

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 Program
 5 Policy Analysis and Government Accountability that relate
 6 to an authorized project or a research product; providing
 7 for retroactive application; providing a statement of
 8 public necessity; providing a contingent effective date.

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

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

14 11.51 Office of Program Policy Analysis and Government
 15 Accountability.—

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

23 Section 2. The Legislature finds that it is a public
 24 necessity that certain work papers held by the Office of Program
 25 Policy Analysis and Government Accountability (OPPAGA) be made
 26 exempt from section 24(a), Article I of the State Constitution.
 27 As required by the Legislature, OPPAGA may provide independent
 28 evaluative research and objective analyses to promote government

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

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57 duration would not be sufficient to protect the previously
58 identified interests. Thus, the Legislature finds that it is a
59 public necessity to make exempt from the public records
60 requirements of the State Constitution work papers held by
61 OPPAGA that relate to an authorized project or to a research
62 product.

63 Section 3. This act shall take effect on the same date
64 that SB 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.