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LEGISLATIVE ACTION

Senate

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House

The Committee on Environmental Preservation and Conservation
(Flores) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 71 - 162

and insert:

(22) The board of trustees, by an affirmative vote of at least three members, may direct the department to purchase lands on an immediate basis using up to 15 percent of the funds allocated to the department pursuant to s. 259.105 for the acquisition of lands that:

(a) Are listed or placed at auction by the Federal



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11 Government as part of the Resolution Trust Corporation sale of
12 lands from failed savings and loan associations;

13 (b) Are listed or placed at auction by the Federal
14 Government as part of the Federal Deposit Insurance Corporation
15 sale of lands from failed banks; ~~or~~

16 (c) Will be developed or otherwise lost to potential public
17 ownership, or for which federal matching funds will be lost, by
18 the time the land can be purchased under the program within
19 which the land is listed for acquisition; or

20 (d) Will prevent or satisfy private property rights claims
21 resulting from limitations imposed by the designation of an area
22 of critical state concern pursuant to chapter 380.

23
24 ~~For such acquisitions, the board of trustees may waive or modify~~
25 ~~all procedures required for land acquisition pursuant to this~~
26 ~~chapter and all competitive bid procedures required pursuant to~~
27 ~~chapters 255 and 287. Lands acquired pursuant to this subsection~~
28 ~~must, at the time of purchase, be on one of the acquisition~~
29 ~~lists established pursuant to chapter 259, or be essential for~~
30 ~~water resource development, protection, or restoration, or a~~
31 ~~significant portion of the lands must contain natural~~
32 ~~communities or plant or animal species that are listed by the~~
33 ~~Florida Natural Areas Inventory as critically imperiled,~~
34 ~~imperiled, or rare, or as excellent quality occurrences of~~
35 ~~natural communities.~~

36 (23) The board of trustees, by an affirmative vote of at
37 least three members, may direct the department to purchase lands
38 on an immediate basis that will prevent or satisfy private
39 property rights claims resulting from limitations imposed by the



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40 designation of an area of critical state concern pursuant to
41 chapter 380.

42 (24) For acquisitions directed pursuant to subsection (22)
43 or subsection (23):

44 (a) The board of trustees may waive or modify all
45 procedures required for land acquisition pursuant to this
46 chapter and all competitive bid procedures required pursuant to
47 chapters 255 and 287; and

48 (b) If a parcel is estimated to be worth \$500,000 or less
49 and the director of the Division of State Lands finds that the
50 cost of an outside appraisal is not justified, a comparable
51 sales analysis, an appraisal prepared by the division, or other
52 reasonably prudent procedure may be used by the division to
53 estimate the value of the land, provided the public interest is
54 reasonably protected.

55 (25)-(23) Title to lands to be held jointly by the board of
56 trustees and a water management district and acquired pursuant
57 to s. 373.139 may be deemed to meet the standards necessary for
58 ownership by the board of trustees, notwithstanding this section
59 or related rules.

60 Section 2. Paragraph (c) of subsection (2) of section
61 288.980, Florida Statutes, is amended to read:

62 288.980 Military base retention; legislative intent; grants
63 program.—

64 (2)

65 (c) As used in this subsection, the term "nonconservation
66 lands" means lands acquired for uses other than conservation,
67 outdoor resource-based recreation, or archaeological or historic
68 preservation not subject to acquisition by the Florida Forever



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69 ~~Program.~~

70 Section 3. Subsection (3) of section 380.0666, Florida
71 Statutes, is amended to read:

72 380.0666 Powers of land authority.—The land authority shall
73 have all the powers necessary or convenient to carry out and
74 effectuate the purposes and provisions of this act, including
75 the following powers, which are in addition to all other powers
76 granted by other provisions of this act:

