

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Government Operations
 2 Subcommittee

3 Representative Steube offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (14) is added to section 1013.505,
 8 Florida Statutes, as created by HB 541, 2014 Regular Session, to
 9 read:

10 1013.505 Public-private partnerships; state universities
 11 and private entities; public record and public meeting
 12 exemptions.--

13 (14) PUBLIC RECORD AND PUBLIC MEETING EXEMPTIONS.--

14 (a) For purposes of this subsection, "competitive
 15 solicitation" has the same meaning as in s. 119.071(1).

16 (b)1. An unsolicited proposal received by a board is
 17 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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18 Constitution until such time as the board provides notice of an
19 intended decision for a qualifying project.

20 2. If the board rejects all proposals submitted pursuant
21 to a competitive solicitation for a qualifying project and the
22 board concurrently provides notice of its intent to seek
23 additional proposals for such project, then the unsolicited
24 proposal remains exempt until such time that the board provides
25 notice of an intended decision concerning the reissued
26 competitive solicitation for the qualifying project or until the
27 board withdraws the reissued competitive solicitation for such
28 project.

29 3. An unsolicited proposal is not exempt for longer than
30 90 days after the initial notice by the board rejecting all
31 proposals.

32 (c) If the board does not issue a competitive solicitation
33 for a qualifying project, then the unsolicited proposal is no
34 longer exempt 180 days after receipt of the unsolicited proposal
35 by the board.

36 (d)1. Any portion of a board meeting at which an
37 unsolicited proposal that is exempt is discussed is exempt from
38 s. 286.011 and s. 24(b), Art. I of the State Constitution.

39 2.a. A complete recording must be made of any portion of
40 an exempt meeting. No portion of the exempt meeting may be held
41 off the record.

42 b. The recording of, and any records generated during, the
43 exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I

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44 of the State Constitution until such time as the board provides
45 notice of an intended decision for a qualifying project or 180
46 days after receipt of the unsolicited proposal by the board if
47 the board does not issue a competitive solicitation for the
48 project.

49 c. If the board rejects all proposals and concurrently
50 provides notice of its intent to reissue a competitive
51 solicitation, the recording and any records generated at the
52 exempt meeting remain exempt from s. 119.07(1) and s. 24(a),
53 Art. I of the State Constitution until such time as the board
54 provides notice of an intended decision concerning the reissued
55 competitive solicitation or until the board withdraws the
56 reissued competitive solicitation for such project.

57 d. A recording and any records generated during an exempt
58 meeting are not exempt for longer than 90 days after the initial
59 notice by the board rejecting all proposals.

60 (e) This subsection is subject to the Open Government
61 Sunset Review Act in accordance with s. 119.15 and shall stand
62 repealed on October 2, 2019, unless reviewed and saved from
63 repeal through reenactment by the Legislature.

64 Section 2. (1) The Legislature finds that it is a public
65 necessity that an unsolicited proposal received by a state
66 university board of trustees pursuant to s. 1013.505, Florida
67 Statutes, be made exempt from s. 119.07(1), Florida Statutes,
68 and s. 24(a), Article I of the State Constitution until a time
69 certain. Prohibiting the public release of unsolicited proposals

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70 until a time certain ensures the effective and efficient
71 administration of the public-private partnership process
72 established in s. 1013.505, Florida Statutes. Temporarily
73 protecting unsolicited proposals protects the public-private
74 partnership process by encouraging private entities to submit
75 such proposals, which will facilitate the timely development and
76 operation of a qualifying project. Protecting such information
77 ensures that other private entities do not gain an unfair
78 competitive advantage. The public record exemption preserves
79 public oversight of the public-private partnership process by
80 providing for disclosure of the unsolicited proposal when the
81 board provides notice of an intended decision; no longer than 90
82 days after the board rejects all proposals received in a
83 competitive solicitation for a qualifying project; or 180 days
84 after receipt of an unsolicited proposal if the board does not
85 issue a competitive solicitation for a qualifying project
86 related to the proposal.

87 (2) The Legislature further finds that it is a public
88 necessity that any portion of a meeting of the state university
89 board of trustees at which an unsolicited proposal that is
90 exempt from public record requirements is discussed be made
91 exempt from s. 286.011, Florida Statutes, and s. 24(b), Art. I
92 of the State Constitution. The Legislature also finds that it is
93 a public necessity that the recording of, and any records
94 generated during, a closed meeting be made temporarily exempt
95 from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the

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96 State Constitution. Failure to close any portion of a meeting
97 wherein such unsolicited proposal is discussed, and failure to
98 protect the release of the recording and records generated
99 during that closed meeting, would defeat the purpose of the
100 public record exemption. In addition, the Legislature finds that
101 public oversight is maintained because the public record
102 exemption for the recording and records generated during any
103 closed portion of a meeting are subject to public disclosure
104 when the board provides notice of an intended decision; no
105 longer than 90 days after the board rejects all proposals
106 received in a competitive solicitation for a qualifying project;
107 or 180 days after receipt of an unsolicited proposal if the
108 board does not issue a competitive solicitation for a qualifying
109 project related to the proposal.

110 Section 3. This act shall take effect on the same date
111 that HB 541 or similar legislation takes effect, if such
112 legislation is adopted in the same legislative session or an
113 extension thereof and becomes law.

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117 **T I T L E A M E N D M E N T**

118 Remove everything before the enacting clause and insert:
119 An act relating to public records and public meetings; amending
120 s. 1013.505, F.S., relating to public-private projects for the
121 upgrade of state university facilities and infrastructure;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 543 (2014)

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122 providing a definition; providing an exemption from public
123 record requirements for unsolicited proposals received by a
124 state university board of trustees for a specified period;
125 providing an exemption from public meeting requirements for any
126 portion of a meeting of a state university board of trustees
127 wherein exempt proposals are discussed; requiring a recording to
128 be made of the closed meeting; providing an exemption from
129 public record requirements for the recording of, and any records
130 generated during, a closed meeting for a specified period;
131 providing for future legislative review and repeal of the
132 exemption; providing a statement of public necessity; providing
133 a contingent effective date.