

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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3		.	
4		.	

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 an a decision or intended decision pursuant to s.

120.57(3)(a), until the solicitation is withdrawn, or until all bids, proposals, or replies are rejected or within 10 days after bid or proposal opening, whichever is earlier, or if the agency is not subject to the provisions of chapter 120, until

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1 10 days after bid, proposal, or reply opening. A vendor does  
2 not waive trade secret protection provided by s. 815.04(3) by  
3 including such confidential information in a bid, proposal, or  
4 reply.

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

7 287.0595 Pollution response action contracts;  
8 department rules.--

9 (3) Any bid, proposal, or reply submitted under this  
10 section shall be confidential and exempt from the provisions  
11 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
12 until the Department of Environmental Protection provides  
13 notice of an intended decision pursuant to s. 120.57(3)(a),  
14 until the solicitation is withdrawn, or until all bids,  
15 proposals, or replies are rejected, whichever is earlier a  
16 ~~selection is made and a contract signed or until bids are no~~  
17 ~~longer under active consideration.~~

18 Section 3. The Legislature finds that the exemption  
19 from public records requirements for bids, proposals, or  
20 replies pursuant to invitations to bid, requests for  
21 proposals, or invitations to negotiate is a public necessity.  
22 These documents contain information relating to the business  
23 practices of the vendors and premature disclosure would offer  
24 their competitors an unfair advantage in the procurement  
25 process. Unless these records contain trade secrets or other  
26 information made exempt or confidential, they will be  
27 available for public inspection later in the procurement  
28 process. The Legislature also finds that the exemption from  
29 public records requirements for bids, proposals, or replies  
30 held by the Department of Environmental Protection pursuant to  
31 s. 287.0595, Florida Statutes, is a public necessity. These

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1 documents contain information relating to the business  
 2 practices of the vendors and premature disclosure would offer  
 3 their competitors an unfair advantage in the procurement  
 4 process. Unless these records contain trade secrets or other  
 5 information made exempt or confidential, they will be  
 6 available for public inspection later in the procurement  
 7 process.

8 Section 4. This act shall take effect upon becoming a  
 9 law.

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11

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

13 And the title is amended as follows:

14 remove: the entire title

15

16 and insert:

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A bill to be entitled

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An act relating to public records and meetings;

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amending s. 119.07, F.S.; exempting certain

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procurement documents from public records

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requirements; clarifying trade secret

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protection; amending s. 287.0595, F.S.;

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exempting certain procurement documents held by

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the Department of Environmental Protection from

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public records requirements; providing a

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statement of public necessity for such

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exemptions; providing an effective date.

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