By Senator Geller

31-275-06

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

1	alternatives to fee-simple techniques if the authority
2	determines that disclosure of such reports will bring the
3	proposed acquisition to closure. If negotiations are
4	terminated by the authority, the appraisal reports, offers,
5	and counteroffers shall become available pursuant to s.
6	119.07(1) and s. 24(a), Art. I of the State Constitution.
7	Notwithstanding this section, the authority may share and
8	disclose appraisal reports, appraisal information, offers, and
9	counteroffers when joint acquisition of property is
10	contemplated. The authority shall maintain the confidentiality
11	of such appraisal reports, appraisal information, offers, and
12	counteroffers in conformance with this section, except in
13	those cases in which the authority has exercised discretion to
14	disclose such information. The authority may disclose
15	appraisal information, offers, and counteroffers to a third
16	party who has entered into a contractual agreement with the
17	authority to work with or on behalf of or to assist the
18	authority in connection with land acquisitions. The third
19	party shall maintain the confidentiality of such information
20	in conformance with this section. In addition, the authority
21	may use as its own appraisals obtained by a third party under
22	contract with the authority to provide such services, provided
23	the appraisals are reviewed and approved by the authority.
24	(2) Subsection (1) is subject to the Open Government
25	Sunset Review Act of 1995 in accordance with s. 119.15 and
26	shall stand repealed on October 2, 2011, unless reviewed and
27	saved from repeal through reenactment by the Legislature.
28	Section 2. The Legislature finds that it is a public
29	necessity that proprietary confidential business information
30	contained in appraisal reports, offers, and counteroffers be
31	kept confidential when held by a local governmental entity or

agency. Disclosure of this proprietary confidential business 2 information in a local governmental entity's or agency's possession would adversely affect the goal of the purchase of 3 4 lands for the public good using public funds at competitive 5 prices resulting from negotiations between parties. Further, 6 each party is entitled to independently obtain appraisal 7 reports and property value information regarding that property. Disclosure of the appraisal report or property 8 information by the governmental entity or agency could create 9 10 an unfair disadvantage for the governmental entity or agency during negotiations. Release of appraisal reports, offers, and 11 12 counteroffers could impair full and fair competition between 13 the negotiating parties. Thus, the public and private harm in disclosing this information significantly outweighs any public 14 benefit derived from disclosure, and the public's ability to 15 scrutinize and monitor agency action is not diminished by 16 nondisclosure of this information. Section 3. This act shall take effect on the same date 18 that SB ____ or similar legislation takes effect, but it shall 19 2.0 not take effect unless such legislation is adopted in the same 21 legislative session or an extension thereof and becomes law. 22 23 2.4 2.5 26 27 28 29 30 31