

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 the offenses of
6 certain crimes; creating s. 16.71, F.S.; creating the
7 Florida Gaming Control Commission within the Office of
8 the Attorney General; providing for membership of the
9 commission; providing for the removal of members of
10 the commission by the Governor under certain
11 circumstances; providing rights for certain employees
12 of the commission; providing requirements and powers
13 of employees serving as law enforcement officers for
14 the commission; providing powers and duties of the
15 commission; providing requirements for hearings
16 relating to the commission; authorizing the commission
17 to submit certain written recommendations to the
18 Governor and the Legislature upon certain findings;
19 requiring the commission to annually develop a budget
20 request; requiring the department to submit the budget
21 request to the Governor for transmittal to the
22 Legislature; authorizing the commission to contract or
23 consult with certain agencies; providing construction
24 regarding certain powers, laws, and rules; requiring
25 the commission to annually confirm permitholder

26 | qualifications; authorizing the commission to adopt
27 | rules; creating s. 16.712, F.S.; requiring a person to
28 | submit to certain background screening requirements
29 | before serving on or being employed by the commission;
30 | providing procedures and conditions for retention of
31 | fingerprints; providing that the costs of fingerprint
32 | processing shall be borne by the commission; creating
33 | s. 16.715, F.S.; providing construction; providing
34 | standards of conduct for commissioners on and
35 | employees of the commission; requiring commissioners
36 | and employees to complete specified annual training;
37 | requiring the Commission on Ethics to accept and
38 | investigate any alleged violations of the standards of
39 | conduct for commissioners and employees; providing
40 | requirements for such investigations; authorizing a
41 | commissioner or an employee to request an advisory
42 | opinion from the Commission on Ethics; prohibiting a
43 | commissioner, an employee, or a relative thereof from
44 | placing wagers in certain facilities; defining the
45 | term "ex parte communication"; providing requirements
46 | relating to ex parte communications; providing civil
47 | penalties; providing duties of the Commission on
48 | Ethics; amending s. 285.710, F.S.; revising the
49 | definition of the term "state compliance agency";
50 | designating the Florida Gaming Control Commission as

51 the state compliance agency having authority to carry
52 out certain responsibilities; transferring all powers,
53 duties, functions, records, offices, personnel,
54 property, pending issues, existing contracts,
55 administrative authority, administrative rules, trust
56 funds, and unexpended balances of appropriations,
57 allocations, and other funds of the Department of
58 Business and Professional Regulation to the commission
59 by a type two transfer; requiring the Department of
60 Legal Affairs to provide administrative support to the
61 commission until such transfer is complete; amending
62 s. 932.701, F.S.; revising the definition of the term
63 "contraband article"; providing a directive to the
64 Division of Law Revision; providing contingent
65 effective dates.

66
67 Be It Enacted by the Legislature of the State of Florida:

68
69 Section 1. Paragraph (a) of subsection (1) of section
70 16.56, Florida Statutes, is amended to read:

71 16.56 Office of Statewide Prosecution.—

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

76 (a) Investigate and prosecute the offenses of:
 77 1. Bribery, burglary, criminal usury, extortion, gambling,
 78 kidnapping, larceny, murder, prostitution, perjury, robbery,
 79 carjacking, home-invasion robbery, and patient brokering;
 80 2. Any crime involving narcotic or other dangerous drugs;
 81 3. Any violation of the Florida RICO (Racketeer Influenced
 82 and Corrupt Organization) Act, including any offense listed in
 83 the definition of racketeering activity in s. 895.02(8)(a),
 84 providing such listed offense is investigated in connection with
 85 a violation of s. 895.03 and is charged in a separate count of
 86 an information or indictment containing a count charging a
 87 violation of s. 895.03, the prosecution of which listed offense
 88 may continue independently if the prosecution of the violation
 89 of s. 895.03 is terminated for any reason;
 90 4. Any violation of the Florida Anti-Fencing Act;
 91 5. Any violation of the Florida Antitrust Act of 1980, as
 92 amended;
 93 6. Any crime involving, or resulting in, fraud or deceit
 94 upon any person;
 95 7. Any violation of s. 847.0135, relating to computer
 96 pornography and child exploitation prevention, or any offense
 97 related to a violation of s. 847.0135 or any violation of
 98 chapter 827 where the crime is facilitated by or connected to
 99 the use of the Internet or any device capable of electronic data
 100 storage or transmission;

- 101 8. Any violation of chapter 815;
- 102 9. Any criminal violation of part I of chapter 499;
- 103 10. Any violation of the Florida Motor Fuel Tax Relief Act
- 104 of 2004;
- 105 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 106 12. Any crime involving voter registration, voting, or
- 107 candidate or issue petition activities;
- 108 13. Any criminal violation of the Florida Money Laundering
- 109 Act;
- 110 14. Any criminal violation of the Florida Securities and
- 111 Investor Protection Act; ~~or~~
- 112 15. Any violation of chapter 787, as well as any and all
- 113 offenses related to a violation of chapter 787; or
- 114 16. Any violation of chapter 24, chapter 285, chapter 546,
- 115 chapter 550, chapter 551, or chapter 849, including violations
- 116 referred by the Department of Agriculture and Consumer Services,
- 117 the Department of Business and Professional Regulation, the
- 118 Department of the Lottery, the Florida Gaming Control
- 119 Commission, or the Seminole Tribe of Florida;
- 120
- 121 or any attempt, solicitation, or conspiracy to commit any of the
- 122 crimes specifically enumerated above. The office shall have such
- 123 power only when any such offense is occurring, or has occurred,
- 124 in two or more judicial circuits as part of a related
- 125 transaction, or when any such offense is connected with an

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126 organized criminal conspiracy affecting two or more judicial
127 circuits. Informations or indictments charging such offenses
128 shall contain general allegations stating the judicial circuits
129 and counties in which crimes are alleged to have occurred or the
130 judicial circuits and counties in which crimes affecting such
131 circuits or counties are alleged to have been connected with an
132 organized criminal conspiracy.

