

Bill No. SB 1296

Amendment No. 1 Barcode 450096

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Natural Resources recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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) Prior to or concurrent with the condemning authority's making the written offer of compensation to the fee owner ~~At the inception of negotiation for acquisition, the~~

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1 condemning authority must notify the fee owner of the
2 following:

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

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

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

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

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

27 Section 2. Subsections (1) and (3) of section 270.11,
28 Florida Statutes, are amended to read:

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

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1 (1) Unless the applicable agency chooses not to
2 reserve such interest and except ~~Except~~ as otherwise provided
3 by law, in all contracts and deeds for the sale of land
4 executed by the Board of Trustees of the Internal Improvement
5 Trust Fund or by any local government, water management
6 district, or other agency of the state, there shall be
7 reserved for such local government, water management district,
8 other agency of the state, or the board of trustees and its
9 successors an undivided three-fourths interest in, and title
10 in and to an undivided three-fourths interest in, all the
11 phosphate, minerals, and metals that are or may be in, on, or
12 under the said land and an undivided one-half interest in all
13 the petroleum that is or may be in, on, or under said land
14 with the privilege to mine and develop the same.

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

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

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

29 (4) Any water management district within this chapter,
30 under such terms and conditions as the governing board of such
31 district may determine, shall have authority to convey or

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

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

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

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

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1 Section 5. Section 373.096, Florida Statutes, is
2 amended to read:

3 373.096 Releases.--The governing board of the district
4 may release any ~~canal~~ easement, reservation, or right-of-way
5 interests, conveyed to it for which it has no present or
6 apparent future use under terms and conditions determined by
7 the board. In addition, the governing board of the district at
8 a regularly scheduled meeting, may abandon or vacate such
9 easements, reservations, or right-of-way interests, or
10 portions thereof, for which the district has no present or
11 apparent future use. Such action by the board shall be
12 conclusive and will not require any other party to give its
13 approval, acknowledge its acceptance, or take any other
14 action, and the district shall have no further obligations,
15 liabilities, or responsibilities with respect to the abandoned
16 or vacated easement, reservation, or right-of-way interests.

17 Section 6. Subsection (2) and paragraph (a) of
18 subsection (3) of section 373.139, Florida Statutes, are
19 amended to read:

20 373.139 Acquisition of real property.--

21 (2) The governing board of the district is empowered
22 and authorized to acquire in fee or less than fee title to
23 real property, ~~and~~ easements and other interests or rights
24 therein, by purchase, gift, devise, lease, eminent domain, or
25 otherwise for flood control, water storage, water management,
26 conservation and protection of water resources, aquifer
27 recharge, water resource and water supply development, and
28 preservation of wetlands, streams, and lakes. Eminent domain
29 powers may be used only for acquiring real property for flood
30 control and water storage or for curing title defects or
31 encumbrances to real property owned by the district or to be

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1 acquired by the district from a willing seller.

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

10 (a) Title information, appraisal reports, offers, and
11 counteroffers are confidential and exempt from the provisions
12 of s. 119.07(1) until an option contract is executed or, if no
13 option contract is executed, until 30 days before a contract
14 or agreement for purchase is considered for approval by the
15 governing board. However, each district may, at its
16 discretion, disclose appraisal reports or title information to
17 private landowners during negotiations for acquisitions using
18 alternatives to fee simple techniques, if the district
19 determines that disclosure of such reports or title
20 information will bring the proposed acquisition to closure. In
21 the event that negotiation is terminated by the district, the
22 title information, appraisal report, offers, and counteroffers
23 shall become available pursuant to s. 119.07(1).
24 Notwithstanding the provisions of this section and s. 259.041,
25 a district and the Division of State Lands may share and
26 disclose title information, appraisal reports, appraisal
27 information, offers, and counteroffers when joint acquisition
28 of property is contemplated. A district and the Division of
29 State Lands shall maintain the confidentiality of such title
30 information, appraisal reports, appraisal information, offers,
31 and counteroffers in conformance with this section and s.

