

By the Committees on Governmental Oversight and Accountability;  
and Environmental Preservation and Conservation

585-05354-09

20091268c1

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 an exemption from public-records requirements for a  
5 written valuation of state-owned lands determined to  
6 be surplus and for related documents used to form the  
7 valuation or pertaining to the valuation; reorganizing  
8 and clarifying provisions; saving the exemption from  
9 repeal under the Open Government Sunset Review Act;  
10 removing the scheduled repeal of the exemption;  
11 providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Paragraph (g) of subsection (6) of section  
16 253.034, Florida Statutes, is amended to read:

17 253.034 State-owned lands; uses.—

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

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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.τ

55 (II) During the marketing effort or bidding process  
56 associated with the sale, disposal, or exchange of the land to  
57 facilitate closure of such effort or process.τ

58 (III) When the passage of time has made the conclusions of

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59 value invalid, ~~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.