

FOR CONSIDERATION By the Committee on Community Affairs

578-02220-21

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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., relating
4 to an exemption from public records requirements for
5 unsolicited proposals and meetings discussing such
6 proposals; removing the scheduled repeal of the
7 exemption; providing an effective date.

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

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

13 255.065 Public-private partnerships; public records and
14 public meetings exemptions.—

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

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

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

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

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30 until the responsible public entity withdraws the reissued
31 competitive solicitation for such project.

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

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

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

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

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

53 c. If the responsible public entity rejects all proposals
54 and concurrently provides notice of its intent to reissue a
55 competitive solicitation, the recording and any records
56 generated at the exempt meeting remain exempt from s. 119.07(1)
57 and s. 24(a), Art. I of the State Constitution until such time
58 as the responsible public entity provides notice of an intended

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59 decision concerning the reissued competitive solicitation or
60 until the responsible public entity withdraws the reissued
61 competitive solicitation for such project.

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

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

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