

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 1013.505, F.S., relating to public-private projects
 4 for the upgrade of state university facilities and
 5 infrastructure; providing an exemption from public
 6 records requirements for unsolicited proposals held by
 7 a state university board of trustees for a specified
 8 period; providing for future legislative review and
 9 repeal of the exemption; providing a statement of
 10 public necessity; providing a contingent effective
 11 date.

12

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

14

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

18 1013.505 Public-private partnerships; state universities
 19 and private entities.—

20 (14) PUBLIC RECORDS EXEMPTION.—

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

26 (b) An unsolicited proposal is not exempt for more than 12

27 months after the board rejects all proposals received for the
28 project described in the unsolicited proposal or, if the board
29 does not intend to enter into an agreement for the project, the
30 date that the unsolicited proposal was received.

31 (c) This subsection is subject to the Open Government
32 Sunset Review Act in accordance with s. 119.15 and shall stand
33 repealed on October 2, 2019, unless reviewed and saved from
34 repeal through reenactment by the Legislature.

35 Section 2. The Legislature finds that it is a public
36 necessity that an unsolicited proposal held by a state
37 university board of trustees pursuant to s. 1013.505, Florida
38 Statutes, which may identify proprietary business information,
39 be made exempt from s. 119.07(1), Florida Statutes, and s.
40 24(a), Article I of the State Constitution until the board
41 provides notification of its decision or its intent to make a
42 decision after ranking proposals under s. 1013.505(5)(c),
43 Florida Statutes. An unsolicited proposal is not exempt for more
44 than 12 months after the board rejects all proposals received
45 for the project described in the unsolicited proposal or, if the
46 board does not intend to enter into an agreement for the
47 project, the date that the unsolicited proposal was received.
48 The protection of information contained in unsolicited
49 proposals, as set forth in s. 1013.505, Florida Statutes,
50 submitted to a state university board of trustees that serve the
51 public purpose of procuring the timely development or operation
52 of a qualifying project as defined in s. 1013.505(1)(i), Florida

53 Statutes, and serve a public need for timely and cost-effective
54 acquisition, design, construction, improvement, renovation,
55 expansion, equipping, maintenance, operation, implementation, or
56 installation of projects that will be principally used by a
57 state university in serving the university's core mission may
58 not be wholly satisfied by existing procurement methods. These
59 unsolicited proposals may contain proprietary information and
60 trade secrets, such as patent-pending designs and financing
61 terms. If such information is publicly available before the
62 state university board of trustees makes a decision, competitors
63 could determine the creative financing used to fund these
64 projects. Therefore, the Legislature finds that the harm that
65 may result from the release of such information outweighs any
66 public benefit that may be derived from disclosure of the
67 information.

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