

HB 1125

2006  
CS

## CHAMBER ACTION

---

1 The Governmental Operations Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act relating to public records; creating s. 21.0195,  
8 F.S.; exempting from public records requirements agency  
9 reports submitted under s. 21.006, F.S.; exempting from  
10 public records requirements records, working papers, and  
11 drafts prepared or maintained in preparing the report  
12 required under s. 21.009, F.S.; providing limitations on  
13 the operation of the exemptions; specifying that  
14 information received by the committee in performing its  
15 duties under ch. 21, F.S., that is confidential or exempt  
16 shall remain confidential or exempt; providing for future  
17 legislative review and repeal; providing a statement of  
18 public necessity; providing a contingent effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Section 21.0195, Florida Statutes, is created  
23 to read:

HB 1125

2006  
CS

24        21.0195 Committee records; exemption from public  
25 disclosure.--

26        (1) The following records are exempt from s. 119.07(1) and  
27 s. 24(a), Art. I of the State Constitution:

28        (a) The agency report submitted under s. 21.006.

29        (b) All records, including working papers and drafts,  
30 prepared or maintained by the committee in order to prepare the  
31 committee report required under s. 21.009.

32        (2) The exemptions in subsection (1) shall cease to  
33 operate:

34        (a) Six months after the date the report is presented as  
35 required under s. 21.009.

36        (b) If the agency report or the records described in  
37 subsection (1) are provided by a member or legislative employee  
38 of the committee to any person other than a member of the  
39 committee, an employee of the Legislature, a member of the  
40 Legislature who is a supervisor of a legislative employee, a  
41 contract employee or consultant retained by the Legislature, or  
42 an officer of the Legislature.

43        (3) A record held by another entity that is confidential  
44 or exempt by law and that the committee receives in connection  
45 with the performance of its duties under this chapter remains  
46 confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of  
47 the State Constitution.

48        (4) This section is subject to the Open Government Sunset  
49 Review Act in accordance with s. 119.15 and shall stand repealed  
50 on October 2, 2011, unless reviewed and saved from repeal  
51 through reenactment by the Legislature.

HB 1125

2006  
CS

52           Section 2. The Legislature finds that it is a public  
53 necessity that the agency report submitted under s. 21.006,  
54 Florida Statutes, and the records, including working papers and  
55 drafts, prepared or maintained by the Legislative Sunset  
56 Advisory Committee in presenting the report required under s.  
57 21.009, Florida Statutes, be made exempt from public records  
58 requirements. The Legislature finds that the release of the  
59 information would hinder the ability of the committee to conduct  
60 its evaluation and prepare its report on whether to abolish a  
61 state agency and its advisory committees because the agency,  
62 employees, and other interested persons might be reluctant to  
63 provide information knowing that the information would  
64 immediately be public and could potentially affect the  
65 operation, employment, or other dealings at the agency under  
66 review. Protecting the information would help the committee  
67 complete a more thorough and reliable evaluation and, therefore,  
68 make a better recommendation as to whether or not to terminate a  
69 state agency and its advisory committees.

70           Section 3. This act shall take effect July 1, 2006, if  
71 House Bill 1123 or similar legislation is adopted in the same  
72 legislative session or an extension thereof and becomes law.