

Amendment No. 1 (for drafter's use only)

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

Representative(s) Machek offered the following:

Amendment (with title amendment)

On page 3, between lines 10 and 11 of the bill

insert:

Section 2. Subsection (3) of section 373.139, Florida Statutes, is amended to read:

373.139 Acquisition of real property.--

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

(a) Appraisal reports, offers, and counteroffers are confidential and exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for

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

30 (b) The Secretary of Environmental Protection shall
31 release moneys from the appropriate account or trust fund to a

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1 district for preacquisition costs within 30 days after receipt
2 of a resolution adopted by the district's governing board
3 which identifies and justifies any such preacquisition costs
4 necessary for the purchase of any lands listed in the
5 district's 5-year work plan. The district shall return to the
6 department any funds not used for the purposes stated in the
7 resolution, and the department shall deposit the unused funds
8 into the appropriate account or trust fund.

9 (c) The Secretary of Environmental Protection shall
10 release acquisition moneys from the appropriate account or
11 trust fund to a district following receipt of a resolution
12 adopted by the governing board identifying the lands being
13 acquired and certifying that such acquisition is consistent
14 with the 5-year work plan of acquisition and other provisions
15 of this section. The governing board also shall provide to the
16 Secretary of Environmental Protection a copy of all certified
17 appraisals used to determine the value of the land to be
18 purchased. Each parcel to be acquired must have at least one
19 appraisal. Two appraisals are required when the estimated
20 value of the parcel exceeds \$500,000. However, when both
21 appraisals exceed \$500,000 and differ significantly, a third
22 appraisal may be obtained. If the purchase price is greater
23 than the appraisal price, the governing board shall submit
24 written justification for the increased price. The Secretary
25 of Environmental Protection may withhold moneys for any
26 purchase that is not consistent with the 5-year plan or the
27 intent of this section or that is in excess of appraised
28 value. The governing board may appeal any denial to the Land
29 and Water Adjudicatory Commission pursuant to s. 373.114.

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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 On page 1, line 5 after the semicolon
4
5 and insert:
6 amending s. 373.139; F.S.; clarifying that
7 title information is not confidential and
8 exempt;
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