

FOR CONSIDERATION By the Committee on Environmental Preservation and Conservation

592-01234-09

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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:
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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 surplused. 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

592-01234-09

20097030__

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

592-01234-09

20097030__

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.