deny each request. If the commission approves the
538 request, the person is eligible for employment with the
539 commission. This paragraph does not apply to persons seeking
540 appointment to the commission.

541
542 For the purposes of this subsection, the term "relative" means a
543 spouse, father, mother, son, daughter, grandfather, grandmother,
544 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-
545 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
546 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
547 stepbrother, stepsister, half-brother, or half-sister.

548 (3) PERSONS INELIGIBLE FOR EMPLOYMENT WITH THE
549 COMMISSION.—

550 (a) A person is ineligible for employment with the

551 commission if he or she has been convicted of or found guilty of
552 or pled nolo contendere to, regardless of adjudication, in any
553 jurisdiction, a felony within 5 years before the date of
554 application; convicted of or found guilty of or pled nolo
555 contendere to, regardless of adjudication, in any jurisdiction,
556 a misdemeanor within 5 years before the date of application
557 which the commission determines bears a close relationship to
558 the duties and responsibilities of the position for which
559 employment is sought; or dismissed from prior employment for
560 gross misconduct or incompetence or intentionally making a false
561 statement concerning a material fact in connection with the
562 application for employment to the commission.

563 (b) If an employee of the commission is charged with a
564 felony while employed by the commission, the commission shall
565 suspend the employee, with or without pay, and terminate
566 employment with the commission upon conviction. If an employee
567 of the commission is charged with a misdemeanor while employed
568 by the commission, the commission shall suspend the employee,
569 with or without pay, and may terminate employment with the
570 commission upon conviction if the commission determines that the
571 offense bears a close relationship to the duties and
572 responsibilities of the position held with the commission.

573 (4) NOTIFICATION REQUIREMENTS.—

574 (a) A commissioner or an employee of the commission must
575 notify the commission within 3 calendar days after arrest for

576 any offense.

577 (b) A commissioner or an employee must immediately provide
 578 detailed written notice of the circumstances to the commission
 579 if the member or employee is indicted, charged with, convicted
 580 of, pleads guilty or nolo contendere to, or forfeits bail for:

581 1. A misdemeanor involving gambling, dishonesty, theft, or
 582 fraud;

583 2. A violation of any law in any state, or a law of the
 584 United States or any other jurisdiction, involving gambling,
 585 dishonesty, theft, or fraud which would constitute a misdemeanor
 586 under the laws of this state; or

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

589 Section 6. Section 16.714, Florida Statutes, is created to
 590 read:

591 16.714 Florida Gaming Control Commission background
 592 screening requirements; investigations by the Division of Gaming
 593 Enforcement.—

594 (1) LEVEL 2 BACKGROUND SCREENINGS.—The Department of Law
 595 Enforcement shall, at the request of the Division of Gaming
 596 Enforcement, perform a level 2 background screening pursuant to
 597 chapter 435 on an employee of the division and on any other
 598 employee of the commission for which the commission deems a
 599 level 2 background screening necessary, including applicants for
 600 employment. The commission shall reimburse the Department of Law

601 Enforcement for the actual costs of such investigations.

602 (2) LEVEL 1 BACKGROUND SCREENINGS.—The Department of Law
 603 Enforcement shall, at the request of the division, perform a
 604 level 1 background screening pursuant to chapter 435 on any
 605 employee of the commission, including applicants for employment,
 606 who are not listed in subsection (1).

607 (3) INVESTIGATIONS.—The division shall conduct
 608 investigations of members and employees of the commission,
 609 including applicants for contract or employment, as are
 610 necessary to ensure the security and integrity of gaming
 611 operations in this state. The commission may require persons
 612 subject to such investigations to provide such information,
 613 including fingerprints, as is needed by the Department of Law
 614 Enforcement for processing or as is otherwise necessary to
 615 facilitate access to state and federal criminal history
 616 information.

