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LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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05/18/2021 12:17 PM

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Senator Hutson moved the following:

Senate Amendment (with title amendment)

Delete lines 227 - 521

and insert:

Constitution. In addition to such power, the Governor must remove a member who is convicted of or found guilty of or has pled nolo contendere to, regardless of adjudication, in any jurisdiction, a misdemeanor that directly relates to gambling, dishonesty, theft, or fraud.

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



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

14 (3) REQUIREMENTS FOR APPOINTMENT; PROHIBITIONS.-

15 (a) A person may not be appointed by the Governor to the
16 commission until a level 2 background screening pursuant to
17 chapter 435 is performed, the results are forwarded to the
18 Governor, and the Governor determines that the person meets all
19 the requirements for appointment under this section. However, a
20 person who is prohibited from being appointed under s. 16.713
21 may not be appointed by the Governor.

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

25 1. Any person that holds a permit or license issued under
26 chapter 550, or a license issued under chapter 551 or chapter
27 849; an officer, official, or employee of such permitholder or
28 licensee; or an ultimate equitable owner, as defined in s.
29 550.002(37), of such permitholder or licensee;

30 2. Any officer, official, employee, or other person with
31 duties or responsibilities relating to a gaming operation owned
32 by an Indian tribe that has a valid and active compact with the
33 state; a contractor or subcontractor of such tribe or an entity
34 employed, licensed, or contracted by such tribe; or an ultimate
35 equitable owner, as defined in s. 550.002(37), of such entity;
36 or

37 3. Any registered lobbyist for the executive or legislative
38 branch who represents any person or entity identified in
39 subparagraph 1. or subparagraph 2.

40 (4) EXECUTIVE DIRECTOR.-



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41 (a) To aid the commission in its duties, the commission
42 must appoint a person who is not a member of the commission to
43 serve as the executive director of the commission. A person may
44 not be appointed as executive director until a level 2
45 background screening pursuant to chapter 435 is performed, the
46 results are forwarded to the commission, and the commission
47 determines that the person meets all the requirements for
48 appointment as the executive director. The executive director
49 shall supervise, direct, coordinate, and administer all
50 activities necessary to fulfill the commission's
51 responsibilities. The commission must appoint the executive
52 director by April 1, 2022.

53 (b) The executive director, with the consent of the
54 commission, shall employ such staff as are necessary to
55 adequately perform the functions of the commission, within
56 budgetary limitations.

57 (c) The executive director shall maintain headquarters in
58 and reside in Leon County.

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

62 (5) INSPECTOR GENERAL.—The chair of the commission shall
63 appoint an inspector general who shall perform the duties of an
64 inspector general under s. 20.055.

65 Section 3. Section 16.711, Florida Statutes, is created to
66 read:

67 16.711 Division of Gaming Enforcement; creation; duties.—

68 (1) There is created within the Florida Gaming Control
69 Commission a Division of Gaming Enforcement. The Division of



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70 Gaming Enforcement shall be considered a criminal justice agency
71 as defined in s. 943.045.

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

76 (3) The director and all investigators employed by the
77 division must meet the requirements for employment and
78 appointment provided by s. 943.13 and must be certified as law
79 enforcement officers as defined in s. 943.10(1). The director
80 and such investigators shall be designated law enforcement
81 officers and shall have the power to detect, apprehend, and
82 arrest for any alleged violation of chapter 24, part II of
83 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
84 849, or any rule adopted pursuant thereto, or any law of this
85 state. Such law enforcement officers may enter upon any premises
86 at which gaming activities are taking place in the state for the
87 performance of their lawful duties and may take with them any
88 necessary equipment, and such entry does not constitute a
89 trespass. In any instance in which there is reason to believe
90 that a violation has occurred, such officers have the authority,
91 without warrant, to search and inspect any premises where the
92 violation is alleged to have occurred or is occurring. Any such
93 officer may, consistent with the United States and Florida
94 Constitutions, seize or take possession of any papers, records,
95 tickets, currency, or other items related to any alleged
96 violation. Investigators employed by the commission shall also
97 have access to, and shall have the right to inspect, premises
98 licensed by the commission, to collect taxes and remit them to



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99 the officer entitled to them, and to examine the books and
100 records of all persons licensed by the commission.

