${\bf By}$ the Committee on Governmental Oversight and Productivity; and Senator Fasano

302-2640-04

1	A bill to be entitled
2	An act relating to public records; amending s.
3	253.034, F S.; providing a time-limited
4	exemption from public records requirements for
5	information regarding valuation of surplus
6	state-owned land before the associated
7	agreement for purchase, exchange, or disposal
8	is first considered for approval by the Board
9	of Trustees of the Internal Improvement Trust
10	Fund; authorizing the Division of State Lands
11	in the Department of Environmental Protection
12	to disclose valuation information under certain
13	circumstances, notwithstanding the
14	confidentiality requirement; providing for
15	future legislative review and repeal; providing
16	a statement of public necessity; providing an
17	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. Paragraph (g) of subsection (6) of section
22	253.034, Florida Statutes, is amended to read:
23	253.034 State-owned lands; uses
24	(6) The Board of Trustees of the Internal Improvement
25	Trust Fund shall determine which lands, the title to which is
26	vested in the board, may be surplused. For conservation lands,
27	the board shall make a determination that the lands are no
28	longer needed for conservation purposes and may dispose of
29	them by an affirmative vote of at least three members. In the
30	case of a land exchange involving the disposition of
31	conservation lands, the board must determine by an affirmative

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CODING: Words stricken are deletions; words underlined are additions.

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

- (g) The sale price of lands determined to be surplus pursuant to this subsection shall be determined by the division and shall take into consideration an appraisal of the property, or, when the estimated value of the land is less than \$100,000, a comparable sales analysis or a broker's opinion of value, and the price paid by the state to originally acquire the lands.
- 1. A written valuation of land determined to be surplus pursuant to this subsection, and related documents used to form the valuation or which discuss the valuation, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until 2 weeks before the contract or agreement regarding surplus land purchase, exchange, or disposal is first considered for approval by the board. The division may, notwithstanding this exemption, disclose appraisals, valuations, or valuation information about surplus land during negotiations for the sale or exchange of the land, during the marketing effort or bidding process associated with the sale or exchange of the land to facilitate closure of such effort or process, when the passage of time has made the conclusions of value invalid, or when negotiations or marketing efforts concerning the land are concluded. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2009, unless reviewed and saved from

repeal through reenactment by the Legislature.

1	2. A unit of government that acquires title to lands
2	hereunder for less than appraised value may not sell or
3	transfer title to all or any portion of the lands to any
4	private owner for a period of 10 years. Any unit of government
5	seeking to transfer or sell lands pursuant to this paragraph
6	shall first allow the board of trustees to reacquire such
7	lands for the price at which the board sold such lands.
8	Section 2. The Legislature finds that temporarily
9	preserving the confidentiality of information about the
10	valuation of state-owned lands to be disposed of as surplus
11	under section 253.034(6), Florida Statutes, is a public
12	necessity. The Legislature further finds that this temporary
13	exemption from the public records law helps ensure the maximum
14	return to the state from the disposition of surplus lands and
15	that earlier public access to this information would impede
16	development of agreements that maximize such return by
17	providing persons interested in buying or trading for surplus
18	land an unfair advantage during negotiation or bidding
19	processes to sell, exchange, or dispose of the land.
20	Section 3. This act shall take effect July 1, 2004.
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22	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
23	SB 2158
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25	Makes the written valuation exempt until 2 weeks before the
26	contract or agreement regarding surplus land purchase, exchange, or disposal is first considered for approval by the board.
27	Corrects a grammatical error.
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