617 Section 7. Section 16.715, Florida Statutes, is created to
 618 read:

619 16.715 Florida Gaming Control Commission standards of
 620 conduct; ex parte communications.—

621 (1) STANDARDS OF CONDUCT.—

622 (a) In addition to the provisions of part III of chapter
 623 112, which is applicable to commissioners on and employees with
 624 the Florida Gaming Control Commission by virtue of their being
 625 public officers and public employees, the conduct of

626 commissioners and employees shall be governed by the standards
627 of conduct provided in this subsection. Nothing shall prohibit
628 the standards of conduct from being more restrictive than part
629 III of chapter 112. Further, this subsection may not be
630 construed to contravene the restrictions of part III of chapter
631 112. In the event of a conflict between this subsection and part
632 III of chapter 112, the more restrictive provision shall apply.

633 (b)1. A commissioner or employee of the commission may not
634 accept anything from any business entity that, either directly
635 or indirectly, owns or controls any person regulated by the
636 commission or from any business entity that, either directly or
637 indirectly, is an affiliate or subsidiary of any person
638 regulated by the commission.

639 2. A commissioner or an employee may attend conferences
640 along with associated meals and events that are generally
641 available to all conference participants without payment of any
642 fees in addition to the conference fee. Additionally, while
643 attending a conference, a commissioner or an employee may attend
644 meetings, meals, or events that are not sponsored, in whole or
645 in part, by any representative of any person regulated by the
646 commission and that are limited to commissioners or employees
647 only, committee members, or speakers if the commissioner or
648 employee is a member of a committee of the association of
649 regulatory agencies that organized the conference or is a
650 speaker at the conference. It is not a violation of this

651 subparagraph for a commissioner or an employee to attend a
652 conference for which conference participants who are employed by
653 a person regulated by the commission have paid a higher
654 conference registration fee than the commissioner or employee,
655 or to attend a meal or event that is generally available to all
656 conference participants without payment of any fees in addition
657 to the conference fee and that is sponsored, in whole or in
658 part, by a person regulated by the commission.

659 3. While employed, and for 2 years after service as a
660 commissioner or for 2 years after employment with the
661 commission, a commissioner or an employee may not accept any
662 form of employment with or engage in any business activity with
663 any business entity that, either directly or indirectly, owns or
664 controls any person regulated by the commission; any person
665 regulated by the commission; or any business entity that, either
666 directly or indirectly, is an affiliate or subsidiary of any
667 person regulated by the commission.

668 4. While employed, and for 2 years after service as a
669 commissioner or for 2 years after employment with the
670 commission, a commissioner, an employee, or a relative living in
671 the same household as a commissioner or an employee may not have
672 any financial interest, other than shares in a mutual fund, in
673 any person regulated by the commission; in any business entity
674 that, either directly or indirectly, owns or controls any person
675 regulated by the commission; or in any business entity that,

676 either directly or indirectly, is an affiliate or a subsidiary
677 of any person regulated by the commission. If a commissioner, an
678 employee, or a relative living in the same household as a
679 commissioner or an employee acquires any financial interest
680 prohibited by this subparagraph during the commissioner's term
681 of office or the employee's employment with the commission as a
682 result of events or actions beyond the commissioner's, the
683 employee's, or the relative's control, he or she shall
684 immediately sell such financial interest. For the purposes of
685 this subsection, the term "relative" has the same meaning as in
686 s. 16.713(2) (b).

687 5. A commissioner or an employee may not accept anything
688 from a party in a proceeding currently pending before the
689 commission.

690 6. A commissioner may not serve as the representative of
691 any political party or on any executive committee or other
692 governing body of a political party; serve as an executive
693 officer or employee of any political party, committee,
694 organization, or association; receive remuneration for
695 activities on behalf of any candidate for public office; engage
696 on behalf of any candidate for public office in the solicitation
697 of votes or other activities on behalf of such candidacy; or
698 become a candidate for election to any public office without
699 first resigning from office.

700 7. A commissioner, during his or her term of office, may

701 not make any public comment regarding the merits of any
702 proceeding under ss. 120.569 and 120.57 currently pending before
703 the commission.

704 8. A commissioner or an employee may not act in an
705 unprofessional manner at any time during the performance of
706 official duties.

707 9. A commissioner or an employee must avoid impropriety in
708 all activities and must act at all times in a manner that
709 promotes public confidence in the integrity and impartiality of
710 the commission.

