

August 2008



just the FACTs

This fact sheet is provided as a reference to encourage a greater understanding of the various issues related to managing water in South Florida.

SFWMD GOVERNING BOARD LEADERSHIP

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Everglades Land Acquisition Open Government and Public Involvement

On June 30, 2008, the South Florida Water Management District entered into a non-binding "Statement of Principles" with the United States Sugar Corporation regarding acquisition of the company's assets for the purpose of Everglades restoration. In accordance with the Statement of Principles, the State of Florida and the District are now negotiating a contract for this acquisition, one of the most significant opportunities to protect the River of Grass since the designation 60 years ago of Everglades National Park.

State Guidelines for Negotiating Acquisition of Public Land

- Florida law (Florida Statutes 373.139) allows the state's water management districts to treat certain documents as confidential and exempt from disclosure for the protection and/or benefit of the taxpayers.
 - This law exempts from disclosure all appraisals, offers and counteroffers related to land acquisition negotiations, a procedure the South Florida Water Management District has followed for many decades when purchasing land for public purpose.
 - Negotiations for the acquisition of property for public purpose are conducted with confidentiality to ensure the people of Florida receive the best investment for their tax dollars.
 - In line with this standard procedure, negotiations to develop a contract with U.S. Sugar Corporation and third parties are now being conducted by District staff.
- If negotiations are successful, a proposed land acquisition contract is taken to the District's nine-member Governing Board for public review, input and approval before any contract becomes final.
 - Records such as appraisals, offers and counteroffers are no longer exempt once a contract is ready for presentation to the Governing Board.
 - Upon contract presentation to the Governing Board, details and records (other than trade secret information as defined in Florida Statute 812.081) associated with an acquisition, including any appraisals, become available for public scrutiny.

Ensuring Public Involvement in the Everglades Acquisition

- The significance of this potential Everglades land purchase led the District to take additional public steps above and beyond its standard practice for land acquisitions.
- On June 24, Governor Charlie Crist announced a historic opportunity for consideration by the District. At a public ceremonial signing, Governing Board Vice Chair Shannon Estenoz accepted a document, called a "Statement of Principles," that would be brought to the District's Governing Board.
- The District made public the non-binding Statement of Principles, which described the process and benefits of the potential acquisition.
 - The Statement of Principles outlined the intent and necessary framework for negotiating a purchase. It was not legally binding.



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Everglades Land Acquisition: Open Government and Public Involvement

Ensuring Public Involvement (continued)

- The District posted the Statement of Principles – along with a fact sheet, questions and answers, video of the Governor’s announcement and other supporting materials on the proposed purchase – to the www.sfwmd.gov web site.
- At a special public meeting on June 30, the District’s Governing Board ratified the Statement of Principles and authorized staff to begin formal negotiations and carry out “due diligence,” which includes appraisals and environmental assessments.
 - Before ratifying the Statement of Principles, the Governing Board sought public input and comment on the action during its formal public proceedings.
 - No work on due diligence was initiated prior to Governing Board authorization on June 30.
- If negotiations are successful, District staff will present the Governing Board with a proposed contract detailing the terms and conditions.
 - The Governing Board will seek public input on the contract.
 - From that point on, information such as appraisals and environmental assessments, as completed, will be available for public scrutiny.
- Additionally, the District will hold public meetings to discuss and review the due diligence results before closing.
- If the purchase is finalized, the public and stakeholders will participate in a public process to develop restoration project plans for the land.
- At every stage of this significant Everglades restoration opportunity, the District remains committed to following state law to appropriately balance confidentiality guidelines with openness and public involvement.

Timeline

- June 24, 2008: Governor Crist announces Everglades land acquisition opportunity.
- June 30, 2008: SFWMD Governing Board authorizes staff to begin negotiations.
- July 9-10, 2008: Governing Board receives update on fiscal resources and proposed fiscal year 2009 budget. Confidential negotiations are ongoing.
- August 13-14, 2008: Governing Board receives updates on acquisition and related issues. Confidential negotiations are ongoing.
- September 2008: If negotiations are successful, staff presents to the Governing Board a proposed contract for their approval. Closing is subject to satisfactory results from “due diligence,” which includes appraisals, surveys and environmental assessments. In accordance with state law, documents other than trade secrets become available to the public. Public discussion on the contract begins.
- October 2008: Governing Board receives updates, including status of financing issues. Public discussion continues.
- November–December 2008: Governing Board is updated on due diligence matters. Contract is finalized and public discussion on the contract concludes.
- South Florida Water Management District Governing Board meetings are held the second Wednesday and Thursday of each month and are publicly noticed 7 days prior to the meeting.