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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 (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.