PROPERTY OWNER APPRAISALS...

The Rules, The Sad & The Ugly

Presented by
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The Rules

Department Policy

Statutes

Procedures
The Rules

- F.S. 73.015 (1) “...before an eminent domain proceeding is brought under this chapter or chapter 74, the condemning authority must attempt to negotiate in good faith with the fee owner of the parcel to be acquired, must provide the fee owner with a written offer and, if requested, a copy of the appraisal upon which the offer is based...”

- F.S. 73.015 (4)(c) “...Presuit costs must be presented, calculated, and awarded in the same manner as provided in s. 73.091...”
F.S. 73.091 (1) “... (1) The petitioner shall pay attorney’s fees as provided in s. 73.092 as well as all reasonable costs incurred in the defense of the proceedings in the circuit court, including, but not limited to, reasonable appraisal fees...”
Section 7.4 Fees and Costs – Subsection 7.4.1.1

The Department shall reimburse property owner's... reasonable attorney's fees and expert costs incurred as a result of the Department's acquisition of their property...
The Rules

HOLD ON!!! Would FDOT pay for MY appraisal even if they weren’t going to condemn it?
The Sad (Perceptions)

- Property Owners
- Uninformed Advisors
- Other Agencies
The Sad (Myths)

- Requirements of the Owner’s Appraiser
- Department Review of Owner’s Report
- Lack of Value of the Owner’s report during negotiations
The Ugly

- Consistently Applied on Projects
- Predictable Practice by District Offices
- Facilitates in the Acquisition Process
### Property Owners’ Appraisal Fees Paid as a Percentage of Total R/W Expenditures

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>FY07/08</td>
<td>0.96%</td>
</tr>
<tr>
<td>FY08/09</td>
<td>0.93%</td>
</tr>
<tr>
<td>FY09/10</td>
<td>0.60%</td>
</tr>
<tr>
<td>FY10/11</td>
<td>0.44%</td>
</tr>
<tr>
<td>FY11/12</td>
<td>0.47%</td>
</tr>
<tr>
<td>FY12/13</td>
<td>0.62%</td>
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</tbody>
</table>

*Each Fiscal Year Property Owner Appraisal Fees Counted for Less Than 1%.*
What Was Learned...

- Supported by Statutes, Procedures & Policy
- Owners Still Skeptical
- Impact not as Substantial as originally thought
The End