



To: Miriam Soler Ramos, City Attorney *MSR*

From: Cristina M. Suárez, Deputy City Attorney for the City of Coral Gables

RE: Legal Opinion Regarding Financial Statements Submitted by Bidders

Date: December 13, 2017

You have inquired whether financial statements submitted by bidders are exempt from disclosure under Florida's Public Records Law. The general rule is that financial statements submitted by bidders are public records that are subject to disclosure. However, Florida Statutes s. 119.071(1)(c) provides that "[a]ny financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution." (emphasis added). "Public works" is not defined by statute. Thus, any question regarding whether a particular project constitutes a "public works project" should be referred to this office for a factual determination to be made on a case-by-case basis as to whether the exemption applies.

This opinion is issued pursuant to section 2-252(e)(1) and (8) of the City Code.

From: [Ramos, Miriam](#)
To: [Paulk, Enga](#)
Subject: Fwd: Financial statements submitted by bidders
Date: Sunday, January 07, 2018 6:09:53 PM
Attachments: [image001.png](#)

Please publish.

Miriam Soler Ramos
City Attorney
City of Coral Gables

Begin forwarded message:

From: "Suarez, Cristina" <csuarez@coralgables.com>
Date: December 13, 2017 at 4:23:31 PM EST
To: "Walker, Celeste" <cwalker@coralgables.com>
Cc: "Ramos, Miriam" <mramos@coralgables.com>
Subject: **Financial statements submitted by bidders**

Celeste:

You have inquired whether financial statements submitted by bidders are exempt from disclosure under Florida's Public Records Law. The general rule is that financial statements submitted by bidders are public records that are subject to disclosure. However, Florida Statutes s. 119.071(1)(c) provides that "[a]ny financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal **for a road or any other public works project** is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution." (emphasis added). "Public works" is not defined by statute. Thus, any question regarding whether a particular project constitutes a "public works project" should be referred to this office for a factual determination to be made on a case-by-case basis as to whether the exemption applies.

This opinion is issued pursuant to section 2-252(e)(1) and (8) of the City Code.

Cristina M. Suárez
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