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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/23/2018	.	
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The Committee on Governmental Oversight and Accountability  
(Baxley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 373.089, Florida Statutes, is amended to  
read:

373.089 Sale or exchange of lands, or interests or rights  
in lands.—The governing board of the district may sell lands, or  
interests or rights in lands, to which the district has acquired  
title or to which it may hereafter acquire title in the



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11 following manner:

12 (1) Any lands, or interests or rights in lands, determined  
13 by the governing board to be surplus may be sold by the  
14 district, at any time, for the highest price obtainable using  
15 any reasonable means, including, but not limited to, procuring  
16 real estate services, open or exclusive listings, competitive  
17 bidding, auctions, negotiated direct sales, or other related  
18 services to facilitate the sale; however, ~~in no case shall~~ the  
19 selling price may not be less than the appraised value of the  
20 lands, or interests or rights in lands, as determined by a  
21 certified appraisal obtained within 360 days before the  
22 effective date of a contract for sale.

23 (2) All sales of land, or interests or rights in land, must  
24 ~~shall~~ be for cash or upon terms and security to be approved by  
25 the governing board, but a deed therefor may ~~shall~~ not be  
26 executed and delivered until full payment is made.

27 (3) Before selling any surplus land, or interests or rights  
28 in land, the district shall publish a notice of intention to  
29 sell in a newspaper published in the county in which the land,  
30 or interests or rights in the land, is situated once each week  
31 for 3 successive weeks, three insertions being sufficient. The  
32 first publication of the required notice must occur at least 30  
33 days, but not more than 360 days, before any sale and must  
34 include a description of lands, or interests or rights in lands,  
35 to be offered for sale.

36 (4) The governing board of a district may exchange lands,  
37 or interests or rights in lands, owned by, or lands, or  
38 interests or rights in lands, for which title is otherwise  
39 vested in, the district for other lands, or interests or rights



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40 in lands, within the state owned by any person. The governing  
41 board shall fix the terms and conditions of any such exchange  
42 and may pay or receive any sum of money that the board considers  
43 necessary to equalize the values of exchanged properties. Land,  
44 or interests or rights in land, acquired under former s. 373.59,  
45 Florida Statutes 2014, may be exchanged only for lands, or  
46 interests or rights in lands, that otherwise meet the  
47 requirements of that section for acquisition.

48 (5) In any county having a population of 75,000 or fewer,  
49 or a county having a population of 100,000 or fewer that is  
50 contiguous to a county having a population of 75,000 or fewer,  
51 in which more than 50 percent of the lands within the county  
52 boundary are federal lands and lands titled in the name of the  
53 state, a state agency, a water management district, or a local  
54 government, those lands titled in the name of a water management  
55 district which are not essential or necessary to meet  
56 conservation purposes may, upon request of a public or private  
57 entity, be made available for purchase through the surplusizing  
58 process in this section. Priority consideration must be given to  
59 buyers, public or private, who are willing to return the  
60 property to productive use so long as the property can be  
61 reentered onto the county ad valorem tax roll. Property acquired  
62 with matching funds from a local government shall not be made  
63 available for purchase without the consent of the local  
64 government.

65 (6) Any lands the title to which is vested in the governing  
66 board of a water management district may be surplusized pursuant  
67 to the procedures set forth in this section and s. 373.056 and  
68 the following:



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69 (a) For those lands designated as acquired for conservation  
70 purposes, the governing board shall make a determination that  
71 the lands are no longer needed for conservation purposes and may  
72 dispose of them by a two-thirds vote.

73 (b) For all other lands, the governing board shall make a  
74 determination that such lands are no longer needed and may  
75 dispose of them by majority vote.

76 (c) For the purposes of this subsection, all lands for  
77 which title has vested in the governing board prior to July 1,  
78 1999, shall be deemed to have been acquired for conservation  
79 purposes.

80 (d) For any lands acquired on or after July 1, 1999, for  
81 which title is vested in the governing board, the governing  
82 board shall determine which parcels shall be designated as  
83 having been acquired for conservation purposes.

