

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-2243-02

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.07(3)(m), F.S., expanding the exemption to
 4 include replies and invitations to negotiate;
 5 changing the time period during which records
 6 are exempt; amending s. 287.0595, F.S.;
 7 expanding the exemption to include proposal or
 8 replies; changing the time period during which
 9 records are exempt; providing a statement of
 10 public necessity; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Paragraph (m) of subsection (3) of section
15 119.07, Florida Statutes, as amended by section 1 of chapter
16 2001-364, Laws of Florida, is amended to read:

17 119.07 Inspection, examination, and duplication of
18 records; exemptions.--

19 (3)

20 (m) Sealed bids, ~~or proposals, or replies~~ received by
 21 an agency pursuant to invitations to bid, ~~or requests for~~
 22 proposals, or invitations to negotiate are exempt from the
 23 provisions of subsection (1) and s. 24(a), Art. I of the State
 24 Constitution until such time as the agency provides notice of
 25 a decision or intended decision pursuant to s. 120.57(3)(a) ~~or~~
 26 ~~within 10 days after bid or proposal opening, whichever is~~
 27 earlier. This paragraph is subject to the Open Government
 28 Sunset Review Act of 1995 in accordance with s. 119.15, and
 29 shall stand repealed October 2, 2007, unless reviewed and
 30 saved from repeal through reenactment by the Legislature.

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

3 287.0595 Pollution response action contracts;
4 department rules.--

5 (3) Any bid, proposal, or reply submitted under this
6 section shall be confidential and exempt from the provisions
7 of s. 119.07(1) until the Department of Environmental
8 Protection provides notice of a decision or intended decision
9 pursuant to s. 120.57(3)(a)~~a selection is made and a contract~~
10 ~~signed or until bids are no longer under active consideration.~~
11 This paragraph is subject to the Open Government Sunset Review
12 Act of 1995 in accordance with s. 119.15, and shall stand
13 repealed October 2, 2007, unless reviewed and saved from
14 repeal through reenactment by the Legislature.

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

1 process. Unless these records contain trade secrets or other
2 information made exempt or confidential, they will be
3 available for public inspection later in the procurement
4 process.

5 Section 4. This act shall take effect July 1, 2002.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 Senate Bill 654

10 Modifies an exemption for sealed bids or proposals in s.
11 119.07(3)(m), F.S.

12 Adds replies received by an agency pursuant to invitations to
13 bid and invitations to bid to the existing exemption.

14 Modifies time frame during which exemption applies. Records
15 are exempt until the agency provides notice of a decision or
16 an intended decision pursuant to s. 120.57(3)(a), F.S.

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