

By the Committee on Environmental Preservation and Conservation;
and Senator Baxley

592-02878A-18

2018808c1

1 A bill to be entitled
2 An act relating to 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 a statement of
7 public necessity; providing a contingent effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (1) of section 373.089, Florida
13 Statutes, is amended to read:

14 373.089 Sale or exchange of lands, or interests or rights
15 in lands.—The governing board of the district may sell lands, or
16 interests or rights in lands, to which the district has acquired
17 title or to which it may hereafter acquire title in the
18 following manner:

19 (1) Any lands, or interests or rights in lands, determined
20 by the governing board to be surplus may be sold by the
21 district, at any time, for the highest price obtainable;
22 however, ~~in no case shall~~ the selling price may not be less than
23 the appraised value of the lands, or interests or rights in
24 lands, as determined by a certified appraisal obtained within
25 360 days before the effective date of a contract for sale.

26 (a) A written valuation of land determined to be surplus
27 pursuant to this section; related documents used to form, or
28 which pertain to, the valuation; and written offers to purchase
29 such surplus land are confidential and exempt from s. 119.07(1)

592-02878A-18

2018808c1

30 and s. 24(a), Art. I of the State Constitution. This exemption
31 expires 2 weeks before the contract or agreement regarding the
32 purchase, exchange, or disposal of the surplus land is first
33 considered for approval by the district.

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

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

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

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

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

48 (c) Paragraphs (a) and (b) are subject to the Open
49 Government Sunset Review Act in accordance with s. 119.15 and
50 shall stand repealed on October 2, 2023, unless reviewed and
51 saved from repeal through reenactment by the Legislature.

52
53 If the Board of Trustees of the Internal Improvement Trust Fund
54 declines to accept title to the lands offered under this
55 section, the land may be disposed of by the district under the
56 provisions of this section.

57 Section 2. The Legislature finds that it is a public
58 necessity that written valuation of land determined to be

592-02878A-18

2018808c1

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

73 Section 3. This act shall take effect on the same date that
74 SB 806 or similar legislation takes effect, if such legislation
75 is adopted in the same legislative session or an extension
76 thereof and becomes a law.