

By Senator Simpson

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1 A bill to be entitled
2 An act relating to the sale or exchange of lands;
3 amending s. 373.089, F.S.; extending the timeframe
4 within which a certified appraisal may be obtained for
5 parcels of land to be sold as surplus; revising the
6 procedures a water management district must follow for
7 publishing a notice of intention to sell surplus
8 lands; providing an exception from such notice
9 requirements if a parcel of land is valued below a
10 certain threshold; authorizing such parcels to be sold
11 directly to the highest bidder; authorizing districts
12 to include restrictions on future use of such parcels;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsections (1), (3), and (7) of section
18 373.089, Florida Statutes, are amended, and subsection (8) is
19 added to that section, to read:

20 373.089 Sale or exchange of lands, or interests or rights
21 in lands.—The governing board of the district may sell lands, or
22 interests or rights in lands, to which the district has acquired
23 title or to which it may hereafter acquire title in the
24 following manner:

25 (1) Any lands, or interests or rights in lands, determined
26 by the governing board to be surplus may be sold by the
27 district, at any time, for the highest price obtainable;
28 however, in no case shall the selling price be less than the
29 appraised value of the lands, or interests or rights in lands,

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30 as determined by a certified appraisal obtained within 360 ~~120~~
31 days before the effective date of a contract for sale.

32 (3) Before selling any surplus land, or interests or rights
33 in land, it shall be the duty of the district to cause a notice
34 of intention to sell to be published in a newspaper published in
35 the county in which the land, or interests or rights in the
36 land, is situated once each week for 3 successive weeks, three
37 insertions being sufficient. ~~),~~ The first publication of the
38 required notice must occur at least ~~which shall be not less than~~
39 30 days, but not ~~nor~~ more than 45 days, before ~~prior to~~ any sale
40 and must include, ~~which notice shall set forth~~ a description of
41 lands, or interests or rights in lands, to be offered for sale.

42 (7) Notwithstanding other provisions of this section, the
43 governing board shall first offer title to lands acquired in
44 whole or in part with Florida Forever funds which are determined
45 to be no longer needed for conservation purposes to the Board of
46 Trustees of the Internal Improvement Trust Fund unless the
47 disposition of those lands is for the following purposes:

48 (a) Linear facilities, including electric transmission and
49 distribution facilities, telecommunication transmission and
50 distribution facilities, pipeline transmission and distribution
51 facilities, public transportation corridors, and related
52 appurtenances.

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

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

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59 (d) To be used by a governmental entity for a public
60 purpose.

61 (e) The portion of an overall purchase deemed surplus at
62 the time of the acquisition.

63
64 ~~If In the event~~ the Board of Trustees of the Internal
65 Improvement Trust Fund declines to accept title to the lands
66 offered under this section, the land may be disposed of by the
67 district under the provisions of this section.

68 (8) Notwithstanding this section, if a parcel of land is no
69 longer essential or necessary for conservation purposes and is
70 valued at \$25,000 or less as determined by a certified appraisal
71 obtained within 360 days before any sale, the governing board
72 may determine that the parcel of land is surplus. The notice of
73 sale shall be published, as required under subsection (3), one
74 time only. The governing board shall send notice of its
75 intention to sell the parcel to adjacent property owners by
76 certified mail and publish the notice on its website.

77 (a) Within 14 days after such notice, the district may sell
78 the parcel to an adjacent property owner or accept sealed bids
79 if there are two or more owners of adjacent property and may
80 sell the parcel to the highest bidder or reject all offers.

81 (b) Within 30 days after such notice, the district shall
82 accept sealed bids and may sell the parcel to the highest bidder
83 or reject all offers.

84 (c) The district may include a restriction on the future
85 use of the surplus parcel as a term and condition of the sale.

86 Section 2. This act shall take effect July 1, 2016.