

By Senator Thrasher

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1 A bill to be entitled
2 An act relating to public records; amending s. 11.51,
3 F.S.; creating an exemption from public-records
4 requirements for work papers held by the Office of
5 Program Policy Analysis and Government Accountability
6 which relate to an authorized project or a research
7 product; providing for retroactive application;
8 providing a statement of public necessity; providing a
9 contingent effective date.

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

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13 Section 1. Subsection (7) is added to section 11.51,
14 Florida Statutes, to read:

15 11.51 Office of Program Policy Analysis and Government
16 Accountability.—

17 (7) Work papers held by the Office of Program Policy
18 Analysis and Government Accountability which relate to an
19 authorized project or a research product are exempt from s.
20 24(a), Art. I of the State Constitution. The exemption applies
21 to work papers held by the Office of Program Policy Analysis and
22 Government Accountability before, on, or after the effective
23 date of the exemption.

24 Section 2. The Legislature finds that it is a public
25 necessity that certain work papers held by the Office of Program
26 Policy Analysis and Government Accountability be made exempt
27 from s. 24(a), Article I of the State Constitution. The
28 Legislature created the Office of Program Policy Analysis and
29 Government Accountability (OPPAGA) in 1994 to provide to the

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30 Legislature and its members an independent resource for
31 evaluative research and objective analyses to promote
32 governmental accountability and the efficient and effective use
33 of public resources. In order for OPPAGA to accomplish its
34 mission, it is necessary that individuals and businesses share
35 information with analysts without concerns of competitive
36 disadvantage, disclosure, or reprisals. Private-sector business
37 entities have legitimate concerns that information provided to
38 assist the Legislature in directing policy initiatives has
39 protection from those in the marketplace who could gain
40 financially from the ability to access information collected by
41 OPPAGA. In addition, supervisors and others often need to know
42 the information given by their employees as part of an OPPAGA
43 project for the Legislature. If such information were available
44 as a public record, fewer people would be willing to provide
45 information needed by the Legislature to evaluate ongoing
46 programs. Also, during the project process, much information is
47 collected that must be validated before it is relied upon by the
48 office and some information is not validated. Without a public-
49 records exemption, any person could inspect and copy the record
50 containing the unverified information and risk placing on the
51 public record unproven allegations that could harm, embarrass,
52 humiliate, or cause serious personal or commercial consequences
53 to the individual or business as a result of their discussions
54 with OPPAGA. Providing a public-records exemption for OPPAGA
55 work papers will facilitate the ability of OPPAGA to acquire
56 important project information for the Legislature and protect
57 the public from inappropriate disclosure of proprietary and
58 confidential information and from allegations that may not be

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59 proven with further investigation. An exemption of limited
60 duration would not be sufficient to protect the previously
61 identified interests. Thus, the Legislature finds that it is a
62 public necessity to make exempt from public-records requirements
63 work papers held by OPPAGA which relate to an authorized project
64 or to a research product.

65 Section 3. This act shall take effect on the same date that
66 Senate Bill 1204 or similar legislation takes effect, if such
67 legislation is adopted in the same legislative session, or an
68 extension thereof, and becomes law.