

108TH CONGRESS  
1ST SESSION

# S. 116

To authorize the Secretary of Agriculture to sell or exchange certain land  
in the State of Florida, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2003

Mr. GRAHAM of Florida introduced the following bill; which was read twice  
and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To authorize the Secretary of Agriculture to sell or exchange  
certain land in the State of Florida, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Florida National For-  
5       est Land Management Act of 2003”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) SECRETARY.—The term “Secretary” means  
9       the Secretary of Agriculture.

1           (2) STATE.—The term “State” means the State  
2       of Florida.

3   **SEC. 3. SALE OR EXCHANGE OF LAND.**

4       (a) IN GENERAL.—The Secretary may, under such  
5   terms and conditions as the Secretary may prescribe, sell  
6   or exchange any right, title, and interest of the United  
7   States in and to the parcels of Federal land in the State  
8   described in subsection (b).

9       (b) DESCRIPTION OF LAND.—The parcels of Federal  
10   land in the State referred to in subsection (a) consist of—

11           (1) tract A-942a, East Bay, Santa Rosa Coun-  
12       ty, consisting of approximately 61 acres, and more  
13       particularly described as T. 1 S., R. 27 W., sec. 31,  
14       W<sup>1</sup>/<sub>2</sub> of SW<sup>1</sup>/<sub>4</sub>;

15           (2) tract A-942b, East Bay, Santa Rosa Coun-  
16       ty, consisting of approximately 40 acres, and more  
17       particularly described as T. 1 S., R. 27 W., sec. 38;

18           (3) tract A-942c, Ft. Walton, Okaloosa County,  
19       located southeast of the intersection of and adjacent  
20       to State Road 86 and Mooney Road, consisting of  
21       approximately 0.59 acres, and more particularly de-  
22       scribed as T. 1 S., R. 24 W., sec. 26;

23           (4) tract A-942d, located southeast of  
24       Crestview, Okaloosa County, consisting of approxi-  
25       mately 79.90 acres, and more particularly described

1 as T. 2 N., R. 23 W., sec. 2, NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> and  
 2 NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>;

3 (5) tract A-943, Okaloosa County Fairgrounds,  
 4 Ft. Walton, Okaloosa County, consisting of approxi-  
 5 mately 30.14 acres, and more particularly described  
 6 as T. 1 S., R. 24 W., sec. 26, S<sup>1</sup>/<sub>2</sub>;

7 (6) tract A-944, City Ball Park—Ft. Walton,  
 8 Okaloosa County, consisting of approximately 12.43  
 9 acres, and more particularly described as T. 1 S., R.  
 10 24 W., sec. 26, S<sup>1</sup>/<sub>2</sub>;

11 (7) tract A-945, Landfill-Golf Course Driving  
 12 Range, located southeast of Crestview, Okaloosa  
 13 County, consisting of approximately 40.85 acres,  
 14 and more particularly described as T. 2 N., R. 23  
 15 W., sec. 4, NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>;

16 (8) tract A-959, 2 vacant lots on the north side  
 17 of Micheaux Road in Bristol, Liberty County, con-  
 18 sisting of approximately 0.5 acres, and more particu-  
 19 larly described as T. 1 S., R. 7 W., sec. 6;

20 (9) tract C-3m-d, located southwest of Astor in  
 21 Lake County, consisting of approximately 15.0  
 22 acres, and more particularly described as T. 15 S.,  
 23 R. 28 E., sec. 37;

24 (10) tract C-691, Lake County, consisting of  
 25 the subsurface rights to approximately 40.76 acres

1 of land, and more particularly described as T. 17 S.,  
 2 R. 29 E., sec. 25, SE $\frac{1}{4}$  NW $\frac{1}{4}$ ;

3 (11) tract C-2208b, Lake County, consisting of  
 4 approximately 39.99 acres, and more particularly de-  
 5 scribed as T. 17 S., R. 28 E., sec. 28, NW $\frac{1}{4}$  SE $\frac{1}{4}$ ;

6 (12) tract C-2210, government lot 1, 20 rec-  
 7 reational residential lots, and adjacent land on Lake  
 8 Kerr, Marion County, consisting of approximately 30  
 9 acres, and more particularly described as T. 13 S.,  
 10 R. 25 E., sec. 22;

11 (13) tract C-2213, located in the F.M.  
 12 Arrendondo grant, East of Ocala, Marion County,  
 13 and including a portion of the land located east of  
 14 the western right-of-way of State Highway 19, con-  
 15 sisting of approximately 15.0 acres, and more par-  
 16 ticularly described as T. 14 and 15 S., R. 26 E., sec.  
 17 36, 38, and 40; and

18 (14) all improvements on the parcels described  
 19 in paragraphs (1) through (13).

