

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Judicial Oversight offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (1) of section 73.015, Florida Statutes, is amended to read:

73.015 Presuit negotiation.--

(1) Effective July 1, 2000, before an eminent domain proceeding is brought under this chapter or chapter 74, the condemning authority must attempt to negotiate in good faith with the fee owner of the parcel to be acquired, must provide the fee owner with a written offer and, if requested, a copy of the appraisal upon which the offer is based, and must attempt to reach an agreement regarding the amount of compensation to be paid for the parcel.

(a) At the time any offer of compensation for acquisition is made to the fee owner,~~At the inception of negotiation for acquisition,~~the condemning authority must notify the fee owner of the following:

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- 1 1. That all or a portion of his or her property is
2 necessary for a project.
- 3 2. The nature of the project for which the parcel is
4 considered necessary, and the parcel designation of the
5 property to be acquired.
- 6 3. That, within 15 business days after receipt of a
7 request by the fee owner, the condemning authority will
8 provide a copy of the appraisal report upon which the offer to
9 the fee owner is based; copies, to the extent prepared, of the
10 right-of-way maps or other documents that depict the proposed
11 taking; and copies, to the extent prepared, of the
12 construction plans that depict project improvements to be
13 constructed on the property taken and improvements to be
14 constructed adjacent to the remaining property, including, but
15 not limited to, plan, profile, cross-section, drainage, and
16 pavement marking sheets, and driveway connection detail. The
17 condemning authority shall provide any additional plan sheets
18 within 15 days of request.
- 19 4. The fee owner's statutory rights under ss. 73.091
20 and 73.092, or alternatively provide copies of these
21 provisions of law.
- 22 5. The fee owner's rights and responsibilities under
23 paragraphs (b) and (c) and subsection (4), or alternatively
24 provide copies of these provisions of law.
- 25 Section 2. Subsections (1) and (3) of section 270.11,
26 Florida Statutes, are amended to read:
- 27 270.11 Contracts for sale of public lands to reserve
28 certain mineral rights; prohibition on exercise of right of
29 entry in certain cases.--
- 30 (1) Unless the applicable agency chooses not to
31 reserve such interest and except ~~Except~~ as otherwise provided

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1 by law, in all contracts and deeds for the sale of land
2 executed by the Board of Trustees of the Internal Improvement
3 Trust Fund or by any local government, water management
4 district, or other agency of the state, there shall be
5 reserved for such local government, water management district,
6 other agency of the state, or the board of trustees and its
7 successors an undivided three-fourths interest in, and title
8 in and to an undivided three-fourths interest in, all the
9 phosphate, minerals, and metals that are or may be in, on, or
10 under the said land and an undivided one-half interest in all
11 the petroleum that is or may be in, on, or under said land
12 with the privilege to mine and develop the same.

13 (3) A local government, water management district, or
14 agency of the state may, at its discretion, sell or release
15 ~~such~~ reserved interest in any parcel of land, except that such
16 sale or release shall be made upon petition of the purchaser
17 for such interest and with ~~upon submission by the local~~
18 ~~government, water management district, or agency of the state~~
19 ~~which owns the parcel of~~ a statement of reasons justifying
20 such sale or release.

21 Section 3. Subsection (4) of section 373.056, Florida
22 Statutes, is amended to read:

23 373.056 State agencies, counties, drainage districts,
24 municipalities, or governmental agencies or public
25 corporations authorized to convey or receive land from water
26 management districts.--

27 (4) Any water management district within this chapter
28 shall have authority to convey or lease to any other agency
29 described herein or to the United States Government, including
30 its agencies, land or rights in land owned by such district
31 not required for its purposes under such terms and conditions

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1 as the governing board of such district may determine. In
2 addition to other general law authorizing the grant of utility
3 easements, any water management district may grant utility
4 easements on land owned by such district to any private or
5 public utility for the limited purpose of obtaining utility
6 service to district property under such terms and conditions
7 as the governing board of such district may determine.

8 Section 4. Subsection (2) of section 373.093, Florida
9 Statutes, is amended to read:

10 373.093 Lease of lands or interest in land.--The
11 governing board of the district may lease any lands or
12 interest in land, including but not limited to oil and mineral
13 rights, to which the district has acquired title, or to which
14 it may hereafter acquire title in the following manner, as
15 long as the lease is consistent with the purposes for which
16 the lands or any interest in land was acquired:

17 (2) Before leasing any land, or interest in land
18 including but not limited to oil and mineral rights, the
19 district shall cause a notice of intention to lease to be
20 published in a newspaper published in the county in which said
21 land is situated and such other places as the board may
22 determine once each week for 3 successive weeks (three
23 insertions being sufficient), the first publication of which
24 shall be not less than 30 nor more than 90 ~~45~~ days prior to
25 the date the board executes the ~~any~~ lease, which said notice
26 shall set forth the time and place of leasing and a
27 description of the lands to be leased.

28 Section 5. Subsection (2) and paragraph (a) of
29 subsection (3) of section 373.139, Florida Statutes, are
30 amended to read:

31 373.139 Acquisition of real property.--

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1 (2) The governing board of the district is empowered
2 and authorized to acquire in fee or less than fee title to
3 real property, ~~and~~ easements and other interests or rights
4 therein, by purchase, gift, devise, lease, eminent domain, or
5 otherwise for flood control, water storage, water management,
6 conservation and protection of water resources, aquifer
7 recharge, water resource and water supply development, and
8 preservation of wetlands, streams, and lakes. Eminent domain
9 powers may be used only for acquiring real property for flood
10 control and water storage or for curing title defects or
11 encumbrances to real property owned by the district or to be
12 acquired by the district from a willing seller.

