

**CHAPTER 18-1  
STATE LAND ACQUISITION PROCEDURES**

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**18-1.001 Purpose.**

State land acquisition procedures provided for in this rule are for voluntary, negotiated acquisitions under agreements for purchase, option or exchange. The purpose of this chapter is to provide uniform and efficient procedures for the acquisition of interests in real property, and donation of such interests, title to which will vest in the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, in accordance with legal requirements and sound business practice. As used in this chapter, Section 253.025, F.S., shall mean and refer to the acquisition of non-conservation lands, and Section 259.041, F.S., shall mean and refer to the acquisition of conservation lands. Specific Authority 253.03, 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History – New 6-16-86, Amended 4-14-08.

**18-1.002 Definitions.**

When used in this chapter, the following shall have the indicated meaning unless the context clearly indicates otherwise:

(1) “Acquiring agency” means a state agency initiating acquisition of land or for whose benefit land is being acquired, title to which will vest in the Board. The term “acquiring agency” does not include the Board or the Division acting on behalf of the Board.

(2) “Appraisal foundation” means the non-profit, educational corporation established in Washington, D. C. by the American appraisal industry to foster professionalism by promoting the Uniform Standards of Professional Appraisal Practice.

(3) “Appraisal map” means a map of the project area with individual ownership and project boundaries identified. This map shall show acreage and other pertinent information needed for appraisal. The map shall be prepared by a surveyor and mapper currently authorized to practice surveying in the State of Florida and shall be approved by the Division for compliance with applicable survey standards.

(4) “Appraisal services” means valuation work in the form of an appraisal, appraisal review or appraisal consulting assignment, as outlined in the USPAP.

(5) “Appraiser” means one who is expected to perform appraisal services competently and in a manner that is independent, impartial and objective.

(6) “Approved appraisal” means an appraisal service that has been approved by the Chief Appraiser, Bureau of Appraisal, Division of State Lands, or designee as in compliance with USPAP, the Supplemental Standards, this chapter, and the specific assignment requirements.

(7) “Approved appraisal organization” means an organization that is a member of the Appraisal Foundation, a foundation authorized by the United States Congress as the source of appraisal standards and appraiser qualifications.

(8) “Board” means the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

(9) “Boundary map” means a map of the project area with the project boundaries identified.

(10) “Certified survey” means a boundary survey, as further defined in Rule 18-1.005, F.A.C., which is certified, signed and sealed by a professional surveyor and

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mapper authorized to practice surveying in the State of Florida, and approved by the Division's Bureau of Survey and Mapping as being in compliance with the minimum technical standards for land surveying in Florida. The survey shall accurately portray the parcel's boundaries, improvements and encumbrances. The survey must have been certified within 90 days of the closing on the property unless this requirement is waived by the title insurer for the purpose of deleting the standard exceptions for survey matters, easements, or claims of easements not shown by the public records from the owner's title policy.

(11) "Chief Appraiser" means the Chief, Bureau of Appraisal, Division of State Lands, Department of Environmental Protection.

(12) "Conservation lands" shall be defined as provided in Rule 18-2.017, F.A.C.

(13) "Cooperating agency" means a local government, water management district, or a nonprofit organization as defined in Section 253.025(6)(d) or 259.041(7)(e), F.S., that has entered into an agreement with the Division to assist in the acquisition of specific property by the Board.

(14) "Council" means the Acquisition and Restoration Council formed by Section 259.035, F.S.

(15) "Director" means the Director, Division of State Lands, Department of Environmental Protection.

(16) "Division" means the Division of State Lands, Department of Environmental Protection.

(17) "Evidence of marketable title" means assurance of the marketability of the land being acquired, in the form of a marketability title commitment and policy. The coverage, form and exceptions of the title insurance must be approved by the Division in order to assure that title is marketable and compatible with the purposes of the acquisition. The term "Title Policy" and "Title Commitment" are included within this definition.

(18) "Fee appraiser" means the person performing an appraisal of property.

