

1 A bill to be entitled
 2 An act relating to public records; creating s. 343.59,
 3 F.S.; providing an exemption from public records
 4 requirements for certain appraisal reports, offers, and
 5 counteroffers relating to land acquisition by the South
 6 Florida Regional Transportation Authority; providing that
 7 the exemption expires upon execution of a certain contract
 8 or at a certain time before a purchase contract or
 9 agreement is considered for approval; providing exceptions
 10 to the exemption; providing for future legislative review
 11 and repeal; providing a finding of public necessity;
 12 providing a contingent effective date.

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

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 16 Section 1. Section 343.59, Florida Statutes, is created to
 17 read:

18 343.59 Confidentiality of appraisal reports, offers, and
 19 counteroffers.--

20 (1) Appraisal reports, offers, and counteroffers relating
 21 to land acquisition by the authority are confidential and exempt
 22 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
 23 State Constitution until an option contract is executed or, if
 24 no option contract is executed, until 30 days before a contract
 25 or agreement for purchase is considered for approval by the
 26 authority's governing board. However, the authority may, at its
 27 discretion, disclose appraisal reports to private landowners
 28 during negotiations for acquisitions using alternatives to fee

29 simple techniques if the authority determines that disclosure of
 30 such reports will bring the proposed acquisition to closure. In
 31 the event that negotiations are terminated by the authority, the
 32 appraisal reports, offers, and counteroffers shall become
 33 available pursuant to s. 119.07(1) and s. 24(a), Art. I of the
 34 State Constitution. Notwithstanding the provisions of this
 35 section, the authority may share and disclose appraisal reports,
 36 appraisal information, offers, and counteroffers when joint
 37 acquisition of property is contemplated. The authority shall
 38 maintain the confidentiality of such appraisal reports,
 39 appraisal information, offers, and counteroffers in conformance
 40 with this section except in those cases in which the authority
 41 has exercised discretion to disclose such information. The
 42 authority may disclose appraisal information, offers, and
 43 counteroffers to a third party who has entered into a
 44 contractual agreement with the authority to work with or on the
 45 behalf of or to assist the authority in connection with land
 46 acquisitions. The third party shall maintain the confidentiality
 47 of such information in conformance with this section. In
 48 addition, the authority may use as its own appraisals obtained
 49 by a third party under contract with the authority to provide
 50 such services, provided the appraisals are reviewed and approved
 51 by the authority.

52 (2) Subsection (1) is subject to the Open Government
 53 Sunset Review Act of 1995 in accordance with s. 119.15 and shall
 54 stand repealed on October 2, 2010, unless reviewed and saved
 55 from repeal through reenactment by the Legislature.

56 Section 2. The Legislature finds that it is a public

57 necessity that proprietary confidential business information
58 contained in appraisal reports, offers, and counteroffers be
59 kept confidential when held by a local governmental entity or
60 agency. Disclosure of this proprietary confidential business
61 information in a local governmental entity's or agency's
62 possession would adversely affect the goal of the purchase of
63 lands for the public good using public funds at competitive
64 prices resulting from negotiations between parties. Further,
65 each party is entitled to independently obtain appraisal reports
66 and property value information regarding said property.
67 Disclosure of the appraisal report or property information by
68 the governmental entity or agency could create an unfair
69 disadvantage for the governmental entity or agency during
70 negotiations. Release of appraisal reports, offers, and
71 counteroffers could impair full and fair competition between the
72 negotiating parties. Thus, the public and private harm in
73 disclosing this information significantly outweighs any public
74 benefit derived from disclosure, and the public's ability to
75 scrutinize and monitor agency action is not diminished by
76 nondisclosure of this information.

77 Section 3. This act shall take effect on the same date
78 that HB 1409 or similar legislation takes effect, if such
79 legislation is adopted in the same legislative session or an
80 extension thereof and becomes law.