133 Section 2. Section 16.71, Florida Statutes, is created to
134 read:

135 16.71 Florida Gaming Control Commission.—

136 (1) (a) There is created within the Department of Legal
137 Affairs, Office of the Attorney General, a Florida Gaming
138 Control Commission, hereinafter referred to as the commission.
139 The commission shall be a separate budget entity and the agency
140 head for all purposes. The Florida Gaming Control Commission is
141 a criminal justice agency as defined in s. 119.011.

142 (b) The commission is not subject to control, supervision,
143 or direction by the Department of Legal Affairs or the Attorney
144 General in the performance of its duties, including, but not
145 limited to, personnel, purchasing transactions involving real or
146 personal property, and budgetary matters.

147 (2) (a) The commission shall consist of five members
148 appointed by the Governor, subject to confirmation by the
149 Senate, for terms of 4 years. Members of the commission must be
150 appointed by January 1, 2022.

151 1. For the purpose of providing staggered terms, of the
152 initial appointments, two members shall be appointed to 4-year
153 terms, two members shall be appointed to 3-year terms, and one
154 member shall be appointed to a 2-year term.

155 2. Of the five members, at least one member must have at
156 least 10 years of experience in law enforcement and criminal
157 investigations, at least one member must be a certified public
158 accountant licensed in this state with at least 10 years of
159 experience in accounting and auditing, and at least one member
160 must be an attorney admitted and authorized to practice law in
161 this state for the preceding 10 years.

162 3. Of the five members, each appellate district shall have
163 one member appointed from the district to the commission who is
164 a resident of the district at the time of the original
165 appointment.

166 4. A person may not be appointed by the Governor to the
167 commission until after a background investigation of the person
168 is conducted by the Department of Law Enforcement and the
169 investigation is forwarded to the Governor.

170 5. A person who holds any office in a political party, who
171 has been convicted of a felony, or who has been convicted of a
172 misdemeanor related to gambling within the previous 10 years may
173 not apply to the Governor for appointment.

174 6. The Governor may not solicit or request any
175 nominations, recommendations, or communications about potential

176 candidates for appointment to the commission from:

177 a. Any person who holds a permit or license issued under
178 chapter 550 or a license issued under chapter 551 or chapter
179 849; an officer, official, or employee of such permitholder or
180 licensee; or an ultimate equitable owner, as defined in s.
181 550.002(37), of such permitholder or licensee;

182 b. Any officer, official, employee, contractor, or
183 subcontractor of a tribe that has a valid and active compact
184 with the state or an entity employed, licensed, or contracted by
185 such tribe; or an ultimate equitable owner, as defined in s.
186 550.002(37), of such entity; or

187 c. Any registered lobbyist for the executive or
188 legislative branch who represents any person or entity
189 identified in subparagraph a. or subparagraph b.

190 (b)1. The Governor may remove a member for cause,
191 including, but not limited to, circumstances in which the member
192 commits gross misconduct or malfeasance in office, substantially
193 neglects or is unable to discharge his or her duties as a
194 member, or is convicted of or found guilty of, or has pled nolo
195 contendere to, regardless of adjudication, in any jurisdiction,
196 a felony or misdemeanor that directly relates to gambling,
197 dishonesty, theft, or fraud.

198 2. The Governor may remove a member without cause subject
199 to approval by a majority of the Senate. Upon the resignation or
200 removal from office of a member, the Governor shall appoint a

201 successor pursuant to paragraph (a) who, subject to confirmation
202 by the Senate, shall serve the remainder of the unexpired term.

203 (c) A commissioner shall serve until a successor is
204 appointed, but commissioners may not serve more than 8 years.
205 Vacancies shall be filled for the unexpired portion of the term.
206 The salary of each commissioner is equal to that paid under
207 state law to a commissioner on the Florida Public Service
208 Commission. The commission shall elect a chair and a vice chair.

209 (d) To aid the commission in its duties, the commission
210 must appoint a person who is not a member of the commission to
211 serve as the executive director of the commission. The executive
212 director shall supervise, direct, coordinate, and administer all
213 activities necessary to fulfill the commission's
214 responsibilities. The commission must appoint the executive
215 director by July 1, 2022. The executive director, with the
216 consent of the commission, shall employ such staff as are
217 necessary to adequately perform the functions of the commission,
218 within budgetary limitations. All employees, except the
219 executive director and attorneys, are subject to part II of
220 chapter 110. The executive director shall serve at the pleasure
221 of the commission and be subject to part III of chapter 110.
222 Attorneys employed by the commission shall be subject to part V
223 of chapter 110. The executive director shall maintain
224 headquarters in and reside in Leon County. The salary of the
225 executive director is equal to that paid under state law to a

226 commissioner on the Florida Public Service Commission.

