

By Senator Simon

3-01255A-23

20231476\_\_

1                   A bill to be entitled  
2           An act relating to state acquisition of lands;  
3           amending ss. 253.025 and 570.715, F.S.; requiring,  
4           rather than authorizing, the Department of  
5           Environmental Protection and the Department of  
6           Agriculture and Consumer Services to disclose  
7           appraisal reports to private landowners or their  
8           representatives during acquisition negotiations;  
9           requiring private landowners and their representatives  
10          to maintain the confidentiality of such reports or  
11          information disclosed by the Department of Agriculture  
12          and Consumer Services; requiring the final purchase  
13          price in certain option contracts for state land  
14          acquisitions and less than fee simple conservation  
15          easement acquisitions to be the fair market value as  
16          determined by the highest appraisal; removing  
17          provisions subjecting the final purchase price in  
18          certain contracts to approval by the Board of Trustees  
19          of the Internal Improvement Trust Fund or the  
20          Secretary of Environmental Protection, as applicable;  
21          conforming a provision to changes made by the act;  
22          providing an effective date.

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

25  
26           Section 1. Subsection (8) of section 253.025, Florida  
27 Statutes, is amended to read:

28           253.025 Acquisition of state lands.—

29           (8) Before approval by the board of trustees, or, when

3-01255A-23

20231476\_\_

30 applicable, the Department of Environmental Protection, of any  
31 agreement to purchase land pursuant to this chapter, chapter  
32 259, chapter 260, or chapter 375, and before negotiations with  
33 the parcel owner to purchase any other land, title to which will  
34 vest in the board of trustees, an appraisal of the parcel shall  
35 be required as follows:

36 (a) The board of trustees shall adopt by rule the method  
37 for determining the value of parcels sought to be acquired by  
38 state agencies pursuant to this section.

39 (b) Each parcel to be acquired shall have at least one  
40 appraisal. Two appraisals are required when the estimated value  
41 of the parcel exceeds \$1 million. However, if both appraisals  
42 exceed \$1 million and differ significantly, a third appraisal  
43 may be obtained. If a parcel is estimated to be worth \$100,000  
44 or less and the director of the Division of State Lands finds  
45 that the cost of an outside appraisal is not justified, a  
46 comparable sales analysis, an appraisal prepared by the  
47 division, or other reasonably prudent procedures may be used by  
48 the division to estimate the value of the parcel, provided the  
49 public's interest is reasonably protected. The state is not  
50 required to appraise the value of lands and appurtenances that  
51 are being donated to the state.

52 (c) Appraisal fees and associated costs shall be paid by  
53 the agency proposing the acquisition. All appraisals used for  
54 the acquisition of lands pursuant to this section shall be  
55 prepared by a state-certified appraiser. The board of trustees  
56 shall adopt rules for selecting individuals to perform  
57 appraisals pursuant to this section. Each fee appraiser selected  
58 to appraise a particular parcel shall, before contracting with

3-01255A-23

20231476\_\_

59 the agency or a participant in a multiparty agreement, submit to  
60 the agency an affidavit substantiating that he or she has no  
61 vested or fiduciary interest in such parcel.

62 (d) The fee appraiser and the review appraiser for the  
63 agency may not act in any manner that may be construed as  
64 negotiating with the owner of a parcel proposed for acquisition.

65 (e) The board of trustees shall adopt by rule the minimum  
66 criteria, techniques, and methods to be used in the preparation  
67 of appraisal reports. Such rules shall incorporate, to the  
68 extent practicable, generally accepted appraisal standards. Any  
69 appraisal issued for acquisition of lands pursuant to this  
70 section must comply with the rules adopted by the board of  
71 trustees. A certified survey must be made which meets the  
72 minimum requirements for upland parcels established in the  
73 Standards of Practice for Land Surveying in Florida published by  
74 the Department of Agriculture and Consumer Services and which  
75 accurately portrays, to the greatest extent practicable, the  
76 condition of the parcel as it currently exists. The requirement  
77 for a certified survey may, in part or in whole, be waived by  
78 the board of trustees any time before submitting the agreement  
79 for purchase to the Division of State Lands. When an existing  
80 boundary map and description of a parcel are determined by the  
81 division to be sufficient for appraisal purposes, the division  
82 director may temporarily waive the requirement for a survey  
83 until any time before conveyance of title to the parcel.

