

ENROLLED  
 HB 7035

2009 Legislature

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.

11  
 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 surplusd. 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

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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.τ

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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.