227 (e)1. A person may not, for the 4 years immediately
228 preceding the date of appointment to or employment by the
229 commission and while appointed to or employed by the commission:

230 a. Hold a permit or license issued under chapter 550 or a
231 license issued under chapter 551, chapter 546, or chapter 849;
232 be an officer, official, or employee of such permitholder or
233 licensee; or be an ultimate equitable owner, as defined in s.
234 550.002(37), of such permitholder or licensee;

235 b. Be an officer, official, employee, or other person with
236 duties or responsibilities relating to a gaming operation owned
237 by an Indian tribe that has a valid and active compact with the
238 state; be a contractor or subcontractor of such tribe or an
239 entity employed, licensed, or contracted by such tribe; or be an
240 ultimate equitable owner, as defined in s. 550.002(37), of such
241 entity; or

242 c. Be a registered lobbyist for the executive or
243 legislative branch, except while a commissioner when officially
244 representing the commission.

245 2. A person is ineligible for appointment to or employment
246 by the commission if, within the 4 years immediately preceding
247 such appointment or employment, he or she violated subparagraph
248 1. or solicited or accepted employment by, acquired any direct
249 or indirect interest in, had any direct or indirect business
250 association, partnership, or financial relationship with, or has

251 been a relative of any person or entity who is an applicant,
252 licensee, or registrant with the Division of Pari-mutuel
253 Wagering or the commission. For the purposes of this
254 subparagraph, the term "relative" means a spouse, father,
255 mother, son, daughter, grandfather, grandmother, brother,
256 sister, uncle, aunt, cousin, nephew, niece, father-in-law,
257 mother-in-law, son-in-law, daughter-in-law, brother-in-law,
258 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
259 stepbrother, stepsister, half-brother, or half-sister.

260 (f)1. A person may not, for the 6 years immediately
261 following the date of resignation or termination from the
262 commission:

263 a. Hold a permit or license issued under chapter 550 or a
264 license issued under chapter 551, chapter 546, or chapter 849;
265 be an officer, official, or employee of such permitholder or
266 licensee; or be an ultimate equitable owner, as defined in s.
267 550.002(37), of such permitholder or licensee;

268 b. Be an officer, official, employee, or other person with
269 duties or responsibilities relating to a gaming operation owned
270 by an Indian tribe that has a valid and active compact with the
271 state; be a contractor or subcontractor of such tribe or an
272 entity employed, licensed, or contracted by such tribe; or be an
273 ultimate equitable owner, as defined in s. 550.002(37), of such
274 entity; or

275 c. Lobby the Governor or any agency of the state, members

276 or employees of the Legislature, or any county or municipal
277 government or governmental agency.

278 (g) A person employed by the commission may not, for the 2
279 years immediately following the date of termination or
280 resignation from employment by the commission:

281 1. Hold a permit or license issued under chapter 550 or a
282 license issued under chapter 551, chapter 546, or chapter 849;
283 be an officer, official, or employee of such permitholder or
284 licensee; or be an ultimate equitable owner, as defined in s.
285 550.002(37), of such permitholder or licensee;

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

293 3. Lobby the Governor or any agency of the state, members
294 or employees of the Legislature, or any county or municipal
295 government or governmental agency.

296 (h) Any person violating paragraph (f) or paragraph (g)
297 shall be subject to the penalties for violations of standards of
298 conduct for public officers, employees of agencies, and local
299 government attorneys provided in s. 112.317 and a civil penalty
300 of an amount equal to the compensation which the person receives

301 for the prohibited conduct.

302 (i) A person is ineligible for appointment to the
303 commission if he or she has committed any of the following:

304 1. Been convicted of or found guilty of, or pled nolo
305 contendere to, regardless of adjudication, in any jurisdiction,
306 a felony or misdemeanor that directly relates to gambling,
307 dishonesty, theft, or fraud within the 10 years immediately
308 preceding such appointment;

309 2. Been convicted of or found guilty of, or pled nolo
310 contendere to, regardless of adjudication, in any jurisdiction,
311 a crime listed in s. 775.21(4)(a)1. or s. 776.08; or

312 3. Had a permit or license issued under chapter 550; a
313 license issued under chapter 551, chapter 546, or chapter 849;
314 or a gaming license issued by any other jurisdiction denied,
315 suspended, or revoked.

316 (j)1. A person is ineligible for employment by the
317 commission if he or she has been convicted of a felony within 5
318 years preceding the date of application; convicted of a
319 misdemeanor within 5 years preceding the date of application
320 which the commission determines bears a close relationship to
321 the duties and responsibilities of the position for which
322 employment is sought; or dismissed from prior employment for
323 gross misconduct or incompetence or intentionally making a false
324 statement concerning a material fact in connection with the
325 application for employment by the commission.

