

ENROLLED

CS/CS/CS/HB 705

2018 Legislature

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2 An act relating to a public records; amending s.
3 373.089, F.S.; providing an exemption for valuations,
4 certain records, and sales offers for sales related to
5 surplus lands; authorizing disclosure of such records
6 under certain circumstances; providing for future
7 legislative review and repeal of the exemption;
8 providing a statement of public necessity; providing a
9 contingent effective date.

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

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13 Section 1. Subsection (1) of section 373.089, Florida
14 Statutes, is amended to read:

15 373.089 Sale or exchange of lands, or interests or rights
16 in lands.—The governing board of the district may sell lands, or
17 interests or rights in lands, to which the district has acquired
18 title or to which it may hereafter acquire title in the
19 following manner:

20 (1) (a) Any lands, or interests or rights in lands,
21 determined by the governing board to be surplus may be sold by
22 the district, at any time, for the highest price obtainable;
23 however, ~~in no case shall~~ the selling price may not be less than
24 the appraised value of the lands, or interests or rights in
25 lands, as determined by a certified appraisal obtained within

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26 | 360 days before the effective date of a contract for sale.

27 | (b) A written valuation of land determined to be surplus
 28 | pursuant to this section; related documents used to form, or
 29 | which pertain to, the valuation; and written offers to purchase
 30 | such surplus land are confidential and exempt from s. 119.07(1)
 31 | and s. 24(a), Art. I of the State Constitution. This exemption
 32 | expires 2 weeks before the contract or agreement regarding the
 33 | purchase, exchange, or disposal of the surplus land is first
 34 | considered for approval by the district.

35 | (c) Before expiration of the exemption established in
 36 | paragraph (b), and in order to facilitate successful or
 37 | expedited closure of the sale of surplus land, the district may
 38 | disclose confidential and exempt valuations and valuation
 39 | information which are related to surplus land, or written offers
 40 | to purchase such surplus land, to potential purchasers:

41 | 1. During negotiations for the sale or exchange of the
 42 | land;

43 | 2. During the marketing effort or bidding process
 44 | associated with the sale, disposal, or exchange of the land;

45 | 3. When the passage of time has made the conclusions of
 46 | value invalid; or

47 | 4. When negotiations or marketing efforts concerning the
 48 | land are concluded.

49 | (d) Paragraphs (b) and (c) are subject to the Open
 50 | Government Sunset Review Act in accordance with s. 119.15 and

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51 shall stand repealed on October 2, 2023, unless reviewed and
52 saved from repeal through reenactment by the Legislature.

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54 If the Board of Trustees of the Internal Improvement Trust Fund
55 declines to accept title to the lands offered under this
56 section, the land may be disposed of by the district under the
57 provisions of this section.

58 Section 2. The Legislature finds that it is a public
59 necessity that written valuation of land determined to be
60 surplus pursuant to s. 373.089, Florida Statutes, related
61 documents used to form the valuation or which pertain to the
62 valuation, and written offers to purchase surplus land, be made
63 confidential and exempt from s. 119.07(1), Florida Statutes, and
64 s. 24(a), Article I of the State Constitution until 2 weeks
65 before the contract or agreement regarding the purchase,
66 exchange, or disposal of the surplus land is first considered
67 for approval by the water management district in order to
68 facilitate successful or expedited closure of the sale of
69 surplus lands. The public availability of such valuations,
70 related documents, and written offers can negatively impact the
71 ability of water management districts to negotiate with
72 potential purchasers and potentially places water management
73 districts at a disadvantage in attempting to maximize the return
74 on the sale of surplus land.

75 Section 3. This act shall take effect on the same date

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76 | that HB 703 or similar legislation takes effect, if such
77 | legislation is adopted in the same legislative session or an
78 | extension thereof and becomes a law.