

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public records; creating s. 343.59,  
7 F.S.; creating an exemption from public records  
8 requirements for certain appraisal reports, offers, and  
9 counteroffers relating to land acquisition by the South  
10 Florida Regional Transportation Authority; providing that  
11 the exemption expires upon execution of a certain contract  
12 or at a certain time before a purchase contract or  
13 agreement is considered for approval; providing exceptions  
14 to the exemption; providing for future legislative review  
15 and repeal; providing a finding of public necessity;  
16 providing a contingent effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Section 343.59, Florida Statutes, is created to  
21 read:

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22       343.59 Public records exemption for appraisal reports,  
 23 offers, and counteroffers for the South Florida Regional  
 24 Transportation Authority.--

25       (1) Appraisal reports, offers, and counteroffers relating  
 26 to land acquisition by the South Florida Regional Transportation  
 27 Authority are confidential and exempt from s. 119.07(1) and s.  
 28 24(a), Art. I of the State Constitution, until an option  
 29 contract is executed or, if no option contract is executed,  
 30 until 30 days before a contract or agreement for purchase is  
 31 considered for approval by the authority's governing board. In  
 32 the event that negotiations are terminated by the authority, the  
 33 confidential and exempt appraisal reports, offers, and  
 34 counteroffers shall be made public pursuant to s. 119.07(1) and  
 35 s. 24(a), Art. I of the State Constitution.

36       (2) The authority may, at its discretion, disclose  
 37 confidential and exempt:

38       (a) Appraisal reports to private landowners during  
 39 negotiations for acquisitions using alternatives to fee simple  
 40 techniques if the authority determines that disclosure of the  
 41 appraisal reports will bring the proposed acquisition to  
 42 closure.

43       (b) Appraisal reports, offers, and counteroffers when  
 44 joint acquisition of property is contemplated.

45       (c) Appraisal reports, offers, and counteroffers to a  
 46 third party who has entered into a contractual agreement with  
 47 the authority to work with or on behalf of or to assist the  
 48 authority in connection with land acquisitions. The third party

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49 shall maintain the confidential and exempt status of such  
50 information.

51 (3) This section is subject to the Open Government Sunset  
52 Review Act of 1995 in accordance with s. 119.15 and shall stand  
53 repealed on October 2, 2010, unless reviewed and saved from  
54 repeal through reenactment by the Legislature.

55 Section 2. The Legislature finds that it is a public  
56 necessity that appraisal reports, offers, and counteroffers  
57 relating to land acquisition by the South Florida Regional  
58 Transportation Authority be made confidential and exempt from  
59 public records requirements. Disclosure of such appraisal  
60 reports, offers, and counteroffers would adversely affect the  
61 goal of the purchase of lands for the public good using public  
62 funds at competitive prices resulting from negotiations between  
63 parties. Each party is entitled to independently obtain  
64 appraisal reports and property value information regarding said  
65 property. Disclosure of the appraisal report, offer, or  
66 counteroffer could create an unfair disadvantage for the South  
67 Florida Regional Transportation Authority during negotiations.  
68 Release of such appraisal reports, offers, and counteroffers  
69 could impair full and fair competition between the negotiating  
70 parties. Thus, the public and private harm in disclosing such  
71 information significantly outweighs any public benefit derived  
72 from public disclosure. Furthermore, the public's ability to  
73 scrutinize and monitor the authority's actions is not diminished  
74 by nondisclosure of this information because the exemption  
75 expires once an option contract is executed or, if no option  
76 contract is executed, 30 days before a contract or agreement for

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77 | purchase is considered for approval by the authority's governing  
78 | board. In addition, if negotiations are terminated by the  
79 | authority, then the confidential and exempt appraisal reports,  
80 | offers, and counteroffers are made public.

81 |       Section 3. This act shall take effect on the same date  
82 | that HB 1409 or similar legislation takes effect, if such  
83 | legislation is adopted in the same legislative session or an  
84 | extension thereof and becomes law.