ORIGINAL

1 A bill to be entitled 2 An act relating to a review under the Open Government 3 Sunset Review Act; amending s. 119.071, F.S., relating 4 to an exemption from public records requirements for 5 bids, proposals, or replies submitted to an agency in 6 response to a competitive solicitation; removing the 7 scheduled repeal of the exemption; amending s. 8 286.0113, F.S., relating to an exemption from public 9 meetings requirements for portions of meetings at 10 which a vendor participates in a negotiation, makes an oral presentation, or answers questions as part of a 11 12 competitive solicitation or at which negotiation strategies are discussed, and which provides an 13 14 exemption from public records requirements for the 15 recording of, and any records presented at, exempt 16 meetings; removing the scheduled repeal of the 17 exemptions; providing an effective date. 18 19 Be It Enacted by the Legislature of the State of Florida: 20 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 AGENCY ADMINISTRATION.-(1)26 (b)1. For purposes of this paragraph, "competitive Page 1 of 4

PCB GVOPS 16-05

CODING: Words stricken are deletions; words underlined are additions.

V

ORIGINAL

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 30 procurement.

31 2. Sealed bids, proposals, or replies received by an 32 agency 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 If an agency rejects all bids, proposals, or replies 3. 38 submitted in response to a competitive solicitation and the 39 agency concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids, proposals, or 40 replies remain exempt from s. 119.07(1) and s. 24(a), Art. I of 41 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

PCB GVOPS 16-05

Page 2 of 4

CODING: Words stricken are deletions; words underlined are additions.

ORIGINAL

53 Statutes, is amended to read:

286.0113 General exemptions from public meetings.-

55

54

(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 38 accordance with the terms of a competitive process, regardless 59 of the method of procurement.

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

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

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

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

PCB GVOPS 16-05

Page 3 of 4

CODING: Words stricken are deletions; words underlined are additions.

ORIGINAL

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

PCB GVOPS 16-05

Page 4 of 4

CODING: Words stricken are deletions; words underlined are additions.