711 10. A commissioner or an employee may not directly or
712 indirectly, through staff or other means, solicit anything of
713 value from any person regulated by the commission, or from any
714 business entity that, whether directly or indirectly, is an
715 affiliate or a subsidiary of any person regulated by the
716 commission, or from any party appearing in a proceeding
717 considered by the commission in the last 2 years.

718 11. A commissioner may not lobby the Governor or any
719 agency of the state, members or employees of the Legislature, or
720 any county or municipal government or governmental agency except
721 to represent the commission in an official capacity.

722 (c) A commissioner or an employee of the commission must
723 annually complete at least 4 hours of ethics training that
724 addresses, at a minimum, s. 8, Art. II of the State
725 Constitution, the Code of Ethics for Public Officers and

726 Employees, and the public records and public meetings laws of
727 this state. This requirement may be satisfied by completion of a
728 continuing legal education class or other continuing
729 professional education class, seminar, or presentation, if the
730 required subjects are covered.

731 (d) The Commission on Ethics shall accept and investigate
732 any alleged violations of this subsection pursuant to the
733 procedures contained in ss. 112.322-112.3241. The Commission on
734 Ethics shall provide the Governor, the President of the Senate,
735 and the Speaker of the House of Representatives with a report of
736 its findings and recommendations. The Governor is authorized to
737 enforce the findings and recommendations of the Commission on
738 Ethics, pursuant to part III of chapter 112. A commissioner or
739 an employee of the commission may request an advisory opinion
740 from the Commission on Ethics, pursuant to s. 112.322(3)(a),
741 regarding the standards of conduct or prohibitions set forth in
742 this section or s. 16.71.

743 (e)1. If, during the course of an investigation by the
744 Commission on Ethics into an alleged violation of this
745 subsection, allegations are made as to the identity of the
746 person giving or providing the prohibited thing, that person
747 must be given notice and an opportunity to participate in the
748 investigation and relevant proceedings to present a defense.

749 2. If the Commission on Ethics determines that the person
750 gave or provided a prohibited thing, the person may not appear

751 before the commission or otherwise represent anyone before the
752 commission for a period of 2 years.

753 (f) A commissioner, an employee of the commission, or a
754 relative living in the same household as a commissioner or an
755 employee may not place a wager in any facility licensed by the
756 commission or any facility in the state operated by an Indian
757 tribe that has a valid and active compact with the state.

758 (2) FORMER COMMISSIONERS AND EMPLOYEES.—

759 (a) A commissioner, the executive director, and an
760 employee of the commission may not personally represent another
761 person or entity for compensation before the executive or
762 legislative branch for a period of 2 years following the
763 commissioner's end of service or a period of 2 years following
764 employment unless employed by another agency of state
765 government.

766 (b) A commissioner may not, for the 2 years immediately
767 following the date of resignation or termination from the
768 commission:

769 1. Hold a permit or license issued under chapter 550, or a
770 license issued under chapter 551 or chapter 849; be an officer,
771 official, or employee of such permitholder or licensee; or be an
772 ultimate equitable owner, as defined in s. 550.002(37), of such
773 permitholder or licensee;

774 2. Accept employment by or compensation from a business
775 entity that, directly or indirectly, owns or controls a person

776 regulated by the commission; from a person regulated by the
777 commission; from a business entity which, directly or
778 indirectly, is an affiliate or subsidiary of a person regulated
779 by the commission; or from a business entity or trade
780 association that has been a party to a commission proceeding
781 within the 2 years preceding the member's resignation or
782 termination of service on the commission; or

783 3. Be a bingo game operator or an employee of a bingo game
784 operator.

785 (c) A person employed by the commission may not, for the 2
786 years immediately following the date of termination or
787 resignation from employment with the commission:

788 1. Hold a permit or license issued under chapter 550, or a
789 license issued under chapter 551 or chapter 849; be an officer,
790 official, or employee of such permitholder or licensee; or be an
791 ultimate equitable owner, as defined in s. 550.002(37), of such
792 permitholder or licensee; or

793 2. Be a bingo game operator or an employee of a bingo game
794 operator.

795 (d) Any person violating paragraph (b) or paragraph (c)
796 shall be subject to the penalties for violations of standards of
797 conduct for public officers, employees of agencies, and local
798 government attorneys provided in s. 112.317 and a civil penalty
799 of an amount equal to the compensation which the person receives
800 for the prohibited conduct.