(19) "Land" or "Property" means the interest in real property to be acquired, together with all appurtenances.

(20) "Landowner" or "Owner" or "Seller" means the owner of the land or his authorized agent.

(21) "Market value" means the most probable price for which the appraised property will sell, as further defined in the Supplemental Standards.

(22) "Option agreement" means a purchase instrument that is subject to Board approval and to exercise of an option or options.

(23) "Purchase agreement" means a contract to purchase property which becomes binding on both parties at the time of execution, but subject to Board approval.

(24) "Purchase instrument" means one of the various types of contracts to purchase property, including purchase agreements, option agreements, exchange agreements and other forms of such agreements.

(25) "Secretary" means the Secretary of the Department of Environmental Protection.

(26) "State Certified Appraiser" means a real estate appraiser who has been certified by the State under the provisions of Chapter 475, F.S.

(27) "Supplemental standards" means the Supplemental Appraisal Standards for Board of Trustees Land, dated June 15, 2010, hereby adopted by reference, which contains appraisal requirements that establish public policy and add to the standard appraisal procedures and practices of the appraisal profession for the development and reporting of all appraisal services, including those outlined in Chapters 253 and 259, F.S., adopted by the Board of Trustees of the Internal Improvement Trust Fund, available on the internet at: <http://www.dep.state.fl.us/lands/appraisal/> or by sending a request to: Department of Environmental Protection, Bureau of Appraisal, 3900 Commonwealth Boulevard, M.S. 110, Tallahassee, Florida 32399-3000 or by phone at (850) 245-2658 or by fax at (850) 245-2668.

(28) "Title Commitment" means written agreement binding a title insurance company to provide a policy insuring marketability of title for a specified time in the name of the Board in the amount of the purchase price, or other appropriate value, containing such coverage and exceptions, and in a form, approved by the Division.

(29) "USPAP" means the Uniform Standards of Professional Appraisal Practice, effective January 1, 2010, which contains the generally accepted standards of the appraisal profession that deal with the procedures to be followed in developing an appraisal, analysis, or opinion and the manner in which such appraisal, analysis, or opinion is communicated, as promulgated by the Appraisal Foundation, available on the internet at: <http://www.appraisalfoundation.org> or by directing your request to: The Appraisal Foundation, 1155 15th Street, N. W., Suite 1111, Washington, DC 20005. Rulemaking Authority 253.03, 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, 10-30-91, 4-14-08, 6-15-10.

### **18-1.003 General Requirements.**

(1) Prior to any acquiring agency initiating acquisition of property, the agency shall contact the Division to determine the availability of existing suitable state-owned lands in the area which meet the public purpose for which the acquisition is being proposed. If the acquiring agency determines that no suitable state-owned lands exist, it may proceed to acquire the property by employing this rule and all available statutory authority for acquisition. For purposes of the acquisition of conservation lands, the adoption of the council acquisition lists by the Board pursuant to Section 259.04, F.S., or other land acquisition program lists constitutes a finding that no suitable replacement lands exist.

(2) For all appraisals services required by the Board and obtained by an acquiring agency or other entity, appraiser selection will be in accordance with this chapter.

Specific Authority 253.025(12), 259.041 FS. Law Implemented 253.03, 253.025, 259.041 FS. History – New 6-16-86, Amended 4-6-89, 1-29-90, 4-14-08.

### **18-1.004 Title.**

(1) Initial Title Report. In order for the Division to obtain appraisals, a title report, including an adequate legal description of the property to be acquired sufficient to inform the Division and the fee appraisers of the status of ownership, encumbrances,

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exceptions, reservations, previous ownership history, and tax assessment history shall be obtained. If an acquiring agency has initiated the acquisition or the acquisition is for the benefit of an acquiring agency, then the title report shall be furnished to the Division by the acquiring agency.

(2) Evidence of Marketability.

(a) A title commitment shall be obtained by the Division, at the acquiring agency's cost if an acquiring agency is involved in the acquisition, prior to the conveyance of title. The content of such evidence of marketable title shall demonstrate that title is marketable and compatible with the purposes of the acquisition.

