

Amendment No. 2 (for drafter's use only)

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

Representative(s) Cantens offered the following:

Amendment (with title amendment)

On page 5 between lines 3 and 4

insert:

Section 7. 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) No later than the time the initial written or oral 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

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1 following:

2 1. That all or a portion of his or her property is
3 necessary for a project.

4 2. The nature of the project for which the parcel is
5 considered necessary, and the parcel designation of the
6 property to be acquired.

7 3. That, within 15 business days after receipt of a
8 request by the fee owner, the condemning authority will
9 provide a copy of the appraisal report upon which the offer to
10 the fee owner is based; copies, to the extent prepared, of the
11 right-of-way maps or other documents that depict the proposed
12 taking; and copies, to the extent prepared, of the
13 construction plans that depict project improvements to be
14 constructed on the property taken and improvements to be
15 constructed adjacent to the remaining property, including, but
16 not limited to, plan, profile, cross-section, drainage, and
17 pavement marking sheets, and driveway connection detail. The
18 condemning authority shall provide any additional plan sheets
19 within 15 days of request.

20 4. The fee owner's statutory rights under ss. 73.091
21 and 73.092, or alternatively provide copies of these
22 provisions of law.

23 5. The fee owner's rights and responsibilities under
24 paragraphs (b) and (c) and subsection (4), or alternatively
25 provide copies of these provisions of law.

26 Section 8. Subsections (1) and (3) of section 270.11,
27 Florida Statutes, are amended to read:

28 270.11 Contracts for sale of public lands to reserve
29 certain mineral rights; prohibition on exercise of right of
30 entry in certain cases.--

31 (1) Unless the applicable agency chooses not to

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

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

22 Section 9. Subsection (4) of section 373.056, Florida
23 Statutes, is amended to read:

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

28 (4) Any water management district within this chapter
29 shall have authority to convey or lease to any governmental
30 entity, other agency described herein or to the United States
31 Government, including its agencies, land or rights in land

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1 owned by such district not required for its purposes under
2 such terms and conditions as the governing board of such
3 district may determine. In addition to other general law
4 authorizing the grant of utility easements, any water
5 management district may grant utility easements on land owned
6 by such district to any private or public utility for the
7 limited purpose of obtaining utility service to district
8 property under such terms and conditions as the governing
9 board of such district may determine.

10 Section 10. Section 373.096, Florida Statutes, is
11 amended to read:

12 373.096 Releases.--The governing board of the district
13 may release any ~~canal~~ easement, reservation or right-of-way
14 interests, conveyed to it for which it has no present or
15 apparent future use under terms and conditions determined by
16 the board.

17 Section 11. Subsection (2) of section 373.093, Florida
18 Statutes, is amended to read:

19 373.093 Lease of lands or interest in land.--The
20 governing board of the district may lease any lands or
21 interest in land, including but not limited to oil and mineral
22 rights, to which the district has acquired title, or to which
23 it may hereafter acquire title in the following manner, as
24 long as the lease is consistent with the purposes for which
25 the lands or any interest in land was acquired:

26 (2) Before leasing any land, or interest in land
27 including but not limited to oil and mineral rights, the
28 district shall cause a notice of intention to lease to be
29 published in a newspaper published in the county in which said
30 land is situated and such other places as the board may
31 determine once each week for 3 successive weeks (three

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1 insertions being sufficient), the first publication of which
2 shall be not less than 30 nor more than 90 ~~45~~ days prior to
3 the date the board executes the ~~any~~ lease, which said notice
4 shall set forth the time and place of leasing and a
5 description of the lands to be leased.

6 Section 12. Subsection (2) and paragraph (a) of
7 subsection (3) of section 373.139, Florida Statutes, are
8 amended to read:

9 373.139 Acquisition of real property.--

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

22 (3) The initial 5-year work plan and any subsequent
23 modifications or additions thereto shall be adopted by each
24 water management district after a public hearing. Each water
25 management district shall provide at least 14 days' advance
26 notice of the hearing date and shall separately notify each
27 county commission within which a proposed work plan project or
28 project modification or addition is located of the hearing
29 date.

