

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; amending s.  
8           403.1835, F.S.; authorizing the department to  
9           deposit certain funds in financial institutions  
10          to make below-market loans for pollution  
11          control; providing an effective date.

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

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15           Section 1. Paragraph (a) of subsection (1) of section  
16 73.015, Florida Statutes, is amended to read:

17           73.015 Presuit negotiation.--

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

26           (a) No later than the time the initial written or oral  
27 offer of compensation for ~~At the acquisition is made to the~~  
28 fee owner ~~inception of negotiation for acquisition,~~ the  
29 condemning authority must notify the fee owner of the  
30 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 provisions  
21 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, except as otherwise provided by law, in

1 all contracts and deeds for the sale of land executed by the  
2 Board of Trustees of the Internal Improvement Trust Fund or by  
3 any local government, water management district, or other  
4 agency of the state, there shall be reserved for such local  
5 government, water management district, other agency of the  
6 state, or the board of trustees and its successors an  
7 undivided three-fourths interest in, and title in and to an  
8 undivided three-fourths interest in, all the phosphate,  
9 minerals, and metals that are or may be in, on, or under the  
10 said land and an undivided one-half interest in all the  
11 petroleum that is or may be in, on, or under said land with  
12 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 governmental  
29 entity or other agency described herein or to the United  
30 States Government, including its agencies, land or rights in  
31 land owned by such district not required for its purposes,

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

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

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

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

29 Section 5. Section 373.096, Florida Statutes, is  
30 amended to read:

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1           373.096 Releases.--The governing board of the district  
2 may release any ~~canal~~ easement, reservation, or right-of-way  
3 interests, conveyed to it for which it has no present or  
4 apparent future use under terms and conditions determined by  
5 the board.

6           Section 6. 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 may ~~is~~  
11 ~~empowered and authorized to~~ acquire in fee or less than fee  
12 title to real property, ~~and~~ easements, and other interests or  
13 rights therein, by purchase, gift, devise, lease, eminent  
14 domain, or otherwise for flood control, water storage, water  
15 management, conservation and protection of water resources,  
16 aquifer recharge, water resource and water supply development,  
17 and preservation of wetlands, streams, and lakes. Eminent  
18 domain powers may be used only for acquiring real property for  
19 flood 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

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 if the appraiser is  
30 selected from the district's list of approved appraisers and  
31 the appraisal is reviewed and approved by the district.

1           Section 7. 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  
6 governing board of each water management district may contract  
7 with a nongovernmental 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. A  
12 managing entity shall manage district lands for the purposes  
13 for which the lands were acquired, in accordance with  
14 management plans developed for the lands.

15           Section 8. Paragraph (a) of subsection (6) of section  
16 374.984, Florida Statutes, is amended to read:

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

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

18           Section 9. Paragraph (b) of subsection (3) of section  
19 403.1835, Florida Statutes, is amended to read:

20           403.1835 Water pollution control financial  
21 assistance.--

22           (3) The department may provide financial assistance  
23 through any program authorized under s. 603 of the Federal  
24 Water Pollution Control Act (Clean Water Act), Pub. L. No.  
25 92-500, as amended, including, but not limited to, making  
26 grants and loans, providing loan guarantees, purchasing loan  
27 insurance or other credit enhancements, and buying or  
28 refinancing local debt. This financial assistance must be  
29 administered in accordance with this section and applicable  
30 federal authorities. The department shall administer all  
31 programs operated from funds secured through the activities of

1 the Florida Water Pollution Control Financing Corporation  
2 under s. 403.1837, to fulfill the purposes of this section.

3 (b) The department may make or request the corporation  
4 to make loans, grants, and deposits to other entities eligible  
5 to participate in the financial assistance programs authorized  
6 under the Federal Water Pollution Control Act, or as a result  
7 of other federal action, which entities may pledge any revenue  
8 available to them to repay any funds borrowed. Notwithstanding  
9 s. 18.10, the department may make deposits to financial  
10 institutions that earn less than the prevailing rate for  
11 United States Treasury securities with corresponding  
12 maturities for the purpose of enabling such financial  
13 institutions to make below-market interest rate loans to  
14 entities qualified to receive loans under this section and the  
15 rules of the department.

16 Section 10. This act shall take effect upon becoming a  
17 law.