84 (f) Appraisal reports are confidential and exempt from s.  
85 119.07(1)~~7~~ for use by the agency and the board of trustees~~7~~  
86 until an option contract is executed or, if no option contract  
87 is executed, until 2 weeks before a contract or agreement for

3-01255A-23

20231476\_\_

88 purchase is considered for approval by the board of trustees.  
89 The Department of Environmental Protection shall ~~may~~ disclose  
90 appraisal reports to private landowners or their representatives  
91 during negotiations for acquisitions ~~using alternatives to fee~~  
92 ~~simple techniques, if the department determines that disclosure~~  
93 ~~of such reports will bring the proposed acquisition to closure.~~  
94 However, the private landowner or their representative must  
95 agree to maintain the confidentiality of the reports or  
96 information. The department may also disclose appraisal  
97 information to public agencies or nonprofit organizations that  
98 agree to maintain the confidentiality of the reports or  
99 information when joint acquisition of property is contemplated,  
100 or when a public agency or nonprofit organization enters into a  
101 written agreement with the department to purchase and hold  
102 property for subsequent resale to the board of trustees. In  
103 addition, the department may use, as its own, appraisals  
104 obtained by a public agency or nonprofit organization, if the  
105 appraiser is selected from the department's list of appraisers  
106 and the appraisal is reviewed and approved by the department.  
107 For purposes of this paragraph, the term "nonprofit  
108 organization" means an organization that is exempt from federal  
109 income tax under s. 501(c)(3) of the Internal Revenue Code and,  
110 for purposes of the acquisition of conservation lands, an  
111 organization whose purpose must include the preservation of  
112 natural resources. The agency may release an appraisal report  
113 when the passage of time has rendered the conclusions of value  
114 in the report invalid or when the acquiring agency has  
115 terminated negotiations.

116 (g) Before acceptance of an appraisal, the agency shall

3-01255A-23

20231476\_\_

117 submit a copy of such report to the division. The division shall  
118 review such report for compliance with the rules of the board.  
119 Any questions of applicability of laws affecting an appraisal  
120 shall be addressed by the legal office of the agency.

121 (h) The appraisal report shall be accompanied by the sales  
122 history of the parcel for at least the previous 5 years. Such  
123 sales history shall include all parties and considerations with  
124 the amount of consideration verified, if possible. If a sales  
125 history would not be useful, or it is cost prohibitive compared  
126 to the value of a parcel, the sales history may be waived by the  
127 board of trustees. The board of trustees shall adopt a rule  
128 specifying guidelines for waiver of a sales history.

129 (i) The board of trustees may consider an appraisal  
130 acquired by a seller, or any part thereof, in negotiating to  
131 purchase a parcel, but such appraisal may not be used in lieu of  
132 an appraisal required by this subsection or to determine the  
133 maximum offer allowed by law.

134 (j)1. The board of trustees shall adopt by rule the method  
135 for determining the value of parcels sought to be acquired by  
136 state agencies pursuant to this section. An offer by a state  
137 agency may not exceed the value for that parcel as determined  
138 pursuant to the highest approved appraisal or the value  
139 determined pursuant to the rules of the board of trustees,  
140 whichever value is less.

141 2. For a joint acquisition by a state agency and a local  
142 government or other entity apart from the state, the joint  
143 purchase price may not exceed 150 percent of the value for a  
144 parcel as determined in accordance with the limits in  
145 subparagraph 1. The state agency share of a joint purchase offer

3-01255A-23

20231476\_\_

146 may not exceed what the agency may offer singly pursuant to  
147 subparagraph 1.

