

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.