326 2. If an employee of the commission is charged with a
327 felony while employed by the commission, the commission shall
328 suspend the employee, with or without pay, and terminate
329 employment by the commission upon conviction. If an employee of
330 the commission is charged with a misdemeanor while employed by
331 the commission, the commission shall suspend the employee, with
332 or without pay, and may terminate employment by the commission
333 upon conviction if the commission determines that the offense
334 bears a close relationship to the duties and responsibilities of
335 the position held with the commission.

336 (k) A commissioner on or an employee of the commission
337 must notify the commission within 3 calendar days after arrest
338 for any offense.

339 (l) A commissioner on or an employee of the commission
340 must immediately provide detailed written notice of the
341 circumstances to the commission if the commissioner or employee
342 is indicted, charged with, convicted of, pleads guilty or nolo
343 contendere to, or forfeits bail for:

344 1. A misdemeanor involving gambling, dishonesty, theft, or
345 fraud;

346 2. A violation of any law in any state, or a law of the
347 United States or any other jurisdiction, involving gambling,
348 dishonesty, theft, or fraud which substantially corresponds to a
349 misdemeanor in this state; or

350 3. A felony under the laws of this or any other state, the

351 United States, or any other jurisdiction.

352 (m)1. All employees authorized by the commission shall
353 have access to, and shall have the right to inspect, premises
354 licensed by the Department of Business and Professional
355 Regulation, to collect taxes and remit them to the officer
356 entitled to them, and to examine the books and records of all
357 persons subject to chapter 24, chapter 285, chapter 546, chapter
358 550, chapter 551, or chapter 849. The authorized employees shall
359 require of each such person strict compliance with the laws of
360 this state relating to the license or permit of the licensee.

361 2. Each employee serving as a law enforcement officer for
362 the commission must meet the qualifications for employment or
363 appointment as a law enforcement officer set forth under s.
364 943.13 and must be certified as a law enforcement officer by the
365 Department of Law Enforcement under chapter 943. Upon
366 certification, each law enforcement officer is subject to and
367 has the same authority as provided for law enforcement officers
368 generally in chapter 901 and has statewide jurisdiction. Each
369 officer also has arrest authority as provided for state law
370 enforcement officers in s. 901.15. Each officer possesses the
371 full law enforcement powers granted to other peace officers of
372 this state, including the authority to make arrests, carry
373 firearms, serve court process, and seize contraband and the
374 proceeds of illegal activities.

375 a. The primary responsibility of each officer appointed

376 under this subparagraph is to investigate, enforce, and
377 prosecute, throughout the state, violations and violators of
378 chapter 24, chapter 285, chapter 546, chapter 550, chapter 551,
379 or chapter 849, and the rules adopted thereunder, as well as
380 other state laws that the commission or all state law
381 enforcement officers are specifically authorized to enforce.

382 b. The secondary responsibility of each officer appointed
383 under this subparagraph is to enforce all other state laws,
384 provided that the enforcement is incidental to exercising the
385 officer's primary responsibility and the officer exercises the
386 powers of a deputy sheriff, only after consultation or
387 coordination with the appropriate local sheriff's office or
388 municipal police department or when the commission participates
389 in the Florida Mutual Aid Plan during a declared state
390 emergency.

391 (3) (a) The commission and its law enforcement officers are
392 specifically authorized to seize any contraband in accordance
393 with the Florida Contraband Forfeiture Act. For purposes of this
394 section, the term "contraband" has the same meaning as provided
395 in s. 932.701(2) (a) 2.

396 (b) The commission is specifically authorized to store and
397 test any contraband that is seized in accordance with the
398 Florida Contraband Forfeiture Act and may authorize any of its
399 staff to implement this subsection.

400 (c) The commission may adopt rules to implement this

401 subsection.

402 (d) This subsection does not limit the authority of any
403 other person authorized by law to seize contraband.

404 (4) The commission shall convene at the call of its chair
405 or at the request of a majority of the members of the
406 commission. The presence of three members is required to
407 constitute a quorum, and the affirmative vote of the majority of
408 the members present is required for any action or recommendation
409 by the commission. The commission may meet in any city or county
410 of the state. The commission shall do all of the following:

411 (a) Exercise all of the regulatory and executive powers of
412 the state with respect to gambling, including, without
413 limitation, pari-mutuel wagering, cardrooms, slot machine
414 facilities, oversight of gaming compacts executed by the state
415 pursuant to the federal Indian Gaming Regulatory Act, and any
416 other forms of gambling authorized by the State Constitution or
417 law, excluding games authorized by s. 15, Art. X of the State
418 Constitution.

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

422 (c) Ensure that the laws of this state are not interpreted
423 in any manner that expands the activities authorized in chapter
424 24, chapter 285, chapter 546, chapter 550, chapter 551, or
425 chapter 849.

426 (d) Review any matter within the scope of the jurisdiction
427 of the Division of Pari-mutuel Wagering.

428 (e) Review the regulation of licensees, permitholders, or
429 persons regulated by the Division of Pari-mutuel Wagering and
430 the procedures used by the division to implement and enforce the
431 law.

432 (f) Review the procedures of the Division of Pari-mutuel
433 Wagering which are used to qualify applicants applying for a
434 license, permit, or registration.

435 (g) Refer criminal violations of chapter 24, chapter 285,
436 chapter 546, chapter 550, chapter 551, or chapter 849 to the
437 appropriate state attorney or to the Office of Statewide
438 Prosecution, as applicable.

