

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
 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
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) ~~τ~~ for use by the agency and the board of trustees ~~τ~~
 86 until an option contract is executed or, if no option contract
 87 is executed, until 2 weeks before a contract or agreement for
 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
 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
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
 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

HB 1271

2023

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~~
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.