

From: DWMINERESQ@aol.com [mailto:DWMINERESQ@aol.com]
Sent: Monday, May 19, 2008 6:08 PM
To: sunshine@floridafaf.org
Cc: PAT.GLEASON@EOG.MYFLORIDA.COM
Subject: Request to Open Government Commission to Include "Taxpayers' Right to Know Act"

To the Florida Commission on Open Government
C/O & Attention: Ms. Barbara Petersen, Chair

Dear Ms. Petersen: Re: "Taxpayers' Right to Know Act"

I am copying below and attaching a proposed "Taxpayers' Right to Know Act", which I ask the Commission to include with its recommendations for up-dating Florida's Public Records laws. This proposed act is designed to clarify the legislature's intentions regarding Florida Statute Section 1013.14 and to remedy the public being denied the right to inspect and copy taxpayer paid real estate appraisals until after a school board has written a check for the real estate.

This in fact occurred last year in Manatee County when the school board asserted that allowing the public to inspect and copy the appraisals was not required until some time after the board paid \$15.75 million for a parcel sometimes referred to as the old Lowes building. I had wanted to inspect the appraisals because about six (6) months prior to this purchase the Bealls Department Store business had purchased in our community what appeared to be a bigger, newer, and better piece of property (the new Tropicana Headquarters complex) for \$10 million, and it seemed to me that our school board was overpaying millions of dollars for the "old Lowes building". I thought it was also noteworthy that our school board had previously obtained an appraisal of the "old Lowes property" indicating a \$13.9 million value.

Since both a trial court (I filed a lawsuit seeking a Writ of Mandamus directing the school board to allow me to inspect and copy the "new" board appraisals obtained pursuant to Section 1013.14.) and the 2nd District Court of Appeal agreed with the school board -- "Miner v. Dearing", the only remedy for this situation appears to rest with the legislature adopting the "Taxpayers' Right to Know Act" which simply provides :

"all persons shall have the right to inspect and copy, under provisions of s. 119.07(1), during a period beginning at least two (2) weeks prior to negotiations are completed and purchase terms are finalized, any appraisal obtained in connection with a school board's contemplated acquisition by purchase of real property."

I am available to respond to any questions and testify in support of this provision.

Thank you very much.

DAVID W. MINER
523 39th Street West
Bradenton, FL 34205
941/748-8122

"Taxpayers' Right to Know Act"

WHEREAS the Legislature finds that the efficient use of taxpayers' money is enhanced if taxpayers understand how and why their taxes are being spent, and proposed to be spent, particularly when school boards may seek to acquire real property by purchase; and

WHEREAS the Legislature finds that taxpayers' understanding of how and why school boards may seek to acquire real property is enhanced if taxpayers have a right to inspect and copy, under provisions of s. 119.07(1), at a reasonable time prior to negotiations are completed and purchase terms are finalized, any appraisal obtained in connection with a school board's contemplated acquisition by purchase of real property;

Therefore, the Legislature hereby adopts the following Bill:

Section 1. This Bill shall be known as the "Taxpayers' Right to Know Act."

Section 2. Florida Statute 1013.14 is hereby amended to have added thereto subsection (3) which reads as follows:

1013.14 Proposed purchase of real property by a board; confidentiality of records; procedure.

.....

(3) Notwithstanding the foregoing and all other statutes and rules, all persons shall have the right to inspect and copy, under provisions of s. 119.07(1), during a period beginning at least two (2) weeks prior to negotiations are completed and purchase terms are finalized, any appraisal obtained in connection with a school board's contemplated acquisition by purchase of real property.

Section 3. This law shall become effective upon signing by the Governor or July 1, 2009, whichever comes first.

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For More Information Regarding this Proposed Legislation Contact:
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