A bill to be entitled

An act relating to gaming enforcement; amending s. 16.56, F.S.; expanding the authority of the Office of Statewide Prosecution within the Department of Legal Affairs to investigate and prosecute the offenses of certain crimes; creating s. 16.71, F.S.; creating the Florida Gaming Control Commission within the Office of the Attorney General; providing for membership of the commission; providing for the removal of members of the commission by the Governor under certain circumstances; providing rights for certain employees of the commission; providing requirements and powers for employees serving as law enforcement officers for the commission; providing powers and duties of the commission; providing requirements for hearings relating to the commission; authorizing the commission to submit certain written recommendations to the Governor and the Legislature upon certain findings; requiring the commission to annually develop a budget request; requiring the department to submit the budget request to the Governor for transmittal to the Legislature; authorizing the commission to contract or consult with certain agencies; requiring an annual report be made by the division to the Governor and the Legislature; specifying content required for the

report; creating s. 16.712, F.S.; requiring a person to submit to certain background screening requirements prior to serving on or being employed with the commission; providing procedures and conditions for retention of fingerprints; requiring a person subject to the background screening to pay the costs of fingerprint processing; creating s. 16.715, F.S.; providing construction; providing standards of conduct for commissioners and employees of the commission; requiring commissioners and employees of the commission to complete specified annual training; requiring the Commission on Ethics to accept and investigate any alleged violations of the standards of conduct for commissioners and employees; providing requirements for such investigations; authorizing a commissioner or an employee of the commission to request an advisory opinion from the Commission on Ethics; providing a definition for ex parte communication; providing requirements relating to ex parte communications; providing civil penalties; amending s. 285.710, F.S.; revising the definition of the term "state compliance agency"; designating the Florida Gaming Control Commission as the state compliance agency having authority to carry out certain responsibilities; transferring all powers,

duties, functions, records, offices, personnel, property, pending issues, existing contracts, administrative authority, administrative rules, trust funds, and unexpended balances of appropriations, allocations, and other funds of the Department of Business and Professional Regulation to the commission by a type two transfer; requiring the Department of Legal Affairs to provide administrative support to the commission until such transfer is complete; providing a directive to the Division of Law Revision; providing contingent effective dates.

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

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

16.56 Office of Statewide Prosecution.—

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

(a) Investigate and prosecute the offenses of:

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

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(8)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

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

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

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

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

8. Any violation of chapter 815;

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

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

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

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

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

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

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

16. Any violation of chapter 24, chapter 285, chapter 546, chapter 550, chapter 551, or chapter 849, including violations referred by the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of the Lottery, the Florida Gaming Control Commission, or the Seminole Tribe of Florida.

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

judicial circuits and counties in which crimes affecting such circuits or counties are alleged to have been connected with an organized criminal conspiracy.

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

16.71 Florida Gaming Control Commission.—

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

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

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

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

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

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

4. A person may not apply to the Governor for appointment to the Gaming Control Commission until after a background investigation of the person is conducted by the Department of Law Enforcement and the investigation is forwarded to the Governor.

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

6. The Governor may not solicit or request any nominations, recommendations or communications about potential candidates for appointment to the commission from:

a. Any person that holds a permit or license issued under chapter 550, or a license issued under chapter 551, chapter 546,

or chapter 849; or an officer, official, or employee of such permitholder or licensee; or an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; or

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

c. Any registered lobbyist for the executive or legislative branch that represents any person or entity identified in subparagraphs a. and b.

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

2. The Governor may remove a member without cause subject to approval by a majority of the Senate. Upon the resignation or removal from office of a member, the Governor shall appoint a successor pursuant to paragraph (a) who, subject to confirmation by the Senate, shall serve the remainder of the unfinished term.

(c) A commissioner shall serve until a successor is

appointed, but commissioners may not serve more than 8 years. Vacancies shall be filled for the unexpired portion of the term. The salary of each commissioner is equal to that paid under state law to a commissioner on the Florida Public Service Commission. The commission shall elect a chair and a vice chair.

(d) To aid the commission in its duties, the commission must appoint a person who is not a member of the commission to serve as the executive director of the commission. The executive director shall supervise, direct, coordinate, and administer all activities necessary to fulfill the commission's responsibilities. The commission must appoint the executive director by July 1, 2022. The executive director, with the consent of the commission, shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations. All employees, except the executive director and attorneys, are subject to part II of chapter 110. The executive director shall serve at the pleasure of the commission and be subject to part III of chapter 110. Attorneys employed by the commission shall be subject to part V of chapter 110. The executive director shall maintain headquarters in and reside in Leon County. The salary of the executive director is equal to that paid under state law to a commissioner on the Florida Public Service Commission.