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1 259.041, except in those cases in which a district and the
2 division have exercised discretion to disclose such
3 information. A district may disclose title information,
4 appraisal information, offers, and counteroffers to a third
5 party who has entered into a contractual agreement with the
6 district to work with or on the behalf of or to assist the
7 district in connection with land acquisitions. The third party
8 shall maintain the confidentiality of such information in
9 conformance with this section. In addition, a district may
10 use, as its own, appraisals obtained by a third party provided
11 the appraiser is selected from the district's list of approved
12 appraisers and the appraisal is reviewed and approved by the
13 district.

14 Section 7. Section 373.1401, Florida Statutes, is
15 amended to read:

16 373.1401 Management of lands of water management
17 districts.--In addition to provisions contained in s.
18 373.1391(1) for soil and water conservation districts, the ~~The~~
19 governing board of each water management district may contract
20 with a non-governmental person or entity, any federal or state
21 agency, a county, a municipality, or any other governmental
22 entity, or environmental nonprofit organization to provide for
23 the improvement, management, or maintenance of any real
24 property owned by or under the control of the district.

25 Section 8. Paragraph (a) of subsection (6) of section
26 374.984, Florida Statutes, is amended to read:

27 374.984 Purpose; powers and duties.--It is the purpose
28 and intent of this act that the board perform and do all
29 things which shall be requisite and necessary to comply with
30 the requirements and conditions imposed upon a "local
31 interest" by the Congress of the United States in the several

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1 acts authorizing and directing the improvement and maintenance
2 of the Intracoastal Waterway from St. Mary's River to the
3 southernmost boundary of Dade County. Said acts include but
4 are not limited to: the Rivers and Harbors Act approved
5 January 21, 1927, as amended by the River and Harbor Act
6 approved July 3, 1930; the River and Harbor Act of June 20,
7 1938; and s. 107 of the Federal River and Harbor Act of 1960.
8 Pursuant thereto, the powers of the board shall include, but
9 not be limited to:

10 (6)(a) Contracting directly for, or entering into
11 agreement from time to time with the district engineer of the
12 Jacksonville, Florida, United States Army Corps of Engineers
13 district, or other agency or party ~~duly authorized~~
14 ~~representative of the United States~~, to contribute toward the
15 cost of dredging performed on the waterway ~~by the United~~
16 ~~States~~, to construct retaining bulkheads, dikes, and levees,
17 to construct ditches for the control of water discharged by
18 the dredges, and to do all other work and/or things which, in
19 the judgment of the board, shall be proper and necessary to
20 produce economies in meeting the conditions with respect to
21 right-of-way and dredged material management areas imposed
22 upon a "local interest" by the Congress of the United States
23 in the several acts authorizing and directing the improvement,
24 navigability, and maintenance of the Intracoastal Waterway
25 from St. Mary's River to the southernmost boundary of Dade
26 County.

27 Section 9. This act shall take effect upon becoming a
28 law.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to land acquisition and
8 management procedure; amending s. 73.015,
9 clarifying time-frame for providing specific
10 information to fee-owners; requiring agencies
11 to provide specified portions of statute to
12 fee-owners; amending s. 270.11, F.S.; providing
13 discretion to water management districts, local
14 governments, board of trustees and other state
15 agencies to determine whether to reserve
16 mineral interests when selling lands;
17 clarifying the types of information to be given
18 by land-owner wanting a release of a
19 reservation; amending s. 373.056, F.S.;
20 granting water management districts the
21 authority to grant utility easements on
22 district-owned land for providing utility
23 service; amending s. 373.093, F.S.; granting
24 additional time to water management districts
25 to provide notification before executing lease
26 agreements; amending s. 373.096, F.S.; granting
27 water management districts the authority to
28 abandon easement, reservations or right of way
29 interests that are no longer needed; amending
30 s. 373.139, F.S.; authorizing water management
31 districts to cure title defects after a land

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1 sale is executed; allowing water management
 2 districts to disclose title information,
 3 appraisal information, offers and counter
 4 offers to third parties working on the
 5 district's behalf; allowing third party
 6 appraisals to be used under specific
 7 circumstances; amending s. 373.1401, F.S.;

8 allowing water management districts to contract
 9 with private entities for management,
 10 improvement, or maintenance of land held by the
 11 districts; providing an effective date.

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