

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 or requiring the Governor to remove  
10 members of the commission under certain circumstances;  
11 providing 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. The Governor must consider appointees who  
188 reflect Florida's racial, ethnic, and gender diversity. Of the  
189 initial five members appointed by the Governor and immediately  
190 upon appointment, the Governor shall appoint one of the members  
191 as the initial chair and one of the members as the initial vice  
192 chair. At the end of the initial chair's and vice chair's terms  
193 pursuant to subparagraph 1., the commission shall elect one of  
194 the members of the commission as chair and one of the members of  
195 the commission as vice chair.

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

200 2. Of the five members, at least one member must have at



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

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

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

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

224 (d) Upon the resignation or removal from office of a  
225 member of the commission, the Governor shall appoint a successor

226 pursuant to paragraph (a) who, subject to confirmation by the  
 227 Senate, shall serve the remainder of the unfinished term.

228 (3) REQUIREMENTS FOR APPOINTMENT; PROHIBITIONS.—

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

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

239 1. Any person who holds a permit or license issued under  
 240 chapter 550, or a license issued under chapter 551 or chapter  
 241 849; an officer, official, or employee of such permitholder or  
 242 licensee; or an ultimate equitable owner, as defined in s.  
 243 550.002(37), of such permitholder or licensee;

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

250 or

251 3. Any registered lobbyist for the executive or  
252 legislative branch who represents any person or entity  
253 identified in subparagraph 1. or subparagraph 2.

254 (4) EXECUTIVE DIRECTOR.—

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

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

271 (c) The executive director shall maintain headquarters in  
272 and reside in Leon County.

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

276 (5) INSPECTOR GENERAL.—The chair of the commission shall  
 277 appoint an inspector general who shall perform the duties of an  
 278 inspector general under s. 20.055.

279 Section 3. Section 16.711, Florida Statutes, is created to  
 280 read:

281 16.711 Division of Gaming Enforcement; creation; duties.—

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

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

290 (3) The director and all investigators employed by the  
 291 division must meet the requirements for employment and  
 292 appointment provided by s. 943.13 and must be certified as law  
 293 enforcement officers, as defined in s. 943.10(1). The director  
 294 and such investigators shall be designated law enforcement  
 295 officers and shall have the power to detect, apprehend, and  
 296 arrest for any alleged violation of chapter 24, part II of  
 297 chapter 285, chapter 546, chapter 550, chapter 551, or chapter  
 298 849, or any rule adopted pursuant thereto, or any law of this  
 299 state. Such law enforcement officers may enter upon any premises  
 300 at which gaming activities are taking place in the state for the

301 performance of their lawful duties and may take with them any  
302 necessary equipment, and such entry does not constitute a  
303 trespass. In any instance in which there is reason to believe  
304 that a violation has occurred, such officers have the authority,  
305 without warrant, to search and inspect any premises where the  
306 violation is alleged to have occurred or is occurring. Any such  
307 officer may, consistent with the United States and Florida  
308 Constitutions, seize or take possession of any papers, records,  
309 tickets, currency, or other items related to any alleged  
310 violation. Investigators employed by the division shall also  
311 have access to, and shall have the right to inspect, premises  
312 licensed by the commission, to collect taxes and remit them to  
313 the officer entitled to them, and to examine the books and  
314 records of all persons licensed by the commission.

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

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

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

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

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

341       16.712 Florida Gaming Control Commission authorizations,  
 342 duties, and responsibilities.-

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

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

351 Constitution.

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

355 (c) Ensure that the laws of this state are not interpreted  
356 in any manner that expands the activities authorized in chapter  
357 24, part II of chapter 285, chapter 546, chapter 550, chapter  
358 551, or chapter 849.

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

369 (e) Evaluate, as the state compliance agency or as the  
370 commission, information that is reported by sports governing  
371 bodies or other parties to the commission related to any  
372 abnormal betting activity or patterns that may indicate a  
373 concern about the integrity of a sports event or events; any  
374 other conduct with the potential to corrupt a betting outcome of  
375 a sports event for purposes of financial gain, including, but

376 not limited to, match fixing; suspicious or illegal wagering  
377 activities, including the use of funds derived from illegal  
378 activity, wagers to conceal or launder funds derived from  
379 illegal activity, use of agents to place wagers, or use of false  
380 identification; and the use of data deemed unacceptable by the  
381 commission or the Seminole Tribal Gaming Commission, and provide  
382 reasonable notice to state and local law enforcement, the  
383 Seminole Tribal Gaming Commission, and any appropriate sports  
384 governing body of nonproprietary information that may warrant  
385 further investigation by such entities to ensure integrity of  
386 wagering activities in the state.

