

26 Section 1. Present paragraphs (c) through (f) of
 27 subsection (3) of section 255.065, Florida Statutes, are
 28 redesignated as paragraphs (e) through (h), respectively, new
 29 paragraphs (c) and (d) are added to that subsection, and
 30 paragraph (b) and present paragraph (d) of that subsection and
 31 paragraph (c) of subsection (5) of that section are amended, to
 32 read:

33 255.065 Public-private partnerships.—

34 (3) PROCUREMENT PROCEDURES.—A responsible public entity
 35 may receive unsolicited proposals or may solicit proposals for a
 36 qualifying project and may thereafter enter into a comprehensive
 37 agreement with a private entity, or a consortium of private
 38 entities, for the building, upgrading, operating, ownership, or
 39 financing of facilities.

40 (b)1. The responsible public entity may request a proposal
 41 from private entities for a qualifying project or, if the
 42 responsible public entity receives an unsolicited proposal for a
 43 qualifying project and the responsible public entity intends to
 44 enter into a comprehensive agreement for the project described
 45 in the unsolicited proposal, the responsible public entity may
 46 ~~shall~~ publish notice in the Florida Administrative Register and
 47 a newspaper of general circulation at least once a week for 2
 48 weeks stating that the responsible public entity has received a
 49 proposal and will accept other proposals for the same project.

50 2. The timeframe within which the responsible public

51 | entity may accept other proposals shall be determined by the
52 | responsible public entity on a project-by-project basis based
53 | upon the complexity of the qualifying project and the public
54 | benefit to be gained by allowing a longer or shorter period of
55 | time within which other proposals may be received; however, the
56 | timeframe for allowing other proposals must be at least 21 days,
57 | but no more than 120 days, after the initial date of
58 | publication. If approved by a majority vote of the responsible
59 | public entity's governing body, the responsible public entity
60 | may alter the timeframe for accepting proposals to more
61 | adequately suit the needs of the qualifying project. A copy of
62 | the notice must be mailed to each local government in the
63 | affected area.

64 | (c) The responsible public entity may proceed with an
65 | unsolicited proposal for a qualifying project without engaging
66 | in a public bidding process if the responsible public entity
67 | holds a duly noticed public meeting at which the proposal is
68 | presented and affected public entities and members of the public
69 | are able to provide comment and at a second duly noticed public
70 | meeting determines that the proposal is in the public's
71 | interest. In making the public interest determination, the
72 | responsible public entity must consider all of the following
73 | factors:

- 74 | 1. The benefits to the public.
75 | 2. The financial structure of and the economic

76 efficiencies achieved by the proposal.

77 3. The qualifications and experience of the private entity
78 that submitted the proposal and such entity's ability to perform
79 the project.

80 4. The project's compatibility with regional
81 infrastructure plans.

82 5. Public comments submitted at the meeting. The
83 responsible public entity must provide a statement that explains
84 why the proposal should proceed and addresses such comments.

85 (d) If the responsible public entity decides to proceed
86 with an unsolicited proposal without engaging in a public
87 bidding process, the responsible public entity must publish in
88 the Florida Administrative Register for at least 7 days a report
89 that includes all of the following:

90 1. The public interest determination required under
91 paragraph (c).

92 2. The factors considered in making such public interest
93 determination.

94 3. The responsible public entity's findings based on each
95 considered factor.

96 (f)-(d) Before approving a comprehensive agreement, the
97 responsible public entity must determine that the proposed
98 project:

99 1. Is in the public's best interest, if the proposal was
100 solicited. If the proposal was unsolicited, the responsible

101 public entity must determine that the proposed project has been
102 determined to be in the public's interest in accordance with
103 paragraph (c).

104 2. Is for a facility that is owned by the responsible
105 public entity or for a facility for which ownership will be
106 conveyed to the responsible public entity. For a proposed
107 project that was unsolicited, if ownership will not be conveyed
108 to the responsible public entity within 10 years after initial
109 public operation begins, the public benefits apart from
110 ownership must be identified and stated by the responsible
111 public entity in the public interest determination required
112 under paragraph (c).

113 3. Has adequate safeguards in place to ensure that
114 additional costs or service disruptions are not imposed on the
115 public in the event of material default or cancellation of the
116 comprehensive agreement by the responsible public entity.

117 4. Has adequate safeguards in place to ensure that the
118 responsible public entity or private entity has the opportunity
119 to add capacity to the proposed project or other facilities
120 serving similar predominantly public purposes.

121 5. If the proposal was solicited, will be owned by the
122 responsible public entity upon completion, expiration, or
123 termination of the comprehensive agreement and upon payment of
124 the amounts financed.

125 (5) PROJECT QUALIFICATION AND PROCESS.—

126 (c) After the public notification period has expired in
127 the case of an unsolicited proposal that is submitted and
128 noticed for public bidding, the responsible public entity shall
129 rank the proposals received in order of preference. In ranking
130 the proposals, the responsible public entity may consider
131 factors that include, but are not limited to, professional
132 qualifications, general business terms, innovative design
133 techniques or cost-reduction terms, and finance plans. The
134 responsible public entity may then begin negotiations for a
135 comprehensive agreement with the highest-ranked firm. If the
136 responsible public entity is not satisfied with the results of
137 the negotiations, the responsible public entity may terminate
138 negotiations with the proposer and negotiate with the second-
139 ranked or subsequent-ranked firms, in the order consistent with
140 this procedure. If only one proposal is received, the
141 responsible public entity may negotiate in good faith, and if
142 the responsible public entity is not satisfied with the results
143 of the negotiations, the responsible public entity may terminate
144 negotiations with the proposer. Notwithstanding this paragraph,
145 the responsible public entity may reject all proposals at any
146 point in the process until a contract with the proposer is
147 executed.

148 Section 2. This act shall take effect July 1, 2024.