

House Bill No. 385

An act relating to a public records exemption for certain information used by municipally owned utilities; amending s. 119.07, F.S., which provides an exemption from public records requirements for a specified period of time for certain information used by a municipal utility to prepare and submit certain sealed bids to customers or prospective customers; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Section 1. Notwithstanding the October 2, 2001, repeal of said paragraph scheduled pursuant to the Open Government Sunset Review Act of 1995, paragraph (aa) of subsection (3) of section 119.07, Florida Statutes, is reenacted and amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(aa) Any data, record, or document used directly or solely by a municipally owned utility to prepare and submit a bid relative to the sale, distribution, or use of any service, commodity, or tangible personal property to any customer or prospective customer shall be exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. This exemption commences when a municipal utility identifies in writing a specific bid to which it intends to respond. This exemption no longer applies when the contract for sale, distribution, or use of the service, commodity, or tangible personal property is executed, a decision is made not to execute such contract, or the project is no longer under active consideration. The exemption in this paragraph includes the bid documents actually furnished in response to the request for bids. However, the exemption for the bid documents submitted no longer applies after the bids are opened by the customer or prospective customer. ~~This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2001.

Approved by the Governor May 30, 2001.

Filed in Office Secretary of State May 30, 2001.