

By the Committee on Governmental Oversight and Productivity;  
and Senator Posey

302-2326-02

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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 or an expressway authority with respect to public-private transportation facilities; providing an exception to the exemption; 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. Paragraph (ee) of subsection (3) of section 119.07, Florida Statutes, is created to read:

119.07 Inspection, examination, and duplication of records; exemptions.--

(3)

(ee) An unsolicited proposal for a public-private transportation facility received by the Department of Transportation pursuant to s. 334.30 or an expressway authority pursuant to s. 348.0004 is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, from the date the unsolicited proposal is received until the deadline date for receiving competing proposals has expired as provided in s. 334.30. The department or expressway authority may share information contained in the unsolicited proposal with any other governmental entity for the purpose of substantiating or evaluating such proposal. The receiving governmental entity

1 must maintain the exempt status of such information as  
2 provided in this paragraph. This section is subject to the  
3 Open Government Sunset Review Act of 1995 in accordance with  
4 s. 119.15, and shall stand repealed on October 2, 2007, unless  
5 reviewed and saved from repeal through reenactment by the  
6 Legislature.

7       Section 2. The Legislature finds that the exemption  
8 from public-records requirements which is provided in this act  
9 is a public necessity due to the need to prevent potential  
10 competing proposers of public-private transportation  
11 facilities from obtaining an unfair advantage over the initial  
12 unsolicited proposer. The Legislature further finds that to  
13 make the proprietary information in an unsolicited proposal  
14 available to potential competing proposers would adversely  
15 affect the integrity of the competitive selection process  
16 under section 334.30, Florida Statutes, and would deter the  
17 submission of unsolicited proposals for public-private  
18 transportation facilities to the Department of Transportation  
19 or an expressway authority. The Legislature further finds that  
20 the need to substantiate or evaluate information contained in  
21 an unsolicited proposal, though furthering a state interest,  
22 does not override the public-policy determinations made to  
23 exempt that information from public disclosure, and that  
24 unsolicited proposals should retain their exempt status when  
25 held by another governmental entity until the expiration of  
26 the deadline date to submit competing proposals.

27       Section 3. This act shall take effect on the effective  
28 date of Committee Substitute for Senate Bill 1582 or similar  
29 legislation, if such legislation is adopted in the same  
30 legislative session or extension thereof.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2370

Makes technical and grammatical changes to correspond to the House Bill.