

By the Committee on Governmental Oversight and Accountability;  
and Senator Thrasher

585-02316-11

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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.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
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 (OPPAGA) be made  
27 exempt from s. 24(a), Article I of the State Constitution. As  
28 required by the Legislature, OPPAGA may provide independent  
29 evaluative research and objective analyses to promote government

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

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59 identified interests. Thus, the Legislature finds that it is a  
60 public necessity to make exempt from public-records requirements  
61 work papers held by OPPAGA which relate to an authorized project  
62 or to a research product.

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