

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

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

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 17           Section 1. Paragraph (g) of subsection (6) of section  
 18   253.034, Florida Statutes, is amended to read:

19           253.034 State-owned lands; uses.--

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

29 | conservation benefit. For all other lands, the board shall make  
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 contract or  
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, disposal, or exchange  
51 | of the land to facilitate closure of such effort or process,  
52 | when the passage of time has made the conclusions of value  
53 | invalid, or when negotiations or marketing efforts concerning  
54 | the land are 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.

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 contract or 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  
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.