

By the Committee on Appropriations; and 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;

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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. The Governor shall consider appointees who
195 reflect Florida's racial, ethnic, and gender diversity. Of the
196 initial five members appointed by the Governor, and immediately
197 upon appointment, the Governor shall appoint one of the members
198 as the initial chair and one of the members as the initial vice
199 chair. The initial chair and initial vice chair shall serve a
200 minimum of 2 years. At the end of the initial chair's and
201 initial vice chair's terms, the commission shall elect one of
202 the members of the commission as chair and one of the members of
203 the commission as vice chair.

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204 1. For the purpose of providing staggered terms, of the
205 initial appointments, two members shall be appointed to 4-year
206 terms, two members shall be appointed to 3-year terms, and one
207 member shall be appointed to a 2-year term.

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

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

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

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

232 (d) Upon the resignation or removal from office of a member

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233 of the commission, the Governor shall appoint a successor
234 pursuant to paragraph (a) who, subject to confirmation by the
235 Senate, shall serve the remainder of the unfinished term.

236 (3) REQUIREMENTS FOR APPOINTMENT; PROHIBITIONS.-

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

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

247 1. Any person that holds a permit or license issued under
248 chapter 550, or a license issued under chapter 551 or chapter
249 849; an officer, official, or employee of such permitholder or
250 licensee; or an ultimate equitable owner, as defined in s.
251 550.002(37), of such permitholder or licensee;

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

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

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262 (4) EXECUTIVE DIRECTOR.—

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

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

279 (c) The executive director shall maintain headquarters in
280 and reside in Leon County.

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

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

287 Section 3. Section 16.711, Florida Statutes, is created to
288 read:

289 16.711 Division of Gaming Enforcement; creation; duties.—

290 (1) There is created within the Florida Gaming Control

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291 Commission a Division of Gaming Enforcement. The Division of
292 Gaming Enforcement shall be considered a criminal justice agency
293 as defined in s. 943.045.

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

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

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320 licensed by the commission, to collect taxes and remit them to
321 the officer entitled to them, and to examine the books and
322 records of all persons licensed by the commission.

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

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

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

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

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

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349 16.712 Florida Gaming Control Commission authorizations,
350 duties, and responsibilities.-

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

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

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

363 (c) Ensure that the laws of this state are not interpreted
364 in any manner that expands the activities authorized in chapter
365 24, part II of chapter 285, chapter 546, chapter 550, chapter
366 551, or chapter 849.

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

377 (e) Evaluate, as the state compliance agency or as the

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

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

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

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

404 (i) Receive and review violations reported by a state or
405 local law enforcement agency, the Department of Law Enforcement,
406 the Department of Legal Affairs, the Department of Agriculture

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407 and Consumer Services, the Department of Business and
408 Professional Regulation, the Department of the Lottery, the
409 Seminole Tribe of Florida, or any person licensed under chapter
410 24, part II of chapter 285, chapter 550, chapter 551, or chapter
411 849 and determine whether such violation is appropriate for
412 referral to the Office of Statewide Prosecution.

413 (j) Refer criminal violations of chapter 24, part II of
414 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
415 849 to the appropriate state attorney or to the Office of
416 Statewide Prosecution, as applicable.

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

419 (2) (a) The commission may adopt rules to implement this
420 section.

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

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

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

435 (a) Recent events in the gaming industry, including pending

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436 litigation, pending facility license applications, and new and
437 pending rules.

438 (b) Actions of the commission relative to the
439 implementation and administration of this section.

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

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

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

450 (f) A summary of disciplinary actions taken by the
451 commission.

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

453 (h) A summary of actions taken and investigations conducted
454 by the commission.

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

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

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465 (5) The commission is authorized to contract or consult
466 with appropriate agencies of state government for such
467 professional assistance as may be needed in the discharge of its
468 duties.

469 (6) The commission shall exercise all of its regulatory and
470 executive powers and shall adopt, apply, construe, and interpret
471 all laws and administrative rules in a manner consistent with
472 the gaming compact ratified, approved, and described in s.
473 285.710(3).

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

480 Section 5. Section 16.713, Florida Statutes, is created to
481 read:

482 16.713 Florida Gaming Control Commission; appointment and
483 employment restrictions.-

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

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

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

493 (c) A person who has been convicted of or found guilty of

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494 or pled nolo contendere to, regardless of adjudication, in any
495 jurisdiction, a crime listed in s. 775.21(4)(a)1. or s. 776.08.

