

HB 1117

2006
CS

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

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

18
19 Be It Enacted by the Legislature of the State of Florida:

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

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23 343.59 Confidentiality of appraisal reports, offers, and
24 counteroffers.--

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

32 (2) The authority may, at its discretion, disclose
33 appraisal reports to private landowners during negotiations for
34 acquisitions using alternatives to fee simple techniques if the
35 authority determines that disclosure of such reports will bring
36 the proposed acquisition to closure. In the event that
37 negotiations are terminated by the authority, the appraisal
38 reports, offers, and counteroffers shall become available
39 pursuant to s. 119.07(1) and s. 24(a), Art. I of the State
40 Constitution.

41 (3) The authority may share and disclose appraisal
42 reports, appraisal information, offers, and counteroffers when
43 joint acquisition of property is contemplated.

44 (4) The authority may disclose appraisal information,
45 offers, and counteroffers to a third party who has entered into
46 a contractual agreement with the authority to work with or on
47 the behalf of or to assist the authority in connection with land
48 acquisitions.

49 (5) This section is subject to the Open Government Sunset
50 Review Act in accordance with s. 119.15 and shall stand repealed

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51 on October 2, 2011, unless reviewed and saved from repeal
52 through reenactment by the Legislature.

53 Section 2. The Legislature finds that it is a public
54 necessity that appraisal reports, offers, and counteroffers be
55 kept confidential and exempt from public records requirements
56 when held by the South Florida Regional Transportation
57 Authority. Disclosure would adversely affect the goal of the
58 purchase of lands for the public good using public funds at
59 competitive prices resulting from negotiations between parties.
60 Further, each party is entitled to independently obtain
61 appraisal reports and property value information regarding said
62 property. Disclosure of the appraisal report or property
63 information by the authority could create an unfair disadvantage
64 for the authority during negotiations. Release of appraisal
65 reports, offers, and counteroffers could impair full and fair
66 competition between the negotiating parties. Thus, the public
67 and private harm in disclosing this information significantly
68 outweighs any public benefit derived from disclosure, and the
69 public's ability to scrutinize and monitor agency action is not
70 diminished by nondisclosure of this information.

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