

By Senator Posey

15-1571-02

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to public records; providing an exemption from public-records requirements for unsolicited proposals received by the Department of Transportation with respect to public-private transportation facilities; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

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

Section 1. Confidentiality of unsolicited proposal.--An unsolicited proposal for a public-private transportation facility received by the Department of Transportation under section 334.30, Florida Statutes, is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution from the date of its receipt until the deadline for receiving competing proposals has expired. Any information or record from such proposal that the department provides to any other governmental entity for the purpose of substantiating or evaluating the proposal continues to be exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution until the deadline for receiving competing proposals has expired. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2007, unless reviewed and saved from repeal by the Legislature.

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
4 competing proposers of public-private transportation
5 facilities from obtaining an unfair advantage over the initial
6 unsolicited proposer. The Legislature further finds that, to
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
10 process under section 334.30, Florida Statutes, and would
11 deter the submission of unsolicited proposals for
12 public-private transportation facilities to the Department of
13 Transportation. The Legislature further finds that the need to
14 verify or evaluate information contained in an unsolicited
15 proposal, though furthering a state interest, does not
16 override the public policy determinations made to exempt that
17 information from public disclosure and that records so
18 exempted should retain that status when obtained by another
19 governmental entity until the expiration of the deadline to
20 submit competing proposals.

21 Section 3. This act shall take effect upon the
22 effective date of legislation amending section 334.30, Florida
23 Statutes, which includes amendments requiring consideration of
24 competitive proposals or substantially similar legislation, if
25 such legislation is adopted in the same legislative session or
26 an extension thereof.

27
28 *****

29 SENATE SUMMARY

30 Exempts unsolicited proposals received by the Department
31 of Transportation with respect to public-private
 transportation facilities until the time for receiving
 competing proposals has passed.