

By Representative Saunders

1 A bill to be entitled
 2 An act relating to Florida Green Communities;
 3 creating s. 261.02, F.S.; providing land
 4 acquisition procedures under the "Florida Green
 5 Communities Act"; authorizing certain payment
 6 latitude where good cause is shown; providing
 7 for certain utilization of appraisals;
 8 providing for certain disclosure of appraisal
 9 reports; providing that title to certain
 10 property may be held by a local governmental
 11 entity; requiring certain protection of the
 12 interests of the state; amending s. 253.025,
 13 F.S.; providing a cross reference to conform to
 14 the act provisions authorizing certain
 15 acquisitions of land at greater than appraisal
 16 value; amending s. 259.041, F.S.; authorizing
 17 certain disclosure of appraisals to conform to
 18 the act; providing an effective date.

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 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Section 261.02, Florida Statutes, is
 23 created to read:

24 261.02 Florida Green Communities Act; land acquisition
 25 procedures.--

26 (1)(a) Current procedures for state acquisition of
 27 land for conservation, open spaces, greenways, parks, historic
 28 and archaeological protection, and recreation purposes create
 29 adversarial relationships between private property owners and
 30 state agencies, and lead to unnecessary delays in acquisition
 31 and to the loss of valuable resources when landowners withdraw

1 from negotiations. It is the intent of the Legislature that
2 all private landowners be dealt with fairly and openly and,
3 whenever possible, be encouraged to donate all or part of the
4 value of property identified for state acquisition. All land
5 purchases by the state, whether by purchase at estimated fair
6 market value or bargain-sale, should be based on the
7 principles of just compensation, open and free negotiation,
8 and respect for the landowner as taxpayer and citizen.

9 (b) To facilitate the acquisition process where
10 easements, leaseholds, or fee simple interests are to be
11 acquired by the state or other governmental unit to carry out
12 the purposes and programs described in the Florida Green
13 Communities Act, the Department of Environmental Protection,
14 or other acquiring entity shall:

15 1. Be authorized to pay up to 125 percent of estimated
16 fair market value for such property interests where good cause
17 is shown to exceed estimated fair market value;

18 2. Receive and review appraisals of property interests
19 prepared by state-licensed appraisers on the department's list
20 of approved appraisers submitted by the landowner, and utilize
21 these appraisals in addition to appraisals obtained by the
22 department, in the determination of estimated fair market
23 value, where the appraisals meet the standards for appraisals
24 of the department or the Uniform Standards of Professional
25 Appraisal Practice of the Appraisal Foundation; and

26 3. Upon request by the landowner or authorized
27 representative, provide to the landowner or authorized
28 representative copies of all appraisal reports acquired by the
29 department concerning the subject property, as a step in
30 obtaining the voluntary agreement of the landowner to the
31 sale. The confidentiality of appraisal reports provided for by

1 s. 259.041(7)(e) shall not apply to the acquisition of any
2 interest in real property pursuant to this chapter.

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4 The Legislature takes notice of the fact that appraisal
5 reports cannot be more than reasonable estimates of the value
6 of a property on the open market and that such estimates of
7 value should not be construed to be statements of absolute
8 value.

9 (2)(a) Interest in lands acquired by or for the Office
10 of Greenways and Trails by the Department of Environmental
11 Protection shall be governed by procedures of s. 259.041,
12 except as otherwise provided in this section.

13 (b) Lands acquired with matching grants by the Florida
14 Communities Trust shall be purchased pursuant to the
15 procedures established by the Florida Communities Trust in
16 Rule 9K-4, Florida Administrative Code, except as otherwise
17 provided in this section.

18 (c) Lands acquired in whole or in part with moneys
19 granted to local government agencies from the Green
20 Communities Trust Fund if created by law, or otherwise the
21 General Revenue Fund, may be acquired pursuant to s. 259.041,
22 except as otherwise provided in this section, or by officially
23 adopted local government procedures which provide adequate
24 protection to the interests of the state.

25 (d) Water management districts shall acquire lands
26 with moneys from the Water Management Lands Trust Fund
27 pursuant to s. 373.59, except as otherwise provided in this
28 section.

29 (3) To facilitate the acquisition of fee simple or
30 other interests in property utilizing the moneys from the
31 Green Communities Trust Fund if created by law, or otherwise

1 the General Revenue Fund, all acquiring state and local
2 agencies are authorized as follows:

3 (a) Title to all interests in property purchased with
4 moneys from the trust fund may, at the election by any local
5 government, be held in the name of such governmental entity.

6 (b) Where title is held by a local government, the
7 deeds shall contain language adequately protecting the
8 interests of the state, including, but not limited to,
9 reversionary rights of the Board of Trustees of the Internal
10 Improvement Trust Fund.

