

CS/HB 379

2024

1                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.071, F.S.; providing an exemption from public  
4           records requirements for certain financial information  
5           a prospective bidder submits to an agency in order to  
6           prequalify for bidding or for responding to a  
7           solicitation for road or other public works projects;  
8           providing for future legislative review and repeal of  
9           the exemption; providing a statement of public  
10          necessity; providing an effective date.

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

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14          Section 1. Paragraph (c) of subsection (1) of section  
15   119.071, Florida Statutes, is amended to read:

16          119.071 General exemptions from inspection or copying of  
17   public records.—

18          (1) AGENCY ADMINISTRATION.—

19          (c) Any financial statement or other financial information  
20   necessary to verify the financial adequacy of a prospective  
21   bidder which ~~that~~ an agency requires a prospective bidder to  
22   submit in order to prequalify for bidding or for responding to a  
23   solicitation ~~proposal~~ for a road or any other public works  
24   project is exempt from s. 119.07(1) and s. 24(a), Art. I of the  
25   State Constitution. This paragraph is subject to the Open

26 Government Sunset Review Act in accordance with s. 119.15 and  
27 shall stand repealed on October 2, 2029, unless reviewed and  
28 saved from repeal through reenactment by the Legislature.

29       Section 2. The Legislature finds that it is a public  
30 necessity that financial information necessary to verify the  
31 financial adequacy of a prospective bidder which an agency  
32 requires a prospective bidder to submit in order to prequalify  
33 for bidding or for responding to a solicitation for a road or  
34 any other public works project be made exempt from s. 119.07(1),  
35 Florida Statutes, and s. 24(a), Article I of the State  
36 Constitution. In the prequalification process, a prospective  
37 bidder will provide financial statements to the agency, and the  
38 agency may request additional financial information in order to  
39 verify the financial adequacy of the prospective bidder. The  
40 additional financial information often contains sensitive  
41 information. The risk of potential disclosure of sensitive  
42 financial information defeats the purpose of protections already  
43 afforded to financial statements and may have a chilling effect  
44 on persons desiring to prequalify or maintain prequalification.  
45 The chilling effect may result in a limited pool of potential  
46 bidders and, thus, negatively impact the state's ability to  
47 receive the best value for road and other public works projects.  
48 Additionally, protecting this financial information from  
49 disclosure will prevent such information from being used by  
50 competitors to gain an unfair advantage against other bidders on

51 road and other public works projects. Lastly, protecting this  
52 financial information from disclosure promotes the free  
53 provision of such information to the requesting agency by  
54 removing a prospective bidder's concern for attendant risks in  
55 doing so. As a result, this exemption promotes the state's  
56 interest in ensuring that prospective bidders on road and other  
57 public works projects possess the necessary financial resources  
58 to complete such projects, many of which involve immense costs  
59 and may be complex and of long duration.

60 Section 3. This act shall take effect July 1, 2024.