

By the Committee on Transportation and Senators Bronson,
Villalobos, Campbell, Saunders, Lawson and Jones

306-1833-01

1 A bill to be entitled
2 An act relating to land acquisition and
3 management; amending s. 73.015, F.S.;
4 clarifying the timeframe for providing specific
5 information to fee owners; requiring agencies
6 to provide specified portions of statute to fee
7 owners; amending s. 270.11, F.S.; providing
8 discretion to water management districts, local
9 governments, the Board of Trustees of the
10 Internal Improvement Trust Fund, and other
11 state agencies to determine whether to reserve
12 mineral interests when selling lands;
13 clarifying the types of information to be given
14 by landowners wanting a release of a
15 reservation; amending s. 373.056, F.S.;
16 authorizing water management districts to grant
17 utility easements on district-owned lands in
18 order to provide utility service; amending s.
19 373.093, F.S.; granting additional time to
20 water management districts to provide
21 notification prior to executing lease
22 agreements; amending s. 373.096, F.S.;
23 authorizing water management districts to
24 abandon easements, reservations, and
25 right-of-way interests that are no longer
26 needed; amending s. 373.139, F.S.; authorizing
27 water management districts to cure title
28 defects after a land sale is executed; allowing
29 the disclosure of title information, appraisal
30 information, offers, and counteroffers to third
31 parties working on the district's behalf;

1 amending s. 373.1401, F.S.; authorizing water
2 management districts to contract with private
3 entities for management, improvement, or
4 maintenance of land held by the district;
5 amending s. 374.984, F.S.; authorizing the
6 Board of Commissioners of the Florida Inland
7 Navigation District to contract for certain
8 services; providing an effective date.

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

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12 Section 1. Paragraph (a) of subsection (1) of section
13 73.015, Florida Statutes, is amended to read:

14 73.015 Presuit negotiation.--

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

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

27 1. That all or a portion of his or her property is
28 necessary for a project.

29 2. The nature of the project for which the parcel is
30 considered necessary, and the parcel designation of the
31 property to be acquired.

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

14 4. The fee owner's statutory rights under ss. 73.091
15 and 73.092 or alternatively provide copies of these provisions
16 of law.

17 5. The fee owner's rights and responsibilities under
18 paragraphs (b) and (c) and subsection (4) or alternatively
19 provide copies of these provisions of law.

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

22 270.11 Contracts for sale of public lands to reserve
23 certain mineral rights; prohibition on exercise of right of
24 entry in certain cases.--

25 (1) Unless the applicable agency chooses not to
26 reserve such interest,except as otherwise provided by law, in
27 all contracts and deeds for the sale of land executed by the
28 Board of Trustees of the Internal Improvement Trust Fund or by
29 any local government, water management district, or other
30 agency of the state, there shall be reserved for such local
31 government, water management district, other agency of the

1 state, or the board of trustees and its successors an
2 undivided three-fourths interest in, and title in and to an
3 undivided three-fourths interest in, all the phosphate,
4 minerals, and metals that are or may be in, on, or under the
5 said land and an undivided one-half interest in all the
6 petroleum that is or may be in, on, or under said land with
7 the privilege to mine and develop the same.

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

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

18 373.056 State agencies, counties, drainage districts,
19 municipalities, or governmental agencies or public
20 corporations authorized to convey or receive land from water
21 management districts.--

22 (4) Any water management district within this chapter
23 shall have authority to convey or lease to any other agency
24 described herein or to the United States Government, including
25 its agencies, land or rights in land owned by such district
26 not required for its purposes, under such terms and conditions
27 as the governing board of such district may determine. In
28 addition to other general law authorizing the grant of utility
29 easements, any water management district may grant utility
30 easements on land owned by the district to any private or
31 public utility for the limited purpose of obtaining utility

1 service to district property under the terms and conditions
2 determined by the governing board of the district.

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

5 373.093 Lease of lands or interest in land.--The
6 governing board of the district may lease any lands or
7 interest in land, including but not limited to oil and mineral
8 rights, to which the district has acquired title, or to which
9 it may hereafter acquire title in the following manner, as
10 long as the lease is consistent with the purposes for which
11 the lands or any interest in land was acquired:

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

23 Section 5. Section 373.096, Florida Statutes, is
24 amended to read:

25 373.096 Releases.--The governing board of the district
26 may release any ~~canal~~ easement, reservation, or right-of-way
27 interests, ~~conveyed~~ to it for which it has no present or
28 apparent future use under terms and conditions determined by
29 the board.

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

4 373.139 Acquisition of real property.--

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

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

25 (a) Title information, appraisal reports, offers, and
26 counteroffers are confidential and exempt from the provisions
27 of s. 119.07(1) until an option contract is executed or, if no
28 option contract is executed, until 30 days before a contract
29 or agreement for purchase is considered for approval by the
30 governing board. However, each district may, at its
31 discretion, disclose appraisal reports or title information to

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

29 Section 7. Section 373.1401, Florida Statutes, is
30 amended to read:

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1 373.1401 Management of lands of water management
2 districts.--In addition to provisions contained in s.
3 373.1391(1) for soil and water conservation districts,the
4 governing board of each water management district may contract
5 with a nongovernmental person or entity, any federal or state
6 agency, a county, a municipality, or any other governmental
7 entity,or environmental nonprofit organization to provide for
8 the improvement, management, or maintenance of any real
9 property owned by or under the control of the district. A
10 managing entity shall manage district lands for the purposes
11 for which the lands were acquired, in accordance with
12 management plans developed for the lands.

13 Section 8. Paragraph (a) of subsection (6) of section
14 374.984, Florida Statutes, is amended to read:

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

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

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

15 Section 9. This act shall take effect upon becoming a
16 law.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 SB 1296

21 The CS requires, effective July 1, 2000, a condemning
22 authority must, at the time any offer of compensation for
23 acquisition is made to the fee owner, notify the fee owner of
their statutory rights or provide the fee owner with copies of
ss. 73.015, 73.091, and 73.092, F.S.

24 The CS provides a Water Management District may not release
25 canal easements, reservations, or right-of-way interests.

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