801 (3) EX PARTE COMMUNICATIONS.—

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

804 1. If it is a written or printed communication or is a
805 communication in electronic form, is not served on all parties
806 to a proceeding; or

807 2. If it is an oral communication, is made without
808 adequate notice to the parties and without an opportunity for
809 the parties to be present and heard.

810 (b) A commissioner may not initiate or consider ex parte
811 communications concerning the merits, threat, or offer of reward
812 in any proceeding that is currently pending before the
813 commission. An individual may not discuss ex parte with a
814 commissioner the merits, threat, or offer of reward regarding
815 any issue in a proceeding that is pending before the commission.
816 This paragraph does not apply to commission staff.

817 (c) If a commissioner knowingly receives an ex parte
818 communication relative to a proceeding to which the commissioner
819 is assigned, the commissioner must place on the record of the
820 proceeding copies of all written communications received, all
821 written responses to the communications, and a memorandum
822 stating the substance of all oral communications received and
823 all oral responses made, and shall give written notice to all
824 parties to the communication that such matters have been placed
825 on the record. Any party who desires to respond to an ex parte

826 communication may do so. The response must be received by the
827 commission within 10 days after receiving notice that the ex
828 parte communication has been placed on the record. The
829 commissioner may, if deemed by such commissioner to be necessary
830 to eliminate the effect of an ex parte communication, withdraw
831 from the proceeding, in which case the chair shall substitute
832 another commissioner for the proceeding.

833 (d) Any individual who makes an ex parte communication
834 shall submit to the commission a written statement describing
835 the nature of such communication, to include the name of the
836 person making the communication, the name of the commissioner or
837 commissioners receiving the communication, copies of all written
838 communications made, all written responses to such
839 communications, and a memorandum stating the substance of all
840 oral communications received and all oral responses made. The
841 commission shall place on the record of a proceeding all such
842 communications.

843 (e) Any commissioner who knowingly fails to place on the
844 record any such communications, in violation of this subsection,
845 within 15 days after the date of such communication is subject
846 to removal and may be assessed a civil penalty not to exceed
847 \$5,000.

848 (f)1. It shall be the duty of the Commission on Ethics to
849 receive and investigate sworn complaints of violations of this
850 subsection pursuant to the procedures contained in ss. 112.322-

851 112.3241.

852 2. If the Commission on Ethics finds that there has been a
853 violation of this subsection by a commissioner, it shall provide
854 the Governor, the President of the Senate, and the Speaker of
855 the House of Representatives with a report of its findings and
856 recommendations. The Governor is authorized to enforce the
857 findings and recommendations of the Commission on Ethics,
858 pursuant to part III of chapter 112, and to remove from office a
859 commissioner who is found by the Commission on Ethics to have
860 willfully and knowingly violated this subsection. The Governor
861 shall remove from office a commissioner who is found by the
862 Commission on Ethics to have willfully and knowingly violated
863 this subsection after a previous finding by the Commission on
864 Ethics that the commissioner willfully and knowingly violated
865 this subsection in a separate matter.

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

870 4. If, during the course of an investigation by the
871 Commission on Ethics into an alleged violation of this
872 subsection, allegations are made as to the identity of the
873 person who participated in the ex parte communication, that
874 person must be given notice and an opportunity to participate in
875 the investigation and relevant proceedings to present a defense.

876 If the Commission on Ethics determines that the person
877 participated in the ex parte communication, the person may not
878 appear before the commission or otherwise represent anyone
879 before the commission for a period of 2 years.

880 Section 8. Paragraphs (a) and (d) of subsection (1) of
881 section 20.055, Florida Statutes, are amended, and subsection
882 (2) of that section is republished, to read:

883 20.055 Agency inspectors general.—

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

885 (a) "Agency head" means the Governor, a Cabinet officer,
886 or a secretary or executive director as those terms are defined
887 in s. 20.03, the chair of the Public Service Commission, the
888 Director of the Office of Insurance Regulation of the Financial
889 Services Commission, the Director of the Office of Financial
890 Regulation of the Financial Services Commission, the board of
891 directors of the Florida Housing Finance Corporation, the
892 executive director of the Office of Early Learning, the chair of
893 the Florida Gaming Control Commission, and the Chief Justice of
894 the State Supreme Court.

