

By Senator Wright

8-00680-24

2024292__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.0701, F.S.; providing an exemption from public
4 records requirements for contractors' and service
5 providers' records related to audit or claims
6 resolution which are provided to a public agency
7 pursuant to contract requirements; providing for
8 future legislative review and repeal of the exemption;
9 providing a statement of public necessity; providing a
10 contingent effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (5) is added to section 119.0701,
15 Florida Statutes, as amended by SB ____, 2024 Regular Session,
16 to read:

17 119.0701 Contracts; public records; request for contractor
18 and service provider records; civil action.—

19 (5) REQUEST FOR RECORDS OF SERVICE PROVIDERS; EXEMPTION.—
20 The records of a contractor and service provider which are
21 provided to a public agency pursuant to a contract requirement
22 to provide such records for audit or claims resolution purposes
23 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
24 Constitution. Any information that the public agency, or any
25 third party assisting the public agency with the audit or claims
26 resolution, obtains from such records and that is contained in
27 or may be determined by analyzing any audit report, audit
28 workpapers, or notes related to such audit is exempt from s.
29 119.07(1) and s. 24(a), Art. I of the State Constitution. This

8-00680-24

2024292__

30 subsection is subject to the Open Government Sunset Review Act
31 in accordance with s. 119.15 and shall stand repealed on October
32 2, 2029, unless reviewed and saved from repeal through
33 reenactment by the Legislature.

34 Section 2. The Legislature finds that it is a public
35 necessity that the records contractors and service providers are
36 contractually obligated to provide to a public agency or a third
37 party assisting the public agency for the purpose of audits or
38 claims resolution, such as audit reports, workpapers, or notes
39 related to such audits, be made exempt from s. 119.07(1),
40 Florida Statutes, and s. 24(a), Article I of the State
41 Constitution. These records may contain confidential information
42 related to contractors' and service providers' financial details
43 and work product which may be used by competitors to gain an
44 unfair advantage against the contractors and service providers.
45 Subjecting such records to public records requirements may
46 discourage otherwise qualified contractors and service providers
47 from bidding on agency projects. In the absence of this public
48 records exemption, the effective and efficient administration of
49 the competitive solicitation and bidding process would be
50 hindered.

51 Section 3. This act shall take effect on the same date that
52 SB ___ or similar legislation takes effect, if such legislation
53 is adopted in the same legislative session or an extension
54 thereof and becomes a law.