

CHAPTER 2011-35

Committee Substitute for Senate Bill No. 1970

An act relating to public records; amending s. 11.51, F.S.; creating an exemption from public-records requirements for work papers held by the Office of Program Policy Analysis and Government Accountability which relate to an authorized project or a research product; providing for retroactive application; providing a statement of public necessity; providing a contingent effective date.

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

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

11.51 Office of Program Policy Analysis and Government Accountability.

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

Section 2. The Legislature finds that it is a public necessity that certain work papers held by the Office of Program Policy Analysis and Government Accountability (OPPAGA) be made exempt from s. 24(a), Article I of the State Constitution. As required by the Legislature, OPPAGA may provide independent evaluative research and objective analyses to promote government accountability and the efficient and effective use of public resources. In order for OPPAGA to accomplish this mission, it is necessary that individuals and businesses share information with OPPAGA staff without concerns of competitive disadvantage, disclosure, or reprisals. Private sector business entities have legitimate concerns that information provided to assist the Legislature in directing policy initiatives has protection from those in the marketplace who could gain financially from the ability to access information collected by OPPAGA. In addition, supervisors and others often want to know the information given by their employees as part of an OPPAGA project for the Legislature. If such information were available as a public record, fewer people would be willing to provide information needed by the Legislature to evaluate ongoing programs. Also, during the project process, much information is collected that must be validated before it is relied upon by the office and some information is not validated. Without a public-records exemption, any person could inspect and copy the record containing the unverified information and risk placing on the public record unproven allegations that could harm, embarrass, humiliate, or cause serious personal or commercial consequences to the individual or business as a result of their discussions with OPPAGA. Providing a public-records exemption for

OPPAGA work papers will facilitate the ability of OPPAGA to acquire important project information for the Legislature and protect the public from inappropriate disclosure of proprietary and confidential information and from allegations that may not be proven with further investigation. An exemption of limited duration would not be sufficient to protect the previously identified interests. Thus, the Legislature finds that it is a public necessity to make exempt from public-records requirements work papers held by OPPAGA which relate to an authorized project or to a research product.

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

Approved by the Governor May 5, 2011.

Filed in Office Secretary of State May 5, 2011.