

1 A bill to be entitled
 2 An act relating to acquisition of state and state-owned
 3 lands; amending s. 253.025, F.S.; providing for appraisal
 4 process consistency; clarifying the appraisal requirement
 5 to require two appraisals when the estimated value of a
 6 parcel exceeds \$500,000; requiring a second appraiser to
 7 be selected by the Department of Agriculture and Consumer
 8 Services; requiring a third appraiser to be selected by
 9 the Department of Financial Services under certain
 10 circumstances; requiring the review appraiser to be
 11 selected by the Department of Financial Services; limiting
 12 the amount paid by the state in joint acquisitions with a
 13 local government or other entity apart from the state;
 14 amending s. 259.041, F.S.; conforming appraisal
 15 requirements; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Paragraphs (a) and (c) of subsection (6) and
 20 paragraph (e) of subsection (7) of section 253.025, Florida
 21 Statutes, are amended to read:

22 253.025 Acquisition of state lands for purposes other than
 23 preservation, conservation, and recreation.--

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

28 (a) Each parcel to be acquired shall have at least one
29 appraisal. Two appraisals are required when the estimated value
30 of the parcel exceeds \$500,000 ~~\$1 million~~. When two appraisals
31 are required, one appraiser shall be selected by the Department
32 of Agriculture and Consumer Services. When both appraisals
33 exceed \$500,000 and differ significantly, a third appraisal
34 shall be obtained, with the Department of Financial Services
35 selecting the third appraiser. Two appraisals shall be
36 considered to differ significantly if the higher of the two
37 values exceeds 120 percent of the lower value. When the
38 estimated value of the parcel exceeds \$500,000, the review
39 appraiser shall be selected by the Department of Financial
40 Services. To provide for payment by the agency selecting the
41 second and third appraisers and review appraiser, as required by
42 this section, the Department of Environmental Protection shall
43 enter into interagency agreements with the Department of
44 Agriculture and Consumer Services and the Department of
45 Financial Services, whereby funds will be transferred to those
46 agencies for that purpose upon direction of the selecting
47 agency. When a parcel is estimated to be worth \$100,000 or less
48 and the director of the Division of State Lands finds that the
49 cost of an outside appraisal is not justified, an appraisal
50 prepared by the division may be used ~~a comparable sales analysis~~
51 ~~or other reasonably prudent procedures may be used by the~~
52 ~~division to estimate the value of the parcel, provided the~~
53 ~~public's interest is reasonably protected.~~ The state is not
54 required to appraise the value of lands and appurtenances that
55 are being donated to the state.

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56 (c) The board of trustees shall adopt by rule the minimum
57 criteria, techniques, and methods to be used in the preparation
58 of appraisal reports. Such rules shall incorporate, to the
59 extent practicable, generally accepted appraisal standards. Any
60 appraisal issued for acquisition of lands pursuant to this
61 section must comply with the rules adopted by the board of
62 trustees. A certified survey must be made which meets the
63 minimum requirements for upland parcels established in the
64 Minimum Technical Standards for Land Surveying in Florida
65 published by the Department of Business and Professional
66 Regulation and which accurately portrays, to the greatest extent
67 practicable, the condition of the parcel as it currently exists.
68 The requirement for a certified survey may, in part or in whole,
69 be waived by the board of trustees any time prior to submitting
70 the agreement for purchase to the Division of State Lands. When
71 an existing boundary map and description of a parcel are
72 determined by the division to be sufficient for appraisal
73 purposes, the division director may temporarily waive the
74 requirement for a survey until any time prior to conveyance of
75 title to the parcel. The fee appraiser and the review appraiser
76 ~~for the agency~~ shall not act in any way that may be construed as
77 negotiating with the property owner.

78 (7)

79 (e)1. The board of trustees shall adopt by rule the method
80 for determining the value of parcels sought to be acquired by
81 state agencies pursuant to this section. No offer by a state
82 agency, except an offer by an agency acquiring lands pursuant to
83 s. 259.041, may exceed the value for that parcel as determined

84 pursuant to the highest approved appraisal or the value
 85 determined pursuant to the rules of the board of trustees,
 86 whichever value is less.

87 2. In the case of a joint acquisition by a state agency
 88 and a local government or other entity apart from the state, the
 89 joint purchase price may not exceed ~~150 percent~~ of the value for
 90 a parcel as determined in accordance with the limits prescribed
 91 in subparagraph 1. The state agency share of a joint purchase
 92 offer shall ~~may~~ not exceed the difference between the appraised
 93 value, as determined by the state, and the sum of the
 94 contributions of the other parties ~~what the agency may offer~~
 95 ~~singly as prescribed by subparagraph 1.~~

96 3. The provisions of this paragraph do not apply to the
 97 acquisition of historically unique or significant property as
 98 determined by the Division of Historical Resources of the
 99 Department of State.