13 (3) The initial 5-year work plan and any subsequent
14 modifications or additions thereto shall be adopted by each
15 water management district after a public hearing. Each water
16 management district shall provide at least 14 days' advance
17 notice of the hearing date and shall separately notify each
18 county commission within which a proposed work plan project or
19 project modification or addition is located of the hearing
20 date.

21 (a) Title information, appraisal reports, offers, and
22 counteroffers are confidential and exempt from the provisions
23 of s. 119.07(1) until an option contract is executed or, if no
24 option contract is executed, until 30 days before a contract
25 or agreement for purchase is considered for approval by the
26 governing board. However, each district may, at its
27 discretion, disclose appraisal reports or title information to
28 private landowners during negotiations for acquisitions using
29 alternatives to fee simple techniques, if the district
30 determines that disclosure of such reports or title
31 information will bring the proposed acquisition to closure. In

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1 the event that negotiation is terminated by the district, the
2 title information, appraisal report, offers, and counteroffers
3 shall become available pursuant to s. 119.07(1).
4 Notwithstanding the provisions of this section and s. 259.041,
5 a district and the Division of State Lands may share and
6 disclose title information, appraisal reports, appraisal
7 information, offers, and counteroffers when joint acquisition
8 of property is contemplated. A district and the Division of
9 State Lands shall maintain the confidentiality of such title
10 information, appraisal reports, appraisal information, offers,
11 and counteroffers in conformance with this section and s.
12 259.041, except in those cases in which a district and the
13 division have exercised discretion to disclose such
14 information. A district may disclose title information,
15 appraisal information, offers, and counteroffers to a third
16 party who has entered into a contractual agreement with the
17 district to work with or on the behalf of or to assist the
18 district in connection with land acquisitions. The third party
19 shall maintain the confidentiality of such information in
20 conformance with this section. In addition, a district may
21 use, as its own, appraisals obtained by a third party provided
22 the appraiser is selected from the district's list of approved
23 appraisers and the appraisal is reviewed and approved by the
24 district.

25 Section 6. Section 373.1401, Florida Statutes, is
26 amended to read:

27 373.1401 Management of lands of water management
28 districts.--In addition to provisions contained in s.
29 373.1391(1) for soil and water conservation districts, the ~~The~~
30 governing board of each water management district may contract
31 with a non-governmental person or entity, any federal or state

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1 agency, a county, a municipality, or any other governmental
2 entity, or environmental nonprofit organization to provide for
3 the improvement, management, or maintenance of any real
4 property owned by or under the control of the district.

5 Section 7. Paragraph (a) of subsection (6) of section
6 374.984, Florida Statutes, is amended to read:

7 374.984 Purpose; powers and duties.--It is the purpose
8 and intent of this act that the board perform and do all
9 things which shall be requisite and necessary to comply with
10 the requirements and conditions imposed upon a "local
11 interest" by the Congress of the United States in the several
12 acts authorizing and directing the improvement and maintenance
13 of the Intracoastal Waterway from St. Mary's River to the
14 southernmost boundary of Dade County. Said acts include but
15 are not limited to: the Rivers and Harbors Act approved
16 January 21, 1927, as amended by the River and Harbor Act
17 approved July 3, 1930; the River and Harbor Act of June 20,
18 1938; and s. 107 of the Federal River and Harbor Act of 1960.
19 Pursuant thereto, the powers of the board shall include, but
20 not be limited to:

21 (6)(a) Contracting directly for, or entering into
22 agreement from time to time with the district engineer of the
23 Jacksonville, Florida, United States Army Corps of Engineers
24 district, or other agency or party ~~duly authorized~~
25 ~~representative of the United States~~, to contribute toward the
26 cost of dredging performed on the waterway ~~by the United~~
27 ~~States~~, to construct retaining bulkheads, dikes, and levees,
28 to construct ditches for the control of water discharged by
29 the dredges, and to do all other work and/or things which, in
30 the judgment of the board, shall be proper and necessary to
31 produce economies in meeting the conditions with respect to

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1 right-of-way and dredged material management areas imposed
2 upon a "local interest" by the Congress of the United States
3 in the several acts authorizing and directing the improvement,
4 navigability, and maintenance of the Intracoastal Waterway
5 from St. Mary's River to the southernmost boundary of Dade
6 County.

7 Section 8. This act shall take effect upon becoming a
8 law.

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 remove from the title of the bill: the entire title

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15 and insert in lieu thereof:

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A bill to be entitled

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An act relating to land acquisition and

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management procedure; amending s. 73.015,

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clarifying time-frame for providing specific

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information to fee-owners; requiring agencies

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to provide specified portions of statute to

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fee-owners; amending s. 270.11, F.S.; providing

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discretion to water management districts, local

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governments, board of trustees and other state

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agencies to determine whether to reserve

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mineral interests when selling lands;

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clarifying the types of information to be given

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by land-owner wanting a release of a

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reservation; amending s. 373.056, F.S.;

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granting water management districts the

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authority to grant utility easements on

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1 district-owned land for providing utility
2 service; amending s. 373.093, F.S.; granting
3 additional time to water management districts
4 to provide notification before executing lease
5 agreements; amending s. 373.139, F.S.;
6 authorizing water management districts to cure
7 title defects after a land sale is executed;
8 allowing water management districts to disclose
9 title information, appraisal information,
10 offers and counter offers to third parties
11 working on the district's behalf; allowing
12 third party appraisals to be used under
13 specific circumstances; amending s. 373.1401,
14 F.S.; allowing water management districts to
15 contract with private entities for management,
16 improvement, or maintenance of land held by the
17 districts; providing an effective date

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