

**By** the Committee on Environmental Preservation and Conservation;  
and Senator Flores

592-02879A-18

20181622c1

1                                   A bill to be entitled  
2           An act relating to lands used for governmental  
3           purposes; amending s. 253.025, F.S.; specifying the  
4           authority of the Division of State Lands within the  
5           Department of Environmental Protection to acquire  
6           lands from an annual list provided by the Department  
7           of Economic Opportunity and the Florida Defense  
8           Support Task Force for the purpose of buffering  
9           military installations against encroachment; providing  
10          requirements for the annual list; providing conditions  
11          under which specified appraisal standards are required  
12          for such lands; authorizing such lands to be leased or  
13          conveyed for less than appraised value to military  
14          installations; providing requirements for such leasing  
15          and conveyance; authorizing the use of certain funding  
16          sources for the immediate acquisition of lands that  
17          prevent or satisfy private property rights claims  
18          within areas of critical state concern; authorizing  
19          the Board of Trustees of the Internal Improvement  
20          Trust Fund to direct the department to purchase lands  
21          on an immediate basis to satisfy private property  
22          rights claims resulting from certain limitations;  
23          authorizing the board to waive certain procedures;  
24          providing procedures for estimating the value of lands  
25          under a certain value under certain conditions;  
26          amending s. 288.980, F.S.; redefining the term  
27          "nonconservation lands"; amending s. 380.0666, F.S.;  
28          authorizing land authorities to contribute tourist  
29          impact tax revenues to certain counties for the

592-02879A-18

20181622c1

30 construction, redevelopment, and preservation of  
31 certain affordable housing; authorizing land authority  
32 funds to be used to pay costs related to the  
33 development and construction of affordable housing  
34 projects; providing an effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Present subsection (23) of section 253.025,  
39 Florida Statutes, is redesignated as subsection (25),  
40 subsections (21) and (22) of that section are amended, and a new  
41 subsection (23) and subsection (24) are added to that section,  
42 to read:

43 253.025 Acquisition of state lands.—

44 (21) (a) The board of trustees, through its agent, the  
45 Division of State Lands within the Department of Environmental  
46 Protection, may acquire, pursuant to s. 288.980(2)(b),  
47 nonconservation lands from the annual list submitted by the  
48 Department of Economic Opportunity for the purpose of buffering  
49 a military installation against encroachment.

50 (b) The Department of Economic Opportunity shall annually  
51 by October 1 request military installations in the state to  
52 provide the department with a list of base buffering  
53 encroachment lands for fee simple or less-than-fee simple  
54 acquisitions.

55 (c) The Florida Defense Support Task Force shall analyze  
56 the list of base buffering encroachment lands submitted by the  
57 military installations and provide its recommendations for  
58 ranking the lands to the Department of Economic Opportunity.

592-02879A-18

20181622c1

59       (d) The Department of Economic Opportunity shall submit the  
60 final list of base buffering encroachment lands to the Division  
61 of State Lands, which may acquire the lands pursuant to this  
62 section. At a minimum, the annual list must contain for each  
63 land:

64           1. A legal description of the land and its property  
65 identification number;

66           2. A detailed map of the land; and

67           3. A management and monitoring agreement to ensure the land  
68 serves a base buffering purpose.

69       (e) If federal partnership funds are available before the  
70 land is acquired, Yellow Book appraisal standards must be  
71 applied and the appraised value must be disclosed to the seller.

72       (f) As authorized by the Division of State Lands on behalf  
73 of the board of trustees, and in agreement with the benefiting  
74 military installation, the land may be leased or conveyed at  
75 less than appraised value to the installation after its  
76 acquisition in accordance with the installation's procedures and  
77 the laws of this state. The management and monitoring of the  
78 land must be provided by the installation or another  
79 governmental entity.

80       (g) A conveyance at less than appraised value must state  
81 that the land will revert to the board of trustees if the land  
82 is not used for its intended purposes as a military installation  
83 buffer or if the military installation closes.

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

592-02879A-18

20181622c1

88 acquisition of lands that:

89 (a) Are listed or placed at auction by the Federal  
90 Government as part of the Resolution Trust Corporation sale of  
91 lands from failed savings and loan associations;

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

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

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

102

103 ~~For such acquisitions, the board of trustees may waive or modify~~  
104 ~~all procedures required for land acquisition pursuant to this~~  
105 ~~chapter and all competitive bid procedures required pursuant to~~  
106 ~~chapters 255 and 287.~~ Lands acquired pursuant to this subsection  
107 must, at the time of purchase, be on one of the acquisition  
108 lists established pursuant to chapter 259, or be essential for  
109 water resource development, protection, or restoration, or a  
110 significant portion of the lands must contain natural  
111 communities or plant or animal species that are listed by the  
112 Florida Natural Areas Inventory as critically imperiled,  
113 imperiled, or rare, or as excellent quality occurrences of  
114 natural communities.

