

Bill No. SB 2076

Barcode 921354

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Geller moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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 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.

(2) The authority may, at its discretion, disclose
appraisal reports to private landowners during negotiations
for acquisitions using alternatives to fee simple techniques
if the authority determines that disclosure of such reports

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1 will bring the proposed acquisition to closure. In the event
 2 that negotiations are terminated by the authority, the
 3 appraisal reports, offers, and counteroffers shall become
 4 available pursuant to s. 119.07(1) and s. 24(a), Art. I of the
 5 State Constitution.

6 (3) The authority may share and disclose appraisal
 7 reports, appraisal information, offers, and counteroffers when
 8 joint acquisition of property is contemplated.

9 (4) The authority may disclose appraisal information,
 10 offers, and counteroffers to a third party who has entered
 11 into a contractual agreement with the authority to work with
 12 or on the behalf of or to assist the authority in connection
 13 with land acquisitions.

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 16 repealed on October 2, 2011, unless reviewed and saved from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

18 Section 2. The Legislature finds that it is a public
 19 necessity that appraisal reports, offers, and counteroffers be
 20 kept confidential and exempt from public records requirements
 21 when held by the South Florida Regional Transportation
 22 Authority. Disclosure would adversely affect the goal of the
 23 purchase of lands for the public good using public funds at
 24 competitive prices resulting from negotiations between
 25 parties. Further, each party is entitled to independently
 26 obtain appraisal reports and property value information
 27 regarding said property. Disclosure of the appraisal report or
 28 property information by the authority could create an unfair
 29 disadvantage for the authority during negotiations. Release of
 30 appraisal reports, offers, and counteroffers could impair full
 31 and fair competition between the negotiating parties. Thus,

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1 the public and private harm in disclosing this information
 2 significantly outweighs any public benefit derived from
 3 disclosure, and the public's ability to scrutinize and monitor
 4 agency action is not diminished by nondisclosure of this
 5 information.

6 Section 3. This act shall take effect on the same date
 7 that SB 2078 or similar legislation takes effect, if such
 8 legislation is adopted in the same legislative session or an
 9 extension thereof and becomes law.

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 Delete everything before the enacting clause

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16 and insert:

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A bill to be entitled

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An act relating to public records; creating s.

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343.59, F.S.; providing an exemption from

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public records requirements for certain

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appraisal reports, offers, and counteroffers

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relating to land acquisition by the South

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Florida Regional Transportation Authority;

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providing that the exemption expires upon

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execution of a certain contract or at a certain

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time before a purchase contract or agreement is

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considered for approval; providing exceptions

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to the exemption; providing for future

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legislative review and repeal; providing a

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finding of public necessity; providing a

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contingent effective date.