20 (c) MODIFICATIONS TO LEGAL DESCRIPTIONS.—The  
 21 Secretary may, for the purposes of soliciting offers for the  
 22 sale or exchange of land under subsection (d), modify the  
 23 descriptions of land specified in subsection (b) based on—

24 (1) a survey; or

1           (2) a determination by the Secretary that the  
2       modification would be in the best interest of the  
3       public.

4       (d) SOLICITATIONS OF OFFERS.—

5           (1) IN GENERAL.—Subject to such terms and  
6       conditions as the Secretary may prescribe, the Sec-  
7       retary may solicit offers for the sale or exchange of  
8       land described in subsection (b).

9           (2) REJECTION OF OFFERS.—The Secretary  
10      may reject any offer received under this section if  
11      the Secretary determines that the offer—

12                 (A) is not adequate; or

13                 (B) is not in the public interest.

14      (e) METHODS OF SALE.—The Secretary may sell the  
15      land described in subsection (b) at public or private sale  
16      (including at auction), in accordance with any terms, con-  
17      ditions, and procedures that the Secretary determines to  
18      be appropriate.

19      (f) BROKERS.—In any sale or exchange of land de-  
20      scribed in subsection (b), the Secretary may—

21                 (1) use a real estate broker; and

22                 (2) pay the real estate broker a commission in  
23      an amount that is comparable to the amounts of  
24      commission generally paid for real estate trans-  
25      actions in the area.

1 (g) CONCURRENCE OF THE SECRETARY OF THE AIR  
 2 FORCE.—A parcel of land described in paragraphs (1)  
 3 through (7) of subsection (b) shall not be sold or ex-  
 4 changed by the Secretary without the concurrence of the  
 5 Secretary of the Air Force.

6 (h) CASH EQUALIZATION.—Notwithstanding section  
 7 206(b) of the Federal Land Policy and Management Act  
 8 of 1976 (43 U.S.C. 1716(b)), if the value of non-Federal  
 9 land for which Federal land is exchanged under this sec-  
 10 tion is less than the value of the Federal land exchanged,  
 11 the Secretary may accept a cash equalization payment in  
 12 excess of 25 percent of the value of the Federal land.

13 (i) DISPOSITION OF PROCEEDS.—

14 (1) IN GENERAL.—The net proceeds derived  
 15 from any sale or exchange under this Act shall be  
 16 deposited in the fund established by Public Law 90–  
 17 171 (commonly known as the “Sisk Act”) (16  
 18 U.S.C. 484a).

19 (2) USE.—Amounts deposited under paragraph  
 20 (1) shall be available to the Secretary for expendi-  
 21 ture, without further appropriation, for—

22 (A) acquisition of land and interests in  
 23 land for inclusion as units of the National For-  
 24 est System in the State; and

1 (B) reimbursement of costs incurred by the  
 2 Secretary in carrying out land sales and ex-  
 3 changes under this Act, including the payment  
 4 of real estate broker commissions under sub-  
 5 section (f).

6 **SEC. 4. ADMINISTRATION.**

7 (a) IN GENERAL.—Land acquired by the United  
 8 States under this Act shall be—

9 (1) subject to the Act of March 1, 1911 (com-  
 10 monly known as the “Weeks Act”) (16 U.S.C. 480  
 11 et seq.); and

12 (2) administered in accordance with laws (in-  
 13 cluding regulations) applicable to the National For-  
 14 est System.

15 (b) APPLICABLE LAW.—The land described in section  
 16 3(b) shall not be subject to the Federal Property and Ad-  
 17 ministrative Services Act of 1949 (40 U.S.C. 471 et seq.).

18 (c) WITHDRAWAL.—Subject to valid existing rights,  
 19 the land described in section 3(b) is withdrawn from loca-  
 20 tion, entry, and patent under the public land laws, mining  
 21 laws, and mineral leasing laws (including geothermal leas-  
 22 ing laws).

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