A bill to be entitled

An act relating to public records and public meetings; amending s. 16.71, F.S.; specifying that any exempt or confidential and exempt information obtained by the Florida Gaming Control Commission retains its exempt or confidential and exempt status; providing an exemption from public meetings requirements for portions of meetings of the commission wherein confidential or exempt information is discussed; specifying the commission is a criminal justice agency; 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 meetings requirements for such portions of meetings; providing an exemption from public records requirements for documents and recordings relating to such exempt portions of meetings; providing for future review and repeal; 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, as created by HB ___, 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 State Constitution.

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

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

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

(b) Only members of the commission, Department of Law Enforcement staff supporting the commission's function, and other persons whose presence is necessary for the presentation of exempt or confidential and exempt information shall be allowed to attend the exempted portions of the commission meetings. The commission shall assure that any closure of its

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

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

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

Section 2. (1) The Legislature finds that it is a public necessity to maintain the exempt or confidential and exempt status of any exempt or confidential and exempt information obtained by the Florida Gaming Control Commission. In the absence of this exemption, sensitive confidential or exempt information would be disclosed. In addition, the Legislature finds that it is a public necessity that portions of meetings of the Florida Gaming Control Commission wherein confidential and exempt information is discussed be made exempt from public meetings requirements. The release of confidential and exempt information via a public meeting defeats the purpose of a public

records exemption. Accordingly, the Legislature finds that the harm to the public that would result from the release of such information substantially outweighs any minimal public benefit derived therefrom.

(2) The Legislature finds that during limited portions of the meetings of the Florida Gaming Control Commission it is necessary that the commission be presented with and discuss details, information, and documents related to active criminal intelligence information or active criminal investigative information. These presentations and discussions are necessary for the commission to make its decisions for licensing of persons for pari-mutuel and gaming activities, and for decisions related to gaming enforcement and enforcement of gambling laws as required by the Legislature under this act. The Legislature finds that to reveal the contents of documents containing active criminal investigative or intelligence information or to allow active criminal investigative or active criminal intelligence matters to be discussed in a meeting open to the public negatively impacts the ability of law enforcement agencies to efficiently continue their investigative or intelligence gathering activities. The Legislature finds that information coming before the commission that pertains to active criminal investigations or intelligence should remain confidential and exempt from public disclosure. The Legislature finds that the Florida Gaming Control Commission may, by declaring only those

portions of commission meetings in which active criminal investigative or active criminal intelligence information is to be presented or discussed closed to the public, assure an appropriate balance between the policy of this state that meetings be public and the policy of this state to facilitate efficient law enforcement efforts. Accordingly, the Legislature finds that the harm to the public that would result from the release of such information substantially outweighs any minimal public benefit derived therefrom.

Section 3. This act shall take effect on the same date that PCB COM 21-03 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.