

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

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

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

21
22 Section 1. Paragraph (g) of subsection (6) of section
23 253.034, Florida Statutes, is amended to read:

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24 253.034 State-owned lands; uses.--

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

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

44 1.a. A written valuation of land determined to be surplus
 45 pursuant to this subsection, and related documents used to form
 46 the valuation or which pertain to the valuation, are
 47 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 48 of the State Constitution until 2 weeks before the contract or
 49 agreement regarding the purchase, exchange, or disposal of the
 50 surplus land is first considered for approval by the board.
 51 Notwithstanding the exemption provided under this subparagraph,

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52 | the division may disclose appraisals, valuations, or valuation
 53 | information regarding surplus land during negotiations for the
 54 | sale or exchange of the land, during the marketing effort or
 55 | bidding process associated with the sale, disposal, or exchange
 56 | of the land to facilitate closure of such effort or process,
 57 | when the passage of time has made the conclusions of value
 58 | invalid, or when negotiations or marketing efforts concerning
 59 | the land are concluded.

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

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

71 | Section 2. The Legislature finds that temporarily
 72 | preserving the confidentiality of a written valuation of state-
 73 | owned land determined by the Board of Trustees of the Internal
 74 | Improvement Trust Fund to be surplus land under s. 253.034(6),
 75 | Florida Statutes, and related documents used to form the
 76 | valuation or which pertain to the valuation, is a public
 77 | necessity. The Legislature finds that making such written
 78 | valuation and documents related to the valuation confidential
 79 | and exempt from public records requirements until 2 weeks before

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80 | the contract or agreement regarding the purchase, exchange, or
81 | disposal of surplus land is first considered for approval by the
82 | board helps ensure the maximum return to the state from the
83 | disposition of surplus lands. The Legislature finds that public
84 | access to this information prior to the designated termination
85 | of the exemption would impede development of agreements that
86 | maximize returns to the state by providing persons interested in
87 | buying or trading for surplus land an unfair advantage during
88 | the negotiation or bidding processes to sell, exchange, or
89 | dispose of the land. The exemption from public records
90 | requirements created by this act for information regarding the
91 | valuation of state-owned land determined to be surplus will help
92 | to ensure that real estate transactions involving such land are
93 | conducted "at arm's length."

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