895 (d) "State agency" means each department created pursuant
896 to this chapter and the Executive Office of the Governor, the
897 Department of Military Affairs, the Fish and Wildlife
898 Conservation Commission, the Office of Insurance Regulation of
899 the Financial Services Commission, the Office of Financial
900 Regulation of the Financial Services Commission, the Public

901 Service Commission, the Board of Governors of the State
902 University System, the Florida Housing Finance Corporation, the
903 Office of Early Learning, the Florida Gaming Control Commission,
904 and the state courts system.

905 (2) An office of inspector general is established in each
906 state agency to provide a central point for coordination of and
907 responsibility for activities that promote accountability,
908 integrity, and efficiency in government. It is the duty and
909 responsibility of each inspector general, with respect to the
910 state agency in which the office is established, to:

911 (a) Advise in the development of performance measures,
912 standards, and procedures for the evaluation of state agency
913 programs.

914 (b) Assess the reliability and validity of the information
915 provided by the state agency on performance measures and
916 standards, and make recommendations for improvement, if
917 necessary, before submission of such information pursuant to s.
918 216.1827.

919 (c) Review the actions taken by the state agency to
920 improve program performance and meet program standards and make
921 recommendations for improvement, if necessary.

922 (d) Provide direction for, supervise, and coordinate
923 audits, investigations, and management reviews relating to the
924 programs and operations of the state agency, except that when
925 the inspector general does not possess the qualifications

926 | specified in subsection (4), the director of auditing shall
927 | conduct such audits.

928 | (e) Conduct, supervise, or coordinate other activities
929 | carried out or financed by that state agency for the purpose of
930 | promoting economy and efficiency in the administration of, or
931 | preventing and detecting fraud and abuse in, its programs and
932 | operations.

933 | (f) Keep the agency head or, for state agencies under the
934 | jurisdiction of the Governor, the Chief Inspector General
935 | informed concerning fraud, abuses, and deficiencies relating to
936 | programs and operations administered or financed by the state
937 | agency, recommend corrective action concerning fraud, abuses,
938 | and deficiencies, and report on the progress made in
939 | implementing corrective action.

940 | (g) Ensure effective coordination and cooperation between
941 | the Auditor General, federal auditors, and other governmental
942 | bodies with a view toward avoiding duplication.

943 | (h) Review, as appropriate, rules relating to the programs
944 | and operations of such state agency and make recommendations
945 | concerning their impact.

946 | (i) Ensure that an appropriate balance is maintained
947 | between audit, investigative, and other accountability
948 | activities.

949 | (j) Comply with the General Principles and Standards for
950 | Offices of Inspector General as published and revised by the

951 Association of Inspectors General.

952 Section 9. Effective July 1, 2022, paragraph (g) of
 953 subsection (2) of section 20.165, Florida Statutes, is amended
 954 to read:

955 20.165 Department of Business and Professional
 956 Regulation.—There is created a Department of Business and
 957 Professional Regulation.

958 (2) The following divisions of the Department of Business
 959 and Professional Regulation are established:

960 ~~(g) Division of Pari-mutuel Wagering.~~

961 Section 10. Effective July 1, 2022, paragraph (f) of
 962 subsection (1) and subsection (7) of section 285.710, Florida
 963 Statutes, are amended to read:

964 285.710 Compact authorization.—

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

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

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

976 Section 11. (1) Effective July 1, 2022, all powers,
977 duties, functions, records, offices, personnel, associated
978 administrative support positions, property, pending issues,
979 existing contracts, administrative authority, administrative
980 rules, and unexpended balances of appropriations, allocations,
981 and other funds in the Department of Business and Professional
982 Regulation related to the oversight responsibilities by the
983 state compliance agency for authorized gaming compacts under s.
984 285.710, Florida Statutes, the regulation of pari-mutuel
985 wagering under chapter 550, Florida Statutes, the regulation of
986 slot machines and slot machine gaming under chapter 551, Florida
987 Statutes, and the regulation of cardrooms under s. 849.086,
988 Florida Statutes, are transferred by a type two transfer, as
989 defined in s. 20.06(2), Florida Statutes, to the Florida Gaming
990 Control Commission within the Department of Legal Affairs,
991 Office of the Attorney General.