(b) The Board may waive the requirement of the evidence of marketability for acquisition of property assessed by the county property appraiser at \$10,000 or less, where the Division finds, based upon such review of the title records as is reasonable under the circumstances, that there is no apparent impediment to marketability, or to management of the property by the state.

(3) Condition of Title. The objective of negotiations for acquisition of property is to obtain all the landowner's rights, title and interest in the property as are necessary for the planned management or conservation of the property. All exceptions, reservations, encroachments or other adverse conditions that are disclosed in the course of preparing to negotiate, negotiating, contracting or closing shall be individually examined by the Division and the acquiring agency, if any, and evaluated as to possible adverse effect on the objectives of the agency in acquiring the property. All such matters potentially having an adverse effect on acquisition goals which become apparent prior to Board approval will be disclosed to the Board at the time of approval. Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History – New 6-16-86, Amended 4-6-89, 1-29-90, 4-14-08.

#### **18-1.005 Appraisal Map and Survey.**

(1) For each project or parcel of property the Division shall provide for use by the fee appraisers, at acquiring agency's cost if an acquiring agency is involved in the acquisition, either a certified survey or appraisal map.

(2) Prior to closing, a certified survey must be obtained, at the acquiring agency's cost if an acquiring agency is participating in the acquisition unless the following criteria have been met:

(a) The parcel is surrounded by state-owned land or surrounded by land the state intends to acquire;

(b) The parcel is located within a subdivision or in a section in which the controlling land corners have been recently surveyed and the survey drawing is acceptable for computing acreage;

(c) The parcel is in its unimproved condition;

(d) Although the parcel lines were not surveyed, it appears that the boundaries of the parcel do not adjoin fences or improvements other than those managed by the state;

(e) The parcel was visually inspected; and

(f) The managing agency concurs that the parcel does not need to be surveyed.

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Specific Authority 253.03, 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History – New 6-16-86, Amended 10-30-91, 4-14-08.

**18-1.006 Appraisal Procedures, Report Requirements and Determining Maximum Amounts.**

(1) The development and reporting of all appraisal services by the fee appraiser shall be consistent with the USPAP, Supplemental Standards, this chapter and the specific assignment.

(2) The acquiring agency shall provide, or coordinate through the Division, to the fee appraiser all pertinent title information developed, a specification of the rights to be acquired, a list of items, if any, considered to be noncompensable, minimum appraisal requirements that apply, required appraisal forms or formats, and a certified survey or appraisal map.

(3) The appraisal report shall state any extraordinary assumption or hypothetical condition made by the appraiser in determining market value and shall document and adequately support the fee appraiser's estimate or conclusion as to value.

(4) In accordance with Section 253.025(6)(f), F.S., the appraisal report shall be accompanied by a sales history of the parcel for the prior five years, with the following exceptions:

- (a) The appraisal assignment consists of 25 or more parcels;
- (b) Each parcel is 20 acres or less in size; and
- (c) The most recent ad valorem tax assessment for each parcel is \$75,000 or less, excluding tax exemptions.

(5) When two appraisals are required under Section 253.025(6)(a) or 259.041(7)(b), F.S., a third appraisal shall be obtained if the two appraisals differ significantly. Two appraisals shall be considered to differ significantly if the higher of the two values exceeds 120% of the lower value. However, a third appraisal shall not be obtained if the decision is made by the Director to attempt to negotiate an acquisition price of no more than 120% of the lower of the two appraisals.

(6) Determining the maximum amount.

(a) The maximum amount that may be paid by the State for a parcel to be acquired shall be the value indicated in a single approved appraisal if only one appraisal is required. If two appraisals are obtained and approved when only one is required by law, the maximum value shall be the higher of the appraisals, regardless of their divergency.

(b) If two appraisals are required by law and their values do not differ significantly, the maximum amount that may be paid by the State for the parcel shall be the higher value indicated in the two approved appraisals.

