

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 s. 119.07(1) and s. 24(a), Art. I of the State Constitution
23 until an option contract is executed or, if no option contract
24 is executed, until 30 days before a contract or agreement for
25 purchase is considered for approval by the authority's governing
26 board.

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

36 (3) The authority may share and disclose appraisal
37 reports, appraisal information, offers, and counteroffers when
38 joint acquisition of property is contemplated.

39 (4) The authority may disclose appraisal information,
40 offers, and counteroffers to a third party who has entered into
41 a contractual agreement with the authority to work with or on
42 the behalf of or to assist the authority in connection with land
43 acquisitions.

44 (5) This section is subject to the Open Government Sunset
45 Review Act in accordance with s. 119.15 and shall stand repealed
46 on October 2, 2011, unless reviewed and saved from repeal
47 through reenactment by the Legislature.

48 Section 2. The Legislature finds that it is a public
49 necessity that appraisal reports, offers, and counteroffers be
50 kept confidential and exempt from public records requirements
51 when held by the South Florida Regional Transportation
52 Authority. Disclosure would adversely affect the goal of the
53 purchase of lands for the public good using public funds at

54 competitive prices resulting from negotiations between parties.
55 Further, each party is entitled to independently obtain
56 appraisal reports and property value information regarding said
57 property. Disclosure of the appraisal report or property
58 information by the authority could create an unfair disadvantage
59 for the authority during negotiations. Release of appraisal
60 reports, offers, and counteroffers could impair full and fair
61 competition between the negotiating parties. Thus, the public
62 and private harm in disclosing this information significantly
63 outweighs any public benefit derived from disclosure, and the
64 public's ability to scrutinize and monitor agency action is not
65 diminished by nondisclosure of this information.

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