

BILL

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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 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.  
 9

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

11  
 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 s. 24(a), Article I of the State Constitution. As  
 27 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 has protection from  
 36 those in the marketplace who could gain financially from the  
 37 ability to access information collected by OPPAGA. In addition,  
 38 supervisors and others often want to know the information given  
 39 by their employees as part of an OPPAGA project for the  
 40 Legislature. If such information were available as a public  
 41 record, fewer people would be willing to provide information  
 42 needed by the Legislature to evaluate ongoing programs. Also,  
 43 during the project process, much information is collected that  
 44 must be validated before it is relied upon by OPPAGA and some  
 45 information is not validated. Without a public record exemption,  
 46 any person could inspect and copy the record containing the  
 47 unverified information and risk placing on the public record  
 48 unproven allegations that could harm, embarrass, humiliate, or  
 49 cause serious personal or commercial consequences to the  
 50 individual or business as a result of their discussions with  
 51 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.