(e)1. A person may not, for the 4 years immediately preceding the date of appointment to or employment with the

commission and while appointed to or employed with the commission:

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

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

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

2. A person is ineligible for appointment to or employment with the commission if, within the 4 years immediately preceding such appointment or employment, they violated subparagraph 1. or solicited or accepted employment with, acquired any direct or indirect interest in, or had any direct or indirect business association, partnership, or financial relationship with, or is a relative of, any person or entity who is an applicant, licensee, or registrant with the Division of Pari-mutuel

Wagering or the commission.

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

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

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

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

c. Lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal

government or governmental agency.

(g)1. A person employed by the commission may not, for the 2 years immediately following the date of termination or resignation from employment with the commission:

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

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

c. Lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal government or governmental agency.

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

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

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

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

3. Had a license or permit issued under chapters 550, 551, 546, or chapter 849 or a gaming license issued by any other jurisdiction denied, suspended, or revoked.

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

2. If an employee of the commission is charged with a felony while employed by the commission, the commission shall

suspend the employee, with or without pay, and terminate employment with the commission upon conviction. If an employee of the commission is charged with a misdemeanor while employed by the commission, the commission shall suspend the employee, with or without pay, and may terminate employment with the commission upon conviction if the commission determines that the offense bears a close relationship to the duties and responsibilities of the position held with the commission.

(k) A commissioner or employee of the commission must notify the commission within 3 calendar days of arrest for any offense.

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

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

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

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

(m)1. All employees authorized by the commission shall

have access to, and shall have the right to inspect, premises licensed by the Department of Business and Professional Regulation, to collect taxes and remit them to the officer entitled to them, and to examine the books and records of all persons subject to chapter 24, chapter 285, chapter 546, chapter 550, chapter 551, or chapter 849. The authorized employees shall require of each such person strict compliance with the laws of this state relating to the license or permit of the licensee.

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

a. The primary responsibility of each officer appointed under this paragraph is to investigate, enforce, and prosecute, throughout the state, violations and violators of chapter 24,

chapter 285, chapter 546, chapter 550, chapter 551, or chapter 849, and the rules adopted thereunder, as well as other state laws that the commission or all state law enforcement officers are specifically authorized to enforce.

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

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

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

(c) The commission may adopt rules to implement this provision.

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

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

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

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

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

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

(e) Review the regulation of licensees, permitholders, or persons regulated by the Division of Pari-mutuel Wagering and

the procedures used by the division to implement and enforce the law.

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

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

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

(i) The commission may adopt rules to implement this section.

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

(5) Hearings shall be held before the commission, except that the chair may direct that any hearing be held before one member of the commission or a panel of less than the full commission. The commission shall adopt rules to provide for the filing of a report when hearings are held by a single commissioner or a panel, which rules shall prescribe the time

for filing the report and the contents of the report. The chair may schedule hearings to determine whether enforcement of the gaming laws of this state is sufficient to protect residents from abuse and misinterpretation of the law or create expansion of gaming or gambling in this state.

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

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

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

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

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

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

(e) A summary of disciplinary actions taken by the

department.

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

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

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

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

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

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

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

(12) The commission shall exercise all of its regulatory and executive powers and shall apply, construe, and interpret

all laws and administrative rules in a manner consistent with the gaming compact ratified, approved, and described in s. 285.710(3).

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

(14) The commission shall review matters, and issue or deny right to sue letters that grant a person the right to sue under s. 849.27.

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

16.712 Florida Gaming Control Commission background screening provisions.—

(1) Prior to serving as a commissioner on the Florida Gaming Control Commission or becoming an employee of the commission, a person must have his or her fingerprints taken by a vendor approved by the Department of Law Enforcement. The set of fingerprints must be electronically sent to the Department of Law Enforcement for state processing, and the Department of Law Enforcement must forward the fingerprints to the Federal Bureau of Investigation for national processing. Persons who are

foreign nationals must submit such documents as necessary to allow the commission to conduct criminal history records checks in the person's home country.

