



729572

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/17/2010	.	
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The Committee on Governmental Oversight and Accountability
(Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 283.58, Florida Statutes, is amended to
read:

283.58 Agency agreements with vendors for private
publication of public information materials; free distribution
to public.—

(1) An agency may enter into agreements to secure the
private publication of public information brochures, pamphlets,



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13 audiotapes, videotapes, and related materials for distribution
14 without charge to the public and, in furtherance thereof, is
15 authorized to:

16 (a) Enter into agreements with private vendors for the
17 publication or production of such public information materials,
18 under by which the costs of publication or production will be
19 borne in whole or in part by the vendor or the vendor agrees to
20 provide additional compensation in return for the right of the
21 vendor to select, sell, and place advertising that publicizes
22 products or services related to and harmonious with the subject
23 matter of the publication or that includes a safety message
24 related to the subject matter of the publication.

25 (b) Retain the right, by agreement, to approve all elements
26 of any advertising placed in such public information materials,
27 including the form and content thereof. However, an agency's
28 approval of any advertising may not be unreasonably withheld and
29 it may not prohibit advertising by a person or entity because
30 that person or entity is regulated by the agency.

31 (2) Any public information materials produced pursuant to
32 this section and containing advertising of any kind must include
33 a statement providing that the inclusion of advertising in such
34 material does not constitute an endorsement by the state or the
35 agency of the products or services so advertised.

36 (3) (a) Notwithstanding any provision of chapter 287 to the
37 contrary, if an agency entered into an agreement pursuant to
38 this section with a sponsor under which no payment has been made
39 by the state and the state realizes cost savings due to the
40 sponsor funding the costs of publication and distribution under
41 the terms of the agreement in an amount of at least \$1.5 million



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42 as supported by sponsor records and expiring on or after June
43 30, 2010, but before January 1, 2011, the agency shall enter
44 into a new agreement with the same party to the expiring
45 agreement, upon substantially the same terms and conditions, but
46 with a term beginning on July 1, 2010, or the day following
47 expiration of the contract, whichever is later. A payment may
48 not be made by the state under the new agreement and the new
49 agreement shall result in cost savings to the state.

50 (b) The agency is not relieved of its obligation to enter
51 into the new agreement described in paragraph (a) unless all of
52 the following conditions exist:

53 1. The agreement has been terminated before the date of
54 expiration by a material and substantial breach by the private
55 vendor;

56 2. The private vendor has been declared in default pursuant
57 to rule 60A-1.006, Florida Administrative Code; and

58 3. All administrative and appellate remedies of the private
59 vendor have been exhausted or waived.

60 Section 2. This act shall take effect upon becoming a law.

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64
65 Delete everything before the enacting clause
66 and insert:

67 A bill to be entitled
68 An act relating to public printing; amending s.
69 283.58, F.S.; providing that an agency may enter into
70 an agreement with a private vendor for the private



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71 publication of public information materials under
72 which the costs of publication will be borne in whole
73 or in part by the vendor in return for the right of
74 the vendor to include in the publication a safety
75 message related to the subject matter of the
76 publication; prohibiting an agency from unreasonably
77 withholding approval of the form and content of the
78 advertisement and prohibiting the agency from
79 rejecting advertising from a person or entity because
80 that person or entity is regulated by the agency;
81 requiring an agency to enter into a new agreement with
82 the same party to an expiring agreement upon
83 substantially the same terms and conditions as the
84 expiring agreement under certain conditions;
85 specifying the conditions under which an agency is
86 relieved of its obligation to renew an agreement;
87 providing an effective date.