

1                                   A bill to be entitled  
 2           An act relating to public records and public meetings;  
 3           amending s. 16.71, F.S.; specifying that any exempt or  
 4           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 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. Subsection (6) is added to section 16.71,  
 21   Florida Statutes, as created by HB 3A, to read:

22           16.71 Florida Gaming Control Commission creation and  
 23   membership; public records and public meetings exemptions.—

24           (6) PUBLIC RECORDS AND PUBLIC MEETINGS EXEMPTIONS.—

25           (a) Any information obtained by the Florida Gaming Control

26 Commission that is exempt or confidential and exempt from s.  
27 119.07(1) and s. 24(a), Art. I of the State Constitution shall  
28 retain its exempt or confidential and exempt status. The  
29 information may be released by the commission, upon written  
30 request, to an agency, as defined in s. 119.011, or a  
31 governmental entity in the performance of the commission's  
32 official duties and responsibilities. An agency or a  
33 governmental entity receiving such information from the  
34 commission shall maintain the exempt or confidential and exempt  
35 status of the information.

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

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

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

48 c. The entire closed session shall be recorded. The  
49 recording shall include the times of commencement and  
50 termination of the closed session, all discussion and

51 proceedings, and the names of all persons present. No portion of  
52 the session shall be off the record. Such recording shall be  
53 maintained by the commission.

54 2. Only members of the commission, Department of Legal  
55 Affairs, or commission staff supporting the commission's  
56 function, and other persons whose presence is necessary for the  
57 presentation of exempt or confidential and exempt information  
58 shall be allowed to attend the exempted portions of the  
59 commission meetings. The commission shall assure that any  
60 closure of its meetings as authorized by this paragraph is  
61 limited so that the general policy of this state in favor of  
62 public meetings is maintained.

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

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

73 Section 2. The Legislature finds that it is a public  
74 necessity that any information obtained by the Florida Gaming  
75 Control Commission that is exempt or confidential and exempt

76 | from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
77 | the State Constitution, maintains its status as exempt or  
78 | confidential and exempt. In the absence of this public records  
79 | exemption, sensitive confidential or exempt information,  
80 | including criminal intelligence information and criminal  
81 | investigative information, would be disclosed, thus eliminating  
82 | the protected status of the information obtained by the  
83 | commission. If the commission is unable to maintain the exempt  
84 | or confidential and exempt status of the information received,  
85 | then the commission would be unable to effectively and  
86 | efficiently perform its duties and responsibilities. In  
87 | addition, the Legislature finds that it is a public necessity  
88 | that any portion of a meeting of the Florida Gaming Control  
89 | Commission wherein exempt or confidential and exempt information  
90 | is discussed be made exempt from s. 286.011, Florida Statutes,  
91 | and s. 24(b), Article I of the State Constitution. The release  
92 | of exempt or confidential and exempt information via a public  
93 | meeting defeats the purpose of the public records exemption. If  
94 | such information were part of an active investigation, then the  
95 | release of such information before its completion could  
96 | jeopardize the ongoing investigation. Furthermore, the  
97 | Legislature finds that it is a public necessity that the  
98 | recording of, and any minutes and records generated during, that  
99 | portion of a commission meeting that is closed to the public be  
100 | made confidential and exempt from s. 119.07(1), Florida

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101 Statutes, and s. 24(a), Article I of the State Constitution  
102 until such time as the information is no longer exempt or  
103 confidential and exempt. This limited public records exemption  
104 ensures that the information discussed during the closed meeting  
105 remains protected while also allowing the commission to perform  
106 its statutory duties and responsibilities.

107       Section 3. This act shall take effect on the same date  
108 that HB 3A 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.