

By Senator Hutson

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1 A bill to be entitled
2 An act relating to gaming enforcement; amending s.
3 16.56, F.S.; expanding the authority of the Office of
4 Statewide Prosecution within the Department of Legal
5 Affairs to investigate and prosecute certain crimes
6 referred by the Florida Gaming Control Commission;
7 creating s. 16.71, F.S.; creating the Florida Gaming
8 Control Commission within the Office of the Attorney
9 General; providing for membership of the commission;
10 authorizing the Governor to remove or suspend members
11 of the commission under certain circumstances;
12 providing requirements and prohibitions relating to
13 appointments; requiring the commission to appoint an
14 executive director; providing requirements and duties
15 for the executive director; requiring the chair of the
16 commission to appoint an inspector general; creating
17 s. 16.711, F.S.; creating the Division of Gaming
18 Enforcement within the commission; specifying that the
19 division shall be considered a criminal justice
20 agency; requiring the commissioners to appoint a
21 director of the division; providing requirements,
22 powers, and duties of the director and investigators;
23 authorizing the division and its investigators to
24 seize and store certain contraband; defining the term
25 "contraband"; providing construction; requiring the
26 Department of Law Enforcement to provide certain
27 assistance at the request of the division; requiring
28 the commission to reimburse agencies for the actual
29 cost of providing assistance; creating s. 16.712,

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30 F.S.; providing duties and responsibilities of the
31 commission; authorizing the commission to take
32 specified actions; requiring the commission to submit
33 an annual report to the Governor and the Legislature;
34 providing construction; creating s. 16.713, F.S.;
35 specifying that certain persons are ineligible for
36 appointment to or employment with the commission;
37 providing prohibitions for commissioners and employees
38 of the commission; defining the term "relative";
39 requiring commissioners and employees to provide
40 notice relating to certain crimes; creating s. 16.714,
41 F.S.; requiring the Department of Law Enforcement to
42 perform specified background screenings upon the
43 request of the division; requiring the commission to
44 reimburse the department; requiring the division to
45 conduct certain investigations; creating s. 16.715,
46 F.S.; providing construction; providing standards of
47 conduct for commissioners and employees of the
48 commission; requiring commissioners and employees of
49 the commission to complete specified annual training;
50 requiring the Commission on Ethics to accept and
51 investigate any alleged violations of the standards of
52 conduct for commissioners and employees; providing
53 requirements relating to such investigations;
54 requiring a report to the Governor and the
55 Legislature; authorizing a commissioner or an employee
56 of the Florida Gaming Control Commission to request an
57 advisory opinion from the Commission on Ethics;
58 prohibiting certain persons from placing wagers in a

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59 facility licensed by the Florida Gaming Control
60 Commission or by an Indian tribe that has a valid and
61 active compact with the state; providing prohibitions
62 for former commissioners and former employees of the
63 commission; providing civil penalties; defining the
64 term "ex parte communication"; providing prohibitions
65 and requirements relating to ex parte communications;
66 providing civil penalties; amending s. 20.055, F.S.;
67 revising definitions; amending s. 20.165, F.S.;
68 conforming a provision to changes made by the act;
69 amending s. 285.710, F.S.; revising the definition of
70 the term "state compliance agency"; designating the
71 commission as the state compliance agency having
72 authority to carry out certain responsibilities;
73 transferring to the commission by a type two transfer
74 all powers, duties, functions, records, offices,
75 personnel, associated administrative support
76 positions, property, pending issues, existing
77 contracts, administrative authority, administrative
78 rules, and unexpended balances of appropriations,
79 allocations, and other funds of the Department of
80 Business and Professional Regulation related to
81 certain responsibilities, effective on a specified
82 date; transferring the Pari-mutuel Wagering Trust Fund
83 to the commission, effective on a specified date;
84 amending s. 932.701, F.S.; revising the definition of
85 the term "contraband article"; providing a directive
86 to the Division of Law Revision; providing an
87 appropriation; requiring the department to provide

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88 administrative support for the commission during a
89 specified fiscal year; requiring the department, in
90 coordination with the Department of Legal Affairs and
91 the Department of Management Services, to establish a
92 working group for a specified purpose; providing
93 requirements for such working group; providing
94 construction; providing contingent effective dates.
95

96 Be It Enacted by the Legislature of the State of Florida:
97

98 Section 1. Paragraph (a) of subsection (1) of section
99 16.56, Florida Statutes, is amended to read:

100 16.56 Office of Statewide Prosecution.—

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

105 (a) Investigate and prosecute the offenses of:

106 1. Bribery, burglary, criminal usury, extortion, gambling,
107 kidnapping, larceny, murder, prostitution, perjury, robbery,
108 carjacking, home-invasion robbery, and patient brokering;

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

110 3. Any violation of the Florida RICO (Racketeer Influenced
111 and Corrupt Organization) Act, including any offense listed in
112 the definition of racketeering activity in s. 895.02(8)(a),
113 providing such listed offense is investigated in connection with
114 a violation of s. 895.03 and is charged in a separate count of
115 an information or indictment containing a count charging a
116 violation of s. 895.03, the prosecution of which listed offense

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117 may continue independently if the prosecution of the violation
118 of s. 895.03 is terminated for any reason;

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

120 5. Any violation of the Florida Antitrust Act of 1980, as
121 amended;

