

By Senator Geller

31-2095-03

See HB 1557

1                                   A bill to be entitled  
2           An act relating to Broward County; providing  
3           for the disposition to general purpose local  
4           government of certain lands and interest in  
5           lands owned or controlled by the State of  
6           Florida and which are located in Section 16,  
7           Township 51 South, Range 41 East, and Section  
8           21, Township 51 South, Range 41 East, in  
9           Broward County; providing for severability;  
10          providing for effect of conflict; providing an  
11          effective date.

12  
13           WHEREAS, the Board of Trustees of the Internal  
14          Improvement Trust Fund ("Trustees"), by virtue of section  
15          253.03, Florida Statutes, as amended, owns and holds title to  
16          certain lands and property being utilized by the State of  
17          Florida for public purposes, said lands being located in  
18          Section 16, Township 51 South, Range 41 East, and in Section  
19          21, Township 51 South, Range 41 East, in Pembroke Pines,  
20          Broward County ("Property"), and

21           WHEREAS, the Trustees, pursuant to section 253.03,  
22          Florida Statutes, entered into a 99-year lease agreement with  
23          the Department of Health and Rehabilitative Services, now  
24          known as the Department of Children and Family Services, being  
25          Lease Number 2628, dated January 4, 1973 ("Lease"), for the  
26          use, benefit, and possession of the Property for the benefit  
27          of the State, and

28           WHEREAS, approximately 160 acres of the Property  
29          ("Sublease Property"), known as the Howard C. Forman Resource  
30          Campus, is subleased for public purposes to the City of  
31          Pembroke Pines, a municipal corporation of the State of

1 Florida ("City"), through a 50-year Sublease with the  
2 Department of Children and Family Services, said Sublease  
3 dated March 15, 2001, and known as Sublease Number 2628-14  
4 ("Sublease"), and

5 WHEREAS, in entering into the Sublease, the City  
6 relieved the State of significant fiscal responsibility by  
7 assuming the maintenance and operation of the existing  
8 buildings, including the removal of asbestos, and by  
9 addressing other environmental issues with certain portions of  
10 the Sublease Property, and

11 WHEREAS, the Sublease requires the City to manage the  
12 Sublease Property only for the establishment and operation of  
13 a Health Care Park and other related, appurtenant, and allied  
14 purposes, and the City has been doing so at its expense since  
15 the term of the Sublease began, and

16 WHEREAS, the City has since successfully sub-subleased  
17 portions of the Sublease Property to qualified health care and  
18 social services providers and is negotiating with other  
19 entities desiring to sub-sublease portions of the Sublease  
20 Property for health care and other related purposes, and

21 WHEREAS, the City desires to further relieve the State  
22 of the responsibility of owning the Property, including the  
23 Sublease Property, and requests that the Property be conveyed  
24 to the City of Pembroke Pines, which will manage and operate  
25 the Property for health care and other related public  
26 purposes, and

27 WHEREAS, section 253.03, Florida Statutes, provides for  
28 the disposition of surplus real property owned by the State,  
29 and

30 WHEREAS, the City requests that the Florida Legislature  
31 authorize the conveyance of the Property directly to the City,

1 | bypassing the procedures provided in section 253.03, Florida  
2 | Statutes, thereby allowing the City of Pembroke Pines to  
3 | develop the Property for public and municipal purposes  
4 | consistent with the present use restrictions on the Property,  
5 | including affordable quality housing for seniors, health care  
6 | and allied services, and related uses benefiting the public,  
7 | and

8 |         WHEREAS, the City of Pembroke Pines has regularly  
9 | demonstrated its ability to manage and operate properties of a  
10 | similar nature, in that a successful Charter School System is  
11 | operated within the City, consisting of a Charter High School,  
12 | two Charter Middle Schools, and three Charter Elementary  
13 | Schools, as well as, in partnership with Florida State  
14 | University, a recently approved Charter Lab School; and the  
15 | City has further contributed to education by voluntarily  
16 | providing public funding and enacting multiple special  
17 | assessments to ensure the construction in the City, under an  
18 | expedited schedule, of public schools operated by the School  
19 | Board of Broward County, and

20 |         WHEREAS, the City of Pembroke Pines is directly  
21 | involved with and has been instrumental in the development of  
22 | the Academic Village on 75-plus acres of property located  
23 | within the City, which Village consists of the Florida  
24 | International University campus and building, the Charter High  
25 | School, the Southwest Regional Library, and the BCC Campus  
26 | Building, and the City is the only municipal operator of a  
27 | Senior Housing Facility/Recreation Center in the State, and  
28 | general obligation bonds were approved and validated to  
29 | financially support said facility, and

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1           WHEREAS, the direct conveyance of the Property to the  
2 City will effectively cancel and legally merge the Lease and  
3 the Sublease, and

4           WHEREAS, by removing from the State the fiscal and  
5 administrative responsibilities for maintaining and operating  
6 the Property, the direct conveyance of the Property to the  
7 City, an entity that has exhibited the ability and expertise  
8 to develop, manage, and operate the proprietary and  
9 nonproprietary use of government property for municipal and  
10 public purposes, will be of substantial benefit to the  
11 residents of Florida, as well as to those of Pembroke Pines  
12 and Broward County, NOW, THEREFORE,

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14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. This act may be referred to by the popular  
17 name "Special Act for the Conveyance of State Property to the  
18 City of Pembroke Pines."

19           Section 2. Notwithstanding the provisions of section  
20 253.03, Florida Statutes, to the contrary, the following  
21 property is directly conveyed to the City of Pembroke Pines, a  
22 municipal corporation in Broward County:

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24           That Real Property described as Section 16,  
25           Township 51 South, Range 41 East, and Section  
26           21, Township 51 South, Range 41 East, in  
27           Broward County, Florida.

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29           Said Property is restricted solely to health care, social  
30 services, and educational uses and to those allied uses deemed  
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1 by the City of Pembroke Pines to be in the best interest of  
2 the public.

3 Section 3. It is found and determined that the notice  
4 of intention to apply for this legislation was given in the  
5 time, form, and manner required by the State Constitution and  
6 the laws of Florida, and said notice is found to be sufficient  
7 and is hereby validated and approved.

8 Section 4. The provisions of this act are severable,  
9 and it is the intention to confer the whole or any part of the  
10 powers provided for herein, and if any of the provisions of  
11 this act or any of the powers granted by this act shall be  
12 held unconstitutional by any court of competent jurisdiction,  
13 the decision of such court shall not affect or impair any of  
14 the remaining provisions of this act or any of the remaining  
15 powers granted by this act, and it is intended that this act  
16 shall be construed and applied as if such unconstitutional  
17 provision or power not been included therein.

18 Section 5. In the event of a conflict of the  
19 provisions of this act with the provisions of any other act,  
20 the provisions of this act shall control to the extent of such  
21 conflict. Except as specifically provided herein, the  
22 provisions of this act shall control over the provisions of  
23 any other special or general law.

24 Section 6. This act shall take effect upon becoming a  
25 law.

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