100 Section 2. Subsections (1) and (3) and paragraphs (b) and
 101 (d) of subsection (7) of section 259.041, Florida Statutes, are
 102 amended, and paragraph (e) is added to subsection (2) of that
 103 section, to read:

104 259.041 Acquisition of state-owned lands for preservation,
 105 conservation, and recreation purposes.--

106 (1) Neither the Board of Trustees of the Internal
 107 Improvement Trust Fund nor its duly authorized agent shall
 108 commit the state, through any instrument of negotiated contract
 109 or agreement for purchase, to the purchase of lands with or
 110 without appurtenances unless the provisions of this section have
 111 been fully complied with. Except for the requirements of

112 subsections (3), (7), (14), and (15), the board of trustees may
 113 waive any requirements of this section, may waive any rules
 114 adopted pursuant to this section, notwithstanding chapter 120,
 115 or may substitute other reasonably prudent procedures, provided
 116 the public's interest is reasonably protected. The title to
 117 lands acquired pursuant to this section shall vest in the board
 118 of trustees as provided in s. 253.03(1), unless otherwise
 119 provided by law, and all such titled lands shall be administered
 120 pursuant to the provisions of s. 253.03.

121 (2) The board of trustees has authority to adopt rules
 122 pursuant to ss. 120.536(1) and 120.54 to implement the
 123 provisions of this section, including rules governing the terms
 124 and conditions of land purchases. Such rules shall address with
 125 specificity, but not be limited to:

126 (e) Special requirements when multiple purchasers are
 127 involved in an acquisition.

128 (3) No agreement to acquire real property for the purposes
 129 described in this chapter, chapter 260, or chapter 375, title to
 130 which will vest in the board of trustees, may bind the state
 131 unless and until the agreement has been reviewed and approved by
 132 the Department of Environmental Protection as complying with the
 133 requirements of this section and any rules adopted pursuant to
 134 this section. When the state is a party to a joint acquisition
 135 in which another entity is contributing to the agreed contract
 136 price, the state contribution shall not exceed the difference
 137 between the appraised value, as determined by the state, and the
 138 sum of the contributions of the other parties. Where any of the

139 following conditions exist, the agreement shall be submitted to
140 and approved by the board of trustees:

141 (a) The purchase price agreed to by the seller exceeds the
142 value as established pursuant to the rules of the board of
143 trustees;

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

146 (c) The acquisition is the initial purchase in a project;
147 or

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

153
154 Where approval of the board of trustees is required pursuant to
155 this subsection, the acquiring agency must provide a
156 justification as to why it is in the public's interest to
157 acquire the parcel or project. Approval of the board of trustees
158 also is required for projects the department recommends
159 acquiring pursuant to subsections (14) and (15). Review and
160 approval of agreements for acquisitions for Florida Greenways
161 and Trails Program properties pursuant to chapter 260 may be
162 waived by the department in any contract with nonprofit
163 corporations that have agreed to assist the department with this
164 program.

165 (7) Prior to approval by the board of trustees or, when
166 applicable, the Department of Environmental Protection, of any

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167 agreement to purchase land pursuant to this chapter, chapter
168 260, or chapter 375, and prior to negotiations with the parcel
169 owner to purchase any other land, title to which will vest in
170 the board of trustees, an appraisal of the parcel shall be
171 required as follows:

172 (b) Each parcel to be acquired shall have at least one
173 appraisal. Two appraisals are required when the estimated value
174 of the parcel exceeds \$500,000. When two appraisals are
175 required, one appraiser shall be selected by the Department of
176 Agriculture and Consumer Services. However, When both appraisals
177 exceed \$500,000 and differ significantly, a third appraisal
178 shall may be obtained, with the Department of Financial Services
179 selecting the third appraiser. Two appraisals shall be
180 considered to differ significantly if the higher of the two
181 values exceeds 120 percent of the lower value. When the
182 estimated value of the parcel exceeds \$500,000, the review
183 appraiser shall be selected by the Department of Financial
184 Services. To provide for payment by the agency selecting the
185 second and third appraisers and review appraiser, as required by
186 this section, the Department of Environmental Protection shall
187 enter into interagency agreements with the Department of
188 Agriculture and Consumer Services and the Department of
189 Financial Services, whereby funds will be transferred to those
190 agencies for that purpose upon direction of the selecting
191 agency. When a parcel is estimated to be worth \$100,000 or less
192 and the director of the Division of State Lands finds that the
193 cost of obtaining an outside appraisal is not justified, an
194 appraisal prepared by the division may be used. The state is not

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195 required to appraise the value of lands and appurtenances that
196 are being donated to the state.

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

200

201 Notwithstanding the provisions of this subsection, on behalf of
202 the board and before the appraisal of parcels approved for
203 purchase under this chapter, the Secretary of Environmental
204 Protection or the director of the Division of State Lands may
205 enter into option contracts to buy such parcels. Any such option
206 contract shall state that the final purchase price is subject to
207 approval by the board or, when applicable, the secretary and
208 that the final purchase price may not exceed the maximum offer
209 allowed by law. The consideration for such an option may not
210 exceed \$1,000 or 0.01 percent of the estimate by the department
211 of the value of the parcel, whichever amount is greater.

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