Florida Senate - 2004

By Senator Fasano

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11-1697-04 A bill to be entitled An act relating to public records; amending s. 253.034, F S.; providing a time-limited exemption from public records requirements for information regarding valuation of surplus state-owned land before the associated agreement for purchase, exchange, or disposal is first considered for approval by the Board of Trustees of the Internal Improvement Trust Fund; authorizing the Division of State Lands in the Department of Environmental Protection to disclose valuation information under certain circumstances, notwithstanding the confidentiality requirement; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date. Be It Enacted by the Legislature of the State of Florida: Section 1. Paragraph (g) of subsection (6) of section 253.034, Florida Statutes, is amended to read: 253.034 State-owned lands; uses.--(6) The Board of Trustees of the Internal Improvement

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative

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2 in a net positive conservation benefit. For all other lands, 3 the board shall make a determination that the lands are no 4 longer needed and may dispose of them by an affirmative vote 5 of at least three members.

6 (g) The sale price of lands determined to be surplus 7 pursuant to this subsection shall be determined by the 8 division and shall take into consideration an appraisal of the 9 property, or, when the estimated value of the land is less 10 than \$100,000, a comparable sales analysis or a broker's 11 opinion of value, and the price paid by the state to 12 originally acquire the lands.

1. A written valuation of land determined to be 13 14 surplus pursuant to this subsection, and related documents used to form the valuation or which discuss the valuation, are 15 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I 16 17 of the State Constitution, until 2 weeks before the associated agreement regarding surplus land purchase, exchange, or 18 19 disposal is first considered for approval by the board. The division may, notwithstanding this exemption, disclose 20 appraisals, valuations, or valuation information about surplus 21 land during negotiations for the sale or exchange of the land, 22 during the marketing effort or bidding process associated with 23 24 the the sale or exchange of the land to facilitate closure of 25 such effort or process, when the passage of time has made the conclusions of value invalid, or when negotiations or 26 27 marketing efforts concerning the land are concluded. This 28 subparagraph is subject to the Open Government Sunset Review 29 Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2009, unless reviewed and saved from 30 31 repeal through reenactment by the Legislature.

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1	2. A unit of government that acquires title to lands
2	hereunder for less than appraised value may not sell or
3	transfer title to all or any portion of the lands to any
4	private owner for a period of 10 years. Any unit of government
5	seeking to transfer or sell lands pursuant to this paragraph
6	shall first allow the board of trustees to reacquire such
7	lands for the price at which the board sold such lands.
8	Section 2. The Legislature finds that temporarily
9	preserving the confidentiality of information about the
10	valuation of state-owned lands to be disposed of as surplus
11	under section 253.034(6), Florida Statutes, is a public
12	necessity. The Legislature further finds that this temporary
13	exemption from the public records law helps ensure the maximum
14	return to the state from the disposition of surplus lands and
15	that earlier public access to this information would impede
16	development of agreements that maximize such return by
17	providing persons interested in buying or trading for surplus
18	land an unfair advantage during negotiation or bidding
19	processes to sell, exchange, or dispose of the land.
20	Section 3. This act shall take effect July 1, 2004.
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22	* * * * * * * * * * * * * * * * * * * *
23	SENATE SUMMARY
24	Exempts information regarding the valuation of
25	state-owned surplus land from disclosure under the public records law until 2 weeks before the Board of Trustees of
26	the Internal Improvement Trust Fund first considers approval of associated agreements for purchase, exchange,
27	or other disposition of the land. Authorizes the Division of State Lands in the Department of Environmental
28	Protection to disclose the otherwise exempted information to expedite negotiation, bidding, or marketing; when the
29	information is outdated; or when negotiations or marketing efforts are concluded.
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