

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 85 — Public-Private Partnerships

by Appropriations Committee; Government Operations Subcommittee; and Rep. Steube and others (CS/CS/CS/SB 84 by Appropriations Committee; Governmental Oversight and Accountability Committee; Community Affairs Committee; and Senators Diaz de la Portilla and Bean)

Public-private partnerships are contractual agreements formed between public entities and private sector entities that allow for greater private sector participation in the delivery and financing of public buildings and infrastructure projects. Through these agreements, the skills and assets of each sector, public and private, are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service or facility.

The bill authorizes public-private partnerships to contract for public service work with not-for-profit-organizations. The bill adds provisions for contracts for park land and public education facilities.

This bill creates an alternative procurement process and requirements for public-private partnerships to facilitate the construction of public-purpose projects, and creates the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to make recommendations guidelines for the Legislature to consider for public-private partnerships to foster uniformity across the state. The bill specifies the requirements for such partnerships, which include provisions that require responsible public entities to provide notice of unsolicited proposals, conduct independent analyses of proposed partnerships, notify other affected local jurisdictions, and enter into interim and comprehensive agreements for qualifying projects. The bill authorizes responsible public entities to approve a qualifying project if there is a need for or benefit derived from the project, the estimated cost of the project is reasonable, and the private entity's plans will result in the timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project.

The bill also authorizes the use of public-private partnerships for purposes of county road projects. It permits counties to receive or solicit proposals and enter into agreements with private entities to construct, extend, or improve a county road if it is in the best interest of the public.

The bill revises the limit on terms for leases that the Orlando-Orange County Expressway Authority may enter into from 40 years to 99 years.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 37-0; House 111-4