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

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

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

396 (i) Receive and review violations reported by a state or  
397 local law enforcement agency, the Department of Law Enforcement,  
398 the Department of Legal Affairs, the Department of Agriculture  
399 and Consumer Services, the Department of Business and  
400 Professional Regulation, the Department of the Lottery, the



401 Seminole Tribe of Florida, or any person licensed under chapter  
402 24, part II of chapter 285, chapter 550, chapter 551, or chapter  
403 849 and determine whether such violation is appropriate for  
404 referral to the Office of Statewide Prosecution.

405 (j) Refer criminal violations of chapter 24, part II of  
406 chapter 285, chapter 546, chapter 550, chapter 551, or chapter  
407 849 to the appropriate state attorney or to the Office of  
408 Statewide Prosecution, as applicable.

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

411 (2) (a) The commission may adopt rules to implement this  
412 section.

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

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

423 (3) By December 1 of each year, the commission shall make  
424 an annual report to the Governor, the President of the Senate,  
425 and the Speaker of the House of Representatives. The report

426 must, at a minimum, include all of the following:

427 (a) Recent events in the gaming industry, including  
428 pending litigation, pending facility license applications, and  
429 new and pending rules.

430 (b) Actions of the commission relative to the  
431 implementation and administration of this section.

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

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

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

442 (f) A summary of disciplinary actions taken by the  
443 commission.

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

445 (h) A summary of actions taken and investigations  
446 conducted by the commission.

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

451       (4) The commission shall develop a legislative budget  
452 request pursuant to chapter 216 annually. The budget is not  
453 subject to change by the Department of Legal Affairs or the  
454 Attorney General, but it shall be submitted by the Department of  
455 Legal Affairs to the Governor for transmittal to the  
456 Legislature.

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

461       (6) The commission shall exercise all of its regulatory  
462 and executive powers and shall apply, construe, and interpret  
463 all laws and administrative rules in a manner consistent with  
464 the gaming compact ratified, approved, and described in s.  
465 285.710(3).

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

472       Section 5. Section 16.713, Florida Statutes, is created to  
473 read:

474       16.713 Florida Gaming Control Commission; appointment and  
475 employment restrictions.-

476 (1) PERSONS INELIGIBLE FOR APPOINTMENT TO THE COMMISSION.—

477 All of the following people are ineligible for appointment to  
 478 the commission:

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

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

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

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

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

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

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

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

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

510 3. Be a registered lobbyist for the executive or  
 511 legislative branch, except while a commissioner or an employee  
 512 of the commission when officially representing the commission;  
 513 or

514 4. Be a bingo game operator or an employee of a bingo game  
 515 operator.

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

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

526 2. Any officer, official, employee, or other person with  
 527 duties or responsibilities relating to a gaming operation owned  
 528 by an Indian tribe that has a valid and active compact with the  
 529 state; any contractor or subcontractor of such tribe or an  
 530 entity employed, licensed, or contracted by such tribe; or any  
 531 ultimate equitable owner, as defined in s. 550.002(37), of such  
 532 entity.

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

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

550 (3) PERSONS INELIGIBLE FOR EMPLOYMENT WITH THE

551 COMMISSION.—

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

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

575 (4) NOTIFICATION REQUIREMENTS.—

576 (a) A commissioner or an employee of the commission must  
577 notify the commission within 3 calendar days after arrest for  
578 any offense.

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

583 1. A misdemeanor involving gambling, dishonesty, theft, or  
584 fraud;

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

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

591 Section 6. Section 16.714, Florida Statutes, is created to  
592 read:

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

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



601 level 2 background screening necessary, including applicants for  
 602 employment. The commission shall reimburse the Department of Law  
 603 Enforcement for the actual costs of such investigations.