148 3. This paragraph does not apply to the acquisition of  
149 historically unique or significant property as determined by the  
150 Division of Historical Resources of the Department of State.

151  
152 Notwithstanding this subsection, on behalf of the board of  
153 trustees and before the appraisal of parcels approved for  
154 purchase under this chapter or chapter 259, the Secretary of  
155 Environmental Protection or the director of the Division of  
156 State Lands may enter into option contracts to buy such parcels.  
157 Except as otherwise authorized under this subsection, any such  
158 option contract shall state that the final purchase price shall  
159 be the fair market value as determined by the highest appraisal  
160 and is subject to approval by the board of trustees or, if  
161 applicable, the Secretary of Environmental Protection, and that  
162 the final purchase price may not exceed the maximum offer  
163 allowed by law. Any such option contract presented to the board  
164 of trustees for final purchase price approval shall explicitly  
165 state that payment of the final purchase price is subject to an  
166 appropriation from the Legislature. The consideration for such  
167 an option may not exceed \$1,000 or 0.01 percent of the estimate  
168 by the department of the value of the parcel, whichever amount  
169 is greater.

170 Section 2. Paragraph (d) of subsection (1) and subsection  
171 (5) of section 570.715, Florida Statutes, are amended to read:

172 570.715 Conservation easement acquisition procedures.—

173 (1) For less than fee simple acquisitions pursuant to s.  
174 570.71, the Department of Agriculture and Consumer Services

3-01255A-23

20231476\_\_

175 shall comply with the following acquisition procedures:

176 (d) On behalf of the board of trustees and before the  
177 appraisal of parcels approved for purchase under ss.  
178 259.105(3)(i) and 570.71, the department may enter into option  
179 contracts to buy less than fee simple interest in such parcels.  
180 Any such option contract shall state that the final purchase  
181 price is subject to approval by the board of trustees and that  
182 the final purchase price shall be the fair market value as  
183 determined by the highest approved appraisal and may not exceed  
184 the maximum offer authorized by law. Any such option contract  
185 presented to the board of trustees for final purchase price  
186 approval shall explicitly state that payment of the final  
187 purchase price is subject to an appropriation by the  
188 Legislature. The consideration for any such option contract may  
189 not exceed \$1,000 or 0.01 percent of the estimate by the  
190 department of the value of the parcel, whichever amount is  
191 greater.

192 (5) Appraisal reports are confidential and exempt from s.  
193 119.07(1)~~7~~ for use by the department and the board of trustees~~7~~  
194 until an option contract is executed or, if an option contract  
195 is not executed, until 2 weeks before a contract or agreement  
196 for purchase is considered for approval by the board of  
197 trustees. ~~However,~~ The department shall ~~has the authority, at~~  
198 ~~its discretion,~~ to disclose appraisal reports to private  
199 landowners or their representatives during negotiations for  
200 acquisitions. However, the private landowner or their  
201 representative must agree to maintain the confidentiality of the  
202 reports or information ~~using alternatives to fee simple~~  
203 ~~techniques, if the department determines that disclosure of such~~

3-01255A-23

20231476\_\_

204 ~~reports will bring the proposed acquisition to closure.~~ The  
205 department may also disclose appraisal information to public  
206 agencies or nonprofit organizations that agree to maintain the  
207 confidentiality of the reports or information when joint  
208 acquisition of property is contemplated, or when a public agency  
209 or nonprofit organization enters into a written multiparty  
210 agreement with the department. For purposes of this subsection,  
211 the term "nonprofit organization" means an organization whose  
212 purposes include the preservation of natural resources, and  
213 which is exempt from federal income tax under s. 501(c)(3) of  
214 the Internal Revenue Code. The department may release an  
215 appraisal report when the passage of time has rendered the  
216 conclusions of value in the report invalid or when the  
217 department has terminated negotiations.

218 Section 3. This act shall take effect July 1, 2023.