

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 appraisal information,
30 offers, and counteroffers to third parties
31 working on the district's behalf; amending s.

1 373.1401, F.S.; authorizing water management
2 districts to contract with private entities for
3 management, improvement, or maintenance of land
4 held by the district; amending s. 374.984,
5 F.S.; authorizing the Board of Commissioners of
6 the Florida Inland Navigation District to
7 contract for certain services; providing an
8 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) No later than the time the initial written or oral
24 offer of compensation for ~~At the acquisition is made to the~~
25 fee owner ~~inception of negotiation for acquisition~~, the
26 condemning authority must notify the fee owner of the
27 following:

28 1. That all or a portion of his or her property is
29 necessary for a project.
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1 2. The nature of the project for which the parcel is
2 considered necessary, and the parcel designation of the
3 property to be acquired.

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

17 4. The fee owner's statutory rights under ss. 73.091
18 and 73.092 or alternatively provide copies of these provisions
19 of law.

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

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

25 270.11 Contracts for sale of public lands to reserve
26 certain mineral rights; prohibition on exercise of right of
27 entry in certain cases.--

28 (1) Unless the applicable agency chooses not to
29 reserve such interest, except as otherwise provided by law, in
30 all contracts and deeds for the sale of land executed by the
31 Board of Trustees of the Internal Improvement Trust Fund or by

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

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

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

21 373.056 State agencies, counties, drainage districts,
22 municipalities, or governmental agencies or public
23 corporations authorized to convey or receive land from water
24 management districts.--

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

1 authorizing the grant of utility easements, any water
2 management district may grant utility easements on land owned
3 by the district to any private or public utility for the
4 limited purpose of obtaining utility service to district
5 property under the terms and conditions determined by the
6 governing board of the district.

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

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

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

27 Section 5. Section 373.096, Florida Statutes, is
28 amended to read:

29 373.096 Releases.--The governing board of the district
30 may release any ~~canal~~ easement, reservation, or right-of-way
31 ~~interests,~~ conveyed to it for which it has no present or

1 apparent future use under terms and conditions determined by
2 the board.

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

6 373.139 Acquisition of real property.--

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

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

27 (a) ~~Title information,~~ Appraisal reports, offers, and
28 counteroffers are confidential and exempt from the provisions
29 of s. 119.07(1) until an option contract is executed or, if no
30 option contract is executed, until 30 days before a contract
31 or agreement for purchase is considered for approval by the

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