

1 A bill to be entitled
 2 An act relating to public records; amending s. 119.071,
 3 F.S.; creating an exemption from public-records
 4 requirements for information contained in materials
 5 relating to rejected bids, negotiations, and proposals
 6 received by a state agency; requiring that the information
 7 remain confidential until the agency provides notice of a
 8 decision or withdraws its invitation to bid, invitation to
 9 negotiate, or request for proposals; providing for future
 10 legislative review and repeal of such exemption under the
 11 Open Government Sunset Review Act; providing a statement
 12 of public necessity; providing an effective date.

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

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16 Section 1. Paragraph (b) of subsection (1) of section
 17 119.071, Florida Statutes, is amended to read:

18 119.071 General exemptions from inspection or copying of
 19 public records.--

20 (1) AGENCY ADMINISTRATION.--

21 (b) 1. Sealed bids or proposals received by an agency
 22 pursuant to invitations to bid or requests for proposals are
 23 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 24 Constitution until such time as the agency provides notice of a
 25 decision or intended decision pursuant to s. 120.57(3)(a) or
 26 within 10 days after bid or proposal opening, whichever is
 27 earlier.

28 2. Notwithstanding subparagraph 1., if an agency rejects

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29 all bids, negotiations, or proposals submitted in response to an
30 invitation to bid, invitation to negotiate, or request for
31 proposals and the agency concurrently provides notice of its
32 intent to reopen the invitation to bid, invitation to negotiate,
33 or request for proposals, the rejected bids, negotiations, or
34 proposals remain exempt from s. 119.07(1) and s. 24(a), Art. I
35 of the State Constitution until notice of a decision or intended
36 decision is provided concerning the reopened invitation to bid,
37 invitation to negotiate, or request for proposals or until the
38 agency withdraws the reopened invitation to bid, invitation to
39 negotiate, or request for proposals.

40 3. Subparagraph 2. is subject to the Open Government
41 Sunset Review Act in accordance with s. 119.15, and shall stand
42 repealed on October 2, 2011, unless reviewed and saved from
43 repeal through reenactment by the Legislature.

44 Section 2. The Legislature finds that it is a public
45 necessity that information contained in materials related to a
46 state agency's rejected bids, negotiations, or proposals be made
47 confidential and exempt from disclosure under s. 119.07(1),
48 Florida Statutes, and s. 24(a), Art. I of the State Constitution
49 except as otherwise provided by law. The Legislature further
50 finds that the public policy provided by this exemption will be
51 best served by maintaining the confidentiality of the
52 information contained in materials related to rejected bids,
53 negotiations, or proposals by an agency.

54 Section 3. This act shall take effect upon becoming a law.