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

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

619 Section 7. Section 16.715, Florida Statutes, is created to  
 620 read:

621 16.715 Florida Gaming Control Commission standards of  
 622 conduct; ex parte communications.—

623 (1) STANDARDS OF CONDUCT.—

624 (a) In addition to the provisions of part III of chapter  
 625 112, which is applicable to commissioners on and employees with

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

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

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

651 regulatory agencies that organized the conference or is a  
652 speaker at the conference. It is not a violation of this  
653 subparagraph for a commissioner or an employee to attend a  
654 conference for which conference participants who are employed by  
655 a person regulated by the commission have paid a higher  
656 conference registration fee than the commissioner or employee,  
657 or to attend a meal or event that is generally available to all  
658 conference participants without payment of any fees in addition  
659 to the conference fee and that is sponsored, in whole or in  
660 part, by a person regulated by the commission.

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

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

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

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

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

701 first resigning from office.

702 7. A commissioner, during his or her term of office, may  
703 not make any public comment regarding the merits of any  
704 proceeding under ss. 120.569 and 120.57 currently pending before  
705 the commission.

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

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

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

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

724 (c) A commissioner or an employee of the commission must  
725 annually complete at least 4 hours of ethics training that

726 addresses, at a minimum, s. 8, Art. II of the State  
727 Constitution, the Code of Ethics for Public Officers and  
728 Employees, and the public records and public meetings laws of  
729 this state. This requirement may be satisfied by completion of a  
730 continuing legal education class or other continuing  
731 professional education class, seminar, or presentation, if the  
732 required subjects are covered.

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

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

751 2. If the Commission on Ethics determines that the person  
 752 gave or provided a prohibited thing, the person may not appear  
 753 before the commission or otherwise represent anyone before the  
 754 commission for a period of 2 years.

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

760 (2) FORMER COMMISSIONERS AND EMPLOYEES.—

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

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

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

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

785        3. Be a bingo game operator or an employee of a bingo game  
786 operator.

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

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

795        2. Be a bingo game operator or an employee of a bingo game  
796 operator.

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



801 of an amount equal to the compensation which the person receives  
802 for the prohibited conduct.

803 (3) EX PARTE COMMUNICATIONS.—

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

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

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

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

819 (c) If a commissioner knowingly receives an ex parte  
820 communication relative to a proceeding to which the commissioner  
821 is assigned, the commissioner must place on the record of the  
822 proceeding copies of all written communications received, all  
823 written responses to the communications, and a memorandum  
824 stating the substance of all oral communications received and  
825 all oral responses made, and shall give written notice to all

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

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

845 (e) Any commissioner who knowingly fails to place on the  
846 record any such communications, in violation of this subsection,  
847 within 15 days after the date of such communication is subject  
848 to removal and may be assessed a civil penalty not to exceed  
849 \$5,000.

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

851 receive and investigate sworn complaints of violations of this  
852 subsection pursuant to the procedures contained in ss. 112.322-  
853 112.3241.

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

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

872 4. If, during the course of an investigation by the  
873 Commission on Ethics into an alleged violation of this  
874 subsection, allegations are made as to the identity of the  
875 person who participated in the ex parte communication, that

876 | person must be given notice and an opportunity to participate in  
 877 | the investigation and relevant proceedings to present a defense.  
 878 | If the Commission on Ethics determines that the person  
 879 | participated in the ex parte communication, the person may not  
 880 | appear before the commission or otherwise represent anyone  
 881 | before the commission for a period of 2 years.

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

885 |       20.055 Agency inspectors general.—

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

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

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

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

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

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

916 (b) Assess the reliability and validity of the information  
 917 provided by the state agency on performance measures and  
 918 standards, and make recommendations for improvement, if  
 919 necessary, before submission of such information pursuant to s.  
 920 216.1827.

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

924 (d) Provide direction for, supervise, and coordinate  
 925 audits, investigations, and management reviews relating to the

926 | programs and operations of the state agency, except that when  
927 | the inspector general does not possess the qualifications  
928 | specified in subsection (4), the director of auditing shall  
929 | conduct such audits.

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

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

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

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

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

951 (j) Comply with the General Principles and Standards for  
 952 Offices of Inspector General as published and revised by the  
 953 Association of Inspectors General.

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

957 20.165 Department of Business and Professional  
 958 Regulation.—There is created a Department of Business and  
 959 Professional Regulation.

