

**ATTACHMENT 10  
FOR  
S-353 SPILLWAY RECONSTRUCTION AND REPAIRS  
CITRUS COUNTY, FLORIDA  
BID NUMBER RFB 2201**

**EXEMPT DOCUMENTS DISTRIBUTION AGREEMENT**

THIS EXEMPT DOCUMENTS DISTRIBUTION AGREEMENT (Agreement) is made by the undersigned individual, personally, and on behalf of the below named entity (Vendor), in consideration of the Southwest Florida Water Management District (District) considering releasing to Vendor certain documents protected under Chapter 119, Florida Statutes (F.S.) in connection with the following District solicitation (Solicitation): S-353 SPILLWAY RECONSTRUCTION AND REPAIRS, CITRUS COUNTY, FLORIDA (RFB 2201).

**Vendor must fully complete, sign and return this Agreement to [procurement@watermatters.org](mailto:procurement@watermatters.org) before the District will consider releasing any protected documents. The District will review complete, signed Agreements on a first come, first served basis subject to staff availability. Agreements received less than 3 business days before the Solicitation opening date and time will not be reviewed.**

1. Purpose. To, in furtherance of Vendor's desire to respond to or otherwise be considered to perform work associated with the Solicitation, request to receive certain Solicitation-related documents (as electronic files or in such other medium as the District may provide) that are confidential and/ or exempt from public disclosure as provided by Sec. 119.071(3)(a) and/or (b), F.S. (attached), hereinafter the "Exempt Documents". Vendor and I understand nothing in this Agreement guarantees or requires that the District provide access to the Exempt Documents.

2. Vendor Information.

Vendor Legal Name: \_\_\_\_\_

Vendor Address: \_\_\_\_\_

Vendor Contact Name: \_\_\_\_\_

Vendor Contact Email: \_\_\_\_\_

Vendor License No(s): \_\_\_\_\_

Vendor is a/an  Architect |  Engineer |  Contractor |  Other: \_\_\_\_\_

3. Recipient Certification. I, the undersigned individual, personally, and/or as an authorized representative of the Vendor, certify I have read and fully understand the responsibilities and obligations of Section 119.071(3), F.S. and agree that I and/or Vendor shall fully comply with said responsibilities and obligations, including maintaining the exempt and/or confidential status of the Exempt Documents received for so long as any such Exempt Documents are in our possession. I and/or Vendor shall destroy the Exempt Documents, including any lawful copies thereof, in any media lawfully allowed or made by or through Vendor, prior to the Solicitation opening date and time. Vendor and I agree that failure to so comply, including the destruction of the Exempt Documents (and any copies thereof by or through Vendor in any media) goes to our responsibility to be awarded the Solicitation and other public contracts.

4. Violation; Indemnification and Release. A knowing violation of the Public Records Law constitutes a first-degree misdemeanor, punishable by possible criminal penalties of one year in prison, a \$1,000 fine, or both. To the maximum extent allowed by law, I and/or Vendor shall indemnify, defend, and release the District from any claim arising out of or related to my and/or Vendor's failure to comply with Florida's Public Records Law, including maintaining the exempt and/or confidential status of the Exempt Documents and carrying out their destruction as required herein.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Print Recipient (Authorized Signer) Name: \_\_\_\_\_

Signer Title (check one):  Individ/Sole Prop |  Pres |  Sr/Exec VP |  Gen Ptnr

Mgr (Mgr Mngd LLC) |  Mbr (Mbr Mngd LLC)

Other: \_\_\_\_\_

*If "Other", must attach proof of authority.*

Rev. 20210317.rsp

ATTACHMENT TO EXEMPT DOCUMENTS DISTRIBUTION AGREEMENT

**Section 119.071(3), F.S. (2020), provides in pertinent part:**

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

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**(3) SECURITY AND FIRESAFETY.—**

- (a)1. As used in this paragraph, the term "security or fire safety system plan" includes all:
  - a. Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security or fire safety of the facility or revealing security or fire safety systems;
  - b. Threat assessments conducted by any agency or any private entity;
  - c. Threat response plans;
  - d. Emergency evacuation plans;
  - e. Sheltering arrangements; or
  - f. Manuals for security or fire safety personnel, emergency equipment, or security or fire safety training.
2. A security or fire safety system plan or portion thereof for:
  - a. Any property owned by or leased to the state or any of its political subdivisions; or
  - b. Any privately owned or leased property held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is remedial in nature, and it is the intent of the Legislature that this exemption apply to security or fire safety system plans held by an agency before, on, or after the effective date of this paragraph. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.
3. Information made confidential and exempt by this paragraph may be disclosed:
  - a. To the property owner or leaseholder;
  - b. In furtherance of the official duties and responsibilities of the agency holding the information;
  - c. To another local, state, or federal agency in furtherance of that agency's official duties and responsibilities; or
  - d. Upon a showing of good cause before a court of competent jurisdiction.
- (b)1. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency are exempt from s. [119.07](#)(1) and s. 24(a), Art. I of the State Constitution.
  2. This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency before, on, or after the effective date of this act.
  3. Information made exempt by this paragraph may be disclosed:
    - a. To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;
    - b. To a licensed architect, engineer, or contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by an agency; or
    - c. Upon a showing of good cause before a court of competent jurisdiction.
  4. The entities or persons receiving such information shall maintain the exempt status of the information.

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