

By Senator Crist

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1 A bill to be entitled

2 An act relating to the acquisition of state lands;
3 amending s. 253.025, F.S.; decreasing the minimum
4 estimated value of a parcel allowed before two appraisals
5 are required; requiring the Department of Agriculture and
6 Consumer Services to select one of the appraisers for such
7 appraisal; providing that a third appraisal may be
8 obtained under certain circumstances; requiring the
9 Department of Financial Services to select a third
10 appraiser and a review appraiser if the estimated value of
11 a parcel exceeds a certain amount; providing that an
12 appraisal prepared by the Division of State Lands may be
13 used under certain circumstances; amending s. 259.041,
14 F.S.; prohibiting the Board of Trustees of the Internal
15 Improvement Trust Fund from waiving certain requirements
16 relating to the appraisal of state-owned lands; requiring
17 the board of trustees to adopt requirements for multiple
18 purchasers; requiring that the state's contribution not
19 exceed the difference between the appraised value and the
20 sum of the contributions from other parties to the joint
21 acquisition; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (a) of subsection (6) of section
26 253.025, Florida Statutes, is amended to read:

27 253.025 Acquisition of state lands for purposes other than
28 preservation, conservation, and recreation.--

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29 (6) Prior to negotiations with the parcel owner to purchase
30 land pursuant to this section, title to which will vest in the
31 board of trustees, an appraisal of the parcel shall be required
32 as follows:

33 (a) Each parcel to be acquired shall have at least one
34 appraisal. Two appraisals are required when the estimated value
35 of the parcel exceeds \$500,000. If two appraisals are required,
36 the Department of Agriculture and Consumer Services shall select
37 one of the appraisers. A third appraisal may be obtained if both
38 appraisals exceed \$500,000 and differ significantly, in which
39 case the Department of Financial Services shall select the third
40 appraiser. The Department of Financial Services shall select a
41 review appraiser if the estimated value of a parcel exceeds
42 \$500,000 ~~\$1 million~~. When a parcel is estimated to be worth
43 \$100,000 or less and the director of the Division of State Lands
44 finds that the cost of an outside appraisal is not justified, an
45 appraisal prepared by the division may be used ~~a comparable sales~~
46 ~~analysis or other reasonably prudent procedures may be used by~~
47 ~~the division to estimate the value of the parcel, provided the~~
48 ~~public's interest is reasonably protected~~. The state is not
49 required to appraise the value of lands and appurtenances that
50 are being donated to the state.

51 Section 2. Subsections (1), (2), and (3) and paragraphs (b)
52 and (d) of subsection (7) of section 259.041, Florida Statutes,
53 are amended to read:

54 259.041 Acquisition of state-owned lands for preservation,
55 conservation, and recreation purposes.--

56 (1) Neither the Board of Trustees of the Internal
57 Improvement Trust Fund nor its duly authorized agent shall commit

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58 | the state, through any instrument of negotiated contract or
59 | agreement for purchase, to the purchase of lands with or without
60 | appurtenances unless the provisions of this section have been
61 | fully complied with. Except for the requirements of subsections
62 | (3), (7), (14), and (15), the board of trustees may waive any
63 | requirements of this section, may waive any rules adopted
64 | pursuant to this section, notwithstanding chapter 120, or may
65 | substitute other reasonably prudent procedures, provided the
66 | public's interest is reasonably protected. The title to lands
67 | acquired pursuant to this section shall vest in the board of
68 | trustees as provided in s. 253.03(1), unless otherwise provided
69 | by law, and all such titled lands shall be administered pursuant
70 | to the provisions of s. 253.03.

71 | (2) The board of trustees has authority to adopt rules
72 | pursuant to ss. 120.536(1) and 120.54 to implement the provisions
73 | of this section, including rules governing the terms and
74 | conditions of land purchases. Such rules shall address with
75 | specificity, but not be limited to:

76 | (a) The procedures to be followed in the acquisition
77 | process, including selection of appraisers, surveyors, title
78 | agents and closing agents, and the content of appraisal reports.

