



FIRST AMENDMENT FOUNDATION

336 East College Avenue, Suite 101 Tallahassee, FL 32301

www.floridafaf.org

March 2, 2011

The Honorable Mike Horner
The Florida House of Representatives
222 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

RE: Senate Bill 913 Public Record Exemption/Public Airports

Dear Representative Horner:

We are writing to you about House Bill 913, which would create a public record exemption for proprietary confidential business information held by a public airport. While we understand the importance of protecting proprietary confidential business information, it is our opinion that the bill as currently drafted is overbroad. We would recommend review of s. 288.075(1)(b), F.S., for one example of a definition of proprietary confidential business information that is narrower and still protects that information when provided to an agency.

Further, as drafted, the exemption does not provide some of the standard exclusions and protections that ensure oversight and accountability. In particular, we are concerned about keeping proposals closed until 10 days after approval. Currently, s. 119.071(1)(b), F.S., provides a general exemption for sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals. In this exemption, bids and proposals are exempt until the agency provides notice of a decision or intended decision or within 10 days after the bid or proposal opening, whichever is earlier. It is unclear why the proposal or counterproposal in this bill is made confidential and exempt, a higher level of protection, or why the information is protected until 10 days after the body approves it.

We would be happy to discuss our concerns with you in order to attempt to resolve these problems.

Sincerely,


Barbara A. Petersen, President

cc: Jon Kaney, FAF Senior Counsel, Cobb & Cole, P.A.
Sandy D'Alemberte, Palmer and D'Alemberte, P.A.
Sam Morley, General Counsel, Florida Press Association
Carol LoCicero, Thomas and LoCicero, P.A.