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

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

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

966 285.710 Compact authorization.—

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

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

973 (7) The Florida Gaming Control Commission ~~The Division of~~  
 974 ~~Pari-mutuel Wagering of the Department of Business and~~  
 975 ~~Professional Regulation~~ is designated as the state compliance

976 agency having the authority to carry out the state's oversight  
977 responsibilities under the compact authorized by this section.

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

994       (2) Notwithstanding chapter 60L-34, Florida Administrative  
995 Code, or any law to the contrary, employees who are transferred  
996 from the Department of Business and Professional Regulation to  
997 the Florida Gaming Control Commission within the Department of  
998 Legal Affairs, Office of the Attorney General, to fill positions  
999 transferred by this act retain and transfer any accrued annual  
1000 leave, sick leave, and regular and special compensatory leave



1001 balances.

1002 (3) Effective July 1, 2022, the Pari-mutuel Wagering Trust

1003 Fund under s. 455.116, Florida Statutes, is transferred from the

1004 Department of Business and Professional Regulation to the

1005 Florida Gaming Control Commission.

1006 Section 12. Paragraph (a) of subsection (2) of section

1007 932.701, Florida Statutes, is amended to read:

1008 932.701 Short title; definitions.—

1009 (2) As used in the Florida Contraband Forfeiture Act:

1010 (a) "Contraband article" means:

1011 1. Any controlled substance as defined in chapter 893 or

1012 any substance, device, paraphernalia, or currency or other means

1013 of exchange that was used, was attempted to be used, or was

1014 intended to be used in violation of any provision of chapter

1015 893, if the totality of the facts presented by the state is

1016 clearly sufficient to meet the state's burden of establishing

1017 probable cause to believe that a nexus exists between the

1018 article seized and the narcotics activity, whether or not the

1019 use of the contraband article can be traced to a specific

1020 narcotics transaction.

1021 2. Any equipment, gambling device, apparatus, material of

1022 gaming, proceeds, substituted proceeds, real or personal

1023 property, Internet domain name, gambling paraphernalia, lottery

1024 tickets, money, currency, or other means of exchange which was

1025 obtained, received, used, ~~was~~ attempted to be used, or intended

1026 to be used in violation of the gambling laws of the state,  
 1027 including any violation of chapter 24, part II of chapter 285,  
 1028 chapter 546, chapter 550, chapter 551, or chapter 849.

1029 3. Any equipment, liquid or solid, which was being used,  
 1030 is being used, was attempted to be used, or intended to be used  
 1031 in violation of the beverage or tobacco laws of the state.

1032 4. Any motor fuel upon which the motor fuel tax has not  
 1033 been paid as required by law.

1034 5. Any personal property, including, but not limited to,  
 1035 any vessel, aircraft, item, object, tool, substance, device,  
 1036 weapon, machine, vehicle of any kind, money, securities, books,  
 1037 records, research, negotiable instruments, or currency, which  
 1038 was used or was attempted to be used as an instrumentality in  
 1039 the commission of, or in aiding or abetting in the commission  
 1040 of, any felony, whether or not comprising an element of the  
 1041 felony, or which is acquired by proceeds obtained as a result of  
 1042 a violation of the Florida Contraband Forfeiture Act.

1043 6. Any real property, including any right, title,  
 1044 leasehold, or other interest in the whole of any lot or tract of  
 1045 land, which was used, is being used, or was attempted to be used  
 1046 as an instrumentality in the commission of, or in aiding or  
 1047 abetting in the commission of, any felony, or which is acquired  
 1048 by proceeds obtained as a result of a violation of the Florida  
 1049 Contraband Forfeiture Act.

1050 7. Any personal property, including, but not limited to,

1051 equipment, money, securities, books, records, research,  
 1052 negotiable instruments, currency, or any vessel, aircraft, item,  
 1053 object, tool, substance, device, weapon, machine, or vehicle of  
 1054 any kind in the possession of or belonging to any person who  
 1055 takes aquaculture products in violation of s. 812.014(2)(c).

1056 8. Any motor vehicle offered for sale in violation of s.  
 1057 320.28.

1058 9. Any motor vehicle used during the course of committing  
 1059 an offense in violation of s. 322.34(9)(a).

