

By the Committee on Environmental Preservation and Conservation

592-01961-09

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1 A bill to be entitled

2 An act relating to a review under the Open Government  
3 Sunset Review Act; amending s. 253.034, F.S., relating  
4 to a public-records exemption for written valuations  
5 of surplus state lands and related documents; saving  
6 the exemption from repeal under the Open Government  
7 Sunset Review Act; deleting provisions providing for  
8 repeal of the exemption; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Paragraph (g) of subsection (6) of section  
13 253.034, Florida Statutes, is amended to read:

14 253.034 State-owned lands; uses.—

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

28 (g) The sale price of lands determined to be surplus  
29 pursuant to this subsection and s. 253.82 shall be determined by

592-01961-09

20091268\_\_

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

38 ~~1.a.~~ A written valuation of land determined to be surplus  
39 pursuant to this subsection and s. 253.82, and related documents  
40 used to form the valuation or which pertain to the valuation,  
41 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
42 I of the State Constitution until 2 weeks before the contract or  
43 agreement regarding the purchase, exchange, or disposal of the  
44 surplus land is first considered for approval by the board.  
45 Notwithstanding the exemption provided under this subparagraph,  
46 the division may disclose appraisals, valuations, or valuation  
47 information regarding surplus land during negotiations for the  
48 sale or exchange of the land, during the marketing effort or  
49 bidding process associated with the sale, disposal, or exchange  
50 of the land to facilitate closure of such effort or process,  
51 when the passage of time has made the conclusions of value  
52 invalid, or when negotiations or marketing efforts concerning  
53 the land are concluded.

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

58 2. A unit of government that acquires title to lands

592-01961-09

20091268\_\_

59 hereunder for less than appraised value may not sell or transfer  
60 title to all or any portion of the lands to any private owner  
61 for a period of 10 years. Any unit of government seeking to  
62 transfer or sell lands pursuant to this paragraph shall first  
63 allow the board of trustees to reacquire such lands for the  
64 price at which the board sold such lands.

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