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

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

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

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

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

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

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

521 5. Be a bingo game operator or an employee of a bingo game
522 operator.

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523 (b) A person is ineligible for appointment to or employment
524 with the commission if, within the 2 years immediately preceding
525 such appointment or employment, he or she violated paragraph (a)
526 or solicited or accepted employment with, acquired any direct or
527 indirect interest in, or had any direct or indirect business
528 association, partnership, or financial relationship with, or is
529 a relative of:

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

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

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

550
551 For the purposes of this subsection, the term "relative" means a

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552 spouse, father, mother, son, daughter, grandfather, grandmother,
553 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-
554 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
555 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
556 stepbrother, stepsister, half-brother, or half-sister.

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

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

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

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581 (4) NOTIFICATION REQUIREMENTS.—

582 (a) A commissioner or an employee of the commission must
583 notify the commission within 3 calendar days after arrest for
584 any offense.

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

589 1. A misdemeanor involving gambling, dishonesty, theft, or
590 fraud;

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

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

597 Section 6. Section 16.714, Florida Statutes, is created to
598 read:

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

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

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610 (2) LEVEL 1 BACKGROUND SCREENINGS.—The Department of Law
611 Enforcement shall, at the request of the division, perform a
612 level 1 background screening pursuant to chapter 435 on any
613 employee of the commission, including applicants for employment,
614 who is not listed in subsection (1).

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

625 Section 7. Section 16.715, Florida Statutes, is created to
626 read:

627 16.715 Florida Gaming Control Commission standards of
628 conduct; ex parte communications.—

629 (1) STANDARDS OF CONDUCT.—

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

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639 112. In the event of a conflict between this subsection and part
640 III of chapter 112, the more restrictive provision shall apply.

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

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

667 3. While employed, and for 2 years after service as a

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668 commissioner or for 2 years after employment with the
669 commission, a commissioner or an employee may not accept any
670 form of employment with or engage in any business activity with
671 any business entity that, either directly or indirectly, owns or
672 controls any person regulated by the commission; any person
673 regulated by the commission; or any business entity that, either
674 directly or indirectly, is an affiliate or subsidiary of any
675 person regulated by the commission.

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

695 5. A commissioner or an employee may not accept anything
696 from a party in a proceeding currently pending before the

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697 commission.

698 6. A commissioner may not serve as the representative of
699 any political party or on any executive committee or other
700 governing body of a political party; serve as an executive
701 officer or employee of any political party, committee,
702 organization, or association; receive remuneration for
703 activities on behalf of any candidate for public office; engage
704 on behalf of any candidate for public office in the solicitation
705 of votes or other activities on behalf of such candidacy; or
706 become a candidate for election to any public office without
707 first resigning from office.

708 7. A commissioner, during his or her term of office, may
709 not make any public comment regarding the merits of any
710 proceeding under ss. 120.569 and 120.57 currently pending before
711 the commission.

712 8. A commissioner or an employee may not act in an
713 unprofessional manner at any time during the performance of
714 official duties.

715 9. A commissioner or an employee must avoid impropriety in
716 all activities and must act at all times in a manner that
717 promotes public confidence in the integrity and impartiality of
718 the commission.

719 10. A commissioner or an employee may not directly or
720 indirectly, through staff or other means, solicit anything of
721 value from any person regulated by the commission, or from any
722 business entity that, whether directly or indirectly, is an
723 affiliate or a subsidiary of any person regulated by the
724 commission, or from any party appearing in a proceeding
725 considered by the commission in the last 2 years.

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726 11. A commissioner may not lobby the Governor or any agency
727 of the state, members or employees of the Legislature, or any
728 county or municipal government or governmental agency except to
729 represent the commission in an official capacity.

730

731 If, during the course of an investigation by the Commission on
732 Ethics into an alleged violation of this paragraph, allegations
733 are made as to the identity of the person giving or providing
734 the prohibited thing, that person must be given notice and an
735 opportunity to participate in the investigation and relevant
736 proceedings to present a defense. If the Commission on Ethics
737 determines that the person gave or provided a prohibited thing,
738 the person may not appear before the commission or otherwise
739 represent anyone before the commission for a period of 2 years.

