

HB 1117

2006

A bill to be entitled

An act relating to public records; creating s. 343.59, F.S.; providing an exemption from public records requirements for certain appraisal reports, offers, and counteroffers relating to land acquisition by the South Florida Regional Transportation Authority; providing that the exemption expires upon execution of a certain contract or at a certain time before a purchase contract or agreement is considered for approval; providing exceptions to the exemption; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

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

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

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

HB 1117

2006

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). Notwithstanding the
34 provisions of this section, the authority may share and disclose
35 appraisal reports, appraisal information, offers, and
36 counteroffers when joint acquisition of property is
37 contemplated. The authority shall maintain the confidentiality
38 of such appraisal reports, appraisal information, offers, and
39 counteroffers in conformance with this section except in those
40 cases in which the authority has exercised discretion to
41 disclose such information. The authority may disclose appraisal
42 information, offers, and counteroffers to a third party who has
43 entered into a contractual agreement with the authority to work
44 with or on the behalf of or to assist the authority in
45 connection with land acquisitions. The third party shall
46 maintain the confidentiality of such information in conformance
47 with this section. In addition, the authority may use as its own
48 appraisals obtained by a third party under contract with the
49 authority to provide such services, provided the appraisals are
50 reviewed and approved by the authority.

51 (2) Subsection (1) is subject to the Open Government
52 Sunset Review Act of 1995 in accordance with s. 119.15 and shall
53 stand repealed on October 2, 2011, unless reviewed and saved
54 from repeal through reenactment by the Legislature.

55 Section 2. The Legislature finds that it is a public
56 necessity that proprietary confidential business information

HB 1117

2006

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

76 Section 3. This act shall take effect on the same date
77 that HB 1115 or similar legislation takes effect, if such
78 legislation is adopted in the same legislative session or an
79 extension thereof and becomes law.