122 6. Any crime involving, or resulting in, fraud or deceit
123 upon any person;

124 7. Any violation of s. 847.0135, relating to computer
125 pornography and child exploitation prevention, or any offense
126 related to a violation of s. 847.0135 or any violation of
127 chapter 827 where the crime is facilitated by or connected to
128 the use of the Internet or any device capable of electronic data
129 storage or transmission;

130 8. Any violation of chapter 815;

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

132 10. Any violation of the Florida Motor Fuel Tax Relief Act
133 of 2004;

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

135 12. Any crime involving voter registration, voting, or
136 candidate or issue petition activities;

137 13. Any criminal violation of the Florida Money Laundering
138 Act;

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

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

143 16. Any criminal violation of chapter 24, part II of
144 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
145 849 referred to the Office of Statewide Prosecution by the

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146 Florida Gaming Control Commission;

147
148 or any attempt, solicitation, or conspiracy to commit any of the
149 crimes specifically enumerated above. The office shall have such
150 power only when any such offense is occurring, or has occurred,
151 in two or more judicial circuits as part of a related
152 transaction, or when any such offense is connected with an
153 organized criminal conspiracy affecting two or more judicial
154 circuits. Informations or indictments charging such offenses
155 shall contain general allegations stating the judicial circuits
156 and counties in which crimes are alleged to have occurred or the
157 judicial circuits and counties in which crimes affecting such
158 circuits or counties are alleged to have been connected with an
159 organized criminal conspiracy.

160 Section 2. Section 16.71, Florida Statutes, is created to
161 read:

162 16.71 Florida Gaming Control Commission; creation;
163 meetings; membership.-

164 (1) CREATION; MEETINGS.-

165 (a) There is created within the Department of Legal
166 Affairs, Office of the Attorney General, the Florida Gaming
167 Control Commission, hereinafter referred to as the commission.
168 The commission shall be a separate budget entity and the
169 commissioners shall serve as the agency head. The commission's
170 exercise of executive powers in the area of planning, budgeting,
171 personnel management, and purchasing shall be as provided by
172 law.

173 (b) The commission is not subject to control, supervision,
174 or direction by the Department of Legal Affairs or the Attorney

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175 General in the performance of its duties, including, but not
176 limited to, personnel, purchasing transactions involving real or
177 personal property, and budgetary matters.

178 (c) The commission shall convene at the call of its chair
179 or at the request of a majority of the members of the
180 commission. Meetings may be held via teleconference or other
181 electronic means. Three members of the commission constitute a
182 quorum, and the affirmative vote of the majority of a quorum is
183 required for any action or recommendation by the commission.
184 However, notwithstanding any other provision of law, the
185 affirmative vote of three members is required to adopt a
186 proposed rule, including an amendment to or repeal of an
187 existing rule that meets or exceeds any of the criteria in s.
188 120.54(3)(b)1. or s. 120.541(2)(a). The commission may meet in
189 any city or county of the state.

190 (2) MEMBERSHIP.—

191 (a) The commission shall consist of five members appointed
192 by the Governor, and subject to confirmation by the Senate, for
193 terms of 4 years. Members of the commission must be appointed by
194 January 1, 2022. Of the initial five members appointed by the
195 Governor, and immediately upon appointment, the Governor shall
196 appoint one of the members as the initial chair and one of the
197 members as the initial vice chair. The initial chair and initial
198 vice chair shall serve a minimum of 2 years. At the end of the
199 initial chair's and initial vice chair's terms, the commission
200 shall elect one of the members of the commission as chair and
201 one of the members of the commission as vice chair.

202 1. For the purpose of providing staggered terms, of the
203 initial appointments, two members shall be appointed to 4-year

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204 terms, two members shall be appointed to 3-year terms, and one
205 member shall be appointed to a 2-year term.

206 2. Of the five members, at least one member must have at
207 least 10 years of experience in law enforcement and criminal
208 investigations, at least one member must be a certified public
209 accountant licensed in this state with at least 10 years of
210 experience in accounting and auditing, and at least one member
211 must be an attorney admitted and authorized to practice law in
212 this state for at least the preceding 10 years.

213 3. Of the five members, each appellate district shall have
214 one member appointed from the district to the commission who is
215 a resident of the district at the time of the original
216 appointment.

217 (b) A commissioner shall serve until a successor is
218 appointed, but commissioners may not serve more than 12 years.
219 Vacancies shall be filled for the unexpired portion of the term.
220 The salary of each commissioner is equal to that paid under
221 state law to a commissioner on the Florida Public Service
222 Commission.

223 (c) The Governor shall have the same power to remove or
224 suspend commissioners as set forth in s. 7, Art. IV of the State
225 Constitution. In addition to such power, the Governor may remove
226 a member who is convicted of or found guilty of or has pled nolo
227 contendere to, regardless of adjudication, in any jurisdiction,
228 a misdemeanor that directly relates to gambling, dishonesty,
229 theft, or fraud.

230 (d) Upon the resignation or removal from office of a member
231 of the commission, the Governor shall appoint a successor
232 pursuant to paragraph (a) who, subject to confirmation by the

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233 Senate, shall serve the remainder of the unfinished term.

