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A bill to be entitled

An act relating to an exemption from public records requirements; amending s. 253.034, F.S.; providing an exemption from public records requirements for a written valuation of state-owned land determined by the Board of Trustees of the Internal Improvement Trust Fund to be surplus land and related documents used to form the valuation or which pertain to the valuation; providing for limited duration of the exemption; authorizing the disclosure of appraisals, valuations, and valuation information under specified circumstances; providing for review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (g) of subsection (6) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.--

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplus. For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make

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30 a determination that the lands are no longer needed and may
31 dispose of them by an affirmative vote of at least three
32 members.

33 (g) The sale price of lands determined to be surplus
34 pursuant to this subsection shall be determined by the division
35 and shall take into consideration an appraisal of the property,
36 or, when the estimated value of the land is less than \$100,000,
37 a comparable sales analysis or a broker's opinion of value, and
38 the price paid by the state to originally acquire the lands.

39 1.a. A written valuation of land determined to be surplus
40 pursuant to this subsection, and related documents used to form
41 the valuation or which pertain to the valuation, are
42 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
43 of the State Constitution until 2 weeks before the associated
44 agreement regarding the purchase, exchange, or disposal of the
45 surplus land is first considered for approval by the board.
46 Notwithstanding the exemption provided under this subparagraph,
47 the division may disclose appraisals, valuations, or valuation
48 information regarding surplus land during negotiations for the
49 sale or exchange of the land, during the marketing effort or
50 bidding process associated with the sale or exchange of the land
51 to facilitate closure of such effort or process, when the
52 passage of time has made the conclusions of value invalid, or
53 when negotiations or marketing efforts concerning the land are
54 concluded.

55 b. This subparagraph is subject to the Open Government
56 Sunset Review Act of 1995 in accordance with s. 119.15, and
57 shall stand repealed on October 2, 2009, unless reviewed and
58 saved from repeal through reenactment by the Legislature.

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59 2. A unit of government that acquires title to lands
 60 hereunder for less than appraised value may not sell or transfer
 61 title to all or any portion of the lands to any private owner
 62 for a period of 10 years. Any unit of government seeking to
 63 transfer or sell lands pursuant to this paragraph shall first
 64 allow the board of trustees to reacquire such lands for the
 65 price at which the board sold such lands.

66 Section 2. The Legislature finds that temporarily
 67 preserving the confidentiality of a written valuation of state-
 68 owned land determined by the Board of Trustees of the Internal
 69 Improvement Trust Fund to be surplus land under s. 253.034(6),
 70 Florida Statutes, and related documents used to form the
 71 valuation or which pertain to the valuation, is a public
 72 necessity. The Legislature finds that making such written
 73 valuation and documents related to the valuation confidential
 74 and exempt from public records requirements until 2 weeks before
 75 the associated agreement regarding the purchase, exchange, or
 76 disposal of surplus land is first considered for approval by the
 77 board helps ensure the maximum return to the state from the
 78 disposition of surplus lands. The Legislature finds that public
 79 access to this information prior to the designated termination
 80 of the exemption would impede development of agreements that
 81 maximize returns to the state by providing persons interested in
 82 buying or trading for surplus land an unfair advantage during
 83 the negotiation or bidding processes to sell, exchange, or
 84 dispose of the land. The exemption from public records
 85 requirements created by this act for information regarding the
 86 valuation of state-owned land determined to be surplus will help

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87 to ensure that real estate transactions involving such land are
88 conducted "at arm's length."

89 Section 3. This act shall take effect July 1, 2004.