

1 A bill to be entitled

2 An act relating to the sale of surplus lands; amending  
3 s. 373.089, F.S.; extending the time within which a  
4 certified appraisal may be obtained for lands to be  
5 sold as surplus; revising the procedures that a water  
6 management district must follow for publishing a  
7 notice of intention to sell surplus lands; authorizing  
8 the governing board of a water management district to  
9 sell certain lands acquired with Florida Forever funds  
10 without first offering title to the lands to the Board  
11 of Trustees of the Internal Improvement Trust Fund;  
12 authorizing the governing board of a water management  
13 district to sell parcels of land no longer needed for  
14 conservation purposes and valued at or below a  
15 specified threshold as surplus; requiring certain  
16 notice before the sale of such parcels; providing  
17 procedures for the sale of such parcels; reenacting s.  
18 373.139(6), F.S., relating to the disposition of  
19 certain lands acquired by a water management district,  
20 to incorporate the amendment made by the act to s.  
21 373.089, F.S., in a reference thereto; providing an  
22 effective date.

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

25  
26 Section 1. Subsections (1), (3), and (7) of section

27 | 373.089, Florida Statutes, are amended, and subsection (8) is  
 28 | added to that section, to read:

29 |       373.089 Sale or exchange of lands, or interests or rights  
 30 | in lands.—The governing board of the district may sell lands, or  
 31 | interests or rights in lands, to which the district has acquired  
 32 | title or to which it may hereafter acquire title in the  
 33 | following manner:

34 |       (1) Any lands, or interests or rights in lands, determined  
 35 | by the governing board to be surplus may be sold by the  
 36 | district, at any time, for the highest price obtainable;  
 37 | however, in no case shall the selling price be less than the  
 38 | appraised value of the lands, or interests or rights in lands,  
 39 | as determined by a certified appraisal obtained within 360 ~~120~~  
 40 | days before the effective date of the contract for sale.

41 |       (3) Before selling any surplus land, or interests or  
 42 | rights in land, ~~it shall be the duty of the district shall~~  
 43 | publish to cause a notice of intention to sell ~~to be published~~  
 44 | in a newspaper published in the county in which the land, or  
 45 | interests or rights in the land, is situated once each week for  
 46 | 3 successive weeks. ~~(three insertions being sufficient),~~ The  
 47 | first publication of the required notice must occur at least  
 48 | ~~which shall be not less than 30 days, but not nor~~ more than 360  
 49 | ~~45 days, before prior to any sale and must include, which notice~~  
 50 | ~~shall set forth~~ a description of lands, or interests or rights  
 51 | in lands, to be offered for sale.

52 |       (7) Notwithstanding other provisions of this section, the

53 governing board shall first offer title to lands acquired in  
54 whole or in part with Florida Forever funds which are determined  
55 to be no longer needed for conservation purposes to the Board of  
56 Trustees of the Internal Improvement Trust Fund unless the  
57 disposition of those lands is for the following purposes:

58 (a) Linear facilities, including electric transmission and  
59 distribution facilities, telecommunication transmission and  
60 distribution facilities, pipeline transmission and distribution  
61 facilities, public transportation corridors, and related  
62 appurtenances.

63 (b) The disposition of the fee interest in the land where  
64 a conservation easement is retained by the district to fulfill  
65 the conservation objectives for which the land was acquired.

66 (c) An exchange of the land for other lands that meet or  
67 exceed the conservation objectives for which the original land  
68 was acquired in accordance with subsection (4).

69 (d) To be used by a governmental entity for a public  
70 purpose.

71 (e) The portion of an overall purchase deemed to be  
72 surplus at the time of acquisition.

73  
74 If ~~In the event~~ the Board of Trustees of the Internal  
75 Improvement Trust Fund declines to accept title to the lands  
76 offered under this section, the land may be disposed of by the  
77 district under the provisions of this section.

78 (8) (a) If a parcel of land is no longer essential or

79 necessary for conservation purposes, and is valued at \$25,000 or  
80 less as determined by a certified appraisal obtained within 360  
81 days before the effective date of the contract for sale, the  
82 governing board may determine that the parcel is surplus. The  
83 notice of intention to sell shall be published as required under  
84 subsection (3) only once. The governing board shall send the  
85 notice of intention to sell the parcel to adjacent property  
86 owners by certified mail and post the notice on the district's  
87 website.

88 (b) Fourteen days after the notice under paragraph (a),  
89 the district may sell the parcel to an adjacent property owner  
90 or, if there are two or more owners of adjacent property, accept  
91 sealed bids, and sell the parcel to the highest bidder or reject  
92 all offers.

93 (c) Thirty days after the notice under paragraph (a), the  
94 district shall accept sealed bids and may sell the parcel to the  
95 highest bidder or reject all offers.

96 Section 2. For the purpose of incorporating the amendment  
97 made by this act to section 373.089, Florida Statutes, in a  
98 reference thereto, subsection (6) of section 373.139, Florida  
99 Statutes, is reenacted to read:

100 373.139 Acquisition of real property.—

101 (6) A district may dispose of land acquired under this  
102 section pursuant to s. 373.056 or s. 373.089. However, no such  
103 disposition of land shall be made if it would have the effect of  
104 causing all or any portion of the interest on any revenue bonds

105 | issued pursuant to s. 259.101 or s. 259.105 to fund the  
106 | acquisition programs detailed in this section to lose the  
107 | exclusion from gross income for purposes of federal income  
108 | taxation. Revenue derived from such disposition may not be used  
109 | for any purpose except the purchase of other lands meeting the  
110 | criteria specified in this section or payment of debt service on  
111 | revenue bonds or notes issued under s. 373.584.

112 |       Section 3. This act shall take effect July 1, 2016.