234 (3) REQUIREMENTS FOR APPOINTMENT; PROHIBITIONS.-

235 (a) A person may not be appointed by the Governor to the
236 commission until a level 2 background screening pursuant to
237 chapter 435 is performed, the results are forwarded to the
238 Governor, and the Governor determines that the person meets all
239 the requirements for appointment under this section. However, a
240 person who is prohibited from being appointed under s. 16.713
241 may not be appointed by the Governor.

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

245 1. Any person that holds a permit or license issued under
246 chapter 550, or a license issued under chapter 551 or chapter
247 849; an officer, official, or employee of such permitholder or
248 licensee; or an ultimate equitable owner, as defined in s.
249 550.002(37), of such permitholder or licensee;

250 2. Any officer, official, employee, or other person with
251 duties or responsibilities relating to a gaming operation owned
252 by an Indian tribe that has a valid and active compact with the
253 state; a contractor or subcontractor of such tribe or an entity
254 employed, licensed, or contracted by such tribe; or an ultimate
255 equitable owner, as defined in s. 550.002(37), of such entity;
256 or

257 3. Any registered lobbyist for the executive or legislative
258 branch who represents any person or entity identified in
259 subparagraph 1. or subparagraph 2.

260 (4) EXECUTIVE DIRECTOR.-

261 (a) To aid the commission in its duties, the commission

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262 must appoint a person who is not a member of the commission to
263 serve as the executive director of the commission. A person may
264 not be appointed as executive director until a level 2
265 background screening pursuant to chapter 435 is performed, the
266 results are forwarded to the commission, and the commission
267 determines that the person meets all the requirements for
268 appointment as the executive director. The executive director
269 shall supervise, direct, coordinate, and administer all
270 activities necessary to fulfill the commission's
271 responsibilities. The commission must appoint the executive
272 director by April 1, 2022.

273 (b) The executive director, with the consent of the
274 commission, shall employ such staff as are necessary to
275 adequately perform the functions of the commission, within
276 budgetary limitations.

277 (c) The executive director shall maintain headquarters in
278 and reside in Leon County.

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

282 (5) INSPECTOR GENERAL.—The chair of the commission shall
283 appoint an inspector general who shall perform the duties of an
284 inspector general under s. 20.055.

285 Section 3. Section 16.711, Florida Statutes, is created to
286 read:

287 16.711 Division of Gaming Enforcement; creation; duties.—

288 (1) There is created within the Florida Gaming Control
289 Commission a Division of Gaming Enforcement. The Division of
290 Gaming Enforcement shall be considered a criminal justice agency

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291 as defined in s. 943.045.

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

296 (3) The director and all investigators employed by the
297 division must meet the requirements for employment and
298 appointment provided by s. 943.13 and must be certified as law
299 enforcement officers as defined in s. 943.10(1). The director
300 and such investigators shall be designated law enforcement
301 officers and shall have the power to detect, apprehend, and
302 arrest for any alleged violation of chapter 24, part II of
303 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
304 849, or any rule adopted pursuant thereto, or any law of this
305 state. Such law enforcement officers may enter upon any premises
306 at which gaming activities are taking place in the state for the
307 performance of their lawful duties and may take with them any
308 necessary equipment, and such entry does not constitute a
309 trespass. In any instance in which there is reason to believe
310 that a violation has occurred, such officers have the authority,
311 without warrant, to search and inspect any premises where the
312 violation is alleged to have occurred or is occurring. Any such
313 officer may, consistent with the United States and Florida
314 Constitutions, seize or take possession of any papers, records,
315 tickets, currency, or other items related to any alleged
316 violation. Investigators employed by the commission shall also
317 have access to, and shall have the right to inspect, premises
318 licensed by the commission, to collect taxes and remit them to
319 the officer entitled to them, and to examine the books and

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320 records of all persons licensed by the commission.

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

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

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

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

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

347 16.712 Florida Gaming Control Commission authorizations,
348 duties, and responsibilities.-

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

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

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

361 (c) Ensure that the laws of this state are not interpreted
362 in any manner that expands the activities authorized in chapter
363 24, part II of chapter 285, chapter 546, chapter 550, chapter
364 551, or chapter 849.

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

375 (e) Evaluate, as the state compliance agency or as the
376 commission, information that is reported by sports governing
377 bodies or other parties to the commission related to any

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378 abnormal betting activity or patterns that may indicate a
379 concern about the integrity of a sports event or events; any
380 other conduct with the potential to corrupt a betting outcome of
381 a sports event for purposes of financial gain, including, but
382 not limited to, match fixing; suspicious or illegal wagering
383 activities, including the use of funds derived from illegal
384 activity, wagers to conceal or launder funds derived from
385 illegal activity, use of agents to place wagers, or use of false
386 identification; and the use of data deemed unacceptable by the
387 commission or the Seminole Tribal Gaming Commission, and provide
388 reasonable notice to state and local law enforcement, the
389 Seminole Tribal Gaming Commission, and any appropriate sports
390 governing body of nonproprietary information that may warrant
391 further investigation by such entities to ensure the integrity
392 of wagering activities in the state.

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

395 (g) Review the regulation of licensees, permitholders, or
396 persons regulated by the Division of Pari-mutuel Wagering and
397 the procedures used by the division to implement and enforce the
398 law.