1060 10. Any photograph, film, or other recorded image,  
 1061 including an image recorded on videotape, a compact disc,  
 1062 digital tape, or fixed disk, that is recorded in violation of s.  
 1063 810.145 and is possessed for the purpose of amusement,  
 1064 entertainment, sexual arousal, gratification, or profit, or for  
 1065 the purpose of degrading or abusing another person.

1066 11. Any real property, including any right, title,  
 1067 leasehold, or other interest in the whole of any lot or tract of  
 1068 land, which is acquired by proceeds obtained as a result of  
 1069 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
 1070 property, including, but not limited to, equipment, money,  
 1071 securities, books, records, research, negotiable instruments, or  
 1072 currency; or any vessel, aircraft, item, object, tool,  
 1073 substance, device, weapon, machine, or vehicle of any kind in  
 1074 the possession of or belonging to any person which is acquired  
 1075 by proceeds obtained as a result of Medicaid fraud under s.

1076 409.920 or s. 409.9201.

1077 12. Any personal property, including, but not limited to,  
1078 any vehicle, item, object, tool, device, weapon, machine, money,  
1079 security, book, or record, that is used or attempted to be used  
1080 as an instrumentality in the commission of, or in aiding and  
1081 abetting in the commission of, a person's third or subsequent  
1082 violation of s. 509.144, whether or not comprising an element of  
1083 the offense.

1084 Section 13. The Division of Law Revision shall prepare a  
1085 reviser's bill effective July 1, 2022, to replace references to  
1086 the Division of Pari-mutuel Wagering and references to the  
1087 Department of Business and Professional Regulation relating to  
1088 gaming with references to the Florida Gaming Control Commission  
1089 to conform the Florida Statutes to the transfer described in  
1090 section 11 of this act.

1091 Section 14. (1) For the 2021-2022 fiscal year, the sum of  
1092 \$2 million in nonrecurring funds from the General Revenue Fund  
1093 is appropriated and 15 positions with associated salary rate of  
1094 1,250,000 are authorized to the Florida Gaming Control  
1095 Commission for the purposes of implementing this act. These  
1096 funds shall support five commissioners, an executive director,  
1097 general counsel, and other agency personnel as needed. The funds  
1098 shall cover all expenditures of the commission including, but  
1099 not limited to, salaries and benefits, travel, background  
1100 investigations, and fingerprinting fees.

1101        (2) For the 2021-2022 fiscal year, the sum of \$100,000 in  
1102 nonrecurring funds from the General Revenue Fund is appropriated  
1103 to the Department of Business and Professional Regulation for  
1104 administrative support related to the Florida Gaming Control  
1105 Commission. The Department of Business and Professional  
1106 Regulation shall provide administrative support to the Florida  
1107 Gaming Control Commission during the 2021-2022 fiscal year,  
1108 including, but not limited to, human resource management,  
1109 accounting, and budgeting.

1110        Section 15. (1) The Department of Business and  
1111 Professional Regulation in coordination with the Department of  
1112 Legal Affairs and the Department of Management Services shall  
1113 establish a working group to prepare the Florida Gaming Control  
1114 Commission's legislative budget request for fiscal year 2022-  
1115 2023 to be submitted by the Department of Business and  
1116 Professional Regulation. The working group shall develop  
1117 estimates for the amount of money needed for administration of  
1118 the commission, including, but not limited to, costs relating to  
1119 overall staffing and administrative support; infrastructure and  
1120 office space; integration of technology systems and data needs  
1121 and transfers; law enforcement accreditation, staffing, and  
1122 training; organizational structure; and other matters deemed  
1123 necessary or appropriate by the working group to assure the  
1124 seamless establishment of the commission and orderly transition  
1125 of the duties and responsibilities under the transfer described

1126 | in section 11 of this act.

1127 |       (2) This section shall take effect upon this act becoming  
1128 | a law.

1129 |       Section 16. If any law amended by this act was also  
1130 | amended by a law enacted during the 2021 Regular Session of the  
1131 | Legislature, such laws shall be construed as if they had been  
1132 | enacted during the same session of the Legislature and full  
1133 | effect shall be given to each if possible.

1134 |       Section 17. Except as otherwise expressly provided in this  
1135 | act and except for this section, which shall take effect upon  
1136 | becoming a law, this act shall take effect on the same date that  
1137 | HB 1A or similar legislation takes effect, if such legislation  
1138 | is adopted in the same legislative session or an extension  
1139 | thereof and becomes a law.