439 (h) Exercise all other powers and perform any other duties
440 prescribed by the Legislature.

441
442 The commission may subpoena witnesses and compel their
443 attendance and testimony, administer oaths and affirmations,
444 take evidence, and require by subpoena the production of any
445 books, papers, records, or other items relevant to the
446 performance of the duties of the commission or to the exercise
447 of its powers.

448 (5) Hearings shall be held before the commission, except
449 that the chair may direct that any hearing be held before one
450 member of the commission or a panel of less than the full

451 commission. The commission shall adopt rules to provide for the
452 filing of a report when hearings are held by a single
453 commissioner or a panel, which rules shall prescribe the time
454 for filing the report and the contents of the report. The chair
455 may schedule hearings to determine whether enforcement of the
456 gaming laws of this state is sufficient to protect residents
457 from abuse and misinterpretation of the law or create expansion
458 of gaming or gambling in this state.

459 (6) The commission may submit written recommendations to
460 enhance the enforcement of gaming laws of the state to the
461 Governor, the President of the Senate, and the Speaker of the
462 House of Representatives.

463 (7) The commission shall submit an annual report to the
464 Governor, the President of the Senate, and the Speaker of the
465 House of Representatives. The report shall, at a minimum,
466 include the following:

467 (a) Recent events in the gaming industry, including
468 pending litigation, pending facility license applications, and
469 new and pending rules.

470 (b) Actions of the commission relative to the
471 implementation and administration of this section.

472 (c) The state revenues and expenses associated with each
473 form of authorized gaming. Revenues and expenses associated with
474 pari-mutuel wagering shall be further delineated by the class of
475 license.

476 (d) The performance of each pari-mutuel wagering licensee,
477 cardroom licensee, and slot machine licensee.

478 (e) A summary of disciplinary actions taken by the
479 department.

480 (f) The receipts and disbursements of the commission.

481 (g) A summary of actions and investigations taken by the
482 commission.

483 (h) Any additional information and recommendations that
484 the commission considers useful or that the Governor, the
485 President of the Senate, or the Speaker of the House of
486 Representatives requests.

487 (8) The commission's exercise of executive powers in the
488 area of planning, budgeting, personnel management, and
489 purchasing shall be as provided by law.

490 (9) The commission shall develop a budget request pursuant
491 to chapter 216 annually. The budget is not subject to change by
492 the Department of Legal Affairs or the Attorney General, but it
493 shall be submitted by the Department of Legal Affairs to the
494 Governor for transmittal to the Legislature.

495 (10) The commission may contract or consult with
496 appropriate agencies of state government for such professional
497 assistance as may be needed in the discharge of its duties.

498 (11) All rules adopted pursuant to chapters 24, 285, 546,
499 550, 551, and 849 before the effective date of this act are
500 preserved and remain in full force and effect.

501 (12) The commission shall exercise all of its regulatory
502 and executive powers and shall apply, construe, and interpret
503 all laws and administrative rules in a manner consistent with
504 the gaming compact ratified, approved, and described in s.
505 285.710(3).

506 (13) The commission shall annually, before the issuance of
507 an operating license, confirm that each permitholder has
508 submitted proof with its annual application for a license, in
509 such a form as the commission may require, that the permitholder
510 continues to possess the qualifications prescribed by chapter
511 550 and that the permit has not been disapproved by voters in an
512 election.

513 (14) The commission may adopt rules to implement this
514 section.

515 Section 3. Section 16.712, Florida Statutes, is created to
516 read:

517 16.712 Florida Gaming Control Commission background
518 screening provisions.-

519 (1) Before serving as a commissioner on the Florida Gaming
520 Control Commission or becoming an employee of the commission, a
521 person must have his or her fingerprints taken by a vendor
522 approved by the Department of Law Enforcement. The set of
523 fingerprints must be electronically sent to the Department of
524 Law Enforcement for state processing, and the Department of Law
525 Enforcement must forward the fingerprints to the Federal Bureau

526 of Investigation for national processing. A person who is a
527 foreign national must submit such documents as necessary to
528 allow the commission to conduct a criminal history records check
529 in the person's home country.

530 (2) All fingerprints submitted to the Department of Law
531 Enforcement as required under subsection (1) must be retained by
532 the Department of Law Enforcement as provided under s.
533 943.05(2)(g) and (h) and (3) and enrolled in the national
534 retained print arrest notification program at the Federal Bureau
535 of Investigation when the Department of Law Enforcement begins
536 participation in the program. The commission must notify the
537 Department of Law Enforcement when any person whose fingerprints
538 have been retained is no longer a commissioner on or an employee
539 of the commission.

540 (3) The costs of fingerprint processing, including the
541 cost for retaining fingerprints, shall be borne by the
542 commission.

543 Section 4. Section 16.715, Florida Statutes, is created to
544 read:

545 16.715 Florida Gaming Control Commission standards of
546 conduct; ex parte communications.-

547 (1) STANDARDS OF CONDUCT.-

548 (a) In addition to the provisions of part III of chapter
549 112, which are applicable to commissioners on and employees of
550 the Florida Gaming Control Commission by virtue of their being

551 public officers and public employees, the conduct of
552 commissioners and employees shall be governed by the standards
553 of conduct provided in this subsection. Nothing shall prohibit
554 the standards of conduct from being more restrictive than part
555 III of chapter 112. Further, this subsection may not be
556 construed to contravene the restrictions of part III of chapter
557 112. In the event of a conflict between this subsection and part
558 III of chapter 112, the more restrictive provision shall apply.