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

402 (i) Receive and review violations reported by a state or
403 local law enforcement agency, the Department of Law Enforcement,
404 the Department of Legal Affairs, the Department of Agriculture
405 and Consumer Services, the Department of Business and
406 Professional Regulation, the Department of the Lottery, the

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407 Seminole Tribe of Florida, or any person licensed under chapter
408 24, part II of chapter 285, chapter 550, chapter 551, or chapter
409 849 and determine whether such violation is appropriate for
410 referral to the Office of Statewide Prosecution.

411 (j) Refer criminal violations of chapter 24, part II of
412 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
413 849 to the appropriate state attorney or to the Office of
414 Statewide Prosecution, as applicable.

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

417 (2) (a) The commission may adopt rules to implement this
418 section.

419 (b) The commission may subpoena witnesses and compel their
420 attendance and testimony, administer oaths and affirmations,
421 take evidence, and require by subpoena the production of any
422 books, papers, records, or other items relevant to the
423 performance of the duties of the commission or to the exercise
424 of its powers.

425 (c) The commission may submit written recommendations to
426 enhance the enforcement of gaming laws of the state to the
427 Governor, the President of the Senate, and the Speaker of the
428 House of Representatives.

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

433 (a) Recent events in the gaming industry, including pending
434 litigation, pending facility license applications, and new and
435 pending rules.

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436 (b) Actions of the commission relative to the
437 implementation and administration of this section.

438 (c) The state revenues and expenses associated with each
439 form of authorized gaming. Revenues and expenses associated with
440 pari-mutuel wagering shall be further delineated by the class of
441 license.

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

444 (e) Actions of the commission as the state compliance
445 agency, and financial information published by the Office of
446 Economic and Demographic Research, relative to gaming activities
447 authorized pursuant to s. 285.710(13).

448 (f) A summary of disciplinary actions taken by the
449 commission.

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

451 (h) A summary of actions taken and investigations conducted
452 by the commission.

453 (i) Any additional information and recommendations that the
454 commission considers useful or that the Governor, the President
455 of the Senate, or the Speaker of the House of Representatives
456 requests.

457 (4) The commission shall annually develop a legislative
458 budget request pursuant to chapter 216. Such request is not
459 subject to change by the Department of Legal Affairs or the
460 Attorney General, but shall be submitted by the Department of
461 Legal Affairs to the Governor for transmittal to the
462 Legislature.

463 (5) The commission is authorized to contract or consult
464 with appropriate agencies of state government for such

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465 professional assistance as may be needed in the discharge of its
466 duties.

467 (6) The commission shall exercise all of its regulatory and
468 executive powers and shall adopt, apply, construe, and interpret
469 all laws and administrative rules in a manner consistent with
470 the gaming compact ratified, approved, and described in s.
471 285.710(3).

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

478 Section 5. Section 16.713, Florida Statutes, is created to
479 read:

480 16.713 Florida Gaming Control Commission; appointment and
481 employment restrictions.-

482 (1) PERSONS INELIGIBLE FOR APPOINTMENT TO THE COMMISSION.-
483 The following persons are ineligible for appointment to the
484 commission:

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

486 (b) A person who within the previous 10 years has been
487 convicted of or found guilty of or has pled nolo contendere to,
488 regardless of adjudication, in any jurisdiction, any felony, or
489 a misdemeanor that directly related to gambling, dishonesty,
490 theft, or fraud.

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

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

497 (2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS
498 INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE
499 COMMISSION.—

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

503 1. Hold a permit or license issued under chapter 550 or a
504 license issued under chapter 551 or chapter 849; be an officer,
505 official, or employee of such permitholder or licensee; or be an
506 ultimate equitable owner, as defined in s. 550.002(37), of such
507 permitholder or licensee;

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

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

516 4. Be a registered lobbyist for the executive or
517 legislative branch, except while a commissioner when officially
518 representing the commission; or

519 5. Be a bingo game operator or an employee of a bingo game
520 operator.

521 (b) A person is ineligible for appointment to or employment
522 with the commission if, within the 2 years immediately preceding

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523 such appointment or employment, he or she violated paragraph (a)
524 or solicited or accepted employment with, acquired any direct or
525 indirect interest in, or had any direct or indirect business
526 association, partnership, or financial relationship with, or is
527 a relative of:

528 1. Any person or entity who is an applicant, licensee, or
529 registrant with the Division of Pari-mutuel Wagering or the
530 commission; or

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

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

548
549 For the purposes of this subsection, the term "relative" means a
550 spouse, father, mother, son, daughter, grandfather, grandmother,
551 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-

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552 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
553 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
554 stepbrother, stepsister, half-brother, or half-sister.

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

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

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

579 (4) NOTIFICATION REQUIREMENTS.—

580 (a) A commissioner or an employee of the commission must

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581 notify the commission within 3 calendar days after arrest for
582 any offense.

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

587 1. A misdemeanor involving gambling, dishonesty, theft, or
588 fraud;

589 2. A violation of any law in any state, or a law of the
590 United States or any other jurisdiction, involving gambling,
591 dishonesty, theft, or fraud which would constitute a misdemeanor
592 under the laws of this state; or

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

595 Section 6. Section 16.714, Florida Statutes, is created to
596 read:

597 16.714 Florida Gaming Control Commission background
598 screening requirements; investigations by the Division of Gaming
599 Enforcement.—

600 (1) LEVEL 2 BACKGROUND SCREENINGS.—The Department of Law
601 Enforcement shall, at the request of the Division of Gaming
602 Enforcement, perform a level 2 background screening pursuant to
603 chapter 435 on an employee of the division and on any other
604 employee of the commission for which the commission deems a
605 level 2 background screening necessary, including applicants for
606 employment. The commission shall reimburse the Department of Law
607 Enforcement for the actual costs of such investigations.