(c) If a third appraisal is obtained and approved, the maximum amount that may be paid for the parcel shall be the value contained in the higher of the two closest appraisals as long as the two closest appraisals do not differ significantly. If the two closest appraisals differ significantly, 120% of the lower of the two appraisals shall be the maximum value.

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(7) All appraisals, as well as offers and counter offers shall be confidential, and exempt from the provisions of Chapter 119, F.S., except that:

(a) The Division and a water management district created under Chapter 373, F.S., may disclose and share appraisal reports or appraisal information pursuant to Section 373.139, F.S. The Division or District desiring to review an appraisal must make a written request and give a written receipt for such appraisal. The confidentiality of shared appraisals or appraisal information shall be maintained in accordance with Sections 253.025(6) and (7), F.S., Section 373.139(3), F.S., Section 259.041(7)(e), F.S., and this chapter.

(b) The Division may also disclose appraisal information to, or use an appraisal provided by a cooperating agency, pursuant to an informal acquisition agreement.

1. If the Division is disclosing the appraisal information, the agreement shall identify the individual who will have custody of the appraisal report, individuals within the cooperating agency who will have access to the appraisal information and require the written consent of the Division prior to disclosing the information to any other person.

2. If the cooperating agency is to provide the appraisal, the appraisal must be made by an appraiser on the Division's list and must be reviewed and approved by the Division. Such appraisal shall be subject to the same confidentiality restrictions as an appraisal provided by the Division.

(8) Appraisal fees and all direct incidental expenses shall be paid by the acquiring agency proposing the acquisition.

(9) When the Division requests the release of funds for appraising CARL, Save Our Coast, or Land Acquisition Trust Fund parcels, the Board shall be provided a status report indicating when negotiations for acquiring such parcels might be initiated. Rulemaking Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041, 373.139 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, 1-2-91, 10-30-91, 4-14-08, 6-15-10.

#### **18-1.007 Appraiser Eligibility and Selection.**

(1) Approved Appraiser List – Eligibility and Selection.

(a) The Chief Appraiser shall annually send an announcement to each approved appraisal organization and to the Florida Real Estate Appraisal Board (FREAB) for publication in their respective newsletters, inviting interested appraisers to apply for placement on the approved appraiser list.

(b) An appraiser shall be considered eligible and will be placed on the list when he has complied with all the following criteria:

1. The appraiser has applied to the Bureau of Appraisal to be placed on the list of approved appraisers.

2. The appraiser meets the eligibility requirements of Section 253.025 or 259.041, F.S., and this chapter.

3. The appraiser is an appraiser licensed to do business in Florida and certified by the FREAB.

4. The appraiser demonstrates a level of general appraisal competence through past appraisal experience. An acceptable level of general appraisal

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competence and quality shall be demonstrated by the submission of an appraisal report prepared for a business client within the previous two years that substantially complies with the USPAP.

5. The appraiser identifies any specialty property types, as outlined in the Supplemental Standards, for which he professes appraisal expertise and competence in accordance with the USPAP.

(c) The Chief Appraiser will request that the appraiser submit annual reaffirmation of interest in and update his documentation in order to remain on the list of approved appraisers.

(d) Removal of the appraiser's name from the list of approved appraisers shall be made at the appraiser's request, by failure to submit annual reaffirmation of interest or updated documentation after notice, for unsatisfactory performance, for disciplinary action given by the FREAB or for material non-compliance with contract terms. If an appraiser's name is removed from the list pursuant to this rule, he must comply with the requirements of this rule to be placed back on the list of approved appraisers and if disciplined by the FREAB, supply evidence that he has fulfilled all requirements of the disciplinary action.

(2) Multiple Year Appraiser Contracts Eligibility and Selection. For cost and time efficiency regarding future appraisal services, appraisers will be selected and placed under multi-year contracts. Selection procedures shall be as follows:

(a) Only appraisers whose name appears on the list of approved appraisers will be invited to submit proposals to perform appraisal services under a multiple year contract arrangement.

