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A bill to be entitled
 An act relating to public records and meetings;
 amending s. 16.71, F.S.; providing an exemption from
 public meetings requirements for portions of meetings
 of the Florida Gaming Control Commission wherein
 confidential or exempt information is discussed;
 authorizing the commission to close portions of
 meetings during which certain criminal matters are
 discussed if certain requirements are met; providing
 an exemption from public records requirements for
 documents and recordings relating to such exempt
 portions of meetings; providing for future review and
 repeal of the exemptions; providing a statement of
 public necessity; providing a contingent effective
 date.

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

Section 1. Subsection (15) is added to section 16.71,
 Florida Statutes, as created by HB 7053, 2021 Regular Session,
 to read:

16.71 Florida Gaming Control Commission.—

(15) (a) Portions of meetings of the commission during
 which information made exempt or confidential and exempt is
 discussed are exempt from s. 286.011 and s. 24(b), Art. I of the

26 | State Constitution.

27 | 1. The chair of the commission shall advise the commission
 28 | at a public meeting that, in connection with the performance of
 29 | a commission duty, it is necessary that the commission hear or
 30 | discuss information that is exempt or confidential and exempt.

31 | 2. The chair's declaration of necessity for closure and
 32 | the specific reasons for such necessity shall be stated in
 33 | writing in a document that shall be a public record and shall be
 34 | filed with the official records of the commission.

35 | 3. The entire closed session shall be recorded. The
 36 | recording shall include the times of commencement and
 37 | termination of the closed session, all discussion and
 38 | proceedings, and the names of all persons present. No portion of
 39 | the session shall be off the record. Such recording shall be
 40 | maintained by the commission.

41 | (b) Only members of the commission, Department of Law
 42 | Enforcement staff supporting the commission's function, and
 43 | other persons whose presence is necessary for the presentation
 44 | of exempt or confidential and exempt information shall be
 45 | allowed to attend the exempted portions of the commission
 46 | meetings. The commission shall ensure that any closure of its
 47 | meetings as authorized by this subsection is limited so that the
 48 | general policy of this state in favor of public meetings is
 49 | maintained.

50 | (c) A recording of, and any minutes and notes generated

51 during, that portion of a Florida Gaming Control Commission
52 meeting which is closed to the public pursuant to this
53 subsection are confidential and exempt from s. 119.07(1) and s.
54 24(a), Art. I of the State Constitution until such time as the
55 information discussed is no longer exempt or confidential and
56 exempt.

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

61 Section 2. (1) The Legislature finds that it is a public
62 necessity to maintain the exempt or confidential and exempt
63 status of any exempt or confidential and exempt information
64 obtained by the Florida Gaming Control Commission. In the
65 absence of this exemption, sensitive confidential or exempt
66 information would be disclosed. In addition, the Legislature
67 finds that it is a public necessity that portions of meetings of
68 the Florida Gaming Control Commission wherein confidential and
69 exempt information is discussed be made exempt from public
70 meetings requirements. The release of confidential and exempt
71 information via a public meeting defeats the purpose of a public
72 records exemption. Accordingly, the Legislature finds that the
73 harm to the public that would result from the release of such
74 information substantially outweighs any minimal public benefit
75 derived therefrom.

76 (2) The Legislature finds that, during limited portions of
77 the meetings of the Florida Gaming Control Commission, it is
78 necessary that the commission be presented with and discuss
79 details, information, and documents related to active criminal
80 intelligence information or active criminal investigative
81 information. These presentations and discussions are necessary
82 for the commission to make its decisions for licensing of
83 persons for pari-mutuel and gaming activities, and for decisions
84 related to gaming enforcement and enforcement of gambling laws
85 as required by the Legislature under this act. The Legislature
86 finds that to reveal the contents of documents containing active
87 criminal investigative information or active criminal
88 intelligence information or to allow active criminal
89 investigative or active criminal intelligence matters to be
90 discussed in a meeting open to the public negatively impacts the
91 ability of law enforcement agencies to efficiently continue
92 their investigative or intelligence gathering activities. The
93 Legislature finds that information coming before the commission
94 that pertains to active criminal investigations or intelligence
95 should remain confidential and exempt from public disclosure.
96 The Legislature finds that the Florida Gaming Control Commission
97 may, by declaring only those portions of commission meetings in
98 which active criminal investigative or active criminal
99 intelligence information is to be presented or discussed closed
100 to the public, ensure an appropriate balance between the policy

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101 of this state that meetings be public and the policy of this
102 state to facilitate efficient law enforcement efforts.
103 Accordingly, the Legislature finds that the harm to the public
104 that would result from the release of such information
105 substantially outweighs any minimal public benefit derived
106 therefrom.

107 Section 3. This act shall take effect on the same date
108 that HB 7053 or similar legislation takes effect, if such
109 legislation is adopted in the same legislative session or an
110 extension thereof and becomes a law.