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

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

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

112 (5) The Department of Law Enforcement shall provide
113 assistance in obtaining criminal history information relevant to
114 investigations required for honest, secure, and exemplary gaming
115 operations, and such other assistance as may be requested by the
116 executive director of the commission and agreed to by the
117 executive director of the Department of Law Enforcement. Any
118 other state agency, including the Department of Business and
119 Professional Regulation and the Department of Revenue, shall,
120 upon request, provide the commission with any information
121 relevant to any investigation conducted pursuant to this
122 section. The commission shall reimburse any agency for the
123 actual cost of providing any assistance pursuant to this
124 subsection.

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

127 16.712 Florida Gaming Control Commission authorizations,



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128 duties, and responsibilities.-

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

130 (a) Exercise all of the regulatory and executive powers of
131 the state with respect to gambling, including, without
132 limitation thereto, pari-mutuel wagering, cardrooms, slot
133 machine facilities, oversight of gaming compacts executed by the
134 state pursuant to the Federal Indian Gaming Regulatory Act, and
135 any other forms of gambling authorized by the State Constitution
136 or law, excluding games authorized by s. 15, Art. X of the State
137 Constitution.

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

141 (c) Ensure that the laws of this state are not interpreted
142 in any manner that expands the activities authorized in chapter
143 24, part II of chapter 285, chapter 546, chapter 550, chapter
144 551, or chapter 849.

145 (d) Review the rules and regulations promulgated by the
146 Seminole Tribal Gaming Commission for the operation of sports
147 betting and propose to the Seminole Tribal Gaming Commission any
148 additional consumer protection measures it deems appropriate.
149 The proposed consumer protection measures may include, but are
150 not limited to, the types of advertising and marketing conducted
151 for sports betting, the types of procedures implemented to
152 prohibit underage persons from engaging in sports betting, and
153 the types of information, materials, and procedures needed to
154 assist patrons with compulsive or addictive gambling problems.

155 (e) Evaluate, as the state compliance agency or as the
156 commission, information that is reported by sports governing



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157 bodies or other parties to the commission related to any
158 abnormal betting activity or patterns that may indicate a
159 concern about the integrity of a sports event or events; any
160 other conduct with the potential to corrupt a betting outcome of
161 a sports event for purposes of financial gain, including, but
162 not limited to, match fixing; suspicious or illegal wagering
163 activities, including the use of funds derived from illegal
164 activity, wagers to conceal or launder funds derived from
165 illegal activity, use of agents to place wagers, or use of false
166 identification; and the use of data deemed unacceptable by the
167 commission or the Seminole Tribal Gaming Commission, and provide
168 reasonable notice to state and local law enforcement, the
169 Seminole Tribal Gaming Commission, and any appropriate sports
170 governing body of nonproprietary information that may warrant
171 further investigation by such entities to ensure the integrity
172 of wagering activities in the state.

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

175 (g) Review the regulation of licensees, permitholders, or
176 persons regulated by the Division of Pari-mutuel Wagering and
177 the procedures used by the division to implement and enforce the
178 law.

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

182 (i) Receive and review violations reported by a state or
183 local law enforcement agency, the Department of Law Enforcement,
184 the Department of Legal Affairs, the Department of Agriculture
185 and Consumer Services, the Department of Business and



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186 Professional Regulation, the Department of the Lottery, the
187 Seminole Tribe of Florida, or any person licensed under chapter
188 24, part II of chapter 285, chapter 550, chapter 551, or chapter
189 849 and determine whether such violation is appropriate for
190 referral to the Office of Statewide Prosecution.

191 (j) Refer criminal violations of chapter 24, part II of
192 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
193 849 to the appropriate state attorney or to the Office of
194 Statewide Prosecution, as applicable.

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

197 (2) (a) The commission may adopt rules to implement this
198 section.

199 (b) The commission may subpoena witnesses and compel their
200 attendance and testimony, administer oaths and affirmations,
201 take evidence, and require by subpoena the production of any
202 books, papers, records, or other items relevant to the
203 performance of the duties of the commission or to the exercise
204 of its powers.

