

By Senator Baker

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1 A bill to be entitled
2 An act relating to public printing; amending s.
3 283.58, F.S.; providing that an agency may enter into
4 an agreement with a private vendor for the private
5 publication of public information materials under
6 which the costs of publication will be borne in whole
7 or in part by the vendor in return for the right of
8 the vendor to include in the publication a safety
9 message related to the subject matter of the
10 publication; prohibiting an agency from unreasonably
11 withholding approval of the form and content of the
12 advertisement and prohibiting the agency from
13 rejecting advertising from a person or entity because
14 that person or entity is regulated by the agency;
15 requiring an agency to enter into a new agreement with
16 the same party to an expiring agreement upon
17 substantially the same terms and conditions as the
18 expiring agreement under certain conditions;
19 specifying the length of the term of the new
20 agreement; authorizing one renewal option for the new
21 agreement; specifying the conditions under which an
22 agency is relieved of its obligation to renew an
23 agreement; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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

29 283.58 Agency agreements with vendors for private

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30 publication of public information materials; free distribution
31 to public.—

32 (1) An agency may enter into agreements to secure the
33 private publication of public information brochures, pamphlets,
34 audiotapes, videotapes, and related materials for distribution
35 without charge to the public and, in furtherance thereof, is
36 authorized to:

37 (a) Enter into agreements with private vendors for the
38 publication or production of such public information materials,
39 under ~~by~~ which the costs of publication or production will be
40 borne in whole or in part by the vendor or the vendor agrees to
41 provide additional compensation in return for the right of the
42 vendor to select, sell, and place advertising that publicizes
43 products or services related to and harmonious with the subject
44 matter of the publication or that includes a safety message
45 related to the subject matter of the publication.

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

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

57 (3) (a) Notwithstanding any provision of chapter 287 to the
58 contrary, if an agency enters into an agreement pursuant to this

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59 section under which no payment is made by the state thereby
60 resulting in cost savings to the state, and the term of the
61 agreement expires on or after June 30, 2010, but before January
62 1, 2011, the agency shall enter into a new agreement with the
63 same party to the expiring agreement, upon substantially the
64 same terms and conditions as the expiring agreement, but with a
65 term beginning on July 1, 2010, or the day following expiration
66 of the expiring contract, whichever is later. A payment may not
67 be made by the state under the new agreement and the new
68 agreement shall result in cost savings to the state. The term of
69 the new agreement shall be 5 years in length with one renewal
70 option for an additional 5-year term, which renewal may be
71 exercised upon the mutual consent of the parties.

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

75 1. The agreement has been terminated before the date of
76 expiration by a material and substantial breach by the private
77 vendor;

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

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

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