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

749 (d) The Commission on Ethics shall accept and investigate
750 any alleged violations of this subsection pursuant to the
751 procedures contained in ss. 112.322-112.3241. The Commission on
752 Ethics shall provide the Governor, the President of the Senate,
753 and the Speaker of the House of Representatives with a report of
754 its findings and recommendations. The Governor is authorized to

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755 enforce the findings and recommendations of the Commission on
756 Ethics, pursuant to part III of chapter 112. A commissioner or
757 an employee of the commission may request an advisory opinion
758 from the Commission on Ethics, pursuant to s. 112.322(3)(a),
759 regarding the standards of conduct or prohibitions set forth in
760 this section or s. 16.71.

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

766 (2) FORMER COMMISSIONERS AND EMPLOYEES.—

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

774 (b) A commissioner may not, for the 2 years immediately
775 following the date of resignation or termination from the
776 commission:

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

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

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784 regulated by the commission; from a person regulated by the
785 commission; from a business entity which, directly or
786 indirectly, is an affiliate or subsidiary of a person regulated
787 by the commission; or from a business entity or trade
788 association that has been a party to a commission proceeding
789 within the 2 years preceding the member's resignation or
790 termination of service on the commission; or

791 3. Be a bingo game operator or an employee of a bingo game
792 operator.

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

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

801 2. Be a bingo game operator or an employee of a bingo game
802 operator.

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

809 (3) EX PARTE COMMUNICATIONS.—

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

812 1. If it is a written or printed communication or is a

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813 communication in electronic form, is not served on all parties
814 to a proceeding; or

815 2. If it is an oral communication, is made without adequate
816 notice to the parties and without an opportunity for the parties
817 to be present and heard.

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

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

841 (d) Any individual who makes an ex parte communication

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842 shall submit to the commission a written statement describing
843 the nature of such communication, to include the name of the
844 person making the communication, the name of the commissioner or
845 commissioners receiving the communication, copies of all written
846 communications made, all written responses to such
847 communications, and a memorandum stating the substance of all
848 oral communications received and all oral responses made. The
849 commission shall place on the record of a proceeding all such
850 communications.

851 (e) Any commissioner who knowingly fails to place on the
852 record any such communications in violation of this subsection
853 within 15 days after the date of such communication is subject
854 to removal and may be assessed a civil penalty not to exceed
855 \$5,000.

856 (f)1. It shall be the duty of the Commission on Ethics to
857 receive and investigate sworn complaints of violations of this
858 subsection pursuant to the procedures contained in ss. 112.322-
859 112.3241.

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

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871 this subsection after a previous finding by the Commission on
872 Ethics that the commissioner willfully and knowingly violated
873 this subsection in a separate matter.

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

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

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

891 20.055 Agency inspectors general.—

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

893 (a) "Agency head" means the Governor, a Cabinet officer, or
894 a secretary or executive director as those terms are defined in
895 s. 20.03, the chair of the Public Service Commission, the
896 Director of the Office of Insurance Regulation of the Financial
897 Services Commission, the Director of the Office of Financial
898 Regulation of the Financial Services Commission, the board of
899 directors of the Florida Housing Finance Corporation, the

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900 executive director of the Office of Early Learning, the chair of
901 the Florida Gaming Control Commission, and the Chief Justice of
902 the State Supreme Court.

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

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

919 (a) Advise in the development of performance measures,
920 standards, and procedures for the evaluation of state agency
921 programs.

922 (b) Assess the reliability and validity of the information
923 provided by the state agency on performance measures and
924 standards, and make recommendations for improvement, if
925 necessary, before submission of such information pursuant to s.
926 216.1827.

927 (c) Review the actions taken by the state agency to improve
928 program performance and meet program standards and make

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929 recommendations for improvement, if necessary.

930 (d) Provide direction for, supervise, and coordinate
931 audits, investigations, and management reviews relating to the
932 programs and operations of the state agency, except that when
933 the inspector general does not possess the qualifications
934 specified in subsection (4), the director of auditing shall
935 conduct such audits.

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

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

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

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

954 (i) Ensure that an appropriate balance is maintained
955 between audit, investigative, and other accountability
956 activities.