30 (a) ~~Title information,~~ Appraisal reports, offers, and
31 counteroffers are confidential and exempt from the provisions

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1 of s. 119.07(1) until an option contract is executed or, if no
2 option contract is executed, until 30 days before a contract
3 or agreement for purchase is considered for approval by the
4 governing board. However, each district may, at its
5 discretion, disclose appraisal reports to private landowners
6 during negotiations for acquisitions using alternatives to fee
7 simple techniques, if the district determines that disclosure
8 of such reports will bring the proposed acquisition to
9 closure. In the event that negotiation is terminated by the
10 district, the title information, appraisal report, offers, and
11 counteroffers shall become available pursuant to s. 119.07(1).
12 Notwithstanding the provisions of this section and s. 259.041,
13 a district and the Division of State Lands may share and
14 disclose title information, appraisal reports, appraisal
15 information, offers, and counteroffers when joint acquisition
16 of property is contemplated. A district and the Division of
17 State Lands shall maintain the confidentiality of such title
18 information, appraisal reports, appraisal information, offers,
19 and counteroffers in conformance with this section and s.
20 259.041, except in those cases in which a district and the
21 division have exercised discretion to disclose such
22 information. A district may disclose appraisal information,
23 offers, and counteroffers to a third party who has entered
24 into a contractual agreement with the district to work with or
25 on the behalf of or to assist the district in connection with
26 land acquisitions. The third party shall maintain the
27 confidentiality of such information in conformance with this
28 section. In addition, a district may use, as its own,
29 appraisals obtained by a third party provided the appraiser is
30 selected from the district's list of approved appraisers and
31 the appraisal is reviewed and approved by the district.

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1 Section 13. Section 373.1401, Florida Statutes, is
2 amended to read:

3 373.1401 Management of lands of water management
4 districts.--In addition to provisions contained in s.
5 373.1391(1) for soil and water conservation districts, the ~~The~~
6 governing board of each water management district may contract
7 with a non-governmental person or entity, any federal or state
8 agency, a county, a municipality, or any other governmental
9 entity, or environmental nonprofit organization to provide for
10 the improvement, management, or maintenance of any real
11 property owned by or under the control of the district.

12 Section 14. Paragraph (a) of subsection (6) of section
13 374.984, Florida Statutes, is amended to read:

14 374.984 Purpose; powers and duties.--It is the purpose
15 and intent of this act that the board perform and do all
16 things which shall be requisite and necessary to comply with
17 the requirements and conditions imposed upon a "local
18 interest" by the Congress of the United States in the several
19 acts authorizing and directing the improvement and maintenance
20 of the Intracoastal Waterway from St. Mary's River to the
21 southernmost boundary of Dade County. Said acts include but
22 are not limited to: the Rivers and Harbors Act approved
23 January 21, 1927, as amended by the River and Harbor Act
24 approved July 3, 1930; the River and Harbor Act of June 20,
25 1938; and s. 107 of the Federal River and Harbor Act of 1960.
26 Pursuant thereto, the powers of the board shall include, but
27 not be limited to:

28 (6)(a) Contracting directly for, or entering into
29 agreement from time to time with the district engineer of the
30 Jacksonville, Florida, United States Army Corps of Engineers
31 district, or other agency or party ~~duly authorized~~

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1 ~~representative of the United States~~, to contribute toward the
2 cost of dredging performed on the waterway ~~by the United~~
3 ~~States~~, to construct retaining bulkheads, dikes, and levees,
4 to construct ditches for the control of water discharged by
5 the dredges, and to do all other work and/or things which, in
6 the judgment of the board, shall be proper and necessary to
7 produce economies in meeting the conditions with respect to
8 right-of-way and dredged material management areas imposed
9 upon a "local interest" by the Congress of the United States
10 in the several acts authorizing and directing the improvement,
11 navigability, and maintenance of the Intracoastal Waterway
12 from St. Mary's River to the southernmost boundary of Dade
13 County.

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

17 And the title is amended as follows:

18 On page 1, line 21

19 remove from the title of the bill: all of said line

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21 insert:

22 damages recoverable from a vendor; amending s.
23 73.015, F.S.; clarifying time-frame for
24 providing specific information to fee-owners;
25 requiring agencies to provide specified
26 portions of statute to fee-owners; amending s.
27 270.11, F.S.; providing discretion to water
28 management districts, local governments, board
29 of trustees and other state agencies to
30 determine whether to reserve mineral interests
31 when selling lands; clarifying the types of

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1 information to be given by land-owner wanting a
2 release of a reservation; amending s. 373.056,
3 F.S.; granting water management districts the
4 authority to grant utility easements on
5 district-owned land for providing utility
6 service; amending s. 373.093, F.S.; granting
7 additional time to water management districts
8 to provide notification before executing lease
9 agreements; amending s. 373.096, F.S.;
10 providing for release of certain easements,
11 reservations, or right-of-way interests;
12 amending s. 373.139, F.S.; authorizing water
13 management districts to cure title defects
14 after a land sale is executed; allowing water
15 management districts to disclose appraisal
16 information, offers and counter offers to third
17 parties working on the district's behalf;
18 allowing third party appraisals to be used
19 under specific circumstances; amending s.
20 373.1401, F.S.; allowing water management
21 districts to contract with private entities for
22 management, improvement, or maintenance of land
23 held by the districts; providing an
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