(b) Invitations to submit proposals for multiple year contracts shall be issued by the Division of State Lands, Bureau of Appraisal, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 110, Tallahassee, Florida 32399-3000. The Bureau of Appraisal shall be the sole point of contact.

(c) When the Bureau of Appraisal has received proposals and after the invitation closing date, the appraisers' proposals will be evaluated for the purpose of awarding future multi-year contracts according to the following criteria listed in order of importance and scored based on a point system maintained by the Bureau of Appraisal:

1. Quality of previous work, if any, performed as a result of appraisal assignments through the Division. This includes evaluating appraisals on the basis of documentation and reasoning; accuracy and clarity of the report; methodology, techniques and support; responsiveness to review questions; the appraiser's understanding of the nature and scope of the appraisal assignment. The maximum points for this quality of previous work category is 25.

2. Attainment of professional appraisal designations awarded by approved appraisal organizations. For a commercial designation 9 points are awarded and for a residential designation 4 points are awarded, for a possible total of 13 points.

3. Professional appraisal-related education or teaching experience. For each appraisal course or seminar credit hour attended or taught during the prior two years, one-tenth point is awarded up to a maximum of 12 points for 120 classroom hours.

4. Other pertinent factors and specialized requirements outlined in the request for proposal, such as the appraiser's quality assurance process and ability to prioritize Division assignments.

(d) Selection shall be made by an appraiser selection committee composed of the Director, the Chief Appraiser and the Chief of the Division's Bureau of Land Acquisition, or their designated representatives.

(e) The Chief Appraiser shall provide a summary and recommendation to the appraiser selection committee of the various proposals submitted.

(f) When selecting appraisers for multiple year contracts, the committee shall consider the various factors set forth in the request for proposal, the appraiser's submitted proposal and the standards and criteria of this rule.

(3) Specific Project Appraiser Bid Solicitation and Selection. When an agency proposing an acquisition has determined that appraisal services are required, the agency shall contact the Division's Bureau of Appraisal and request that such services be obtained. Through competitive bidding, multiple bids will be sought with the objective of obtaining the best possible services efficiently and at the most reasonable cost.

(a) Appraisers to be solicited for bids will be from those under multiple year contract or those on the approved appraiser list with competency in the area of specialization required by the proposed appraisal assignment. The solicitation will include selection criteria to be used in making the final selection of the appraiser to be awarded the appraisal services required.

(b) Appraisers will be required to comply with Section 259.041(7)(c) or 253.025(5)(b), F.S., and submit an affidavit substantiating that they have no vested or fiduciary interest in any property for which appraisal services will be awarded.

(4) For increased time and cost efficiency, for recurring needs for additional appraisal services in a specific project area or for a specific parcel, use of the same appraisers used for these previous services is allowed.

(5) Appraisal reviews are appraisal services that will be conducted for each assignment by qualified review appraisers in accordance with the USPAP competency requirements. Appraisal review reports shall be submitted to the Chief Appraiser or his designee for approval.

(a) For acquisition parcels with values greater than \$500,000 an appraisal review will be developed and reported according to the requirements of Standard 3 of the USPAP, the Supplemental Standards, this chapter, and the specific requirements of the assignment. For acquisition parcels with values of \$500,000 or less, a cursory review by the Bureau of Appraisal will be conducted for assurance that requirements of the assignment were met. For every 20th appraisal for conservation land acquisition with a value of \$500,000 or less, a Standard 3 review, as described above, will be developed and reported for quality assurance purposes.

(b) For all non-acquisition appraisal services such as for disposition, leases and easements, a review will be completed for assurance that the requirements of the assignment were met.

(6) Appraisers to be solicited for appraisal review assignments, as identified in paragraph (5)(a), above, will be from those on the approved appraiser list, under a

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multiple year contract and who possess competency for review work in accordance with the USPAP.

Rulemaking Authority 253.03, 259.041 FS. Law Implemented 259.041 FS. History—New 6-16-86, Amended 1-29-90, 10-30-91, 4-14-08, 6-15-10.