608 (2) LEVEL 1 BACKGROUND SCREENINGS.—The Department of Law
609 Enforcement shall, at the request of the division, perform a

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610 level 1 background screening pursuant to chapter 435 on any
611 employee of the commission, including applicants for employment,
612 who is not listed in subsection (1).

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

623 Section 7. Section 16.715, Florida Statutes, is created to
624 read:

625 16.715 Florida Gaming Control Commission standards of
626 conduct; ex parte communications.—

627 (1) STANDARDS OF CONDUCT.—

628 (a) In addition to the provisions of part III of chapter
629 112, which is applicable to commissioners on and employees with
630 the Florida Gaming Control Commission by virtue of their being
631 public officers and public employees, the conduct of
632 commissioners and employees shall be governed by the standards
633 of conduct provided in this subsection. Nothing shall prohibit
634 the standards of conduct from being more restrictive than part
635 III of chapter 112. Further, this subsection may not be
636 construed to contravene the restrictions of part III of chapter
637 112. In the event of a conflict between this subsection and part
638 III of chapter 112, the more restrictive provision shall apply.

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

645 2. A commissioner or an employee may attend conferences,
646 along with associated meals and events that are generally
647 available to all conference participants, without payment of any
648 fees in addition to the conference fee. Additionally, while
649 attending a conference, a commissioner or an employee may attend
650 meetings, meals, or events that are not sponsored, in whole or
651 in part, by any representative of any person regulated by the
652 commission and that are limited to commissioners or employees
653 only, committee members, or speakers if the commissioner or
654 employee is a member of a committee of the association of
655 regulatory agencies which organized the conference or is a
656 speaker at the conference. It is not a violation of this
657 subparagraph for a commissioner or an employee to attend a
658 conference for which conference participants who are employed by
659 a person regulated by the commission have paid a higher
660 conference registration fee than the commissioner or employee,
661 or to attend a meal or event that is generally available to all
662 conference participants without payment of any fees in addition
663 to the conference fee and that is sponsored, in whole or in
664 part, by a person regulated by the commission.

665 3. While employed, and for 2 years after service as a
666 commissioner or for 2 years after employment with the
667 commission, a commissioner or an employee may not accept any

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668 form of employment with or engage in any business activity with
669 any business entity that, either directly or indirectly, owns or
670 controls any person regulated by the commission; any person
671 regulated by the commission; or any business entity that, either
672 directly or indirectly, is an affiliate or subsidiary of any
673 person regulated by the commission.

674 4. While employed, and for 2 years after service as a
675 commissioner or for 2 years after employment with the
676 commission, a commissioner, an employee, or a relative living in
677 the same household as a commissioner or an employee may not have
678 any financial interest, other than shares in a mutual fund, in
679 any person regulated by the commission; in any business entity
680 that, either directly or indirectly, owns or controls any person
681 regulated by the commission; or in any business entity that,
682 either directly or indirectly, is an affiliate or a subsidiary
683 of any person regulated by the commission. If a commissioner, an
684 employee, or a relative living in the same household as a
685 commissioner or an employee acquires any financial interest
686 prohibited by this subsection during the commissioner's term of
687 office or the employee's employment with the commission as a
688 result of events or actions beyond the commissioner's, the
689 employee's, or the relative's control, he or she shall
690 immediately sell such financial interest. For the purposes of
691 this subsection, the term "relative" has the same meaning as in
692 s. 16.713(2) (b).

693 5. A commissioner or an employee may not accept anything
694 from a party in a proceeding currently pending before the
695 commission. If, during the course of an investigation by the
696 Commission on Ethics into an alleged violation of this

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697 paragraph, allegations are made as to the identity of the person
698 giving or providing the prohibited gift, that person must be
699 given notice and an opportunity to participate in the
700 investigation and relevant proceedings to present a defense. If
701 the Commission on Ethics determines that the person gave or
702 provided a prohibited gift, the person may not appear before the
703 commission or otherwise represent anyone before the commission
704 for a period of 2 years.

705 6. A commissioner may not serve as the representative of
706 any political party or on any executive committee or other
707 governing body of a political party; serve as an executive
708 officer or employee of any political party, committee,
709 organization, or association; receive remuneration for
710 activities on behalf of any candidate for public office; engage
711 on behalf of any candidate for public office in the solicitation
712 of votes or other activities on behalf of such candidacy; or
713 become a candidate for election to any public office without
714 first resigning from office.

715 7. A commissioner, during his or her term of office, may
716 not make any public comment regarding the merits of any
717 proceeding under ss. 120.569 and 120.57 currently pending before
718 the commission.

719 8. A commissioner or an employee may not act in an
720 unprofessional manner at any time during the performance of
721 official duties.

722 9. A commissioner or an employee must avoid impropriety in
723 all activities and must act at all times in a manner that
724 promotes public confidence in the integrity and impartiality of
725 the commission.