992 (2) Notwithstanding chapter 60L-34, Florida Administrative
993 Code, or any law to the contrary, employees who are transferred
994 from the Department of Business and Professional Regulation to
995 the Florida Gaming Control Commission within the Department of
996 Legal Affairs, Office of the Attorney General, to fill positions
997 transferred by this act retain and transfer any accrued annual
998 leave, sick leave, and regular and special compensatory leave
999 balances.

1000 (3) Effective July 1, 2022, the Pari-mutuel Wagering Trust

1001 Fund under s. 455.116, Florida Statutes, is transferred from the
 1002 Department of Business and Professional Regulation to the
 1003 Florida Gaming Control Commission.

1004 Section 12. Paragraph (a) of subsection (2) of section
 1005 932.701, Florida Statutes, is amended to read:

1006 932.701 Short title; definitions.—

1007 (2) As used in the Florida Contraband Forfeiture Act:

1008 (a) "Contraband article" means:

1009 1. Any controlled substance as defined in chapter 893 or
 1010 any substance, device, paraphernalia, or currency or other means
 1011 of exchange that was used, was attempted to be used, or was
 1012 intended to be used in violation of any provision of chapter
 1013 893, if the totality of the facts presented by the state is
 1014 clearly sufficient to meet the state's burden of establishing
 1015 probable cause to believe that a nexus exists between the
 1016 article seized and the narcotics activity, whether or not the
 1017 use of the contraband article can be traced to a specific
 1018 narcotics transaction.

1019 2. Any equipment, gambling device, apparatus, material of
 1020 gaming, proceeds, substituted proceeds, real or personal
 1021 property, Internet domain name, gambling paraphernalia, lottery
 1022 tickets, money, currency, or other means of exchange which was
 1023 obtained, received, used, ~~was~~ attempted to be used, or intended
 1024 to be used in violation of the gambling laws of the state,
 1025 including any violation of chapter 24, part II of chapter 285,

1026 | chapter 546, chapter 550, chapter 551, or chapter 849.

1027 | 3. Any equipment, liquid or solid, which was being used,
1028 | is being used, was attempted to be used, or intended to be used
1029 | in violation of the beverage or tobacco laws of the state.

1030 | 4. Any motor fuel upon which the motor fuel tax has not
1031 | been paid as required by law.

1032 | 5. Any personal property, including, but not limited to,
1033 | any vessel, aircraft, item, object, tool, substance, device,
1034 | weapon, machine, vehicle of any kind, money, securities, books,
1035 | records, research, negotiable instruments, or currency, which
1036 | was used or was attempted to be used as an instrumentality in
1037 | the commission of, or in aiding or abetting in the commission
1038 | of, any felony, whether or not comprising an element of the
1039 | felony, or which is acquired by proceeds obtained as a result of
1040 | a violation of the Florida Contraband Forfeiture Act.

1041 | 6. Any real property, including any right, title,
1042 | leasehold, or other interest in the whole of any lot or tract of
1043 | land, which was used, is being used, or was attempted to be used
1044 | as an instrumentality in the commission of, or in aiding or
1045 | abetting in the commission of, any felony, or which is acquired
1046 | by proceeds obtained as a result of a violation of the Florida
1047 | Contraband Forfeiture Act.

1048 | 7. Any personal property, including, but not limited to,
1049 | equipment, money, securities, books, records, research,
1050 | negotiable instruments, currency, or any vessel, aircraft, item,

1051 object, tool, substance, device, weapon, machine, or vehicle of
 1052 any kind in the possession of or belonging to any person who
 1053 takes aquaculture products in violation of s. 812.014(2)(c).

1054 8. Any motor vehicle offered for sale in violation of s.
 1055 320.28.

1056 9. Any motor vehicle used during the course of committing
 1057 an offense in violation of s. 322.34(9)(a).

1058 10. Any photograph, film, or other recorded image,
 1059 including an image recorded on videotape, a compact disc,
 1060 digital tape, or fixed disk, that is recorded in violation of s.
 1061 810.145 and is possessed for the purpose of amusement,
 1062 entertainment, sexual arousal, gratification, or profit, or for
 1063 the purpose of degrading or abusing another person.

