



# FIRST AMENDMENT FOUNDATION

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April 11, 2011

The Honorable Jack Latvala  
The Florida Senate  
405 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

RE: Senate Bill 994 Public Record Exemption/Public Airports

Dear Senator Latvala:

We are writing to you about Senate Bill 994, which would create a public record exemption for proprietary confidential business information held by a public airport. The committee substitute is an improvement over the bill as originally filed; however, we remain concerned about keeping proposals or counterproposals exchanged between a public airport and a nongovernmental entity exempt until such proposal or counterproposal is approved by the governing body. As we noted previously, 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 that 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. We recommend that the bill be amended to provide that proposals or counterproposals become open at such time as the airport provides notice of a decision or intended decision so that there is public oversight of the decision prior to the board entering into it. Keeping proposals or counterproposals closed until *after* the decision has been made by the board does not provide any opportunity for public oversight of board action on the proposals.

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.