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585-03335-09

Proposed Committee Substitute by the Committee on Governmental
Oversight and Accountability

A bill to be entitled

An act relating to a review under the Open Government
Sunset Review Act; amending s. 253.034, F.S., relating
to an exemption from public-records requirements for a
written valuation of state-owned lands determined to
be surplus and for related documents used to form the
valuation or pertaining to the valuation; reorganizing
and clarifying provisions; saving the exemption from
repeal under the Open Government Sunset Review Act;
removing the scheduled repeal of the exemption;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (g) of subsection (6) of section
253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(6) The Board of Trustees of the Internal Improvement Trust
Fund shall determine which lands, the title to which is vested
in the board, may be surplus. For conservation lands, the
board shall make a determination that the lands are no longer
needed for conservation purposes and may dispose of them by an
affirmative vote of at least three members. In the case of a
land exchange involving the disposition of conservation lands,
the board must determine by an affirmative vote of at least
three members that the exchange will result in a net positive
conservation benefit. For all other lands, the board shall make



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28 a determination that the lands are no longer needed and may
29 dispose of them by an affirmative vote of at least three
30 members.

31 (g)1. The sale price of lands determined to be surplus
32 pursuant to this subsection and s. 253.82 shall be determined by
33 the division and shall take into consideration an appraisal of
34 the property, or, when the estimated value of the land is less
35 than \$100,000, a comparable sales analysis or a broker's opinion
36 of value. If the appraisal referenced in this paragraph yields a
37 value equal to or greater than \$1 million, the division, in its
38 sole discretion, may require a second appraisal. The individual
39 or entity requesting to purchase the surplus parcel shall pay
40 all appraisal costs.

41 ~~2.1~~a. A written valuation of land determined to be surplus
42 pursuant to this subsection and s. 253.82, and related documents
43 used to form the valuation or which pertain to the valuation,
44 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
45 I of the State Constitution.

46 b. The exemption expires ~~until~~ 2 weeks before the contract
47 or agreement regarding the purchase, exchange, or disposal of
48 the surplus land is first considered for approval by the board.

49 c. ~~Prior to expiration of the exemption Notwithstanding the~~
50 ~~exemption provided under this subparagraph,~~ the division may
51 disclose confidential and exempt appraisals, valuations, or
52 valuation information regarding surplus land:

53 (I) During negotiations for the sale or exchange of the
54 land.

55 (II) During the marketing effort or bidding process
56 associated with the sale, disposal, or exchange of the land to



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57 facilitate closure of such effort or process.7

58 (III) When the passage of time has made the conclusions of
59 value invalid.7 ~~or~~

60 (IV) When negotiations or marketing efforts concerning the
61 land are concluded.

62 ~~b. This subparagraph is subject to the Open Government~~
63 ~~Sunset Review Act in accordance with s. 119.15, and shall stand~~
64 ~~repealed on October 2, 2009, unless reviewed and saved from~~
65 ~~repeal through reenactment by the Legislature.~~

66 3.2. A unit of government that acquires title to lands
67 hereunder for less than appraised value may not sell or transfer
68 title to all or any portion of the lands to any private owner
69 for a period of 10 years. Any unit of government seeking to
70 transfer or sell lands pursuant to this paragraph shall first
71 allow the board of trustees to reacquire such lands for the
72 price at which the board sold such lands.

73 Section 2. This act shall take effect October 1, 2009.