84 (7) (a) Notwithstanding other provisions of this section,  
85 the governing board shall first offer title to lands acquired in  
86 whole or in part with Florida Forever funds which are determined  
87 to be no longer needed for conservation purposes to the Board of  
88 Trustees of the Internal Improvement Trust Fund unless the  
89 disposition of those lands is for the following purposes:

90 1. ~~(a)~~ Linear facilities, including electric transmission  
91 and distribution facilities, telecommunication transmission and  
92 distribution facilities, pipeline transmission and distribution  
93 facilities, public transportation corridors, and related  
94 appurtenances.

95 2. ~~(b)~~ The disposition of the fee interest in the land where  
96 a conservation easement is retained by the district to fulfill  
97 the conservation objectives for which the land was acquired.



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98            3.(e) An exchange of the land for other lands that meet or  
99 exceed the conservation objectives for which the original land  
100 was acquired in accordance with subsection (4).

101            4.(d) To be used by a governmental entity for a public  
102 purpose.

103            5.(e) The portion of an overall purchase deemed surplus at  
104 the time of the acquisition.

105            (b) If the Board of Trustees of the Internal Improvement  
106 Trust Fund declines to accept title to the lands offered under  
107 this section, the land may be disposed of by the district under  
108 the provisions of this section.

109            (8) (a) If a parcel of land is no longer essential or  
110 necessary for conservation purposes and is valued at \$25,000 or  
111 less as determined by a certified appraisal, a broker's price  
112 opinion, or other valuation services obtained within 360 days  
113 before the effective date of a contract for the sale, as  
114 specified in subsection (1), the governing board may determine  
115 that the parcel of land is surplus and may offer to sell it to  
116 the adjacent property owners. If the governing board elects to  
117 offer for sale the parcel to adjacent property owners pursuant  
118 to this subsection, the governing board must publish the notice  
119 of intention to sell ~~must be published~~ as required under  
120 subsection (3), one time only and the governing board must  
121 ~~shall~~ send the notice of intention to sell the parcel to  
122 adjacent property owners by certified mail and publish the  
123 notice on its website. For the purpose of this subsection, the  
124 term "adjacent property owners" means those owners whose  
125 property abuts the parcel.

126            (b) Fourteen days after publication of such notice, the



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127 district may sell the parcel to an adjacent property owner or,  
128 if there are two or more owners of adjacent property, accept  
129 sealed bids and sell the parcel to the highest bidder or reject  
130 all offers.

131 (c) If the parcel is not sold to an adjacent property owner  
132 pursuant to paragraph (b), the district may sell the parcel at  
133 any time to the general public for the highest price obtainable  
134 using any reasonable means, including, but not limited to,  
135 procuring real estate services, open or exclusive listings,  
136 competitive bidding, auctions, negotiated direct sales, or other  
137 related services to facilitate the sale ~~Thirty days after~~  
138 ~~publication of such notice, the district shall accept sealed~~  
139 ~~bids and may sell the parcel to the highest bidder or reject all~~  
140 ~~offers.~~

141  
142 ~~If the Board of Trustees of the Internal Improvement Trust Fund~~  
143 ~~declines to accept title to the lands offered under this~~  
144 ~~section, the land may be disposed of by the district under the~~  
145 ~~provisions of this section.~~

146 Section 2. This act shall take effect July 1, 2018.

147  
148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete everything before the enacting clause  
151 and insert:

152 A bill to be entitled  
153 An act relating to water management district  
154 surplus lands; amending s. 373.089, F.S.; authorizing  
155 the water management districts to use any reasonable



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156 means to sell surplus property; specifying that  
157 certain lands acquired with Florida Forever funds may  
158 be disposed of if the Board of Trustees of the  
159 Internal Improvement Trust Fund declines to accept  
160 title; revising the process for selling certain lower  
161 valued surplus lands; defining the term "adjacent  
162 property owners"; authorizing districts to sell  
163 parcels to the general public under certain  
164 circumstances using any reasonable means to facilitate  
165 the sale; providing an effective date.