

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 287.05712, F.S., relating to public-private projects
 4 for the upgrade of public facilities and
 5 infrastructure; providing an exemption from public
 6 records requirements for unsolicited proposals held by
 7 a responsible public entity for a specified period;
 8 providing for future legislative review and repeal of
 9 the exemption; providing a statement of public
 10 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. Subsection (16) is added to section 287.05712,
 15 Florida Statutes, to read:

16 287.05712 Public-private partnerships.—

17 (16) PUBLIC RECORDS EXEMPTION.—

18 (a) An unsolicited proposal held by a responsible public
 19 entity under this section is exempt from s. 119.07(1) and s.
 20 24(a), Art. I of the State Constitution until such time that the
 21 responsible public entity receives, opens, and ranks the
 22 proposals as set forth in paragraph (6) (c).

23 (b) If a responsible public entity rejects all proposals
 24 submitted for a qualifying project as provided in paragraph
 25 (6) (c) and the entity concurrently provides notice of its intent
 26 to seek additional proposals for the qualifying project, the

27 rejected unsolicited proposal remains exempt from s. 119.07(1)
28 and s. 24(a), Art. I of the State Constitution until such time
29 that the responsible public entity solicits bids and provides
30 notice of a decision or intended decision. An unsolicited
31 proposal is not exempt for more than 12 months after the
32 responsible public entity rejects all proposals submitted as
33 provided in paragraph (6) (c).

34 (c) This subsection is subject to the Open Government
35 Sunset Review Act in accordance with s. 119.15 and shall stand
36 repealed on October 2, 2019, unless reviewed and saved from
37 repeal through reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public
39 necessity that an unsolicited proposal held by a responsible
40 public entity pursuant to s. 287.05712, Florida Statutes, be
41 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
42 Article I of the State Constitution until such time that the
43 responsible public entity receives, opens, and ranks the
44 proposals as set forth in s. 287.05712(6) (c), Florida Statutes,
45 or, if the responsible public entity rejects all proposals,
46 until the responsible public entity solicits bids for the
47 qualifying project and notices its decision or intended
48 decision. An unsolicited proposal is not exempt for more than 12
49 months after all proposals are rejected. The disclosure of
50 information in an unsolicited proposal, such as financing
51 mechanisms and terms, formulas, and designs, could give
52 competitors a business advantage by knowing the proposal's

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53 financial strategy and innovative plans, thereby injuring the
54 entity that submitted the unsolicited proposal and placing the
55 entity at a competitive disadvantage in the marketplace. Without
56 the exemption, entities might not submit unsolicited proposals
57 that could provide timely and cost-effective solutions for
58 qualifying projects that serve a public need. Therefore, the
59 Legislature finds that the harm that may result from the release
60 of such information outweighs any public benefit that may be
61 derived from disclosure of the information.

62 Section 3. This act shall take effect July 1, 2014.