

1 A bill to be entitled
2 An act relating to public records and meetings;
3 amending s. 119.07, F.S.; exempting certain
4 procurement documents from public records
5 requirements; clarifying trade secret
6 protection; amending s. 287.0595, F.S.;
7 exempting certain procurement documents held by
8 the Department of Environmental Protection from
9 public records requirements; clarifying trade
10 secret protection; providing for future review
11 and repeal of the exemptions; providing a
12 statement of public necessity for the
13 exemptions; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraph (m) of subsection (3) of section
18 119.07, Florida Statutes, is amended to read:

19 119.07 Inspection, examination, and duplication of
20 records; exemptions.--

21 (3)

22 (m) Sealed bids, or proposals, or replies received by
23 an agency pursuant to invitations to bid, or requests for
24 proposals, or invitations to negotiate are exempt from the
25 provisions of subsection (1) and s. 24(a), Art. I of the State
26 Constitution until ~~such time as~~ the agency provides notice of
27 a decision or intended decision pursuant to s. 120.57(3)(a) or
28 if the agency is not subject to chapter 120, until within 10
29 days after bid, or proposal, or reply opening, whichever is
30 earlier. A vendor does not waive protection of trade secrets
31 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3 accordance with s. 119.15, and shall stand repealed October 2,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

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.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31