

By Senator Hutson

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1 A bill to be entitled
2 An act relating to public records and public meetings;
3 creating s. 16.716, F.S.; specifying that any exempt
4 or 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 commission wherein exempt
9 or confidential and exempt information is discussed,
10 provided certain requirements are met; providing an
11 exemption from public records requirements for
12 recordings, minutes, and records generated during such
13 exempt portions of meetings; providing for the future
14 review and repeal of the exemption; providing a
15 statement of public necessity; providing a contingent
16 effective date.

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

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20 Section 1. Section 16.716, Florida Statutes, is created to
21 read:

22 16.716 Florida Gaming Control Commission public records and
23 public meetings exemptions.-

24 (1) (a) Any information obtained by the Florida Gaming
25 Control Commission which is exempt or confidential and exempt
26 from s. 119.07(1) or s. 24(a), Art. I of the State Constitution
27 shall retain its exempt or confidential and exempt status. The
28 information may be released by the commission, upon written
29 request, to an agency, as defined in s. 119.011, or a

7-00004-21A

20216A__

30 governmental entity in the performance of the commission's
31 official duties and responsibilities. An agency or a
32 governmental entity receiving such information from the
33 commission shall maintain the exempt or confidential and exempt
34 status of the information.

35 (b)1. Any portion of a meeting of the commission during
36 which information that is exempt or confidential and exempt is
37 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the
38 State Constitution.

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

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

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

53 2. Only members of the commission, Department of Legal
54 Affairs staff, or commission staff supporting the commission's
55 function and other persons whose presence is necessary for the
56 presentation of exempt or confidential and exempt information
57 shall be allowed to attend the exempted portions of the
58 commission meetings. The commission shall ensure that any

7-00004-21A

20216A__

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

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

68 (2) This section is subject to the Open Government Sunset
69 Review Act in accordance with s. 119.15 and is repealed on
70 October 2, 2026, unless reviewed and saved from repeal through
71 reenactment by the Legislature.

72 Section 2. The Legislature finds that it is a public
73 necessity that any information obtained by the Florida Gaming
74 Control Commission which is exempt or confidential and exempt
75 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
76 the State Constitution, maintains its status as exempt or
77 confidential and exempt. In the absence of this public records
78 exemption, sensitive confidential or exempt information,
79 including criminal intelligence information and criminal
80 investigative information, would be disclosed, thus eliminating
81 the protected status of the information obtained by the
82 commission. If the commission is unable to maintain the exempt
83 or confidential and exempt status of the information received,
84 the commission would be unable to effectively and efficiently
85 perform its duties and responsibilities. In addition, the
86 Legislature finds that it is a public necessity that any portion
87 of a meeting of the Florida Gaming Control Commission wherein

7-00004-21A

20216A__

88 exempt or confidential and exempt information is discussed be
89 made exempt from s. 286.011, Florida Statutes, and s. 24(b),
90 Article I of the State Constitution. The release of exempt or
91 confidential and exempt information via a public meeting defeats
92 the purpose of the public records exemption. If such information
93 were part of an active investigation, the release of such
94 information before its completion could jeopardize the ongoing
95 investigation. Furthermore, the Legislature finds that it is a
96 public necessity that the recording of, and any minutes and
97 records generated during, that portion of a commission meeting
98 that is closed to the public be made confidential and exempt
99 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
100 the State Constitution, until such time as the information is no
101 longer exempt or confidential and exempt. This limited public
102 records exemption ensures that the information discussed during
103 the closed meeting remains protected while also allowing the
104 commission to perform its statutory duties and responsibilities.

105 Section 3. This act shall take effect on the same date that
106 SB 4A or similar legislation takes effect, if such legislation
107 is adopted in the same legislative session or an extension
108 thereof and becomes a law.