

By Senator Geller

31-232-07

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, if the  
23 appraisals are reviewed and approved by the authority.

24 (2) Subsection (1) is subject to the Open Government  
25 Sunset Review Act in accordance with s. 119.15 and shall stand  
26 repealed on October 2, 2012, unless reviewed and saved from  
27 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

1 agency. Disclosure of this proprietary confidential business  
 2 information in a local governmental entity's or agency's  
 3 possession would adversely affect the goal of the purchase of  
 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  
 8 property. Disclosure of the appraisal report or property  
 9 information by the governmental entity or agency could create  
 10 an unfair disadvantage for the governmental entity or agency  
 11 during negotiations. Release of appraisal reports, offers, and  
 12 counteroffers could impair full and fair competition between  
 13 the negotiating parties. Thus, the public and private harm in  
 14 disclosing this information significantly outweighs any public  
 15 benefit derived from disclosure, and the public's ability to  
 16 scrutinize and monitor agency action is not diminished by  
 17 nondisclosure of this information.

18           Section 3. This act shall take effect on the same date  
 19 that SB \_\_\_\_ or similar legislation takes effect, but it shall  
 20 not take effect unless such legislation is adopted in the same  
 21 legislative session or an extension thereof and becomes law.

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24   SENATE SUMMARY

25           Provides an exemption from public-records requirements  
 26 relating to land acquisition by the South Florida  
 27 Regional Transportation Authority. Provides that the  
 28 exemption expires upon execution of a certain contract or  
 29 at a certain time before a purchase contract or agreement  
 30 is considered for approval. Provides exceptions to the  
 31 exemption. Provides for future legislative review and  
 repeal. Provides a finding of public necessity.