

HB 7035

2009

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act regarding written valuations of state-
4 owned surplus lands; amending s. 253.034, F.S., which
5 provides an exemption from public records requirements for
6 a written valuation of state-owned lands determined to be
7 surplus and related documents used to form the valuation
8 or which pertain to the valuation; reorganizing the
9 exemption; clarifying provisions; removing the scheduled
10 repeal of the exemption; providing an effective date.

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

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

16 253.034 State-owned lands; uses.--

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

28 | dispose of them by an affirmative vote of at least three
 29 | members.

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

40 | 2.1-a. A written valuation of land determined to be
 41 | surplus pursuant to this subsection and s. 253.82, and related
 42 | documents used to form the valuation or which pertain to the
 43 | valuation, are confidential and exempt from s. 119.07(1) and s.
 44 | 24(a), Art. I of the State Constitution.

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

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

52 | (I) During negotiations for the sale or exchange of the
 53 | land.7

54 (II) During the marketing effort or bidding process
 55 associated with the sale, disposal, or exchange of the land to
 56 facilitate closure of such effort or process.7

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

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

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

65 3.2. A unit of government that acquires title to lands
 66 hereunder for less than appraised value may not sell or transfer
 67 title to all or any portion of the lands to any private owner
 68 for a period of 10 years. Any unit of government seeking to
 69 transfer or sell lands pursuant to this paragraph shall first
 70 allow the board of trustees to reacquire such lands for the
 71 price at which the board sold such lands.

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