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726 10. A commissioner or an employee may not directly or
727 indirectly, through staff or other means, solicit anything of
728 value from any person regulated by the commission, or from any
729 business entity that, whether directly or indirectly, is an
730 affiliate or a subsidiary of any person regulated by the
731 commission, or from any party appearing in a proceeding
732 considered by the commission in the last 2 years.

733 11. A commissioner may not lobby the Governor or any agency
734 of the state, members or employees of the Legislature, or any
735 county or municipal government or governmental agency except to
736 represent the commission in an official capacity.

737 (c) A commissioner or an employee of the commission must
738 annually complete at least 4 hours of ethics training that
739 addresses, at a minimum, s. 8, Art. II of the State
740 Constitution, the Code of Ethics for Public Officers and
741 Employees, and the public records and public meetings laws of
742 this state. This requirement may be satisfied by completion of a
743 continuing legal education class or other continuing
744 professional education class, seminar, or presentation, if the
745 required subjects are covered.

746 (d) The Commission on Ethics shall accept and investigate
747 any alleged violations of this subsection pursuant to the
748 procedures contained in ss. 112.322-112.3241. The Commission on
749 Ethics shall provide the Governor, the President of the Senate,
750 and the Speaker of the House of Representatives with a report of
751 its findings and recommendations. The Governor is authorized to
752 enforce the findings and recommendations of the Commission on
753 Ethics, pursuant to part III of chapter 112. A commissioner or
754 an employee of the commission may request an advisory opinion

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755 from the Commission on Ethics, pursuant to s. 112.322(3)(a),
756 regarding the standards of conduct or prohibitions set forth in
757 this section or s. 16.71.

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

763 (2) FORMER COMMISSIONERS AND EMPLOYEES.—

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

771 (b) A commissioner may not, for the 2 years immediately
772 following the date of resignation or termination from the
773 commission:

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

779 2. Accept employment by or compensation from a business
780 entity that, directly or indirectly, owns or controls a person
781 regulated by the commission; from a person regulated by the
782 commission; from a business entity which, directly or
783 indirectly, is an affiliate or subsidiary of a person regulated

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784 by the commission; or from a business entity or trade
785 association that has been a party to a commission proceeding
786 within the 2 years preceding the member's resignation or
787 termination of service on the commission; or

788 3. Be a bingo game operator or an employee of a bingo game
789 operator.

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

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

798 2. Be a bingo game operator or an employee of a bingo game
799 operator.

800 (d) Any person violating paragraph (b) or paragraph (c)
801 shall be subject to the penalties for violations of standards of
802 conduct for public officers, employees of agencies, and local
803 government attorneys provided in s. 112.317 and a civil penalty
804 of an amount equal to the compensation that the person receives
805 for the prohibited conduct.

806 (3) EX PARTE COMMUNICATIONS.—

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

809 1. If it is a written or printed communication or is a
810 communication in electronic form, is not served on all parties
811 to a proceeding; or

812 2. If it is an oral communication, is made without adequate

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813 notice to the parties and without an opportunity for the parties
814 to be present and heard.

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

822 (c) If a commissioner knowingly receives an ex parte
823 communication relative to a proceeding to which the commissioner
824 is assigned, the commissioner must place on the record of the
825 proceeding copies of all written communications received, all
826 written responses to the communications, and a memorandum
827 stating the substance of all oral communications received and
828 all oral responses made, and shall give written notice to all
829 parties to the communication that such matters have been placed
830 on the record. Any party who desires to respond to an ex parte
831 communication may do so. The response must be received by the
832 commission within 10 days after receiving notice that the ex
833 parte communication has been placed on the record. The
834 commissioner may, if deemed by such commissioner to be necessary
835 to eliminate the effect of an ex parte communication, withdraw
836 from the proceeding, in which case the chair shall substitute
837 another commissioner for the proceeding.

838 (d) Any individual who makes an ex parte communication
839 shall submit to the commission a written statement describing
840 the nature of such communication, to include the name of the
841 person making the communication, the name of the commissioner or

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842 commissioners receiving the communication, copies of all written
843 communications made, all written responses to such
844 communications, and a memorandum stating the substance of all
845 oral communications received and all oral responses made. The
846 commission shall place on the record of a proceeding all such
847 communications.

848 (e) Any commissioner who knowingly fails to place on the
849 record any such communications in violation of this subsection
850 within 15 days after the date of such communication is subject
851 to removal and may be assessed a civil penalty not to exceed
852 \$5,000.

853 (f)1. It shall be the duty of the Commission on Ethics to
854 receive and investigate sworn complaints of violations of this
855 subsection pursuant to the procedures contained in ss. 112.322-
856 112.3241.

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

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

875 4. If, during the course of an investigation by the
876 Commission on Ethics into an alleged violation of this
877 subsection, allegations are made as to the identity of the
878 person who participated in the ex parte communication, that
879 person must be given notice and an opportunity to participate in
880 the investigation and relevant proceedings to present a defense.
881 If the Commission on Ethics determines that the person
882 participated in the ex parte communication, the person may not
883 appear before the commission or otherwise represent anyone
884 before the commission for a period of 2 years.

