

By Representative Barreiro

1 A bill to be entitled
 2 An act relating to public records and meetings;
 3 amending s. 235.054, F.S.; providing that
 4 contracts for the purchase and sale of real
 5 property for educational purposes by school
 6 boards must be considered and approved by the
 7 boards in a public meeting; allowing the board,
 8 the superintendent, and appropriate staff to
 9 meet in executive session to discuss pending
 10 negotiations concerning the proposed
 11 acquisition of real property if specified
 12 conditions are met; providing that such
 13 sessions and summaries of the recordings of
 14 such meetings are confidential and exempt from
 15 the public records law; providing for future
 16 review and repeal; providing a statement of
 17 public necessity; providing an effective date.

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

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 21 Section 1. Section 235.054, Florida Statutes, is
 22 amended to read:

23 235.054 Proposed purchase of real property by a board;
 24 confidentiality of records; executive sessions; procedure.--

25 (1)(a) In any case in which a board, pursuant to the
 26 provisions of this chapter, seeks to acquire by purchase any
 27 real property for educational purposes, every appraisal,
 28 offer, or counteroffer must be in writing and is exempt from
 29 the provisions of s. 119.07(1) until a an option contract for
 30 the purchase and sale of the real property is presented to the
 31 board for approval at a public meeting. The contract must be

1 considered and approved by the school board in a public
2 meeting in accordance with the provisions of s. 286.011, this
3 chapter, s. 230.22, and s. 230.23 ~~is executed or, if no option~~
4 ~~contract is executed, until 30 days before a contract or~~
5 ~~agreement for purchase is considered for approval by the~~
6 ~~board. If a contract or agreement for purchase is not~~
7 ~~submitted to the board for approval, the exemption from s.~~
8 ~~119.07(1) will expire 30 days after the termination of~~
9 ~~negotiations. The board shall maintain complete and accurate~~
10 ~~records of every such appraisal, offer, and counteroffer. For~~
11 ~~the purposes of this section, the term "option contract" means~~
12 ~~an agreement by the board to purchase a piece of property,~~
13 ~~subject to the approval of the board at a public meeting after~~
14 ~~30 days' public notice.~~

15 (b) Prior to acquisition of the property, the board
16 shall obtain at least one appraisal by an appraiser approved
17 pursuant to s. 253.025(6)(b) for each purchase in an amount
18 greater than \$100,000 and not more than \$500,000. For each
19 purchase in an amount in excess of \$500,000, the board shall
20 obtain at least two appraisals by appraisers approved pursuant
21 to s. 253.025(6)(b). If the agreed purchase price exceeds the
22 average appraised value, the board is required to approve the
23 purchase by an extraordinary vote.

24 (2) Notwithstanding the provisions of ~~Nothing in this~~
25 ~~section shall be interpreted as providing an exemption from,~~
26 ~~or an exception to,~~ s. 286.011 and s. 24(b), Art. I of the
27 State Constitution, the board, the superintendent, and
28 appropriate staff may meet in executive session to discuss
29 pending negotiations concerning the proposed acquisition of
30 real property for educational purposes, provided that the
31 following conditions are met:

1 (a) The subject matter of the executive session must
2 be confined to the proposed acquisition or purchase of real
3 property for educational purposes or strategy related to such
4 matters.

5 (b) The school board shall give reasonable public
6 notice of the time and date of the executive session.

7 (c) The executive session must be recorded and must
8 include times of commencement and termination of the session,
9 the names of all persons present at any time, and the names of
10 all persons speaking. A summary of the record must be
11 transcribed and filed with the board's clerk within a
12 reasonable time after the meeting.

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14 The record of the executive session, but not the summary of
15 the record, is exempt from s. 119.07(1) and s. 24(a), Art. I
16 of the State Constitution, until a contract for the purchase
17 and sale of the real property is presented to the board for
18 approval at a public meeting.

19 (3) Subsection (2) is repealed July 1, 2004, and must
20 be reviewed by the Legislature before that date in accordance
21 with s. 119.15.

22 Section 2. The Legislature finds that it is a public
23 necessity for discussions among the superintendent of schools,
24 the school board, and appropriate staff relating to the
25 pending purchase or sale of real property used for educational
26 purposes be confidential to prevent speculation, inflated
27 pricing of property, and possible unfair advantage to
28 potential sellers and buyers as well as the placement of the
29 school board in an unfair bargaining position. Further, the
30 Legislature finds that the exemption is not an unfair burden
31 on the public because the law requires that any final action

1 taken by the school board must be at a public meeting with
2 full public disclosure; and therefore the public's right to
3 information concerning the use of public funds to purchase or
4 sell real property for public educational purposes is
5 adequately protected.

6 Section 3. This act shall take effect July 1, 1999.

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9 SENATE SUMMARY

10 Provides that contracts for the purchase and sale of real
11 property for educational purposes by school boards must
12 be considered and approved by the boards in a public
13 meeting. Allows the school board, the superintendent of
14 schools, and appropriate staff to meet in executive
15 session to discuss pending negotiations concerning the
16 proposed acquisition of real property if specified
17 conditions are met. Provides that such sessions and
18 summaries of the recordings of such meetings are
19 confidential and exempt from the public records law.
20 Provides for future review and repeal. Provides a
21 statement of public necessity.
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