11 Section 2. Paragraph (e) of subsection (7) of section
12 253.025, Florida Statutes, is amended to read:

13 253.025 Acquisition of state lands for purposes other
14 than preservation, conservation, and recreation.--

15 (7)

16 (e)1. The board of trustees shall adopt by rule the
17 method for determining the value of parcels sought to be
18 acquired by state agencies pursuant to this section. No offer
19 by a state agency, except an offer by an agency acquiring
20 lands pursuant to s. 259.041 or s. 261.02, may exceed the
21 value for that parcel as determined pursuant to the highest
22 approved appraisal or the value determined pursuant to the
23 rules of the board of trustees, whichever value is less.

24 2. In the case of a joint acquisition by a state
25 agency and a local government or other entity apart from the
26 state, the joint purchase price may not exceed 150 percent of
27 the value for a parcel as determined in accordance with the
28 limits prescribed in subparagraph 1. The state agency share of
29 a joint purchase offer may not exceed what the agency may
30 offer singly as prescribed by subparagraph 1.

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1 3. The provisions of this paragraph do not apply to
2 the acquisition of historically unique or significant property
3 as determined by the Division of Historical Resources of the
4 Department of State.

5 4. For the 1996-1997 fiscal year only, the District
6 Court of Appeal, Fifth District, is authorized to pay up to,
7 but may not exceed, 150 percent of the approved appraised
8 value for the acquisition of real properties required for the
9 court's expansion. However, in no case may the amount of
10 payment exceed the amount provided in s. 24 of the 1996-1997
11 General Appropriations Act. This subparagraph is repealed on
12 July 1, 1997.

13 Section 3. Paragraph (e) of subsection (7) of section
14 259.041, Florida Statutes, is amended to read:

15 259.041 Acquisition of state-owned lands for
16 preservation, conservation, and recreation purposes.--

17 (7) Prior to approval by the board of trustees or,
18 when applicable, the Department of Environmental Protection,
19 of any agreement to purchase land pursuant to this chapter,
20 chapter 260, or chapter 375, and prior to negotiations with
21 the parcel owner to purchase any other land, title to which
22 will vest in the board of trustees, an appraisal of the parcel
23 shall be required as follows:

24 (e) Generally, appraisal reports are confidential and
25 exempt from the provisions of s. 119.07(1), for use by the
26 agency and the board of trustees, until an option contract is
27 executed or, if no option contract is executed, until 2 weeks
28 before a contract or agreement for purchase is considered for
29 approval by the board of trustees. However, the department has
30 the authority, at its discretion, to disclose appraisal
31 reports to private landowners during negotiations for

1 acquisitions using alternatives to fee simple techniques, if
2 the department determines that disclosure of such reports will
3 bring the proposed acquisition to closure. The department may
4 also disclose appraisal reports pursuant to s. 261.02, to a
5 landowner or authorized representative during negotiations for
6 acquisitions under chapter 261.The Division of State Lands
7 may also disclose appraisal information to public agencies or
8 nonprofit organizations that agree to maintain the
9 confidentiality of the reports or information when joint
10 acquisition of property is contemplated, or when a public
11 agency or nonprofit organization enters into a written
12 agreement with the division to purchase and hold property for
13 subsequent resale to the division. In addition, the division
14 may use, as its own, appraisals obtained by a public agency or
15 nonprofit organization, provided the appraiser is selected
16 from the division's list of appraisers and the appraisal is
17 reviewed and approved by the division. For the purposes of
18 this chapter, "nonprofit organization" means an organization
19 whose purpose is the preservation of natural resources, and
20 which is exempt from federal income tax under s. 501(c)(3) of
21 the Internal Revenue Code. The agency may release an appraisal
22 report when the passage of time has rendered the conclusions
23 of value in the report invalid or when the acquiring agency
24 has terminated negotiations.

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26 Notwithstanding the provisions of this subsection, on behalf
27 of the board and before the appraisal of parcels approved for
28 purchase under this chapter, the Secretary of Environmental
29 Protection or the director of the Division of State Lands may
30 enter into option contracts to buy such parcels. Any such
31 option contract shall state that the final purchase price is

1 subject to approval by the board or, when applicable, the
2 secretary and that the final purchase price may not exceed the
3 maximum offer allowed by law. The consideration for such an
4 option may not exceed \$1,000 or 0.01 percent of the estimate
5 by the department of the value of the parcel, whichever amount
6 is greater.

7 Section 4. This act shall take effect July 1, 2000.

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HOUSE SUMMARY

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12 Specifies procedures to govern the acquisition of lands
13 or interests in lands by the Office of Greenways and
14 Trails, the Department of Environmental Protection, the
15 Florida Communities Trust, local government agencies, and
16 the water management districts under the "Florida Green
17 Communities Act."

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