

By Senator Sebesta

16-1345-06

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public-records requirements for information contained in materials relating to rejected bids, negotiations, and proposals received by a state agency; requiring that the information remain confidential until the agency provides notice of a decision or withdraws its invitation to bid, invitation to negotiate, or request for proposals; providing for future legislative review and repeal of such exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.--

(1) AGENCY ADMINISTRATION.--

(b)1. Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) or within 10 days after bid or proposal opening, whichever is earlier.

1 2. Notwithstanding subparagraph 1., if an agency
2 rejects all bids, negotiations, or proposals submitted in
3 response to an invitation to bid, invitation to negotiate, or
4 request for proposals and the agency concurrently provides
5 notice of its intent to reopen the invitation to bid,
6 invitation to negotiate, or request for proposals, the
7 rejected bids, negotiations, or proposals remain exempt from
8 s. 119.07(1) and s. 24(a), Art. I of the State Constitution
9 until notice of a decision or intended decision is provided
10 concerning the reopened invitation to bid, invitation to
11 negotiate, or request for proposals or until the agency
12 withdraws the reopened invitation to bid, invitation to
13 negotiate, or request for proposals.

14 3. Subparagraph 2. is subject to the Open Government
15 Sunset Review Act in accordance with s. 119.15, and shall
16 stand repealed on October 2, 2011, unless reviewed and saved
17 from repeal through reenactment by the Legislature.

18 Section 2. The Legislature finds that it is a public
19 necessity that information contained in materials related to a
20 state agency's rejected bids, negotiations, or proposals be
21 made confidential and exempt from disclosure under s.
22 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State
23 Constitution except as otherwise provided by law. The
24 Legislature further finds that the public policy provided by
25 this exemption will be best served by maintaining the
26 confidentiality of the information contained in materials
27 related to rejected bids, negotiations, or proposals by an
28 agency.

29 Section 3. This act shall take effect upon becoming a
30 law.
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Creates an exemption from public-records requirements for information contained in materials relating to rejected bids, negotiations, and proposals by a state agency. Provides for future legislative review and repeal of such exemption under the Open Government Sunset Review Act.