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1  
2 An act relating to a review under the Open Government  
3 Sunset Review Act; amending s. 119.071, F.S., which  
4 provides an exemption from public records requirements  
5 for bids, proposals, or replies submitted to an agency  
6 in response to a competitive solicitation; removing  
7 the scheduled repeal of the exemption; amending s.  
8 286.0113, F.S., which provides an exemption from  
9 public meetings requirements for portions of meetings  
10 in which a vendor participates in a negotiation, makes  
11 an oral presentation, or answers questions as part of  
12 a competitive solicitation or in which negotiation  
13 strategies are discussed, and which provides an  
14 exemption from public records requirements for the  
15 recording of, and any records presented at, exempt  
16 portions of such meetings; removing the scheduled  
17 repeal of the exemptions; providing an effective date.  
18

19 Be It Enacted by the Legislature of the State of Florida:  
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21 Section 1. Paragraph (b) of subsection (1) of section  
22 119.071, Florida Statutes, is amended to read:

23 119.071 General exemptions from inspection or copying of  
24 public records.—

25 (1) AGENCY ADMINISTRATION.—

26 (b)1. For purposes of this paragraph, "competitive  
27 solicitation" means the process of requesting and receiving  
28 sealed bids, proposals, or replies in accordance with the terms  
29 of a competitive process, regardless of the method of

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30 procurement.

31 2. Sealed bids, proposals, or replies received by an agency  
32 pursuant to a competitive solicitation are exempt from s.  
33 119.07(1) and s. 24(a), Art. I of the State Constitution until  
34 such time as the agency provides notice of an intended decision  
35 or until 30 days after opening the bids, proposals, or final  
36 replies, whichever is earlier.

37 3. If an agency rejects all bids, proposals, or replies  
38 submitted in response to a competitive solicitation and the  
39 agency concurrently provides notice of its intent to reissue the  
40 competitive solicitation, the rejected bids, proposals, or  
41 replies remain exempt from s. 119.07(1) and s. 24(a), Art. I of  
42 the State Constitution until such time as the agency provides  
43 notice of an intended decision concerning the reissued  
44 competitive solicitation or until the agency withdraws the  
45 reissued competitive solicitation. A bid, proposal, or reply is  
46 not exempt for longer than 12 months after the initial agency  
47 notice rejecting all bids, proposals, or replies.

48 ~~4. This paragraph is subject to the Open Government Sunset~~  
49 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
50 ~~on October 2, 2016, unless reviewed and saved from repeal~~  
51 ~~through reenactment by the Legislature.~~

52 Section 2. Subsection (2) of section 286.0113, Florida  
53 Statutes, is amended to read:

54 286.0113 General exemptions from public meetings.—

55 (2) (a) For purposes of this subsection:

56 1. "Competitive solicitation" means the process of  
57 requesting and receiving sealed bids, proposals, or replies in  
58 accordance with the terms of a competitive process, regardless

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59 of the method of procurement.

60 2. "Team" means a group of members established by an agency  
61 for the purpose of conducting negotiations as part of a  
62 competitive solicitation.

63 (b)1. Any portion of a meeting at which a negotiation with  
64 a vendor is conducted pursuant to a competitive solicitation, at  
65 which a vendor makes an oral presentation as part of a  
66 competitive solicitation, or at which a vendor answers questions  
67 as part of a competitive solicitation is exempt from s. 286.011  
68 and s. 24(b), Art. I of the State Constitution.

69 2. Any portion of a team meeting at which negotiation  
70 strategies are discussed is exempt from s. 286.011 and s. 24(b),  
71 Art. I of the State Constitution.

72 (c)1. A complete recording shall be made of any portion of  
73 an exempt meeting. No portion of the exempt meeting may be held  
74 off the record.

75 2. The recording of, and any records presented at, the  
76 exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I  
77 of the State Constitution until such time as the agency provides  
78 notice of an intended decision or until 30 days after opening  
79 the bids, proposals, or final replies, whichever occurs earlier.

80 3. If the agency rejects all bids, proposals, or replies  
81 and concurrently provides notice of its intent to reissue a  
82 competitive solicitation, the recording and any records  
83 presented at the exempt meeting remain exempt from s. 119.07(1)  
84 and s. 24(a), Art. I of the State Constitution until such time  
85 as the agency provides notice of an intended decision concerning  
86 the reissued competitive solicitation or until the agency  
87 withdraws the reissued competitive solicitation. A recording and

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88 any records presented at an exempt meeting are not exempt for  
89 longer than 12 months after the initial agency notice rejecting  
90 all bids, proposals, or replies.

91 ~~(d) This subsection is subject to the Open Government~~  
92 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~  
93 ~~repealed on October 2, 2016, unless reviewed and saved from~~  
94 ~~repeal through reenactment by the Legislature.~~

95 Section 3. This act shall take effect October 1, 2016.