

1 A bill to be entitled

2 An act relating to public records and public meetings;
3 amending s. 1013.505, F.S., relating to public-private
4 projects for the upgrade of state university
5 facilities and infrastructure; providing a definition;
6 providing an exemption from public records
7 requirements for unsolicited proposals received by a
8 state university board of trustees for a specified
9 period; providing an exemption from public meeting
10 requirements for any portion of a meeting of a state
11 university board of trustees during which exempt
12 proposals are discussed; requiring a recording to be
13 made of the closed meeting; providing an exemption
14 from public records requirements for the recording of,
15 and any records generated during, a closed meeting for
16 a specified period; providing for future legislative
17 review and repeal of the exemption; providing a
18 statement of public necessity; providing a contingent
19 effective date.

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21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Subsection (14) is added to section 1013.505,
24 Florida Statutes, as created by HB 541, 2014 Regular Session, to
25 read:

26 1013.505 Public-private partnerships; state universities
 27 and private entities; public records and public meetings
 28 exemptions.—

29 (14) PUBLIC RECORDS AND PUBLIC MEETINGS EXEMPTIONS.—

30 (a) As used in this subsection, the term "competitive
 31 solicitation" has the same meaning as provided in s. 119.071(1).

32 (b)1. An unsolicited proposal received by a board is
 33 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 34 Constitution until such time as the board provides notice of an
 35 intended decision for a qualifying project.

36 2. If the board rejects all proposals submitted pursuant
 37 to a competitive solicitation for a qualifying project and the
 38 board concurrently provides notice of its intent to seek
 39 additional proposals for such project, the unsolicited proposal
 40 remains exempt until the board provides notice of an intended
 41 decision concerning the reissued competitive solicitation for
 42 the qualifying project or until the board withdraws the reissued
 43 competitive solicitation for such project.

44 3. An unsolicited proposal is not exempt for longer than
 45 90 days after the initial notice by the board rejecting all
 46 proposals.

47 (c) If the board does not issue a competitive solicitation
 48 for a qualifying project, the unsolicited proposal ceases to be
 49 exempt 180 days after receipt of the unsolicited proposal by the
 50 board.

51 (d)1. Any portion of a board meeting during which an
52 unsolicited proposal that is exempt is discussed is exempt from
53 s. 286.011 and s. 24(b), Art. I of the State Constitution.

54 2.a. A complete recording must be made of any portion of
55 an exempt meeting. No portion of the exempt meeting may be held
56 off the record.

57 b. The recording of, and any records generated during, the
58 exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I
59 of the State Constitution until such time as the board provides
60 notice of an intended decision for a qualifying project or 180
61 days after receipt of the unsolicited proposal by the board if
62 the board does not issue a competitive solicitation for the
63 project.

64 c. If the board rejects all proposals and concurrently
65 provides notice of its intent to reissue a competitive
66 solicitation, the recording and any records generated at the
67 exempt meeting remain exempt from s. 119.07(1) and s. 24(a),
68 Art. I of the State Constitution until such time as the board
69 provides notice of an intended decision concerning the reissued
70 competitive solicitation or until the board withdraws the
71 reissued competitive solicitation for such project.

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

75 (e) This subsection is subject to the Open Government
76 Sunset Review Act in accordance with s. 119.15 and shall stand

77 repealed on October 2, 2019, unless reviewed and saved from
78 repeal through reenactment by the Legislature.

79 Section 2. (1) The Legislature finds that it is a public
80 necessity that an unsolicited proposal received by a state
81 university board of trustees pursuant to s. 1013.505, Florida
82 Statutes, be made exempt from s. 119.07(1), Florida Statutes,
83 and s. 24(a), Article I of the State Constitution until a time
84 certain. Prohibiting the public release of unsolicited proposals
85 until a time certain ensures the effective and efficient
86 administration of the public-private partnership process
87 established in s. 1013.505, Florida Statutes. Temporarily
88 protecting unsolicited proposals protects the public-private
89 partnership process by encouraging private entities to submit
90 such proposals, which will facilitate the timely development and
91 operation of a qualifying project. Protecting such information
92 ensures that other private entities do not gain an unfair
93 competitive advantage. The public records exemption preserves
94 public oversight of the public-private partnership process by
95 providing for disclosure of the unsolicited proposal when the
96 board provides notice of an intended decision; no longer than 90
97 days after the board rejects all proposals received in a
98 competitive solicitation for a qualifying project; or 180 days
99 after receipt of an unsolicited proposal if the board does not
100 issue a competitive solicitation for a qualifying project
101 related to the proposal.

102 (2) The Legislature further finds that it is a public

103 necessity that any portion of a meeting of the state university
104 board of trustees during which an unsolicited proposal that is
105 exempt from public records requirements is discussed be made
106 exempt from s. 286.011, Florida Statutes, and s. 24(b), Article
107 I of the State Constitution. The Legislature also finds that it
108 is a public necessity that the recording of, and any records
109 generated during, a closed meeting be made temporarily exempt
110 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
111 the State Constitution. Failure to close any portion of a
112 meeting during which such unsolicited proposal is discussed, and
113 failure to protect the release of the recording and records
114 generated during that closed meeting, would defeat the purpose
115 of the public records exemption. In addition, the Legislature
116 finds that public oversight is maintained because the public
117 records exemption for the recording and records generated during
118 any closed portion of a meeting are subject to public disclosure
119 when the board provides notice of an intended decision; no
120 longer than 90 days after the board rejects all proposals
121 received in a competitive solicitation for a qualifying project;
122 or 180 days after receipt of an unsolicited proposal if the
123 board does not issue a competitive solicitation for a qualifying
124 project related to the proposal.

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