

FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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BILL #: [HB 7001](#) [PCB GOS 26-01](#)

COMPANION BILL: [SB 7008](#)

TITLE: OGSR/Florida Gaming Control Commission

LINKED BILLS: None

SPONSOR(S): Government Operations Subcommittee,
Nix

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 105 Y's 4 N's

GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

The bill saves from repeal the public record exemption for exempt or confidential and exempt information obtained by the Florida Gaming Control Commission, and the public meeting exemption for any portion of a meeting wherein such information is discussed. The public record and meeting exemption will repeal on October 2, 2026, if the bill does not become a law.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

HB 7001 passed as [SB 7008](#).

The bill removes the scheduled repeal date, created pursuant to the [Open Government Sunset Review Act](#), for the public record exemption for exempt or confidential and exempt information obtained by the [Florida Gaming Control Commission](#), and the public meeting exemption for any portion of a meeting wherein such information is discussed. The public record and meeting exemption will repeal on October 2, 2026, if the bill does not become a law. (Section 1)

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Open Government Sunset Review Act](#)

The Open Government Sunset Review Act (OGSR Act)¹ sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.²

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;

¹ [S. 119.15, F.S.](#)

² [S. 119.15\(3\), F.S.](#)

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- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.³

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.⁴

Florida Gaming Control Commission

The Florida Gaming Control Commission (FGCC) is a five-member⁵ independent regulatory body housed within the Department of Legal Affairs (DLA), Office of the Attorney General, for administrative purposes. The FGCC exercises all regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts,⁶ and other forms of gambling authorized by the State Constitution or law, excluding the state lottery.⁷

The Division of Gaming Enforcement within the FGCC is considered a criminal justice agency and serves as the FGCC's law enforcement arm.⁸ Division investigators must meet employment and certification standards for law enforcement officers and are vested with full police powers.⁹ The division is responsible for investigating and enforcing criminal and regulatory violations related to gambling activities in the state.¹⁰ In the 2023–2024 Fiscal Year, the division closed more than a dozen illegal casinos, seized approximately 1,000 illegal slot machines, and recovered more than \$3.3 million in illicit funds.¹¹

Public Record and Meeting Exemption under Review

In 2021, the Legislature created a public record exemption for exempt or confidential and exempt¹² information obtained by the FGCC.¹³ Such information may be released by the FGCC, upon written request, to another agency or governmental entity in the performance of the FGCC's official duties and responsibilities. Any agency or governmental entity receiving such information must maintain its exempt or confidential and exempt status.¹⁴

³ [S. 119.15\(6\)\(b\), F.S.](#)

⁴ [Art. I, s. 24\(c\), FLA. CONST.](#)

⁵ FGCC members are appointed by the Governor and subject to Senate confirmation: one member must have at least 10 years of experience in law enforcement and criminal investigations, one must be a certified public accountant with at least 10 years of experience in accounting and auditing, and one must be an attorney admitted to the Florida Bar for at least the preceding 10 years. [S. 16.71\(2\), F.S.](#)

⁶ The FGCC is the agency responsible for monitoring compliance with the provisions of the Gaming Compact between the Seminole Tribe of Florida and the state. [S. 285.710, F.S.](#)

⁷ [S. 16.712\(1\)\(a\), F.S.](#) The state lottery is operated by the Department of the Lottery. [Ss. 24.104](#) and [24.105\(2\), F.S.](#)

⁸ [S. 16.711\(1\), F.S.](#)

⁹ See [s. 16.711\(3\), F.S.](#)

¹⁰ The division is the only statewide law enforcement agency solely dedicated to investigating illegal gambling activity. FGCC, [Gaming Enforcement](#) (last visited December 12, 2025).

¹¹ FGCC, [Annual Report 2023–2024](#) (last visited December 12, 2025).

¹² There is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See Op. Att'y Gen. Fla. 04-09 (2004).

¹³ [Ch. 2021-270, L.O.F.](#), codified as [s. 16.716, F.S.](#)

¹⁴ [S. 16.716\(1\)\(a\), F.S.](#)

The Legislature also created a public meeting exemption for any portion of a meeting that would reveal the exempt or confidential and exempt information.¹⁵ Before closing a meeting, the FGCC chair must publicly announce the necessity for closure.¹⁶ The chair’s declaration and specific reasons for such necessity must be documented in writing and included in the official records of the FGCC.¹⁷ The entire closed session must be recorded and the recording must include the time of commencement and termination, all discussions and proceedings, and the names of all persons present.¹⁸ The recording and any minutes or records generated during the closed portion of a meeting are confidential and exempt from public record requirements.¹⁹ Attendance is limited to FGCC members, DLA staff, FGCC staff, and any other person whose presence is necessary for the presentation of exempt information.²⁰

The 2021 public necessity statement²¹ provided that:

In the absence of this public records [and meetings] exemption, sensitive confidential or exempt information, including criminal intelligence information and criminal investigative information, would be disclosed, thus eliminating the protected status of the information obtained by the commission. If the commission is unable to maintain the exempt or confidential and exempt status of the information received, the commission would be unable to effectively and efficiently perform its duties and responsibilities.²²

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2026, unless reenacted by the Legislature.²³

During the 2025 interim, House and Senate staff met jointly with staff from the FGCC to discuss the public record and meeting exemption under review. FGCC staff indicated that they have had no issue interpreting or applying the exemption and were unaware of any litigation concerning the exemption. FGCC staff recommended reenacting the exemption as is.

¹⁵ [S. 16.716\(1\)\(b\)1., F.S.](#)

¹⁶ [S. 16.716\(1\)\(b\)1.a., F.S.](#)

¹⁷ [S. 16.716\(1\)\(b\)1.b., F.S.](#)

¹⁸ [S. 16.716\(1\)\(b\)1.c., F.S.](#)

¹⁹ [S. 16.716\(1\)\(b\)3., F.S.](#)

²⁰ [S. 16.716\(1\)\(b\)2., F.S.](#)

²¹ [Article I, s. 24\(c\), FLA CONST.](#), requires each public record and meeting exemption to “state with specificity the public necessity justifying the exemption.”

²² [Ch. 2021-270, L.O.F.](#)

²³ [S. 16.716\(2\), F.S.](#)