

CHAMBER ACTION

1 The State Administration Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public records; creating s. 21.0195,
7 F.S.; exempting from public records requirements working
8 papers, including all documentary or other information,
9 prepared or maintained by the Legislative Sunset Advisory
10 Committee in performing its duties under ch. 21, F.S., to
11 conduct an evaluation and prepare a report; specifying
12 that information received for such purpose that is
13 confidential and exempt shall remain confidential and
14 exempt; providing for future legislative review and
15 repeal; providing a statement of public necessity;
16 providing a contingent 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 21.0195, Florida Statutes, is created
21 to read:

22 21.0195 Confidentiality of information to conduct an
23 evaluation and prepare a report.--

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24 (1) A working paper, including all documentary or other
25 information, prepared or maintained by the committee in
26 performing its duties under this chapter to conduct an
27 evaluation and prepare a report is exempt from the provisions of
28 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

29 (2) A record held by another entity that is considered to
30 be confidential and exempt by law and that the committee
31 receives in connection with the performance of the committee's
32 functions under this chapter remains confidential and exempt
33 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
34 State Constitution.

35 (3) This section is subject to the Open Government Sunset
36 Review Act in accordance with s. 119.15 and shall stand repealed
37 on October 2, 2011, unless reviewed and saved from repeal
38 through reenactment by the Legislature.

39 Section 2. The Legislature finds that it is a public
40 necessity that the working papers, including all documentary or
41 other information, prepared or maintained by the Legislative
42 Sunset Advisory Committee in performing its duties under chapter
43 21, Florida Statutes, to conduct an evaluation and prepare a
44 report on whether to abolish a state agency and its advisory
45 committees as defined in s. 21.002, Florida Statutes, be made
46 exempt from public records requirements. The Legislature finds
47 that the release of such information would hinder the ability of
48 the committee to conduct its evaluation and prepare its report
49 on whether to abolish a state agency and its advisory committees
50 because employees and other interested persons might be
51 reluctant to provide information knowing that the information

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52 | would be public and could potentially affect their employment or
53 | other dealings with the agency under review. Protecting such
54 | information would help the committee complete a more thorough
55 | and reliable evaluation and therefore make a better
56 | recommendation as to whether or not to terminate a state agency
57 | and its advisory committees.

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