**18-1.008 Negotiations.**

(1) The Division, or the acquiring agency if any, may initiate acquisition negotiations upon receipt of the approved appraisal reports in accordance with Section 253.025(6) or 259.041(7), F.S. The Division may negotiate and enter into an option agreement for acquisition of conservation lands prior to or after the receipt and approval of appraisals, subject to the conditions established in Section 259.041(7)(f), F.S., and this chapter. All owner contact shall be documented in the appropriate acquisition file of the Division or acquiring agency. Initial contact with the landowner by the Division or acquiring agency may be established prior to negotiations, provided such contact is limited to the following:

(a) To inform the owner of the land acquisition program under which the project is being considered, and to request the owner's permission for the Division or the acquiring agency to inspect the property in order to determine its suitability for the purposes of the Division or the acquiring agency.

(b) To ascertain or confirm the owner's interest in conveying the property to the State.

(c) To explain in general terms that tax advantages for land donations and bargain sales to the State may exist, and to recommend the owner confer with his tax adviser about the possibility of such advantages.

(d) To request written permission from the owner to have his property appraised.

(e) To discuss the timing of possible future acquisitions, and the competition for funds under the various State acquisition programs.

(f) To discuss the matter of representation of the owner by an agent in any future negotiations, and the necessary confirmation by the owner of the agent's status.

(g) To request available title data.

(h) To advise of disclosure requirements.

(i) To request available property survey data.

(j) To discuss other information pertinent to the acquisition process in general.

(2) The objective of all purchase negotiations shall be to obtain the appropriate interest in land free of encumbrances, conditions, restrictions and reservations at the lowest possible price. In the course of negotiations the Division or the acquiring agency, if any, shall recommend that the owner confer with his tax adviser to discuss the advantages of a donation or bargain sale. When negotiating the purchase of properties that include wetlands where the seller will bear the cost of the survey, the Division or the acquiring agency shall apprise the seller of the benefits of obtaining a survey that identifies a water line for acreage calculations, as opposed to a mean high water or ordinary high water survey. In making an offer the Division or the acquiring agency shall consider the benefit to the owner of a single cash payment in relation to

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the maximum offer allowed by law. Under no circumstances will the final purchase price for non-conservation lands exceed the value established pursuant to Section 253.025(7)(e), F.S., and this chapter.

(3) Upon the initiation of negotiations the Division or the acquiring agency, as applicable, shall notify the landowner in writing that final purchase approval is subject to affirmative action by the Board. When the landowner is represented by an agent or broker, negotiations may not be initiated or continued with the agent until a written statement signed by the landowner verifying the agent's legal or fiduciary relationship with the owner has been received by the Division or the acquiring agency.

(4) All offers and counter-offers shall be in writing, and shall be confidential and exempt from the provisions of Section 119.07(1), F.S., under the conditions of Section 119.0711(2), 253.025(7)(d) or 259.041(8)(c), F.S.

(5) Purchase negotiations for the acquisition of any land from the Florida Forever Trust Fund, the Conservation and Recreational Lands Trust Fund or Land Acquisition Trust Fund shall be initiated within six months of approval by the Division of appraisals of property on the lists developed pursuant to Section 259.035, F.S. The Quarterly Report of the Department of Environmental Protection to the Board will contain a report on the status of all said acquisition projects. Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History – New 6-16-86, Amended 4-6-89, 1-29-90, 4-14-08.

#### **18-1.009 Purchase Instruments.**

(1) The final negotiated purchase shall be placed in the form of a written purchase instrument signed by the owner and, if applicable, the acquiring agency. Option agreements entered into prior to approval of the appraisals must be signed on behalf of the Board by the Secretary or the Director.

(2) When an acquiring agency is negotiating the acquisition and obtaining the owner's signature on a purchase instrument, the acquiring agency shall use a form of purchase instrument approved by the Director as meeting the intent of the law and this rule.

(3) Before the purchase instrument is submitted to the Board for approval, the provisions of Section 286.23, F.S., shall be complied with.