559 (b)1. A commissioner on or an employee of the commission
560 may not accept anything from any business entity which, either
561 directly or indirectly, owns or controls any person regulated by
562 the commission or from any business entity which, either
563 directly or indirectly, is an affiliate or subsidiary of any
564 person regulated by the commission.

565 2. A commissioner or an employee may attend conferences,
566 along with associated meals and events that are generally
567 available to all conference participants without payment of any
568 fees in addition to the conference fee. Additionally, while
569 attending a conference, a commissioner or employee may attend
570 meetings, meals, or events that are not sponsored, in whole or
571 in part, by any representative of any person regulated by the
572 commission and that are limited to commissioners or employees
573 only, committee members, or speakers if the commissioner or
574 employee is a member of a committee of the association of
575 regulatory agencies that organized the conference or is a

576 speaker at the conference. It is not a violation of this
577 subparagraph for a commissioner or an employee to attend a
578 conference for which conference participants who are employed by
579 a person regulated by the commission have paid a higher
580 conference registration fee than the commissioner or employee,
581 or to attend a meal or event that is generally available to all
582 conference participants without payment of any fees in addition
583 to the conference fee and that is sponsored, in whole or in
584 part, by a person regulated by the commission.

585 3. If, during the course of an investigation by the
586 Commission on Ethics into an alleged violation of this
587 paragraph, allegations are made as to the identity of the person
588 giving or providing the prohibited gift, that person must be
589 given notice and an opportunity to participate in the
590 investigation and relevant proceedings to present a defense.

591 4. If the Commission on Ethics determines that the person
592 gave or provided a prohibited gift, the person may not appear
593 before the commission or otherwise represent anyone before the
594 commission for a period of 6 years.

595 5. A commissioner or an employee may not accept any form
596 of employment or engage in any business activity with any person
597 regulated by the commission; any business entity which, either
598 directly or indirectly, owns or controls any person regulated by
599 the commission; or any business entity which, either directly or
600 indirectly, is an affiliate or subsidiary of any person

601 regulated by the commission while employed and for 6 years after
602 service as a commissioner or 2 years after employment.

603 6. A commissioner, an employee, or a relative living in
604 the same household as such commissioner or employee may not have
605 any financial interest, other than shares in a mutual fund, in
606 any person regulated by the commission; in any business entity
607 which, either directly or indirectly, owns or controls any
608 person regulated by the commission; or in any business entity
609 which, either directly or indirectly, is an affiliate or
610 subsidiary of any person regulated by the commission while
611 serving or employed and for 6 years after such service or 2
612 years after such employment. If a commissioner, an employee, or
613 a relative living in the same household as such commissioner or
614 employee acquires any financial interest prohibited by this
615 subsection during the commissioner's term of office or the
616 employee's employment with the commission as a result of events
617 or actions beyond the commissioner's, employee's, or relative's
618 control, he or she shall immediately sell such financial
619 interest. For purposes of this subparagraph, the term "relative"
620 has the same meaning as provided in s. 16.71(2)(e)2.

621 7. A commissioner or employee may not accept anything from
622 a party in a proceeding currently pending before the commission.
623 If, during the course of an investigation by the Commission on
624 Ethics into an alleged violation of this subparagraph,
625 allegations are made as to the identity of the person giving or

626 providing the prohibited gift, that person must be given notice
627 and an opportunity to participate in the investigation and
628 relevant proceedings to present a defense. If the Commission on
629 Ethics determines that the person gave or provided a prohibited
630 gift, the person may not appear before the commission or
631 otherwise represent anyone before the commission for a period of
632 6 years.

633 8. A commissioner may not serve as the representative of
634 any political party or on any executive committee or other
635 governing body of a political party; serve as an executive
636 officer or employee of any political party, committee,
637 organization, or association; receive remuneration for
638 activities on behalf of any candidate for public office; engage
639 on behalf of any candidate for public office in the solicitation
640 of votes or other activities on behalf of such candidacy; or
641 become a candidate for election to any public office without
642 first resigning from office.

643 9. A commissioner, during his or her term of office, may
644 not make any public comment regarding the merits of any
645 proceeding under ss. 120.569 and 120.57 currently pending before
646 the commission.

647 10. A commissioner or employee may not act in an
648 unprofessional manner at any time during the performance of
649 official duties.

650 11. A commissioner or employee must avoid impropriety in

651 all activities and must act at all times in a manner that
652 promotes public confidence in the integrity and impartiality of
653 the commission.

654 12. A commissioner or employee may not directly or
655 indirectly, through staff or other means, solicit anything of
656 value from any person regulated by the commission; from any
657 business entity that, whether directly or indirectly, is an
658 affiliate or subsidiary of any person regulated by the
659 commission; or from any party appearing in a proceeding
660 considered by the commission in the preceding 6 years.

661 13. A commissioner or employee may not personally
662 represent another person or entity for compensation before the
663 commission for a period of 6 years following the commissioner's
664 end of service or a period of 2 years following the employee's
665 end of employment unless employed by another agency of state
666 government.

