

Bill No. CS for SB 654

Amendment No.      Barcode 673974

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|---------------|----------------|--------------|
|               | CHAMBER ACTION |              |
| <u>Senate</u> |                | <u>House</u> |

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11 Senator Garcia moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15 and insert:

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

18 119.07 Inspection, examination, and duplication of  
19 records; exemptions.--

20 (3)

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3 accordance with s. 119.15, and shall stand repealed October 2,  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

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.