77 (3) To acquire and dispose of real and personal property or
78 any interest therein when such acquisition is necessary or
79 appropriate to protect the natural environment, provide public
80 access or public recreational facilities, preserve wildlife
81 habitat areas, provide affordable housing to families whose
82 income does not exceed 160 percent of the median family income
83 for the area, prevent or satisfy private property rights claims
84 resulting from limitations imposed by the designation of an area
85 of critical state concern, or provide access to management of
86 acquired lands; to acquire interests in land by means of land
87 exchanges; to contribute tourist impact tax revenues received
88 pursuant to s. 125.0108 to the county in which it is located and
89 its most populous municipality or the housing authority of such
90 county or municipality, at the request of the county commission
91 or the commission or council of such municipality, for the
92 construction, redevelopment, or preservation of affordable
93 housing in an area of critical state concern within such
94 municipality or any other area of the county; to contribute
95 funds to the Department of Environmental Protection for the
96 purchase of lands by the department; and to enter into all
97 alternatives to the acquisition of fee interests in land,



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98 including, but not limited to, the acquisition of easements,
99 development rights, life estates, leases, and leaseback
100 arrangements. However, the land authority shall make an
101 acquisition or contribution only if:

102 (a) Such acquisition or contribution is consistent with
103 land development regulations and local comprehensive plans
104 adopted and approved pursuant to this chapter;

105 (b) The property acquired is within an area designated as
106 an area of critical state concern at the time of acquisition or
107 is within an area that was designated as an area of critical
108 state concern for at least 20 consecutive years before ~~prior to~~
109 removal of the designation;

110 (c) The property to be acquired has not been selected for
111 purchase through another local, regional, state, or federal
112 public land acquisition program. Such restriction does ~~shall~~ not
113 apply if the land authority cooperates with the other public
114 land acquisition programs which listed the lands for
115 acquisition, to coordinate the acquisition and disposition of
116 such lands. In such cases, the land authority may enter into
117 contractual or other agreements to acquire lands jointly or for
118 eventual resale to other public land acquisition programs; and

119 (d) The acquisition or contribution is not used to improve
120 public transportation facilities or otherwise increase road
121 capacity to reduce hurricane evacuation clearance times.

122 (e) Land authority funds may be used to pay costs related
123 to the development and construction of affordable housing
124 projects, including but not limited to, site improvements; site
125 amenities; site infrastructure, such as roads, water,
126 wastewater, and utilities; any fees associated with gaining



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127 development approval, including but not limited to building
128 permit and impact fees, and utility fees; easements; energy
129 efficiency and sustainable design features; environmental
130 mitigation; any related land acquisition, land improvement,
131 design, and engineering costs; and all other professional and
132 related costs required to bring an affordable housing project
133 into service.

134
135 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

136 And the directory clause is amended as follows:

137 Delete lines 28 - 29

138 and insert:

139 Section 1. Present subsection (23) of section 253.025,
140 Florida Statutes, is redesignated as subsection (25),
141 subsections (21) and (22) of that section are amended, and a new
142 subsection (23) and subsection (24) are added to that section,
143 to read:

144
145 ===== T I T L E A M E N D M E N T =====

146 And the title is amended as follows:

147 Delete lines 18 - 24

148 and insert:

149 within areas of critical state concern; authorizing
150 the Board of Trustees of the Internal Improvement
151 Trust Fund to direct the department to purchase lands
152 on an immediate basis to satisfy private property
153 rights claims resulting from certain limitations;
154 authorizing the board to waive certain procedures;
155 providing procedures for estimating the value of lands



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156 under a certain value under certain conditions;
157 amending s. 288.980, F.S.; redefining the term
158 "nonconservation lands"; amending s. 380.0666, F.S.;
159 authorizing land authorities to contribute tourist
160 impact tax revenues to certain counties for the
161 construction, redevelopment, and preservation of
162 certain affordable housing; authorizing land authority
163 funds to be used to pay costs related to the
164 development and construction of affordable housing
165 projects; providing an effective date.