



1 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
2 Constitution until such time as the agency provides notice of  
3 a decision or intended decision pursuant to s. 120.57(3)(a) or  
4 within 10 days after bid or proposal opening, whichever is  
5 earlier.

6 b. If an agency rejects all bids or proposals  
7 submitted in response to an invitation to bid or request for  
8 proposals and the agency concurrently provides notice of its  
9 intent to reissue the invitation to bid or request for  
10 proposals, the rejected bids or proposals remain exempt from  
11 s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
12 until such time as the agency provides notice of a decision or  
13 intended decision pursuant to s. 120.57(3)(a) concerning the  
14 reissued invitation to bid or request for proposals or until  
15 the agency withdraws the reissued invitation to bid or request  
16 for proposals. This sub-subparagraph is subject to the Open  
17 Government Sunset Review Act in accordance with s. 119.15, and  
18 shall stand repealed on October 2, 2011, unless reviewed and  
19 saved from repeal through reenactment by the Legislature.

20 2.a. A competitive sealed reply in response to an  
21 invitation to negotiate, as defined in s. 287.012, is exempt  
22 from s. 119.07(1) and s. 24(a), Art. I of the State  
23 Constitution until such time as the agency provides notice of  
24 a decision or intended decision pursuant to s. 120.57(3)(a) or  
25 until 20 days after the final competitive sealed replies are  
26 all opened, whichever occurs earlier.

27 b. If an agency rejects all competitive sealed replies  
28 in response to an invitation to negotiate and the agency  
29 concurrently provides notice of its intent to reissue the  
30 invitation to negotiate and if the agency reissues the  
31 invitation to negotiate within 90 days after such notice to

1 reissue, the rejected replies remain exempt from s. 119.07(1)  
2 and s. 24(a), Art. I of the State Constitution until such time  
3 as the agency provides notice of a decision or intended  
4 decision pursuant to s. 120.57(3)(a) concerning the reissued  
5 invitation to negotiate or until the agency withdraws the  
6 reissued invitation to negotiate. A competitive sealed reply  
7 is not exempt for longer than 12 months after the initial  
8 agency notice rejecting all replies.

9 3. This subparagraph is subject to the Open Government  
10 Sunset Review Act in accordance with s. 119.15, and shall  
11 stand repealed on October 2, 2011, unless reviewed and saved  
12 from repeal through reenactment by the Legislature.

13 Section 2. Section 286.0113, Florida Statutes, is  
14 amended to read:

15 286.0113 General exemptions from public meetings.--

16 (1) Those portions of any meeting which would reveal a  
17 security system plan or portion thereof made confidential and  
18 exempt by s. 119.071(3)(a) are exempt from the provisions of  
19 s. 286.011 and s. 24(b), Art. I of the State Constitution.  
20 This section is subject to the Open Government Sunset Review  
21 Act, in accordance with s. 119.15, and shall stand repealed on  
22 October 2, 2006, unless reviewed and saved from repeal through  
23 reenactment by the Legislature.

24 (2)(a) A meeting at which a negotiation with a vendor  
25 is conducted pursuant to s. 287.057(3) is exempt from s.  
26 286.011 and s. 24(b), Art. I of the State Constitution.

27 (b)1. A complete recording shall be made of any  
28 meeting made exempt in paragraph (a). No portion of the  
29 meeting may be held off the record.

30 2. The recording is exempt from s. 119.07(1) and s.  
31 24(a), Art. I of the State Constitution until such time as the

1 agency provides notice of a decision or intended decision  
2 pursuant to s. 120.57(3)(a) or until 20 days after the final  
3 competitive sealed replies are all opened, whichever occurs  
4 earlier.

5 3. If the agency rejects all sealed replies, the  
6 recording remains exempt from s. 119.07(1) and s. 24(a), Art.  
7 I of the State Constitution until such time as the agency  
8 provides notice of a decision or intended decision pursuant to  
9 s. 120.57(3)(a) concerning the reissued invitation to  
10 negotiate or until the agency withdraws the reissued  
11 invitation to negotiate. A recording is not exempt for longer  
12 than 12 months after the initial agency notice rejecting all  
13 replies.

