

By the Committees on Appropriations; and Regulated Industries

576-04245-21

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1 A bill to be entitled
2 An act relating to public records and public meetings;
3 amending s. 16.71, F.S.; specifying that any exempt or
4 confidential and exempt information obtained by the
5 Florida Gaming Control Commission retains its exempt
6 or confidential and exempt status; providing an
7 exemption from public meetings requirements for
8 portions of meetings of the Florida Gaming Control
9 Commission wherein exempt or confidential and exempt
10 information is discussed; authorizing the commission
11 to close portions of meetings during which certain
12 matters are discussed if certain requirements are met;
13 providing an exemption from public meetings
14 requirements for such portions of meetings; providing
15 an exemption from public records requirements for
16 documents and recordings relating to such exempt
17 portions of meetings; providing for future review and
18 repeal of the exemption; providing a statement of
19 public necessity; providing a contingent effective
20 date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Subsection (14) is added to section 16.71, as
25 created by SB 7076, 2021 Regular Session, to read:

26 16.71 Florida Gaming Control Commission.—

27 (14) (a) Information made exempt or confidential and exempt
28 from s. 119.07(1) or s. 24(a) Art I. of the State Constitution
29 which is obtained by the Florida Gaming Control Commission shall

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30 retain its exempt or confidential and exempt status. The
31 information may be released by the commission to other
32 governmental entities as needed in the performance of its
33 official duties and responsibilities. The governmental entity
34 shall maintain the exempt or confidential and exempt status of
35 the information.

36 (b) Portions of meetings of the commission during which
37 information made exempt or confidential and exempt is discussed
38 are exempt from s. 286.011 and s. 24(b), Art I. of the State
39 Constitution.

40 1. The chair of the commission shall advise the commission
41 at a public meeting that, in connection with the performance of
42 a commission duty, it is necessary that the commission hear or
43 discuss information that is exempt or confidential and exempt.

44 2. The chair's declaration of necessity for closure and the
45 specific reasons for such necessity shall be stated in writing
46 in a document that shall be a public record and shall be filed
47 with the official records of the commission.

48 3. The entire closed session shall be recorded. The
49 recording shall include the times of commencement and
50 termination of the closed session, all discussion and
51 proceedings, and the names of all persons present. No portion of
52 the session shall be off the record. Such recording shall be
53 maintained by the commission.

54 (b) Only members of the commission, Department of Law
55 Enforcement staff supporting the commission's function, and
56 other persons whose presence is necessary for the presentation
57 of exempt or confidential and exempt information shall be
58 allowed to attend the exempted portions of the commission

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59 meetings. The commission shall assure that any closure of its
60 meetings as authorized by this paragraph is limited so that the
61 general policy of this state in favor of public meetings is
62 maintained.

63 (c) A recording of, and any minutes and notes generated
64 during, that portion of a commission meeting which is closed to
65 the public pursuant to this subsection are confidential and
66 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
67 Constitution until such time as the information discussed is no
68 longer exempt or confidential and exempt.

69 (d) This subsection is subject to the Open Government
70 Sunset Review Act in accordance with s. 119.115 and is repealed
71 on October 2, 2026, unless reviewed and saved from repeal
72 through reenactment by the Legislature.

73 Section 2. The Legislature finds that it is a public
74 necessity to maintain the exempt or confidential and exempt
75 status of any exempt or confidential and exempt information
76 obtained by the Florida Gaming Control Commission. In the
77 absence of this exemption, sensitive confidential or exempt
78 information would be disclosed. In addition, the Legislature
79 finds that it is a public necessity that portions of meetings of
80 the Florida Gaming Control Commission wherein confidential and
81 exempt information is discussed be made exempt from public
82 meetings requirements. The release of confidential and exempt
83 information via a public meeting defeats the purpose of a public
84 records exemption. Accordingly, the Legislature finds that the
85 harm to the public that would result from the release of such
86 information substantially outweighs any minimal public benefit
87 derived therefrom.

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88 Section 3. This act shall take effect on the same date that
89 SB 7076 or similar legislation takes effect, if such legislation
90 is adopted in the same legislative session or an extension
91 thereof and becomes a law.