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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2021	.	
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The Committee on Appropriations (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

16.71 Florida Gaming Control Commission.—

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



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11 retain its exempt or confidential and exempt status. The
12 information may be released by the commission to other
13 governmental entities as needed in the performance of its
14 official duties and responsibilities. The governmental entity
15 shall maintain the exempt or confidential and exempt status of
16 the information.

17 (b) Portions of meetings of the commission during which
18 information made exempt or confidential and exempt is discussed
19 are exempt from s. 286.011 and s. 24(b), Art I. of the State
20 Constitution.

21 1. The chair of the commission shall advise the commission
22 at a public meeting that, in connection with the performance of
23 a commission duty, it is necessary that the commission hear or
24 discuss information that is exempt or confidential and exempt.

25 2. The chair's declaration of necessity for closure and the
26 specific reasons for such necessity shall be stated in writing
27 in a document that shall be a public record and shall be filed
28 with the official records of the commission.

29 3. The entire closed session shall be recorded. The
30 recording shall include the times of commencement and
31 termination of the closed session, all discussion and
32 proceedings, and the names of all persons present. No portion of
33 the session shall be off the record. Such recording shall be
34 maintained by the commission.

35 (b) Only members of the commission, Department of Law
36 Enforcement staff supporting the commission's function, and
37 other persons whose presence is necessary for the presentation
38 of exempt or confidential and exempt information shall be
39 allowed to attend the exempted portions of the commission



40 meetings. The commission shall assure that any closure of its
41 meetings as authorized by this paragraph is limited so that the
42 general policy of this state in favor of public meetings is
43 maintained.

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

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

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



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

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74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Delete everything before the enacting clause
77 and insert:

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A bill to be entitled

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An act relating to public records and public meetings;
80 amending s. 16.71, F.S.; specifying that any exempt or
81 confidential and exempt information obtained by the
82 Florida Gaming Control Commission retains its exempt
83 or confidential and exempt status; providing an
84 exemption from public meetings requirements for
85 portions of meetings of the Florida Gaming Control
86 Commission wherein exempt or confidential and exempt
87 information is discussed; authorizing the commission
88 to close portions of meetings during which certain
89 matters are discussed if certain requirements are met;
90 providing an exemption from public meetings
91 requirements for such portions of meetings; providing
92 an exemption from public records requirements for
93 documents and recordings relating to such exempt
94 portions of meetings; providing for future review and
95 repeal of the exemption; providing a statement of
96 public necessity; providing a contingent effective
97 date.