

By Senator Geller

31-1680-05

See HB 1411

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

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

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19 Section 1. Section 343.59, Florida Statutes, is
20 created to read:

21 343.59 Confidentiality of appraisal reports, offers,
22 and counteroffers.--

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

1 using alternatives to fee-simple techniques if the authority
2 determines that disclosure of such reports will bring the
3 proposed acquisition to closure. In the event that
4 negotiations are terminated by the authority, the appraisal
5 reports, offers, and counteroffers shall become available
6 pursuant to s. 119.07(1) and s. 24(a), Art. I of the State
7 Constitution. Notwithstanding the provisions of this section,
8 the authority may share and disclose appraisal reports,
9 appraisal information, offers, and counteroffers when joint
10 acquisition of property is contemplated. The authority shall
11 maintain the confidentiality of such appraisal reports,
12 appraisal information, offers, and counteroffers in
13 conformance with this section, except in those cases in which
14 the authority has exercised discretion to disclose such
15 information. The authority may disclose appraisal information,
16 offers, and counteroffers to a third party who has entered
17 into a contractual agreement with the authority to work with
18 or on the behalf of or to assist the authority in connection
19 with land acquisitions. The third party shall maintain the
20 confidentiality of such information in conformance with this
21 section. In addition, the authority may use as its own
22 appraisals obtained by a third party under contract with the
23 authority to provide such services, provided the appraisals
24 are reviewed and approved by the authority.

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

29 Section 2. The Legislature finds that it is a public
30 necessity that proprietary confidential business information
31 contained in appraisal reports, offers, and counteroffers be

1 kept confidential when held by a local governmental entity or
2 agency. Disclosure of this proprietary confidential business
3 information in a local governmental entity's or agency's
4 possession would adversely affect the goal of the purchase of
5 lands for the public good using public funds at competitive
6 prices resulting from negotiations between parties. Further,
7 each party is entitled to independently obtain appraisal
8 reports and property value information regarding that
9 property. Disclosure of the appraisal report or property
10 information by the governmental entity or agency could create
11 an unfair disadvantage for the governmental entity or agency
12 during negotiations. Release of appraisal reports, offers, and
13 counteroffers could impair full and fair competition between
14 the negotiating parties. Thus, the public and private harm in
15 disclosing this information significantly outweighs any public
16 benefit derived from disclosure, and the public's ability to
17 scrutinize and monitor agency action is not diminished by
18 nondisclosure of this information.

19 Section 3. This act shall take effect on the same date
20 that HB 1409 or similar legislation takes effect, but it shall
21 not take effect unless such legislation is adopted in the same
22 legislative session or an extension thereof and becomes law.
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