1064 11. Any real property, including any right, title,
 1065 leasehold, or other interest in the whole of any lot or tract of
 1066 land, which is acquired by proceeds obtained as a result of
 1067 Medicaid fraud under s. 409.920 or s. 409.9201; any personal
 1068 property, including, but not limited to, equipment, money,
 1069 securities, books, records, research, negotiable instruments, or
 1070 currency; or any vessel, aircraft, item, object, tool,
 1071 substance, device, weapon, machine, or vehicle of any kind in
 1072 the possession of or belonging to any person which is acquired
 1073 by proceeds obtained as a result of Medicaid fraud under s.
 1074 409.920 or s. 409.9201.

1075 12. Any personal property, including, but not limited to,

1076 any vehicle, item, object, tool, device, weapon, machine, money,
1077 security, book, or record, that is used or attempted to be used
1078 as an instrumentality in the commission of, or in aiding and
1079 abetting in the commission of, a person's third or subsequent
1080 violation of s. 509.144, whether or not comprising an element of
1081 the offense.

1082 Section 13. The Division of Law Revision shall prepare a
1083 reviser's bill effective July 1, 2022, to replace references to
1084 the Division of Pari-mutuel Wagering and references to the
1085 Department of Business and Professional Regulation relating to
1086 gaming with references to the Florida Gaming Control Commission
1087 to conform the Florida Statutes to the transfer described in
1088 section 11 of this act.

1089 Section 14. (1) For the 2021-2022 fiscal year, the sum of
1090 \$2 million in nonrecurring funds from the General Revenue Fund
1091 is appropriated and 15 positions with associated salary rate of
1092 1,250,000 are authorized to the Florida Gaming Control
1093 Commission for the purposes of implementing this act. These
1094 funds shall support five commissioners, an executive director,
1095 general counsel, and other agency personnel as needed. The funds
1096 shall cover all expenditures of the commission including, but
1097 not limited to, salaries and benefits, travel, background
1098 investigations, and fingerprinting fees.

1099 (2) For the 2021-2022 fiscal year, the sum of \$100,000 in
1100 nonrecurring funds from the General Revenue Fund is appropriated

1101 to the Department of Business and Professional Regulation for
1102 administrative support related to the Florida Gaming Control
1103 Commission. The Department of Business and Professional
1104 Regulation shall provide administrative support to the Florida
1105 Gaming Control Commission during the 2021-2022 fiscal year,
1106 including, but not limited to, human resource management,
1107 accounting, and budgeting.

1108 Section 15. (1) The Department of Business and
1109 Professional Regulation in coordination with the Department of
1110 Legal Affairs and the Department of Management Services shall
1111 establish a working group to prepare the Florida Gaming Control
1112 Commission's legislative budget request for fiscal year 2022-
1113 2023 to be submitted by the Department of Business and
1114 Professional Regulation. The working group shall develop
1115 estimates for the amount of money needed for administration of
1116 the commission, including, but not limited to, costs relating to
1117 overall staffing and administrative support; infrastructure and
1118 office space; integration of technology systems and data needs
1119 and transfers; law enforcement accreditation, staffing, and
1120 training; organizational structure; and other matters deemed
1121 necessary or appropriate by the working group to assure the
1122 seamless establishment of the commission and orderly transition
1123 of the duties and responsibilities under the transfer described
1124 in section 11 of this act.

1125 (2) This section shall take effect upon this act becoming

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1126 | a law.

1127 | Section 16. If any law amended by this act was also
1128 | amended by a law enacted during the 2021 Regular Session of the
1129 | Legislature, such laws shall be construed as if they had been
1130 | enacted during the same session of the Legislature and full
1131 | effect shall be given to each if possible.

1132 | Section 17. Except as otherwise expressly provided in this
1133 | act and except for this section, which shall take effect upon
1134 | becoming a law, this act shall take effect on the same date that
1135 | HB 1A or similar legislation takes effect, if such legislation
1136 | is adopted in the same legislative session or an extension
1137 | thereof and becomes a law.