205 (c) The commission may submit written recommendations to
206 enhance the enforcement of gaming laws of the state to the
207 Governor, the President of the Senate, and the Speaker of the
208 House of Representatives.

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

213 (a) Recent events in the gaming industry, including pending
214 litigation, pending facility license applications, and new and



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215 pending rules.

216 (b) Actions of the commission relative to the
217 implementation and administration of this section.

218 (c) The state revenues and expenses associated with each
219 form of authorized gaming. Revenues and expenses associated with
220 pari-mutuel wagering shall be further delineated by the class of
221 license.

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

224 (e) Actions of the commission as the state compliance
225 agency, and financial information published by the Office of
226 Economic and Demographic Research, relative to gaming activities
227 authorized pursuant to s. 285.710(13).

228 (f) A summary of disciplinary actions taken by the
229 commission.

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

231 (h) A summary of actions taken and investigations conducted
232 by the commission.

233 (i) Any additional information and recommendations that the
234 commission considers useful or that the Governor, the President
235 of the Senate, or the Speaker of the House of Representatives
236 requests.

237 (4) The commission shall annually develop a legislative
238 budget request pursuant to chapter 216. Such request is not
239 subject to change by the Department of Legal Affairs or the
240 Attorney General, but shall be submitted by the Department of
241 Legal Affairs to the Governor for transmittal to the
242 Legislature.

243 (5) The commission is authorized to contract or consult



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244 with appropriate agencies of state government for such
245 professional assistance as may be needed in the discharge of its
246 duties.

247 (6) The commission shall exercise all of its regulatory and
248 executive powers and shall adopt, apply, construe, and interpret
249 all laws and administrative rules in a manner consistent with
250 the gaming compact ratified, approved, and described in s.
251 285.710(3).

252 (7) The commission shall confirm, prior to the issuance of
253 an operating license, that each permitholder has submitted proof
254 with their annual application for a license, in such a form as
255 the commission may require, that the permitholder continues to
256 possess the qualifications prescribed by chapter 550, and that
257 the permit has not been disapproved by voters in an election.

258 Section 5. Section 16.713, Florida Statutes, is created to
259 read:

260 16.713 Florida Gaming Control Commission; appointment and
261 employment restrictions.-

262 (1) PERSONS INELIGIBLE FOR APPOINTMENT TO THE COMMISSION.-
263 The following persons are ineligible for appointment to the
264 commission:

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

266 (b) A person who within the previous 10 years has been
267 convicted of or found guilty of or has pled nolo contendere to,
268 regardless of adjudication, in any jurisdiction, any felony, or
269 a misdemeanor that directly related to gambling, dishonesty,
270 theft, or fraud.

271 (c) A person who has been convicted of or found guilty of
272 or pled nolo contendere to, regardless of adjudication, in any



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273 jurisdiction, a crime listed in s. 775.21(4)(a)1. or s. 776.08.

274 (d) A person who has had a license or permit issued under
275 chapter 550, chapter 551, or chapter 849 or a gaming license
276 issued by any other jurisdiction denied, suspended, or revoked.

277 (2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS
278 INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE
279 COMMISSION.-

280 (a) A person may not, for the 2 years immediately preceding
281 the date of appointment to or employment with the commission and
282 while appointed to or employed with the commission:

283 1. Hold a permit or license issued under chapter 550 or a
284 license issued under chapter 551 or chapter 849; be an officer,
285 official, or employee of such permitholder or licensee; or be an
286 ultimate equitable owner, as defined in s. 550.002(37), of such
287 permitholder or licensee;

288 2. Be an officer, official, employee, or other person with
289 duties or responsibilities relating to a gaming operation owned
290 by an Indian tribe that has a valid and active compact with the
291 state; be a contractor or subcontractor of such tribe or an
292 entity employed, licensed, or contracted by such tribe; or be an
293 ultimate equitable owner, as defined in s. 550.002(37), of such
294 entity;

295 3. Be a registered lobbyist for the executive or
296 legislative branch, except while a commissioner or employee of
297 the commission when officially representing the commission; or

298 4. Be a bingo game operator or an employee of a bingo game
299

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

301 And the title is amended as follows:



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302 Between lines 11 and 12
303 insert:
304 requiring the Governor to remove or suspend members of
305 the commission under certain circumstances;