



145580

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
	.	
	.	
	.	

---

The Committee on Education (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (14) is added to section 1013.505,  
Florida Statutes, as created by SB 900, 2014 Regular Session, to  
read:

1013.505 Public-private partnerships; state universities  
and private entities.—

(14) PUBLIC RECORDS AND PUBLIC MEETINGS EXEMPTIONS.—

(a) As used in this subsection, the term "proprietary



145580

12 confidential business information" means information that has  
13 been designated by a private entity when provided to a state  
14 university board of trustees as information that is owned or  
15 controlled by the private entity, is intended to be and is  
16 treated by the private entity as private and the disclosure of  
17 which would harm the business operations of the private entity,  
18 has not otherwise been intentionally disclosed by the private  
19 entity, and is information concerning:

- 20 1. Trade secrets as defined in s. 688.002;  
21 2. Financial statements or financing terms;  
22 3. Patent-pending or copyrighted designs;  
23 4. Leasing or real property acquisition plans; or  
24 5. Marketing studies.

25 (b)1. If a board receives an unsolicited proposal under  
26 this section, the proposal is confidential and exempt from s.  
27 119.07(1) and s. 24(a), Art. I of the State Constitution until  
28 such time that the board receives and ranks the proposals as  
29 described in subsection (5) and provides notice of its intended  
30 decision.

31 2. An unsolicited proposal is not confidential and exempt  
32 for more than 90 days after the date the board rejects all  
33 proposals received for the project described in the unsolicited  
34 proposal or, if the board does not intend to enter into an  
35 agreement for the project, the date the unsolicited proposal is  
36 received. However, even if the board rejects all proposals or  
37 decides not to enter into an agreement for the project described  
38 in the unsolicited proposal, any proprietary confidential  
39 business information contained in the unsolicited proposal shall  
40 remain confidential and exempt from s. 119.07(1) and s. 24(a),



145580

41 Art. I of the State Constitution.

42 (c)1. A portion of a meeting of a state university board of  
43 trustees at which information that is confidential and exempt  
44 under paragraph (b) is discussed, is exempt from s. 286.011 and  
45 s. 24(b), Art. I of the State Constitution.

46 2. An exempt portion of a meeting shall be recorded and  
47 transcribed. The board shall record the times of commencement  
48 and termination of the meeting, all discussions and proceedings,  
49 the names of all persons present at any time, and the names of  
50 all persons speaking. An exempt portion of a meeting may not be  
51 off the record.

52 3. A portion of the transcript of a meeting which reveals  
53 proprietary confidential business information is confidential  
54 and exempt from s. 119.07(1) and s. 24(a), Art. II of the State  
55 Constitution.

56 (d) This subsection is subject to the Open Government  
57 Sunset Review Act in accordance with s. 119.15 and shall stand  
58 repealed on October 2, 2019, unless reviewed and saved from  
59 repeal through reenactment by the Legislature.

60 Section 2. (1) The Legislature finds that it is a public  
61 necessity that an unsolicited proposal held by a state  
62 university board of trustees pursuant to s. 1013.505, Florida  
63 Statutes, be confidential and exempt from public records  
64 requirements until the board provides notification of its  
65 decision or its intent to make a decision after ranking  
66 proposals under s. 1013.505(5)(c), Florida Statutes. The  
67 protection of information contained in unsolicited proposals  
68 serves a public need by encouraging private investment in state  
69 university facilities and further promotes timely and cost-



145580

70 effective acquisition, design, construction, improvement,  
71 renovation, expansion, equipping, maintenance, operation,  
72 implementation, or installation of projects that will be  
73 principally used by a state university in serving the  
74 university's core mission that may not be satisfied by existing  
75 procurement methods. These unsolicited proposals may contain  
76 proprietary confidential business information, and, if such  
77 information is made publicly available before a state university  
78 board of trustees makes a decision regarding a proposal,  
79 competitors could determine the creative financing used to fund  
80 these projects. If such information is not protected, it may  
81 discourage a private entity from providing an unsolicited  
82 proposal to a board in order to avoid having proprietary  
83 confidential business information and other business information  
84 made public. This exemption is narrowly drawn in that an  
85 unsolicited proposal is not confidential and exempt for more  
86 than 90 days after the date the board rejects all proposals  
87 received for the project described in the unsolicited proposal  
88 or, if the board does not intend to enter into an agreement for  
89 the project, the date the unsolicited proposal is received. An  
90 unsolicited proposal may remain confidential and exempt from  
91 public records requirements beyond that period only if it  
92 contains proprietary confidential business information.

93 (2) The Legislature further finds that it is a public  
94 necessity that a portion of a meeting of a state university  
95 board of trustees at which information made confidential and  
96 exempt from public records requirements under this act is  
97 discussed be exempt from public meetings requirements in order  
98 to maintain the confidential and exempt status of this



99 information. Public oversight is preserved by requiring a  
100 transcript of any portion of such closed meetings of the board.

101 Section 3. This act shall take effect on the same date that  
102 SB 900 or similar legislation takes effect, if such legislation  
103 is adopted in the same legislative session or an extension  
104 thereof and becomes law.

105  
106 ===== T I T L E A M E N D M E N T =====

107 And the title is amended as follows:

108 Delete everything before the enacting clause  
109 and insert:

110 A bill to be entitled  
111 An act relating to public records and meetings;  
112 amending s. 1013.505, F.S., relating to public-private  
113 projects for the upgrade of state university  
114 facilities and infrastructure; defining the term  
115 "proprietary confidential business information";  
116 creating an exemption from public records requirements  
117 for unsolicited proposals held by a state university  
118 board of trustees for a specified period; providing  
119 that proprietary confidential business information  
120 remains confidential and exempt from public records  
121 requirements; creating an exemption from public  
122 meetings requirements for portions of meetings of a  
123 state university board of trustees at which  
124 confidential and exempt information is discussed;  
125 providing for future review and repeal of the  
126 exemptions under the Open Government Sunset Review  
127 Act; providing statements of public necessity;



145580

128

providing a contingent effective date.