(4) A purchase instrument approved by the Board shall be binding on all parties.

Specific Authority 253.025(12), 259.041 FS. Law Implemented 253.025, 259.041 FS. History – New 6-16-86, Amended 4-14-08.

#### **18-1.010 Exchanges.**

(1) All exchanges of real property owned by the Board for other land shall be approved by the Board in the same manner as other acquisitions, and shall be placed in the form of a written exchange agreement reviewed and approved by the Division.

(2) Prior to the closing of any exchange the real property to be conveyed by the Board must comply with all applicable legal requirements pertaining to surplus real property owned by the Board. Acquisition of the land to be conveyed to the Board must be in accordance with Section 253.025 or 259.041, F.S., and this chapter.

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Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS.  
History – New 6-16-86, Amended 4-14-08.

**18-1.011 Board Action.**

(1) Within ten days after the execution by an owner of a purchase instrument for an acquiring agency, the acquiring agency will furnish the following to the Division:

(a) The original of the purchase instrument.  
(b) A copy of the owner's disclosure form under Section 286.23, F.S.  
(c) Evidence of the marketability of the title. The Division may agree to defer submittal and approval of the title commitment until after Board approval of the purchase instrument. In such case the acquiring agency shall provide the Division with a copy of the owner's deed to the property.

(d) The approved appraisal reports.

(e) A letter from the acquiring agency stating that the inventory of existing State-owned lands was examined and contains no suitable available land for the agency's use, or that the property proposed for purchase is within a project on the council or other land acquisition program lists.

(f) A written statement by the acquiring agency outlining the public purpose for which the acquisition is being made, citing statutory authority, or stating that the property proposed for purchase is within a project on the council or other land acquisition program lists.

(g) A written statement signed by the owner confirming the owner's relationship with his agent.

(h) A written confirmation by the acquiring agency of the source and availability of funding for the acquisition.

(i) A copy of the current certified survey or appraisal map, approved by the Division in accordance with this rule.

(2) No later than 10 days prior to the time the purchase is to be considered by the Board, the owner shall file the following with the Division:

(a) All disclosures required by subsections 375.031(1) and 380.08(2), F.S.

(b) A statement identifying any expenditures made in the categories set forth in paragraphs (2)(a), (b) or (c) of Rule 18-1.012, F.A.C.

(c) A statement providing a good faith estimate of any additional expenditures in the categories set forth in paragraphs (2)(a), (b) or (c) of Rule 18-1.012, F.A.C.

(3) The Division shall submit the proposed acquiring agency acquisition for consideration by the Board within 45 days after receipt from the acquiring agency by the Division of the materials required by subsections (1) and (2), above. The Division shall supply a copy of the proposed purchase instrument and all supporting documentation to the Board for its review.

(4) The Board must authorize prior to purchase, and pursuant to the provisions of Chapters 253 and 259, F.S., all acquisitions of land title to which will vest in the Board whether or not the acquisition is on behalf of an acquiring agency.

(5) Prior to or concurrent with approval of an acquisition of property, the Board shall designate an agency or agencies to manage the land to be purchased.

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Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS.  
History – New 6-16-86, Amended 1-29-90, 10-30-91, 4-14-08.

**18-1.012 Closing.**

(1) The Director shall have the authority to modify, at the request of the acquiring agency, the purchase instrument previously approved by the Board to extend the time for option exercise, closing date, submittal deadlines or any other time limit relating to such agreement, provided the total extension of time for closing does not exceed 180 calendar days after the date contemplated in the purchase instrument approved by the Board. The Director shall also have the authority to execute or modify all documents necessary for the implementation of Board action, including without limitation the option agreement, purchase agreement, exchange agreement, option exercise, leases, easements, legal descriptions, deeds, assignments, title policies and other miscellaneous agreements and affidavits, provided the modification does not change the substance nor the scope of Board approval, and provided the document executed or modified was either approved by the Board or contemplated by Board approval. Any changes in the purchase price to be paid to the seller not contemplated by the terms of the purchase instrument must be approved by the Board. An extension or modification may only be made under the terms of the purchase instrument, or with the seller's agreement.