115 (23) The board of trustees, by an affirmative vote of at  
116 least three members, may direct the department to purchase lands

592-02879A-18

20181622c1

117 on an immediate basis that will prevent or satisfy private  
118 property rights claims resulting from limitations imposed by the  
119 designation of an area of critical state concern pursuant to  
120 chapter 380.

121 (24) For acquisitions directed pursuant to subsection (22)  
122 or subsection (23):

123 (a) The board of trustees may waive or modify all  
124 procedures required for land acquisition pursuant to this  
125 chapter and all competitive bid procedures required pursuant to  
126 chapters 255 and 287; and

127 (b) If a parcel is estimated to be worth \$500,000 or less  
128 and the director of the Division of State Lands finds that the  
129 cost of an outside appraisal is not justified, a comparable  
130 sales analysis, an appraisal prepared by the division, or other  
131 reasonably prudent procedure may be used by the division to  
132 estimate the value of the land, provided the public interest is  
133 reasonably protected.

134 Section 2. Paragraph (c) of subsection (2) of section  
135 288.980, Florida Statutes, is amended to read:

136 288.980 Military base retention; legislative intent; grants  
137 program.—

138 (2)

139 (c) As used in this subsection, the term "nonconservation  
140 lands" means lands acquired for uses other than conservation,  
141 outdoor resource-based recreation, or archaeological or historic  
142 preservation ~~not subject to acquisition by the Florida Forever~~  
143 ~~Program.~~

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

592-02879A-18

20181622c1

146 380.0666 Powers of land authority.—The land authority shall  
147 have all the powers necessary or convenient to carry out and  
148 effectuate the purposes and provisions of this act, including  
149 the following powers, which are in addition to all other powers  
150 granted by other provisions of this act:

151 (3) To acquire and dispose of real and personal property or  
152 any interest therein when such acquisition is necessary or  
153 appropriate to protect the natural environment, provide public  
154 access or public recreational facilities, preserve wildlife  
155 habitat areas, provide affordable housing to families whose  
156 income does not exceed 160 percent of the median family income  
157 for the area, prevent or satisfy private property rights claims  
158 resulting from limitations imposed by the designation of an area  
159 of critical state concern, or provide access to management of  
160 acquired lands; to acquire interests in land by means of land  
161 exchanges; to contribute tourist impact tax revenues received  
162 pursuant to s. 125.0108 to the county in which it is located and  
163 its most populous municipality or the housing authority of such  
164 county or municipality, at the request of the county commission  
165 or the commission or council of such municipality, for the  
166 construction, redevelopment, or preservation of affordable  
167 housing in an area of critical state concern within such  
168 municipality or any other area of the county; to contribute  
169 funds to the Department of Environmental Protection for the  
170 purchase of lands by the department; and to enter into all  
171 alternatives to the acquisition of fee interests in land,  
172 including, but not limited to, the acquisition of easements,  
173 development rights, life estates, leases, and leaseback  
174 arrangements. However, the land authority shall make an

592-02879A-18

20181622c1

175 acquisition or contribution only if:

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

179 (b) The property acquired is within an area designated as  
180 an area of critical state concern at the time of acquisition or  
181 is within an area that was designated as an area of critical  
182 state concern for at least 20 consecutive years before ~~prior to~~  
183 removal of the designation;

184 (c) The property to be acquired has not been selected for  
185 purchase through another local, regional, state, or federal  
186 public land acquisition program. Such restriction does ~~shall~~ not  
187 apply if the land authority cooperates with the other public  
188 land acquisition programs which listed the lands for  
189 acquisition, to coordinate the acquisition and disposition of  
190 such lands. In such cases, the land authority may enter into  
191 contractual or other agreements to acquire lands jointly or for  
192 eventual resale to other public land acquisition programs; and

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

196

197 Land authority funds may be used to pay costs related to the  
198 development and construction of affordable housing projects,  
199 including but not limited to, site improvements; site amenities;  
200 site infrastructure, such as roads, water, wastewater, and  
201 utilities; any fees associated with gaining development  
202 approval, including but not limited to building permit and  
203 impact fees, and utility fees; easements; energy efficiency and

592-02879A-18

20181622c1

204 sustainable design features; environmental mitigation; any  
205 related land acquisition, land improvement, design, and  
206 engineering costs; and all other professional and related costs  
207 required to bring an affordable housing project into service.

208 Section 4. This act shall take effect upon becoming a law.