

House Bill No. 7035

An act relating to a review under the Open Government Sunset Review Act regarding written valuations of state-owned surplus lands; amending s. 253.034, F.S., which provides an exemption from public records requirements for a written valuation of state-owned lands determined to be surplus and related documents used to form the valuation or which pertain to the valuation; reorganizing the exemption; clarifying provisions; removing the scheduled repeal of the exemption; 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)1. The sale price of lands determined to be surplus pursuant to this subsection and s. 253.82 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. If the appraisal referenced in this paragraph yields a value equal to or greater than \$1 million, the division, in its sole discretion, may require a second appraisal. The individual or entity requesting to purchase the surplus parcel shall pay all appraisal costs.

~~2.1.a.~~ A written valuation of land determined to be surplus pursuant to this subsection and s. 253.82, 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.

b. ~~The exemption expires 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.

c. ~~Prior to expiration of the exemption Notwithstanding the exemption provided under this subparagraph,~~ the division may disclose confidential

and exempt appraisals, valuations, or valuation information regarding surplus land:

(I) During negotiations for the sale or exchange of the land,

(II) 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,

(III) When the passage of time has made the conclusions of value invalid, ~~or~~

(IV) When negotiations or marketing efforts concerning the land are concluded.

~~b.—This subparagraph is subject to the Open Government Sunset Review Act 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.~~

~~3.2.~~ 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. This act shall take effect October 1, 2009.

Approved by the Governor June 16, 2009.

Filed in Office Secretary of State June 16, 2009.