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

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

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

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

(1) STANDARDS OF CONDUCT.—

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

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

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

2. A commissioner or an employee may attend conferences, along with associated meals and events that are generally available to all conference participants without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner or an employee may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any person regulated by the commission and that are limited to commissioners or employees only, committee members, or speakers if the commissioner or employee is a member of a committee of the association of regulatory agencies that organized the conference or is a speaker at the conference. It is not a violation of this

subparagraph for a commissioner or an employee to attend a conference for which conference participants who are employed by a person regulated by the commission have paid a higher conference registration fee than the commissioner or employee, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a person regulated by the commission.

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

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

5. A commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity which, either directly or indirectly, owns or controls any person regulated by the commission, any person regulated by the commission, or any business entity which, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission while employed and for 6

years after service as a commissioner or 2 years after employment.

6. A commissioner, an employee, or a relative living in the same household as such commissioner or employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission, in any business entity which, either directly or indirectly, owns or controls any person regulated by the commission, or in any business entity which, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission while serving or employed and for 6 years after such service or 2 years after employment. If a commissioner, employee, or a relative living in the same household as such commissioner or employee acquires any financial interest prohibited by this subsection during the commissioner's term of office or the employee's employment with the commission as a result of events or actions beyond the commissioner, employee or relative's control, they shall immediately sell such financial interest. For purposes of this subsection, the term "relative" has the same meaning as provided in s. 16.71(2)(e).

7. A commission member or an employee may not lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal government or governmental agency except to represent the commission and department in his or her official capacity as a member.

8. A commissioner or an employee may not accept anything from a party in a proceeding currently pending before the commission. If, during the course of an investigation by the Commission on Ethics into an alleged violation of this subparagraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 6 years.

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

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

the commission.

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

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

13. A commissioner or an employee may not directly or indirectly, through staff or other means, solicit anything of value from any person regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 6 years.

14. A commissioner or an employee may not personally represent another person or entity for compensation before the commission for a period of 6 years following the commissioner's end of service or a period of 2 years following employment unless employed by another agency of state government.

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

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

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

(e) A commissioner, an employee of the commission, or a relative living in the same household as such commissioner or employee may not place a wager in any facility licensed by the commission or any facility in the state operated by an Indian

tribe.

(3) EX PARTE COMMUNICATIONS.—

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

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

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

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

(c) If a commissioner knowingly receives an ex parte communication relative to a proceeding other than as set forth in paragraph (a), to which the commissioner is assigned, the commissioner must place on the record of the proceeding copies of all written communications received, all written responses to the communications, and a memorandum stating the substance of

all oral communications received and all oral responses made, and shall give written notice to all parties to the communication that such matters have been placed on the record. Any party who desires to respond to an ex parte communication may do so. The response must be received by the commission within 10 days after receiving notice that the ex parte communication has been placed on the record. The commissioner may, if deemed by such commissioner to be necessary to eliminate the effect of an ex parte communication, withdraw from the proceeding, in which case the chair shall substitute another commissioner for the proceeding.

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

(e) Any commissioner who knowingly fails to place on the record any such communications, in violation of this subsection, within 15 days of the date of such communication is subject to removal and may be assessed a civil penalty not to exceed

$5,000.

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

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

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

4. If, during the course of an investigation by the Commission on Ethics into an alleged violation of this

subsection, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.

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

285.710 Compact authorization.—

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

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

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

Section 6. (1) Effective July 1, 2022, all powers, duties, functions, records, offices, personnel, associated

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

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

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

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

932.701 Short title; definitions.—

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

(a) "Contraband article" means:

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

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

3. Any equipment, liquid or solid, which was being used, is being used, was attempted to be used, or intended to be used

in violation of the beverage or tobacco laws of the state.

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

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

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

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

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

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

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

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

12. Any personal property, including, but not limited to, any vehicle, item, object, tool, device, weapon, machine, money, security, book, or record, that is used or attempted to be used as an instrumentality in the commission of, or in aiding and

abetting in the commission of, a person's third or subsequent violation of s. 509.144, whether or not comprising an element of the offense.

Section 8. The Division of Law Revision shall prepare a reviser's bill to conform the Florida Statutes to the transfer described in section 6 of this act.

Section 9. Except as otherwise expressly provided in this act, and except for this section, which shall take effect upon this act becoming a law, this act shall take effect on the same date that PCB COM 21-05 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.