667 14. A commissioner may not lobby the Governor or any
668 agency of the state, members or employees of the Legislature, or
669 any county or municipal government or governmental agency except
670 to represent the commission and department in an official
671 capacity.

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

676 Employees, and the public records and public meetings laws of
677 this state. This requirement may be satisfied by completion of a
678 continuing legal education class or other continuing
679 professional education class, seminar, or presentation if the
680 required subjects are covered.

681 (d) The Commission on Ethics shall accept and investigate
682 any alleged violations of this subsection pursuant to the
683 procedures contained in ss. 112.322-112.3241. The Commission on
684 Ethics shall provide the Governor, the President of the Senate,
685 and the Speaker of the House of Representatives with a report of
686 its findings and recommendations. The Governor may enforce the
687 findings and recommendations of the Commission on Ethics
688 pursuant to part III of chapter 112. A commissioner or an
689 employee of the commission may request an advisory opinion from
690 the Commission on Ethics, pursuant to s. 112.322(3)(a),
691 regarding the standards of conduct or prohibitions set forth in
692 this section or s. 16.71.

693 (e) A commissioner, an employee of the commission, or a
694 relative living in the same household as such commissioner or
695 employee may not place a wager in any facility licensed by the
696 commission or any facility in the state operated by an Indian
697 tribe that has a valid and active compact with the state.

698 (2) EX PARTE COMMUNICATIONS.—

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

701 1. If it is a written or printed communication or a
702 communication in electronic form, is not served on all parties
703 to a proceeding; or

704 2. If it is an oral communication, is made without
705 adequate notice to the parties and without an opportunity for
706 the parties to be present and heard.

707 (b) A commissioner may not initiate or consider ex parte
708 communications concerning the merits, threat, or offer of reward
709 in any proceeding that is currently pending before the
710 commission or that he or she knows or reasonably expects will be
711 filed with the commission within 180 days after the date of any
712 such communication. An individual may not discuss ex parte with
713 a commissioner the merits of any issue that he or she knows will
714 be filed with the commission within 180 days. This paragraph
715 does not apply to commission staff.

716 (c) If a commissioner knowingly receives an ex parte
717 communication relative to a proceeding other than as set forth
718 in paragraph (a) to which the commissioner is assigned, the
719 commissioner must place on the record of the proceeding copies
720 of all written communications received, all written responses to
721 the communications, and a memorandum stating the substance of
722 all oral communications received and all oral responses made,
723 and shall give written notice to all parties to the
724 communication that such matters have been placed on the record.
725 Any party who desires to respond to an ex parte communication

726 may do so. The response must be received by the commission
727 within 10 days after receiving notice that the ex parte
728 communication has been placed on the record. The commissioner
729 may, if deemed by such commissioner to be necessary to eliminate
730 the effect of an ex parte communication, withdraw from the
731 proceeding, in which case the chair shall substitute another
732 commissioner for the proceeding.

733 (d) Any individual who makes an ex parte communication
734 shall submit to the commission a written statement describing
735 the nature of such communication, to include the name of the
736 person making the communication, the name of the commissioner or
737 commissioners receiving the communication, copies of all written
738 communications made, all written responses to such
739 communications, and a memorandum stating the substance of all
740 oral communications received and all oral responses made. The
741 commission shall place on the record of a proceeding all such
742 communications.

743 (e) Any commissioner who knowingly fails to place on the
744 record any such communications in violation of this subsection
745 within 15 days after the date of such communication is subject
746 to removal and may be assessed a civil penalty not to exceed
747 \$5,000.

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

751 112.3241.

752 2. If the Commission on Ethics finds that there has been a
753 violation of this subsection by a commissioner, it shall provide
754 the Governor, the President of the Senate, and the Speaker of
755 the House of Representatives with a report of its findings and
756 recommendations. The Governor may enforce the findings and
757 recommendations of the Commission on Ethics pursuant to part III
758 of chapter 112 and remove from office a commissioner who is
759 found by the Commission on Ethics to have willfully and
760 knowingly violated this subsection. The Governor shall remove
761 from office a commissioner who is found by the Commission on
762 Ethics to have willfully and knowingly violated this subsection
763 after a previous finding by the Commission on Ethics that the
764 commissioner willfully and knowingly violated this subsection in
765 a separate matter.

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

770 4. If, during the course of an investigation by the
771 Commission on Ethics into an alleged violation of this
772 subsection, allegations are made as to the identity of the
773 person who participated in the ex parte communication, that
774 person must be given notice and an opportunity to participate in
775 the investigation and relevant proceedings to present a defense.

776 If the Commission on Ethics determines that the person
777 participated in the ex parte communication, the person may not
778 appear before the commission or otherwise represent anyone
779 before the commission for a period of 2 years.