14 (c) This subsection 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 3. (1) The Legislature finds that it is a  
19 public necessity that sealed bids or proposals submitted in  
20 response to an invitation to bid or requests for proposals  
21 that are rejected by an agency be made exempt temporarily from  
22 public-records requirements if the agency concurrently  
23 provides notice of its intent to reissue the invitation to bid  
24 or request for proposals. Such records will be made available  
25 when the agency provides notice of a decision or intended  
26 decision, as required under the Administrative Procedure Act,  
27 or if the agency withdraws the reissued invitation to bid or  
28 request for proposals. Temporarily protecting such information  
29 ensures that the process of invitations to bid and requests  
30 for proposals remains economical and equitable, while still  
31 preserving oversight after an agency decision is made.

1           (2) The Legislature further finds that it is a public  
2 necessity that a competitive sealed reply in response to an  
3 invitation to negotiate be made exempt temporarily from  
4 public-records requirements. In addition, a competitive sealed  
5 reply in response to an invitation to negotiate which is  
6 rejected by an agency should be made exempt temporarily from  
7 public-records requirements if the agency concurrently  
8 provides notice of its intent to reissue the invitation to  
9 negotiate. Such reply will be made available when the agency  
10 provides notice of a decision or intended decision, as  
11 required under the Administrative Procedure Act, or if the  
12 agency withdraws the reissued invitation to negotiate.  
13 Temporarily protecting such reply ensures that the process of  
14 invitations to negotiate remains economical and equitable,  
15 while still preserving oversight after an agency decision is  
16 made.

17           (3) Additionally, the Legislature finds that it is a  
18 public necessity that a meeting at which a negotiation with a  
19 vendor is conducted pursuant to s. 287.057(3), Florida  
20 Statutes, be made exempt from public-meetings requirements.  
21 Protecting such meetings ensures that the process of  
22 invitations to negotiate remains economical and equitable,  
23 while still preserving oversight after an agency decision is  
24 made through the requirement that a complete recording be made  
25 of those meetings. Furthermore, the recording of that closed  
26 portion of the meeting must be made exempt temporarily from  
27 public-records requirements in order to preserve the purpose  
28 for the public-meetings exemption. In addition, it is unfair  
29 and inequitable to compel vendors to disclose during the  
30 negotiation process the nature and details of their offers to  
31 competitors and to others beyond the agency. Further, the

1 Legislature finds that such disclosure impedes full and frank  
2 discussion of the strength, weakness, and value of an offer,  
3 thereby limiting the agency's ability to obtain the best value  
4 for the state. The Legislature also finds that it is unfair  
5 and inequitable to publicly discuss and otherwise disclose  
6 negotiation strategies, assessment of vendors' offers or  
7 positions, or the nature or details of offers. The public and  
8 private harm stemming from these practices outweighs the  
9 temporary delay in making meetings and records related to the  
10 negotiation process open to the public.

11           Section 4. This act shall take effect upon becoming a  
12 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2316

Extends the temporary exemption for bids or proposals received pursuant to an invitation to bid or a request for proposals if all bids or proposals are rejected and the agency concurrently provides notice of its intent to reissue the bid or request for proposals. In such cases, the rejected bids or proposals remain exempt until the agency provides notice of a decision or intended decision concerning the invitation to bid or request for proposals.

Creates an exemption for competitive sealed replies in response to an invitation to negotiate until an agency provides notice of a decision or intended decision or until 20 days after the final competitive sealed replies are all opened, whichever is earlier. If the agency rejects all replies and concurrently provides notice of intent to reissue the invitation to negotiate, and reissues the invitation within 90 days, the rejected replies remain exempt until the agency provides notice of a decision or intended decision or until the agency withdraws the invitation. In no event are replies exempt longer than 12 months after the initial agency notice rejecting all replies.

Creates a meeting exemption for negotiations. Requires all such exempt meetings to be recorded. Exempts records of such meetings until such time as the agency provides a decision or intended decision or until 20 days after the final competitive sealed replies are all opened, whichever is earlier. If the agency rejects all sealed replies, the recording remains exempt until such time as the agency provides notice of a decision or intended decision concerning the reissued invitation to negotiate or until the agency withdraws the reissued invitation to negotiate. In no event is a recording exempt for more than twelve months after the initial agency notice rejecting all replies.