(2) The Division or the acquiring agency, if any, shall obtain all disclosures of beneficial interest required in Section 286.23, F.S., before submitting a purchase instrument to the Board for approval. All other disclosures, including those required by Sections 375.031(1) and 380.08(2), F.S., shall be obtained prior to closing. Disclosures not required by statute may be waived by the Director in the case of acquisitions of property for a price of \$250,000 or less where the Director finds that the difficulty on the person providing such disclosures outweighs the value of the disclosed information to the Department or the acquiring agency. The following information shall also be included in the statement supplied by the owner prior to closing:

(a) The total amount of any finder's fee, real estate commission or other similar commission, including a statement as to whom those fees will ultimately be paid,

(b) The total amount of the attorney's fees paid to the owner's attorney, including a statement as to whom these fees will ultimately be paid,

(c) The amounts of other costs incidental to the sale, indicating to whom these sums have been or are to be paid.

(3) The Division shall be responsible for proper completion of the closing and proper recordation of all legal documents necessary to vest title in the Board.

(4) All original documents including recorded documents shall be forwarded to the Division within 30 days after receipt by the closing agent from the county clerk.

Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS.  
History – New 6-16-86, Amended 4-14-08.

**18-1.013 Donations.**

(1) The Board will consider accepting donations of land if the following conditions are met:

(a) The conveyance must be by no less than a special warranty deed, unless the conveyance is from the Federal Government, a county government, or another state agency or, if a gift or donation by quitclaim deed, the Board determines that accepting such quitclaim deed is in the best interest of the public.

(b) Evidence of marketable title must be supplied either by the landowner, the Division, or the acquiring or managing agency.

(c) The Division must verify that the State of Florida has no title or sovereignty interest in the land.

(d) A determination as to who will manage the land must be made by the Division.

(e) An acceptable survey must be submitted to and approved by the Division in accordance with this chapter. The acquiring or managing agency of the donated land may provide a current certified survey, in the event such survey is not provided from another source. The survey requirement shall be waived by the Board if the Board determines that the donated lands are in their natural unimproved condition and no improvements are contemplated, if the donated lands are completely surrounded by State-owned lands, if a survey cannot practically be completed, or where the cost of the survey would be prohibitive relative to the expected value of the parcel.

(2) Appraisal of donated lands and appurtenances shall not be required as a condition of receipt of such land by the State.

(3) Where less than fee simple title is to be donated, or to aid in clearing the title or otherwise resolving a boundary or title question in any acquisition, the Division may accept less than a special warranty deed, provided staff legal counsel recommends acceptance of such a conveyance.

Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS.

History – New 6-16-86, Amended 4-6-89, 1-29-90, 4-14-08.

#### **18-1.014 Multi-Party Acquisitions.**

(1) The Division may enter into an acquisition agreement with a water management district, a local government or a nonprofit organization as defined in Section 253.025(6)(d) or 259.041(7)(e), F.S., for any property that has been authorized for acquisition pursuant to Section 253.025 or 259.041, F.S.

(2) The Division and a cooperating agency must execute an acquisition agreement prior to the cooperating agency obtaining title to, or any other legal interest in, the property to be acquired.

(3) An acquisition agreement may provide for the sharing of appraisals, offers, and other negotiation matters, between the Division and cooperating agency; provided, however that agreement shall require the cooperating agency to follow Division procedures and this chapter when acquiring appraisals and to deliver to the Division all negotiation files after negotiations with the owner have terminated. As a condition of the sharing of confidential information, the cooperating agency must agree to maintain, on its behalf and on behalf of its employees and agents, the confidentiality of appraisals, offers, and other negotiation matters, as required by Section 253.025 or 259.041, F.S., whichever is applicable, and this chapter, and the cooperating agency must obtain the consent of the Division prior to disclosing the information to any other person.

Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS.  
History – New 1-29-90, Amended 1-2-91, 10-30-91, 4-14-08.