79 | (b) The determination of the value of parcels which the
80 | state has an interest to acquire.

81 | (c) Special requirements when multiple landowners are
82 | involved in an acquisition.

83 | (d) Requirements for obtaining written option agreements so
84 | that the interests of the state are fully protected.

85 | (e) Special requirements if multiple purchasers are
86 | involved in an acquisition.

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87 (3) No agreement to acquire real property for the purposes
88 described in this chapter, chapter 260, or chapter 375, title to
89 which will vest in the board of trustees, may bind the state
90 unless and until the agreement has been reviewed and approved by
91 the Department of Environmental Protection as complying with the
92 requirements of this section and any rules adopted pursuant to
93 this section. If the state is a party to a joint acquisition in
94 which another entity is contributing to the agreed contract
95 price, the state's contribution may not exceed the difference
96 between the appraised value, as determined by the state, and the
97 sum of the contributions from other parties. ~~If where~~ any of the
98 following conditions exist, the agreement shall be submitted to
99 and approved by the board of trustees:

100 (a) The purchase price agreed to by the seller exceeds the
101 value as established pursuant to the rules of the board of
102 trustees;

103 (b) The contract price agreed to by the seller and
104 acquiring agency exceeds \$1 million;

105 (c) The acquisition is the initial purchase in a project;
106 or

107 (d) Other conditions that the board of trustees may adopt
108 by rule. Such conditions may include, but not be limited to,
109 projects where title to the property being acquired is considered
110 nonmarketable or is encumbered in such a way as to significantly
111 affect its management.

112
113 Where approval of the board of trustees is required pursuant to
114 this subsection, the acquiring agency must provide a
115 justification as to why it is in the public's interest to acquire

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116 the parcel or project. Approval of the board of trustees also is
117 required for projects the department recommends acquiring
118 pursuant to subsections (14) and (15). Review and approval of
119 agreements for acquisitions for Florida Greenways and Trails
120 Program properties pursuant to chapter 260 may be waived by the
121 department in any contract with nonprofit corporations that have
122 agreed to assist the department with this program.

123 (7) Prior to approval by the board of trustees or, when
124 applicable, the Department of Environmental Protection, of any
125 agreement to purchase land pursuant to this chapter, chapter 260,
126 or chapter 375, and prior to negotiations with the parcel owner
127 to purchase any other land, title to which will vest in the board
128 of trustees, an appraisal of the parcel shall be required as
129 follows:

130 (b) Each parcel to be acquired shall have at least one
131 appraisal. Two appraisals are required when the estimated value
132 of the parcel exceeds \$500,000. If two appraisals are required,
133 the Department of Agriculture and Consumer Services shall select
134 one of the appraisers. If ~~However, when~~ both appraisals exceed
135 \$500,000 and differ significantly, a third appraisal may be
136 obtained, in which case the Department of Financial Services
137 shall select the third appraiser. The Department of Financial
138 Services shall select a review appraiser if the estimated value
139 of a parcel exceeds \$500,000. When a parcel is estimated to be
140 worth \$100,000 or less and the director of the Division of State
141 Lands finds that the cost of obtaining an outside appraisal is
142 not justified, an appraisal prepared by the division may be used.

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143 (d) The fee appraiser and the review appraiser ~~for the~~
144 ~~agency~~ shall not act in any way that may be construed as
145 negotiating with the property owner.
146

147 Notwithstanding the provisions of this subsection, on behalf of
148 the board and before the appraisal of parcels approved for
149 purchase under this chapter, the Secretary of Environmental
150 Protection or the director of the Division of State Lands may
151 enter into option contracts to buy such parcels. Any such option
152 contract shall state that the final purchase price is subject to
153 approval by the board or, when applicable, the secretary and that
154 the final purchase price may not exceed the maximum offer allowed
155 by law. The consideration for such an option may not exceed
156 \$1,000 or 0.01 percent of the estimate by the department of the
157 value of the parcel, whichever amount is greater.

158 Section 3. This act shall take effect July 1, 2008.