

HB 977

2010

1                                   A bill to be entitled  
 2           An act relating to public printing; amending s. 283.58,  
 3           F.S., which regulates agency agreements with vendors for  
 4           private publication of public information materials;  
 5           revising criteria for advertising placed in such  
 6           publications under agency agreements; providing that an  
 7           agency's approval of advertising may not be unreasonably  
 8           withheld; providing requirements with respect to renewal  
 9           of agreements by an agency; specifying conditions under  
 10          which an agency is relieved of its obligation to renew an  
 11          agreement; providing an effective date.

12  
 13   Be It Enacted by the Legislature of the State of Florida:

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

17           283.58   Agency agreements with vendors for private  
 18   publication of public information materials; free distribution  
 19   to public.—

20           (1)   An agency may enter into agreements to secure the  
 21   private publication of public information brochures, pamphlets,  
 22   audiotapes, videotapes, and related materials for distribution  
 23   without charge to the public and, in furtherance thereof, is  
 24   authorized to:

25           (a)   Enter into agreements with private vendors for the  
 26   publication or production of such public information materials,  
 27   under ~~by~~ which the costs of publication or production will be  
 28   borne in whole or in part by the vendor or the vendor agrees to

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29 provide additional compensation in return for the right of the  
30 vendor to select, sell, and place advertising that publicizes  
31 products or services in related to and harmonious with the  
32 ~~subject matter of~~ the publication.

33 (b) Retain the right, by agreement, to approve all  
34 elements of any advertising placed in such public information  
35 materials, including the form and content thereof. However, an  
36 agency's approval of any advertising may not be unreasonably  
37 withheld.

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

43 (3) (a) Any provision of chapter 287 to the contrary  
44 notwithstanding, an agreement entered into pursuant to this  
45 section shall be renewed by the agency, with the consent of the  
46 private vendor, for a period equal to the term of the original  
47 contract. Renewal shall be in writing and shall be subject to  
48 the same terms and conditions set forth in the initial  
49 agreement. The agreement may also be renewed for a second  
50 renewal period equal to the term of the original contract, upon  
51 mutual consent of the parties.

52 (b) The agency shall only be relieved of its obligation to  
53 renew an agreement if all of the following conditions exist:

54 1. The agreement has been terminated for a material and  
55 substantial breach by the private vendor.

56 2. The private vendor has been declared in default

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57 pursuant to rule 60A-1.006, Florida Administrative Code.

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

60 Section 2. This act shall take effect July 1, 2010.