



409238

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2009	.	
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The Committee on General Government Appropriations (Dean)  
recommended the following:

**Senate Amendment (with title amendment)**

Between lines 170 and 171  
insert:

Section 3. Subsection (4) of section 253.7829, Florida  
Statutes, is amended to read:

253.7829 Management plan for retention or disposition of  
former Cross Florida Barge Canal lands; authority to manage  
lands until disposition.—

(4) The Board of Trustees of the Internal Improvement Trust  
Fund may authorize the sale or exchange of surplus lands within



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12 the former Cross Florida Barge Canal project corridor and the  
13 acquisition of privately owned lands or easements over such  
14 privately owned lands within the project corridor necessary for  
15 purposes of completing a continuous corridor or for other  
16 management purposes provided by law. However, such acquisition  
17 shall be funded from the proceeds of any sale or exchange of  
18 surplus canal lands after repayment to the counties, as provided  
19 in s. 253.783(2) (f) ~~s. 253.783(2) (e)~~, or from other funds  
20 appropriated by the Legislature.

21 Section 4. Subsection (2) of section 253.783, Florida  
22 Statutes, is amended to read:

23 253.783 Additional powers and duties of the department;  
24 disposition of surplus lands; payments to counties.-

25 (2) It is declared to be in the public interest that the  
26 department shall do and is hereby authorized to do any and all  
27 things and incur and pay, for the public purposes described  
28 herein, any and all expenses necessary, convenient, and proper  
29 to:

30 (a) Offer any land declared to be surplus, at current  
31 appraised value, to the counties in which the surplus land lies,  
32 for acquisition for specific public purposes. Any county, at its  
33 option, may elect to acquire any lands so offered without  
34 monetary payment. The fair market value of any parcels so  
35 transferred shall be subtracted from the county's reimbursement  
36 under paragraph (f) ~~(e)~~. These offers will be made within 3  
37 calendar months after the date the management plan is adopted  
38 and will be valid for 180 days after the date of the offer.

39 (b) Extend the second right of refusal, at current  
40 appraised value, to the current owner of adjacent lands affected



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41 when original owner from whom the Canal Authority of the State  
42 of Florida or the United States Army Corps of Engineers acquired  
43 the surplus land and when the department wants to pursue an  
44 exchange of surplus lands for privately owned lands for the  
45 purposes set forth in s. 253.7829(4).

46 (c) Extend the third right of refusal, at current appraised  
47 value, to the original owner from whom the Canal Authority of  
48 the State of Florida or the United States Army Corps of  
49 Engineers acquired the land or the original owner's heirs. These  
50 offers shall be made by public advertisement in not fewer than  
51 three newspapers of general circulation within the area of the  
52 canal route, one of which shall be a newspaper in the county in  
53 which the lands declared to be surplus are located. The public  
54 advertisements shall be run for a period of 14 days. These  
55 offers will be valid for 30 days after the ~~expiration date of~~  
56 ~~any offers made under paragraph (a), or 30 days after the date~~  
57 ~~publication begins, whichever is later.~~

58 (d) ~~(e)~~ Extend the fourth ~~third~~ right of refusal, at current  
59 appraised value, to any person having a leasehold interest in  
60 the land from the canal authority. These offers shall be  
61 advertised as provided in paragraph (c) ~~(b)~~ and will be valid  
62 for 30 days after the expiration date of the offers made under  
63 paragraph (c) ~~(b)~~, or 30 days after the date publication begins,  
64 whichever is later.

65 (e) ~~(d)~~ Offer surplus lands not purchased or transferred  
66 under paragraphs (a)-(d) ~~(a)-(e)~~ to the highest bidder at public  
67 sale. Such surplus lands and the public sale shall be described  
68 and advertised in a newspaper of general circulation within the  
69 county in which the lands are located not less than 14 calendar



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70 days prior to the date on which the public sale is to be held.  
71 The current appraised value of such surplus lands will be the  
72 minimum acceptable bid.

73 (f)~~(e)~~ Refund to the counties of the Cross Florida Canal  
74 Navigation District moneys pursuant to this paragraph from the  
75 funds derived from the conveyance of lands of the project to the  
76 Federal Government or any agency thereof, pursuant to s.  
77 253.781, and from the sales of surplus lands pursuant to this  
78 section. Following federal deauthorization of the project, such  
79 refunds shall consist of the \$9,340,720 principal in ad valorem  
80 taxes contributed by the counties and the interest which had  
81 accrued on that amount from the time of payment to June 30,  
82 1985. In no event shall the counties be paid less than the  
83 aggregate sum of \$32 million in cash or the appraised values of  
84 the surplus lands. Such refunds shall be in proportion to the ad  
85 valorem tax share paid to the Cross Florida Canal Navigation  
86 District by the respective counties. Should the funds derived  
87 from the conveyance of lands of the project to the Federal  
88 Government for payment or from the sale of surplus land be  
89 inadequate to pay the total of the principal plus interest,  
90 first priority shall be given to repaying the principal and  
91 second priority shall be given to repaying the interest.  
92 Interest to be refunded to the counties shall be compounded  
93 annually at the following rates: 1937-1950, 4 percent; 1951-  
94 1960, 5 percent; 1961-1970, 6 percent; 1971-1975, 7 percent;  
95 1976-June 30, 1985, 8 percent. In computing interest, amounts  
96 already repaid to the counties shall not be subject to further  
97 assessments of interest. Any partial repayments provided to the  
98 counties under this act shall be considered as contributing to



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99 the total repayment owed to the counties. Should the funds  
100 generated by conveyance to the Federal Government and sales of  
101 surplus lands be more than sufficient to repay said counties in  
102 accordance with this section, such excess funds may be used for  
103 the maintenance of the greenways corridor.

104 (g)~~(f)~~ Carry out the purposes of this act.

105

106 ===== T I T L E A M E N D M E N T =====

107 And the title is amended as follows:

108 Delete line 9

109 and insert:

110 Internal Improvement Trust Fund; amending s. 253.7829,  
111 F.S.; conforming a cross-reference; amending s.  
112 253.783, F.S.; revising provisions relating to the  
113 disposition of surplus lands; authorizing the  
114 Department of Environmental Protection to extend the  
115 second right of refusal to the current owner of  
116 adjacent lands affected by acquired surplus lands  
117 under certain circumstances; authorizing the  
118 department to extend the third right of refusal to the  
119 original owner or the original owner's heirs of lands  
120 acquired by the Canal Authority of the State of  
121 Florida or the United States Army Corps of Engineers;  
122 authorizing the department to extend the fourth right  
123 of refusal to any person having a leasehold interest  
124 in the land from the canal authority; conforming  
125 cross-references; amending s. 259.035,