957 (j) Comply with the General Principles and Standards for

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958 Offices of Inspector General as published and revised by the
959 Association of Inspectors General.

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

963 20.165 Department of Business and Professional Regulation.—
964 There is created a Department of Business and Professional
965 Regulation.

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

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

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

972 285.710 Compact authorization.—

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

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

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

984 Section 11. (1) Effective July 1, 2022, all powers, duties,
985 functions, records, offices, personnel, associated
986 administrative support positions, property, pending issues,

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

1000 (2) Notwithstanding chapter 60L-34, Florida Administrative
1001 Code, or any law to the contrary, employees who are transferred
1002 from the Department of Business and Professional Regulation to
1003 the Florida Gaming Control Commission within the Department of
1004 Legal Affairs, Office of the Attorney General, to fill positions
1005 transferred by this act retain and transfer any accrued annual
1006 leave, sick leave, and regular and special compensatory leave
1007 balances.

1008 (3) Effective July 1, 2022, the Pari-mutuel Wagering Trust
1009 Fund under s. 455.116, Florida Statutes, is transferred from the
1010 Department of Business and Professional Regulation to the
1011 Florida Gaming Control Commission.

1012 Section 12. Paragraph (a) of subsection (2) of section
1013 932.701, Florida Statutes, is amended to read:

1014 932.701 Short title; definitions.—

1015 (2) As used in the Florida Contraband Forfeiture Act:

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1016 (a) "Contraband article" means:

1017 1. Any controlled substance as defined in chapter 893 or
1018 any substance, device, paraphernalia, or currency or other means
1019 of exchange that was used, was attempted to be used, or was
1020 intended to be used in violation of any provision of chapter
1021 893, if the totality of the facts presented by the state is
1022 clearly sufficient to meet the state's burden of establishing
1023 probable cause to believe that a nexus exists between the
1024 article seized and the narcotics activity, whether or not the
1025 use of the contraband article can be traced to a specific
1026 narcotics transaction.

1027 2. Any equipment, gambling device, apparatus, material of
1028 gaming, proceeds, substituted proceeds, real or personal
1029 property, Internet domain name, gambling paraphernalia, lottery
1030 tickets, money, currency, or other means of exchange which was
1031 obtained, received, used, ~~was~~ attempted to be used, or intended
1032 to be used in violation of the gambling laws of the state,
1033 including any violation of chapter 24, part II of chapter 285,
1034 chapter 546, chapter 550, chapter 551, or chapter 849.

1035 3. Any equipment, liquid or solid, which was being used, is
1036 being used, was attempted to be used, or intended to be used in
1037 violation of the beverage or tobacco laws of the state.

1038 4. Any motor fuel upon which the motor fuel tax has not
1039 been paid as required by law.

1040 5. Any personal property, including, but not limited to,
1041 any vessel, aircraft, item, object, tool, substance, device,
1042 weapon, machine, vehicle of any kind, money, securities, books,
1043 records, research, negotiable instruments, or currency, which
1044 was used or was attempted to be used as an instrumentality in

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1045 the commission of, or in aiding or abetting in the commission
1046 of, any felony, whether or not comprising an element of the
1047 felony, or which is acquired by proceeds obtained as a result of
1048 a violation of the Florida Contraband Forfeiture Act.

1049 6. Any real property, including any right, title,
1050 leasehold, or other interest in the whole of any lot or tract of
1051 land, which was used, is being used, or was attempted to be used
1052 as an instrumentality in the commission of, or in aiding or
1053 abetting in the commission of, any felony, or which is acquired
1054 by proceeds obtained as a result of a violation of the Florida
1055 Contraband Forfeiture Act.

1056 7. Any personal property, including, but not limited to,
1057 equipment, money, securities, books, records, research,
1058 negotiable instruments, currency, or any vessel, aircraft, item,
1059 object, tool, substance, device, weapon, machine, or vehicle of
1060 any kind in the possession of or belonging to any person who
1061 takes aquaculture products in violation of s. 812.014(2)(c).

1062 8. Any motor vehicle offered for sale in violation of s.
1063 320.28.

1064 9. Any motor vehicle used during the course of committing
1065 an offense in violation of s. 322.34(9)(a).

