

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; revising an exemption from public
 4 records requirements for any financial statement that
 5 an agency requires a prospective bidder to submit in
 6 order to prequalify for bidding or for responding to a
 7 proposal for a road or public works project to provide
 8 an exemption from public records requirements for any
 9 financial statement that a governmental entity or
 10 agency requires a prospective bidder to submit when
 11 bidding in response to an invitation to bid,
 12 submitting a letter of interest, or responding to a
 13 request for proposals or an invitation to negotiate
 14 pursuant to a public procurement; providing for future
 15 legislative review and repeal of the exemption under
 16 the Open Government Sunset Review Act; providing a
 17 statement of public necessity; providing an effective
 18 date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Paragraph (c) of subsection (1) of section
 23 119.071, Florida Statutes, is amended to read:

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

26 (1) AGENCY ADMINISTRATION.—

27 (c)1. ~~A~~ Any financial statement that a governmental entity
 28 or ~~an~~ agency requires a prospective bidder to submit when ~~in~~

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29 ~~order to prequalify for bidding in response to an invitation to~~
30 ~~bid, submitting a letter of interest, or for responding to a~~
31 ~~request for proposals or an invitation to negotiate pursuant to~~
32 ~~a public procurement proposal for a road or any other public~~
33 ~~works project is exempt from s. 119.07(1) and s. 24(a), Art. I~~
34 ~~of the State Constitution.~~

35 2. This paragraph is subject to the Open Government Sunset
36 Review Act in accordance with s. 119.15 and shall stand repealed
37 on October 2, 2018, unless reviewed and saved from repeal
38 through reenactment by the Legislature.

39 Section 2. It is the finding of the Legislature that it is
40 a public necessity that a financial statement that a
41 governmental entity or agency requires a prospective bidder to
42 submit when bidding in response to an invitation to bid,
43 submitting a letter of interest, or responding to a request for
44 proposals or an invitation to negotiate pursuant to a public
45 procurement be held exempt from public records requirements.
46 Although it is important to demonstrate financial stability to a
47 governmental entity or agency making a selection from among
48 bidders responding to an invitation to bid, individuals and
49 entities submitting letters of interest, and respondents to
50 requests for proposals and invitations to negotiate pursuant to
51 a public procurement, public disclosure of the financial
52 statement of a prospective bidder or respondent creates an
53 unfair business advantage for competing firms. Because private
54 companies and individuals must be able to bid on and compete for
55 projects without concern that their financial records could be
56 subject to public scrutiny and, consequently, the scrutiny of

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57 | their competitors, it is the finding of the Legislature that a
58 | financial statement that a governmental entity or agency
59 | requires a prospective bidder to submit when bidding in response
60 | to an invitation to bid, submitting a letter of interest, or
61 | responding to a request for proposals or an invitation to
62 | negotiate pursuant to a public procurement be made exempt from
63 | public records requirements.

64 | Section 3. This act shall take effect October 1, 2013.