

By the Committee on Regulated Industries

580-04018-21

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

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

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24 Section 1. Subsection (11) 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 (11) (a) 1. Information made exempt or confidential and
28 exempt from s. 119.07(1) or s. 24(a) Art I. of the State
29 Constitution which is obtained by the Florida Gaming Control

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30 Commission shall retain its exempt or confidential and exempt
31 status. The information may be released by the commission to
32 other 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 2. 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 (b)1. The Florida Gaming Control Commission is a criminal
41 justice agency as defined in s. 119.011.

42 2.a. The Florida Gaming Control Commission may close
43 portions of meetings during which the commission will hear or
44 discuss active criminal intelligence information or active
45 criminal investigative information, as those terms are defined
46 in s. 119.011(3), and such portions of meetings shall be exempt
47 from the provisions of s. 286.011 and s. 24(b), Art. I of the
48 State Constitution, provided that the following conditions are
49 met:

50 (I) The chair of the commission shall advise the commission
51 at a public meeting that, in connection with the performance of
52 a commission duty, it is necessary that the commission hear or
53 discuss active criminal investigative information or active
54 criminal intelligence information.

55 (II) The chair's declaration of necessity for closure and
56 the specific reasons for such necessity shall be stated in
57 writing in a document that shall be a public record and shall be
58 filed with the official records of the commission.

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59 (III) The entire closed session shall be recorded. The
60 recording shall include the times of commencement and
61 termination of the closed session, all discussion and
62 proceedings, and the names of all persons present. No portion of
63 the session shall be off the record. Such recording shall be
64 maintained by the commission.

65 b. Only members of the commission, Department of Law
66 Enforcement staff supporting the commission's function, and
67 other persons whose presence has been authorized by the chair of
68 the commission shall be allowed to attend the exempted portions
69 of the commission meetings. The commission shall assure that any
70 closure of its meetings as authorized by this paragraph is
71 limited so that the general policy of this state in favor of
72 public meetings is maintained.

73 3. A tape recording of, and any minutes and notes generated
74 during, that portion of a Florida Gaming Control Commission
75 meeting which is closed to the public pursuant to this paragraph
76 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
77 I of the State Constitution until such time as the criminal
78 investigative information or criminal intelligence information
79 ceases to be active.

80 (c) This subsection is subject to the Open Government
81 Sunset Review Act in accordance with s. 119.115 and is repealed
82 on October 2, 2026, unless reviewed and saved from repeal
83 through reenactment by the Legislature.

84 Section 2. (1) The Legislature finds that it is a public
85 necessity to maintain the exempt or confidential and exempt
86 status of any exempt or confidential and exempt information
87 obtained by the Florida Gaming Control Commission. In the

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88 absence of this exemption, sensitive confidential or exempt
89 information would be disclosed. In addition, the Legislature
90 finds that it is a public necessity that portions of meetings of
91 the Florida Gaming Control Commission wherein confidential and
92 exempt information is discussed be made exempt from public
93 meetings requirements. The release of confidential and exempt
94 information via a public meeting defeats the purpose of a public
95 records exemption. Accordingly, the Legislature finds that the
96 harm to the public that would result from the release of such
97 information substantially outweighs any minimal public benefit
98 derived therefrom.

99 (2) The Legislature finds that during limited portions of
100 the meetings of the Florida Gaming Control Commission it is
101 necessary that the commission be presented with and discuss
102 details, information, and documents related to active criminal
103 intelligence information or active criminal investigative
104 information. These presentations and discussions are necessary
105 for the commission to make its decisions for licensing of
106 persons for pari-mutuel and gaming activities, and for decisions
107 related to gaming enforcement and enforcement of gambling laws
108 as required by the Legislature under this act. The Legislature
109 finds that to reveal the contents of documents containing active
110 criminal investigative or intelligence information or to allow
111 active criminal investigative or active criminal intelligence
112 matters to be discussed in a meeting open to the public
113 negatively impacts the ability of law enforcement agencies to
114 efficiently continue their investigative or intelligence
115 gathering activities. The Legislature finds that information
116 coming before the commission that pertains to active criminal

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117 investigations or intelligence should remain confidential and
118 exempt from public disclosure. The Legislature finds that the
119 Florida Gaming Control Commission may, by declaring only those
120 portions of commission meetings in which active criminal
121 investigative or active criminal intelligence information is to
122 be presented or discussed closed to the public, assure an
123 appropriate balance between the policy of this state that
124 meetings be public and the policy of this state to facilitate
125 efficient law enforcement efforts. Accordingly, the Legislature
126 finds that the harm to the public that would result from the
127 release of such information substantially outweighs any minimal
128 public benefit derived therefrom.

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