780 Section 5. Effective July 1, 2022, paragraph (f) of
781 subsection (1) and subsection (7) of section 285.710, Florida
782 Statutes, are amended to read:

783 285.710 Compact authorization.—

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

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

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

795 Section 6. (1) Effective July 1, 2022, all powers,
796 duties, functions, records, offices, personnel, associated
797 administrative support positions, property, pending issues,
798 existing contracts, administrative authority, administrative
799 rules, trust funds, and unexpended balances of appropriations,
800 allocations, and other funds in the Department of Business and

801 Professional Regulation related to the oversight
 802 responsibilities by the state compliance agency for authorized
 803 gaming compacts under s. 285.710, Florida Statutes, the
 804 regulation of pari-mutuel wagering under chapter 550, Florida
 805 Statutes, the regulation of slot machines and slot machine
 806 gaming under chapter 551, Florida Statutes, and the regulation
 807 of cardrooms under s. 849.086, Florida Statutes, are transferred
 808 by a type two transfer, as defined in s. 20.06(2), Florida
 809 Statutes, to the Florida Gaming Control Commission within the
 810 Department of Legal Affairs, Office of the Attorney General.

811 (2) Notwithstanding chapter 60L-34, Florida Administrative
 812 Code, or any law to the contrary, employees who are transferred
 813 from the Department of Business and Professional Regulation to
 814 the Florida Gaming Control Commission within the Department of
 815 Legal Affairs, Office of the Attorney General to fill positions
 816 transferred by this act retain and transfer any accrued annual
 817 leave, sick leave, and regular and special compensatory leave
 818 balances.

819 (3) The Department of Legal Affairs shall provide
 820 administrative support to the Florida Gaming Control Commission
 821 until the transfer described in subsection (1) is complete.

822 Section 7. Paragraph (a) of subsection (2) of section
 823 932.701, Florida Statutes, is amended to read:

824 932.701 Short title; definitions.—

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

826 (a) "Contraband article" means:

827 1. Any controlled substance as defined in chapter 893 or
 828 any substance, device, paraphernalia, or currency or other means
 829 of exchange that was used, was attempted to be used, or was
 830 intended to be used in violation of any provision of chapter
 831 893, if the totality of the facts presented by the state is
 832 clearly sufficient to meet the state's burden of establishing
 833 probable cause to believe that a nexus exists between the
 834 article seized and the narcotics activity, whether or not the
 835 use of the contraband article can be traced to a specific
 836 narcotics transaction.

837 2. Any equipment, gambling device, apparatus, material of
 838 gaming, proceeds, substituted proceeds, real or personal
 839 property, Internet domain name, gambling paraphernalia, lottery
 840 tickets, money, currency, or other means of exchange which was
 841 obtained, received, used, ~~was~~ attempted to be used, or intended
 842 to be used in violation of the gambling laws of the state,
 843 including any violation of chapter 24, chapter 285, chapter 546,
 844 chapter 550, chapter 551, or chapter 849.

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

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

850 5. Any personal property, including, but not limited to,

851 any vessel, aircraft, item, object, tool, substance, device,
852 weapon, machine, vehicle of any kind, money, securities, books,
853 records, research, negotiable instruments, or currency, which
854 was used or was attempted to be used as an instrumentality in
855 the commission of, or in aiding or abetting in the commission
856 of, any felony, whether or not comprising an element of the
857 felony, or which is acquired by proceeds obtained as a result of
858 a violation of the Florida Contraband Forfeiture Act.

859 6. Any real property, including any right, title,
860 leasehold, or other interest in the whole of any lot or tract of
861 land, which was used, is being used, or was attempted to be used
862 as an instrumentality in the commission of, or in aiding or
863 abetting in the commission of, any felony, or which is acquired
864 by proceeds obtained as a result of a violation of the Florida
865 Contraband Forfeiture Act.

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

872 8. Any motor vehicle offered for sale in violation of s.
873 320.28.

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

876 10. Any photograph, film, or other recorded image,
 877 including an image recorded on videotape, a compact disc,
 878 digital tape, or fixed disk, that is recorded in violation of s.
 879 810.145 and is possessed for the purpose of amusement,
 880 entertainment, sexual arousal, gratification, or profit, or for
 881 the purpose of degrading or abusing another person.

882 11. Any real property, including any right, title,
 883 leasehold, or other interest in the whole of any lot or tract of
 884 land, which is acquired by proceeds obtained as a result of
 885 Medicaid fraud under s. 409.920 or s. 409.9201; any personal
 886 property, including, but not limited to, equipment, money,
 887 securities, books, records, research, negotiable instruments, or
 888 currency; or any vessel, aircraft, item, object, tool,
 889 substance, device, weapon, machine, or vehicle of any kind in
 890 the possession of or belonging to any person which is acquired
 891 by proceeds obtained as a result of Medicaid fraud under s.
 892 409.920 or s. 409.9201.

893 12. Any personal property, including, but not limited to,
 894 any vehicle, item, object, tool, device, weapon, machine, money,
 895 security, book, or record, that is used or attempted to be used
 896 as an instrumentality in the commission of, or in aiding and
 897 abetting in the commission of, a person's third or subsequent
 898 violation of s. 509.144, whether or not comprising an element of
 899 the offense.

900 Section 8. The Division of Law Revision shall prepare a

901 reviser's bill to conform the Florida Statutes to the transfer
902 described in section 6 of this act.

903 Section 9. Except as otherwise expressly provided in this
904 act, this act shall take effect on the same date that HB 7055 or
905 similar legislation takes effect, if such legislation is adopted
906 in the same legislative session or an extension thereof and
907 becomes a law.