A bill to be entitled 1 An act relating to public records; providing an 2 exemption from public-records requirements for 3 unsolicited proposals received by the 4 5 Department of Transportation with respect to public-private transportation facilities; 6 7 providing for future review and repeal; 8 providing findings of public necessity; 9 providing a contingent effective date. 10 11 Be It Enacted by the Legislature of the State of Florida: 12 13 Section 1. Confidentiality of unsolicited 14 proposal. -- An unsolicited proposal for a public-private 15 transportation facility received by the Department of 16 Transportation under section 334.30, Florida Statutes, is 17 confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a) of Article I of 18 19 the State Constitution from the date of its receipt until the 20 deadline for receiving competing proposals has expired. Any 21 information or record from such proposal that the department 2.2 provides to any other governmental entity for the purpose of substantiating or evaluating the proposal continues to be 23 24 exempt from the provisions of section 119.07(1), Florida 25 Statutes, and Section 24(a) of Article I of the State 26 Constitution until the deadline for receiving competing 27 proposals has expired. This section is subject to the Open 28 Government Sunset Review Act of 1995 in accordance with 29 section 119.15, Florida Statutes, and shall stand repealed on 30 October 2, 2007, unless reviewed and saved from repeal by the

Legislature.

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1 Section 2. The Legislature finds that the exemption 2 from public-records requirements which is provided in this act 3 is a public necessity due to the need to prevent potential competing proposers of public-private transportation 4 5 facilities from obtaining an unfair advantage over the initial unsolicited proposer. The Legislature further finds that, to 6 7 make the highly proprietary information in an unsolicited 8 proposal available to potential competing proposers would 9 adversely affect the integrity of the competitive selection process under section 334.30, Florida Statutes, and would 10 11 deter the submission of unsolicited proposals for public-private transportation facilities to the Department of 12 13 Transportation. The Legislature further finds that the need to verify or evaluate information contained in an unsolicited 14 proposal, though furthering a state interest, does not 15 16 override the public policy determinations made to exempt that 17 information from public disclosure and that records so exempted should retain that status when obtained by another 18 governmental entity until the expiration of the deadline to 19 20 submit competing proposals. Section 3. This act shall take effect upon the 21 22 effective date of legislation amending section 334.30, Florida Statutes, which includes amendments requiring consideration of 23 competitive proposals or substantially similar legislation, if 24 25 such legislation is adopted in the same legislative session or an extension thereof. 26 27 28 29 SENATE SUMMARY Exempts unsolicited proposals received by the Department of Transportation with respect to public-private transportation facilities until the time for receiving 30

competing proposals has passed.

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