

House Bill No. 1833

An act relating to an exemption from public records requirements; amending s. 253.034, F.S.; providing an exemption from public records requirements for a written valuation of state-owned land determined by the Board of Trustees of the Internal Improvement Trust Fund to be surplus land and related documents used to form the valuation or which pertain to the valuation; providing for limited duration of the exemption; authorizing the disclosure of appraisals, valuations, and valuation information under specified circumstances; providing for 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 Trust Fund shall determine which lands, the title to which is vested in the board, may be surplus. 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 vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

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

1.a. A written valuation of land determined to be surplus pursuant to this subsection, and related documents used to form the valuation or which pertain to the valuation, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until 2 weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered for approval by the board. Notwithstanding the exemption provided under this subparagraph, the division may disclose appraisals, valuations, or valuation information regarding surplus land during negotiations for the sale or exchange of the land, during the marketing effort or bidding process associated with the sale, disposal, or exchange of the land to facilitate closure of such effort or process, when the passage of time has made the conclusions of value invalid, or when negotiations or marketing efforts concerning the land are concluded.

b. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

2. A unit of government that acquires title to lands hereunder for less than appraised value may not sell or transfer title to all or any portion of the lands to any private owner for a period of 10 years. Any unit of government seeking to transfer or sell lands pursuant to this paragraph shall first allow the board of trustees to reacquire such lands for the price at which the board sold such lands.

Section 2. The Legislature finds that temporarily preserving the confidentiality of a written valuation of state-owned land determined by the Board of Trustees of the Internal Improvement Trust Fund to be surplus land under s. 253.034(6), Florida Statutes, and related documents used to form the valuation or which pertain to the valuation, is a public necessity. The Legislature finds that making such written valuation and documents related to the valuation confidential and exempt from public records requirements until 2 weeks before the contract or agreement regarding the purchase, exchange, or disposal of surplus land is first considered for approval by the board helps ensure the maximum return to the state from the disposition of surplus lands. The Legislature finds that public access to this information prior to the designated termination of the exemption would impede development of agreements that maximize returns to the state by providing persons interested in buying or trading for surplus land an unfair advantage during the negotiation or bidding processes to sell, exchange, or dispose of the land. The exemption from public records requirements created by this act for information regarding the valuation of state-owned land determined to be surplus will help to ensure that real estate transactions involving such land are conducted "at arm's length."

Section 3. This act shall take effect July 1, 2004.

Approved by the Governor May 11, 2004.

Filed in Office Secretary of State May 11, 2004.