

HB 961

2007

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.

13

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. However, the authority may, at its discretion, disclose  
 27           appraisal reports to private landowners during negotiations for  
 28           acquisitions using alternatives to fee-simple techniques if the

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29 authority determines that disclosure of such reports will bring  
30 the proposed acquisition to closure. If negotiations are  
31 terminated by the authority, the appraisal reports, offers, and  
32 counteroffers shall become available pursuant to s. 119.07(1)  
33 and s. 24(a), Art. I of the State Constitution. Notwithstanding  
34 this section, the authority may share and disclose appraisal  
35 reports, appraisal information, offers, and counteroffers when  
36 joint acquisition of property is contemplated. The authority  
37 shall maintain the confidentiality of such appraisal reports,  
38 appraisal information, offers, and counteroffers in conformance  
39 with this section, except in those cases in which the authority  
40 has exercised discretion to disclose such information. The  
41 authority may disclose appraisal information, offers, and  
42 counteroffers to a third party who has entered into a  
43 contractual agreement with the authority to work with or on  
44 behalf of or to assist the authority in connection with land  
45 acquisitions. The third party shall maintain the confidentiality  
46 of such information in conformance with this section. In  
47 addition, the authority may use as its own appraisals obtained  
48 by a third party under contract with the authority to provide  
49 such services, if the appraisals are reviewed and approved by  
50 the authority.

51 (2) Subsection (1) is subject to the Open Government  
52 Sunset Review Act in accordance with s. 119.15 and shall stand  
53 repealed on October 2, 2012, unless reviewed and saved from  
54 repeal through reenactment by the Legislature.

55 Section 2. The Legislature finds that it is a public  
56 necessity that proprietary confidential business information

57 contained in appraisal reports, offers, and counteroffers be  
58 kept confidential when held by a local governmental entity or  
59 agency. Disclosure of this proprietary confidential business  
60 information in a local governmental entity's or agency's  
61 possession would adversely affect the goal of the purchase of  
62 lands for the public good using public funds at competitive  
63 prices resulting from negotiations between parties. Further,  
64 each party is entitled to independently obtain appraisal reports  
65 and property value information regarding that property.  
66 Disclosure of the appraisal report or property information by  
67 the governmental entity or agency could create an unfair  
68 disadvantage for the governmental entity or agency during  
69 negotiations. Release of appraisal reports, offers, and  
70 counteroffers could impair full and fair competition between the  
71 negotiating parties. Thus, the public and private harm in  
72 disclosing this information significantly outweighs any public  
73 benefit derived from disclosure, and the public's ability to  
74 scrutinize and monitor agency action is not diminished by  
75 nondisclosure of this information.

76 Section 3. This act shall take effect on the same date  
77 that HB 959 or similar legislation takes effect, but it shall  
78 not take effect unless such legislation is adopted in the same  
79 legislative session or an extension thereof and becomes law.