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

888 20.055 Agency inspectors general.—

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

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

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900 (d) "State agency" means each department created pursuant
901 to this chapter and the Executive Office of the Governor, the
902 Department of Military Affairs, the Fish and Wildlife
903 Conservation Commission, the Office of Insurance Regulation of
904 the Financial Services Commission, the Office of Financial
905 Regulation of the Financial Services Commission, the Public
906 Service Commission, the Board of Governors of the State
907 University System, the Florida Housing Finance Corporation, the
908 Office of Early Learning, the Florida Gaming Control Commission,
909 and the state courts system.

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

916 (a) Advise in the development of performance measures,
917 standards, and procedures for the evaluation of state agency
918 programs.

919 (b) Assess the reliability and validity of the information
920 provided by the state agency on performance measures and
921 standards, and make recommendations for improvement, if
922 necessary, before submission of such information pursuant to s.
923 216.1827.

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

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

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

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

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

945 (g) Ensure effective coordination and cooperation between
946 the Auditor General, federal auditors, and other governmental
947 bodies with a view toward avoiding duplication.

948 (h) Review, as appropriate, rules relating to the programs
949 and operations of such state agency and make recommendations
950 concerning their impact.

951 (i) Ensure that an appropriate balance is maintained
952 between audit, investigative, and other accountability
953 activities.

954 (j) Comply with the General Principles and Standards for
955 Offices of Inspector General as published and revised by the
956 Association of Inspectors General.

957 Section 9. Effective July 1, 2022, paragraph (g) of

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958 subsection (2) of section 20.165, Florida Statutes, is amended
959 to read:

960 20.165 Department of Business and Professional Regulation.—
961 There is created a Department of Business and Professional
962 Regulation.

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

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

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

969 285.710 Compact authorization.—

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

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

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

981 Section 11. (1) Effective July 1, 2022, all powers, duties,
982 functions, records, offices, personnel, associated
983 administrative support positions, property, pending issues,
984 existing contracts, administrative authority, administrative
985 rules, and unexpended balances of appropriations, allocations,
986 and other funds in the Department of Business and Professional

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987 Regulation related to the oversight responsibilities by the
988 state compliance agency for authorized gaming compacts under s.
989 285.710, Florida Statutes, the regulation of pari-mutuel
990 wagering under chapter 550, Florida Statutes, the regulation of
991 slot machines and slot machine gaming under chapter 551, Florida
992 Statutes, and the regulation of cardrooms under s. 849.086,
993 Florida Statutes, are transferred by a type two transfer, as
994 defined in s. 20.06(2), Florida Statutes, to the Florida Gaming
995 Control Commission within the Department of Legal Affairs,
996 Office of the Attorney General.

997 (2) Notwithstanding chapter 60L-34, Florida Administrative
998 Code, or any law to the contrary, employees who are transferred
999 from the Department of Business and Professional Regulation to
1000 the Florida Gaming Control Commission within the Department of
1001 Legal Affairs, Office of the Attorney General, to fill positions
1002 transferred by this act retain and transfer any accrued annual
1003 leave, sick leave, and regular and special compensatory leave
1004 balances.

1005 (3) Effective July 1, 2022, the Pari-mutuel Wagering Trust
1006 Fund under s. 455.116, Florida Statutes, is transferred from the
1007 Department of Business and Professional Regulation to the
1008 Florida Gaming Control Commission.

1009 Section 12. Paragraph (a) of subsection (2) of section
1010 932.701, Florida Statutes, is amended to read:

1011 932.701 Short title; definitions.—

1012 (2) As used in the Florida Contraband Forfeiture Act:

1013 (a) "Contraband article" means:

1014 1. Any controlled substance as defined in chapter 893 or
1015 any substance, device, paraphernalia, or currency or other means

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1016 of exchange that was used, was attempted to be used, or was
1017 intended to be used in violation of any provision of chapter
1018 893, if the totality of the facts presented by the state is
1019 clearly sufficient to meet the state's burden of establishing
1020 probable cause to believe that a nexus exists between the
1021 article seized and the narcotics activity, whether or not the
1022 use of the contraband article can be traced to a specific
1023 narcotics transaction.

1024 2. Any equipment, gambling device, apparatus, material of
1025 gaming, proceeds, substituted proceeds, real or personal
1026 property, Internet domain name, gambling paraphernalia, lottery
1027 tickets, money, currency, or other means of exchange which was
1028 obtained, received, used, ~~was~~ attempted to be used, or intended
1029 to be used in violation of the gambling laws of the state,
1030 including any violation of chapter 24, part II of chapter 285,
1031 chapter 546, chapter 550, chapter 551, or chapter 849.

1032 3. Any equipment, liquid or solid, which was being used, is
1033 being used, was attempted to be used, or intended to be used in
1034 violation of the beverage or tobacco laws of the state.

1035 4. Any motor fuel upon which the motor fuel tax has not
1036 been paid as required by law.

1037 5. Any personal property, including, but not limited to,
1038 any vessel, aircraft, item, object, tool, substance, device,
1039 weapon, machine, vehicle of any kind, money, securities, books,
1040 records, research, negotiable instruments, or currency, which
1041 was used or was attempted to be used as an instrumentality in
1042 the commission of, or in aiding or abetting in the commission
1043 of, any felony, whether or not comprising an element of the
1044 felony, or which is acquired by proceeds obtained as a result of

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1045 a violation of the Florida Contraband Forfeiture Act.

