

By the Committee on Community Affairs

578-02375-21

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1                   A bill to be entitled  
2       An act relating to a review under the Open Government  
3       Sunset Review Act; amending s. 255.065, F.S., which  
4       provides exemptions from public records and public  
5       meetings requirements for unsolicited proposals  
6       received by a responsible public entity and portions  
7       of meetings at which such proposals are discussed;  
8       removing the scheduled repeal of the exemption;  
9       providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13       Section 1. Subsection (15) of section 255.065, Florida  
14       Statutes, is amended to read:

15       255.065 Public-private partnerships; public records and  
16       public meetings exemptions.—

17       (15) PUBLIC RECORDS AND PUBLIC MEETINGS EXEMPTIONS.—

18       (a) As used in this subsection, the term "competitive  
19       solicitation" has the same meaning as provided in s. 119.071(1).

20       (b)1. An unsolicited proposal received by a responsible  
21       public entity is exempt from s. 119.07(1) and s. 24(a), Art. I  
22       of the State Constitution until such time as the responsible  
23       public entity provides notice of an intended decision for a  
24       qualifying project.

25       2. If the responsible public entity rejects all proposals  
26       submitted pursuant to a competitive solicitation for a  
27       qualifying project and such entity concurrently provides notice  
28       of its intent to seek additional proposals for such project, the  
29       unsolicited proposal remains exempt until the responsible public

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30 entity provides notice of an intended decision concerning the  
31 reissued competitive solicitation for the qualifying project or  
32 until the responsible public entity withdraws the reissued  
33 competitive solicitation for such project.

34 3. An unsolicited proposal is exempt for no longer than 90  
35 days after the initial notice by the responsible public entity  
36 rejecting all proposals.

37 (c) If the responsible public entity does not issue a  
38 competitive solicitation for a qualifying project, the  
39 unsolicited proposal ceases to be exempt 180 days after receipt  
40 of the unsolicited proposal by such entity.

41 (d)1. Any portion of a meeting of a responsible public  
42 entity during which an unsolicited proposal that is exempt is  
43 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the  
44 State Constitution.

45 2.a. A complete recording must be made of any portion of an  
46 exempt meeting. No portion of the exempt meeting may be held off  
47 the record.

48 b. The recording of, and any records generated during, the  
49 exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I  
50 of the State Constitution until such time as the responsible  
51 public entity provides notice of an intended decision for a  
52 qualifying project or 180 days after receipt of the unsolicited  
53 proposal by the responsible public entity if such entity does  
54 not issue a competitive solicitation for the project.

55 c. If the responsible public entity rejects all proposals  
56 and concurrently provides notice of its intent to reissue a  
57 competitive solicitation, the recording and any records  
58 generated at the exempt meeting remain exempt from s. 119.07(1)

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59 and s. 24(a), Art. I of the State Constitution until such time  
60 as the responsible public entity provides notice of an intended  
61 decision concerning the reissued competitive solicitation or  
62 until the responsible public entity withdraws the reissued  
63 competitive solicitation for such project.

64 d. A recording and any records generated during an exempt  
65 meeting are exempt for no longer than 90 days after the initial  
66 notice by the responsible public entity rejecting all proposals.

67 ~~(e) This subsection is subject to the Open Government~~  
68 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~  
69 ~~repealed on October 2, 2021, unless reviewed and saved from~~  
70 ~~repeal through reenactment by the Legislature.~~

71 Section 2. This act shall take effect October 1, 2021.