

567-188AX-27

Bill No. HB 1951

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Wallace offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Paragraph (m) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

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

(3)

(m) Sealed bids, or proposals, or replies received by an agency pursuant to invitations to bid, or requests for proposals, or invitations to negotiate are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until ~~such time as~~ the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) or if the agency is not subject to chapter 120, until within 10 days after bid, or proposal, or reply opening, whichever is earlier. A vendor does not waive protection of trade secrets that are made confidential and exempt by law by submitting

1 such information in a bid, proposal, or reply. This paragraph
2 is subject to the Open Government Sunset Review Act of 1995 in
3 accordance with s. 119.15, and shall stand repealed October 2,
4 2007, unless reviewed and saved from repeal through
5 reenactment by the Legislature.

6 Section 2. Subsection (3) of section 287.0595, Florida
7 Statutes, is amended to read:

8 287.0595 Pollution response action contracts;
9 department rules.--

10 (3) Any bid, proposal, or reply submitted under this
11 section shall be confidential and exempt from the provisions
12 of s. 119.07(1) until the Department of Environmental
13 Protection provides notice of a decision or intended decision
14 pursuant to s. 120.57(3)(a) a selection is made and a contract
15 signed or until bids are no longer under active consideration.
16 A vendor does not waive protection of trade secrets that are
17 made confidential and exempt by law by submitting such
18 information in a bid, proposal, or reply. This paragraph is
19 subject to the Open Government Sunset Review Act of 1995 in
20 accordance with s. 119.15, and shall stand repealed October 2,
21 2007, unless reviewed and saved from repeal through
22 reenactment by the Legislature.

23 Section 3. The Legislature finds that the exemption
24 from public records requirements for bids, proposals, or
25 replies pursuant to invitations to bid, requests for
26 proposals, or invitations to negotiate is a public necessity.
27 These documents contain information relating to the business
28 practices of the vendors and premature disclosure would offer
29 their competitors an unfair advantage in the procurement
30 process. Unless these records contain trade secrets or other
31 information made exempt or confidential, they will be

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1 available for public inspection later in the procurement
 2 process. The Legislature also finds that the exemption from
 3 public records requirements for bids, proposals, or replies
 4 held by the Department of Environmental Protection pursuant to
 5 s. 287.0595, Florida Statutes, is a public necessity. These
 6 documents contain information relating to the business
 7 practices of the vendors and premature disclosure would offer
 8 their competitors an unfair advantage in the procurement
 9 process. Unless these records contain trade secrets or other
 10 information made exempt or confidential, they will be
 11 available for public inspection later in the procurement
 12 process.

13 Section 4. This act shall take effect upon becoming a
 14 law.

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 remove: the entire title

21 and insert:

22 A bill to be entitled
 23 An act relating to public records and meetings;
 24 amending s. 119.07, F.S.; exempting certain
 25 procurement documents from public records
 26 requirements; clarifying trade secret
 27 protection; amending s. 287.0595, F.S. ;
 28 exempting certain procurement documents held by
 29 the Department of Environmental Protection from
 30 public records requirements; clarifying trade
 31 secret protection; providing for future review

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and repeal of the exemptions; providing a
statement of public necessity for the
exemptions; providing an effective date.