1046 6. Any real property, including any right, title,
1047 leasehold, or other interest in the whole of any lot or tract of
1048 land, which was used, is being used, or was attempted to be used
1049 as an instrumentality in the commission of, or in aiding or
1050 abetting in the commission of, any felony, or which is acquired
1051 by proceeds obtained as a result of a violation of the Florida
1052 Contraband Forfeiture Act.

1053 7. Any personal property, including, but not limited to,
1054 equipment, money, securities, books, records, research,
1055 negotiable instruments, currency, or any vessel, aircraft, item,
1056 object, tool, substance, device, weapon, machine, or vehicle of
1057 any kind in the possession of or belonging to any person who
1058 takes aquaculture products in violation of s. 812.014(2)(c).

1059 8. Any motor vehicle offered for sale in violation of s.
1060 320.28.

1061 9. Any motor vehicle used during the course of committing
1062 an offense in violation of s. 322.34(9)(a).

1063 10. Any photograph, film, or other recorded image,
1064 including an image recorded on videotape, a compact disc,
1065 digital tape, or fixed disk, that is recorded in violation of s.
1066 810.145 and is possessed for the purpose of amusement,
1067 entertainment, sexual arousal, gratification, or profit, or for
1068 the purpose of degrading or abusing another person.

1069 11. Any real property, including any right, title,
1070 leasehold, or other interest in the whole of any lot or tract of
1071 land, which is acquired by proceeds obtained as a result of
1072 Medicaid fraud under s. 409.920 or s. 409.9201; any personal
1073 property, including, but not limited to, equipment, money,

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1074 securities, books, records, research, negotiable instruments, or
1075 currency; or any vessel, aircraft, item, object, tool,
1076 substance, device, weapon, machine, or vehicle of any kind in
1077 the possession of or belonging to any person which is acquired
1078 by proceeds obtained as a result of Medicaid fraud under s.
1079 409.920 or s. 409.9201.

1080 12. Any personal property, including, but not limited to,
1081 any vehicle, item, object, tool, device, weapon, machine, money,
1082 security, book, or record, that is used or attempted to be used
1083 as an instrumentality in the commission of, or in aiding and
1084 abetting in the commission of, a person's third or subsequent
1085 violation of s. 509.144, whether or not comprising an element of
1086 the offense.

1087 Section 13. The Division of Law Revision shall prepare a
1088 reviser's bill effective July 1, 2022, to replace references to
1089 the Division of Pari-mutuel Wagering and references to the
1090 Department of Business and Professional Regulation relating to
1091 gaming with references to the Florida Gaming Control Commission
1092 to conform the Florida Statutes to the transfer described in
1093 section 11 of this act.

1094 Section 14. (1) For the 2021-2022 fiscal year, the sum of
1095 \$2 million in nonrecurring funds from the General Revenue Fund
1096 is appropriated and 15 positions with associated salary rate of
1097 1,250,000 are authorized to the Florida Gaming Control
1098 Commission for the purposes of implementing this act. These
1099 funds shall support five commissioners, an executive director,
1100 general counsel, and other agency personnel as needed. The funds
1101 shall cover all expenditures of the commission, including, but
1102 not limited to, salaries and benefits, travel, background

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1103 investigations, and fingerprinting fees.

1104 (2) For the 2021-2022 fiscal year, the sum of \$100,000 in
1105 nonrecurring funds from the General Revenue Fund is appropriated
1106 to the Department of Business and Professional Regulation for
1107 administrative support related to the Florida Gaming Control
1108 Commission. The Department of Business and Professional
1109 Regulation shall provide administrative support to the Florida
1110 Gaming Control Commission during the 2021-2022 fiscal year,
1111 including, but not limited to, human resource management,
1112 accounting, and budgeting.

1113 Section 15. (1) The Department of Business and Professional
1114 Regulation, in coordination with the Department of Legal Affairs
1115 and the Department of Management Services, shall establish a
1116 working group to prepare the Florida Gaming Control Commission's
1117 legislative budget request for fiscal year 2022-2023 to be
1118 submitted by the Department of Business and Professional
1119 Regulation. The working group shall develop estimates for the
1120 amount of money needed for administration of the commission,
1121 including, but not limited to, costs relating to overall
1122 staffing and administrative support; infrastructure and office
1123 space; integration of technology systems and data needs and
1124 transfers; law enforcement accreditation, staffing, and
1125 training; organizational structure; and other matters deemed
1126 necessary or appropriate by the working group to assure the
1127 seamless establishment of the commission and orderly transition
1128 of the duties and responsibilities under the transfer described
1129 in section 11 of this act.

1130 (2) This section shall take effect upon this act becoming a
1131 law.

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1132 Section 16. If any law amended by this act was also amended
1133 by a law enacted during the 2021 Regular Session of the
1134 Legislature, such laws shall be construed as if they had been
1135 enacted during the same session of the Legislature, and full
1136 effect shall be given to each if possible.

1137 Section 17. Except as otherwise expressly provided in this
1138 act and except for this section, which shall take effect upon
1139 becoming a law, this act shall take effect on the same date that
1140 SB 2A or similar legislation takes effect, if such legislation
1141 is adopted in the same legislative session or an extension
1142 thereof and becomes a law.