1066 10. Any photograph, film, or other recorded image,
1067 including an image recorded on videotape, a compact disc,
1068 digital tape, or fixed disk, that is recorded in violation of s.
1069 810.145 and is possessed for the purpose of amusement,
1070 entertainment, sexual arousal, gratification, or profit, or for
1071 the purpose of degrading or abusing another person.

1072 11. Any real property, including any right, title,
1073 leasehold, or other interest in the whole of any lot or tract of

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1074 land, which is acquired by proceeds obtained as a result of
1075 Medicaid fraud under s. 409.920 or s. 409.9201; any personal
1076 property, including, but not limited to, equipment, money,
1077 securities, books, records, research, negotiable instruments, or
1078 currency; or any vessel, aircraft, item, object, tool,
1079 substance, device, weapon, machine, or vehicle of any kind in
1080 the possession of or belonging to any person which is acquired
1081 by proceeds obtained as a result of Medicaid fraud under s.
1082 409.920 or s. 409.9201.

1083 12. Any personal property, including, but not limited to,
1084 any vehicle, item, object, tool, device, weapon, machine, money,
1085 security, book, or record, that is used or attempted to be used
1086 as an instrumentality in the commission of, or in aiding and
1087 abetting in the commission of, a person's third or subsequent
1088 violation of s. 509.144, whether or not comprising an element of
1089 the offense.

1090 Section 13. The Division of Law Revision shall prepare a
1091 reviser's bill effective July 1, 2022, to replace references to
1092 the Division of Pari-mutuel Wagering and references to the
1093 Department of Business and Professional Regulation relating to
1094 gaming with references to the Florida Gaming Control Commission
1095 to conform the Florida Statutes to the transfer described in
1096 section 11 of this act.

1097 Section 14. (1) For the 2021-2022 fiscal year, the sum of
1098 \$2 million in nonrecurring funds from the General Revenue Fund
1099 is appropriated and 15 positions with associated salary rate of
1100 1,250,000 are authorized to the Florida Gaming Control
1101 Commission for the purposes of implementing this act. These
1102 funds shall support five commissioners, an executive director,

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1103 general counsel, and other agency personnel as needed. The funds
1104 shall cover all expenditures of the commission, including, but
1105 not limited to, salaries and benefits, travel, background
1106 investigations, and fingerprinting fees.

1107 (2) For the 2021-2022 fiscal year, the sum of \$100,000 in
1108 nonrecurring funds from the General Revenue Fund is appropriated
1109 to the Department of Business and Professional Regulation for
1110 administrative support related to the Florida Gaming Control
1111 Commission. The Department of Business and Professional
1112 Regulation shall provide administrative support to the Florida
1113 Gaming Control Commission during the 2021-2022 fiscal year,
1114 including, but not limited to, human resource management,
1115 accounting, and budgeting.

1116 Section 15. (1) The Department of Business and Professional
1117 Regulation, in coordination with the Department of Legal Affairs
1118 and the Department of Management Services, shall establish a
1119 working group to prepare the Florida Gaming Control Commission's
1120 legislative budget request for fiscal year 2022-2023 to be
1121 submitted by the Department of Business and Professional
1122 Regulation. The working group shall develop estimates for the
1123 amount of money needed for administration of the commission,
1124 including, but not limited to, costs relating to overall
1125 staffing and administrative support; infrastructure and office
1126 space; integration of technology systems and data needs and
1127 transfers; law enforcement accreditation, staffing, and
1128 training; organizational structure; and other matters deemed
1129 necessary or appropriate by the working group to assure the
1130 seamless establishment of the commission and orderly transition
1131 of the duties and responsibilities under the transfer described

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1132 in section 11 of this act.

1133 (2) This section shall take effect upon this act becoming a
1134 law.

1135 Section 16. If any law amended by this act was also amended
1136 by a law enacted during the 2021 Regular Session of the
1137 Legislature, such laws shall be construed as if they had been
1138 enacted during the same session of the Legislature, and full
1139 effect shall be given to each if possible.

1140 Section 17. Except as otherwise expressly provided in this
1141 act and except for this section, which shall take effect upon
1142 becoming a law, this act shall take effect on the same date that
1143 SB 2A or similar legislation takes effect, if such legislation
1144 is adopted in the same legislative session or an extension
1145 thereof and becomes a law.