

By Senator Gaetz

4-03424-08

20082562__

1 A bill to be entitled
2 An act relating to surplus lands available for affordable
3 housing; transferring, renumbering, and amending ss.
4 125.379 and 166.0451, F.S.; providing that a county or
5 municipality that fails to complete and update the
6 inventory of all real property held by the county or
7 municipality which is appropriate for affordable housing
8 is ineligible to receive any state funding for affordable
9 housing; providing that determining when the inventory is
10 updated or complete is a ministerial act; amending s.
11 253.034, F.S.; requiring that a manager of conservation
12 lands report to the Board of Trustees of the Internal
13 Improvement Trust Fund at least every 5 years those lands
14 that are not being used for the purpose for which they
15 were originally leased; requiring that the Division of
16 State Lands annually submit to the President of the Senate
17 and the Speaker of the House of Representatives a copy of
18 the state inventory that identifies all nonconservation
19 lands; requiring the division to publish a copy of the
20 annual inventory on its website and notify by electronic
21 mail the executive head of the governing body of each
22 local government having lands in the inventory within its
23 jurisdiction; creating s. 1011.775, F.S.; requiring that
24 every 3 years each district school board prepare an
25 inventory list of all real property within its
26 jurisdiction which is not included in the 5-year district
27 facilities work plan; requiring the district school board
28 to adopt a resolution that includes the inventory list;
29 providing acceptable uses for properties identified as

4-03424-08

20082562__

30 appropriate for use as affordable housing on the inventory
31 list; providing that a district school board that fails to
32 complete an inventory list is ineligible to receive
33 funding under the Merit Award Program; amending s.
34 1012.225, F.S.; requiring each district school board to
35 certify to the Commissioner of Education its completion of
36 a list of surplus real property; providing that the
37 determination of completion of a district school board
38 inventory by the Commissioner of Education is a
39 ministerial act; providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Section 125.379, Florida Statutes, is
44 transferred, renumbered as section 163.32431, Florida Statutes,
45 and amended to read:

46 163.32431 ~~125.379~~ Disposition of county property for
47 affordable housing.--

48 (1) By July 1, 2007, and every 3 years thereafter, each
49 county shall prepare an inventory list of all real property
50 within its jurisdiction to which the county holds fee simple
51 title that is appropriate for use as affordable housing. The
52 inventory list must include the address and legal description of
53 each such real property and specify whether the property is
54 vacant or improved. The governing body of the county must review
55 the inventory list at a public hearing and may revise it at the
56 conclusion of the public hearing. The governing body of the
57 county shall adopt a resolution that includes an inventory list
58 of such property following the public hearing.

4-03424-08

20082562__

59 (2) The properties identified as appropriate for use as
60 affordable housing on the inventory list adopted by the county
61 may be offered for sale and the proceeds used to purchase land
62 for the development of affordable housing or to increase the
63 local government fund earmarked for affordable housing, or may be
64 sold with a restriction that requires the development of the
65 property as permanent affordable housing, or may be donated to a
66 nonprofit housing organization for the construction of permanent
67 affordable housing. Alternatively, the county may otherwise make
68 the property available for use for the production and
69 preservation of permanent affordable housing. For purposes of
70 this section, the term "affordable" has the same meaning as in s.
71 420.0004(3).

72 (3) A county that fails to complete and update the
73 inventory in accordance with the provisions of this section is
74 ineligible to receive any state funding for affordable housing
75 until the inventory or update is completed. The determination by
76 an agency or entity that the inventory or update has been
77 completed in order to release state funds for affordable housing
78 is a ministerial act.

79 Section 2. Section 166.0451, Florida Statutes, is
80 transferred, renumbered as section 163.32432, Florida Statutes,
81 and amended to read:

82 163.32432 ~~166.0451~~ Disposition of municipal property for
83 affordable housing.--

84 (1) By July 1, 2007, and every 3 years thereafter, each
85 municipality shall prepare an inventory list of all real property
86 within its jurisdiction to which the municipality holds fee
87 simple title that is appropriate for use as affordable housing.

4-03424-08

20082562__

88 The inventory list must include the address and legal description
89 of each such property and specify whether the property is vacant
90 or improved. The governing body of the municipality must review
91 the inventory list at a public hearing and may revise it at the
92 conclusion of the public hearing. Following the public hearing,
93 the governing body of the municipality shall adopt a resolution
94 that includes an inventory list of such property.

95 (2) The properties identified as appropriate for use as
96 affordable housing on the inventory list adopted by the
97 municipality may be offered for sale and the proceeds may be used
98 to purchase land for the development of affordable housing or to
99 increase the local government fund earmarked for affordable
100 housing, or may be sold with a restriction that requires the
101 development of the property as permanent affordable housing, or
102 may be donated to a nonprofit housing organization for the
103 construction of permanent affordable housing. Alternatively, the
104 municipality may otherwise make the property available for use
105 for the production and preservation of permanent affordable
106 housing. For purposes of this section, the term "affordable" has
107 the same meaning as in s. 420.0004(3).

108 (3) A municipality that fails to complete and update the
109 inventory in accordance with the provisions of this section is
110 ineligible to receive any state funding for affordable housing
111 until the inventory or update is completed. The determination by
112 an agency or entity that the inventory or update has been
113 completed in order to release state funds for affordable housing
114 is a ministerial act.

4-03424-08

20082562__

115 Section 3. Paragraph (c) of subsection (6) of section
116 253.034, Florida Statutes, is amended, and paragraph (d) is added
117 to subsection (8) of that section, to read:

118 253.034 State-owned lands; uses.--

119 (6) The Board of Trustees of the Internal Improvement Trust
120 Fund shall determine which lands, the title to which is vested in
121 the board, may be surplused. For conservation lands, the board
122 shall make a determination that the lands are no longer needed
123 for conservation purposes and may dispose of them by an
124 affirmative vote of at least three members. In the case of a land
125 exchange involving the disposition of conservation lands, the
126 board must determine by an affirmative vote of at least three
127 members that the exchange will result in a net positive
128 conservation benefit. For all other lands, the board shall make a
129 determination that the lands are no longer needed and may dispose
130 of them by an affirmative vote of at least three members.

131 (c) At least every 5 ~~10~~ years, as a component of each land
132 management plan or land use plan and in a form and manner
133 prescribed by rule by the board, each manager shall evaluate and
134 indicate to the board those lands that are not being used for the
135 purpose for which they were originally leased. For conservation
136 lands, the council shall review and shall recommend to the board
137 whether such lands should be retained in public ownership or
138 disposed of by the board. For nonconservation lands, the division
139 shall review such lands and shall recommend to the board whether
140 such lands should be retained in public ownership or disposed of
141 by the board.

142 (8)

4-03424-08

20082562__

143 (d) Beginning December 1, 2008, the Division of State Lands
144 shall annually submit to the President of the Senate and the
145 Speaker of the House of Representatives a copy of the state
146 inventory that identifies all nonconservation lands, including
147 lands that meet the surplus requirements of subsection (6) and
148 lands purchased by the state, a state agency, or a water
149 management district which are not essential or necessary for
150 conservation purposes. The division shall also publish a copy of
151 the annual inventory on its website and notify by electronic mail
152 the executive head of the governing body of each local government
153 that has lands in the inventory within its jurisdiction.

154 Section 4. Section 1011.775, Florida Statutes, is created
155 to read:

156 1011.775 Disposition of district school board property for
157 affordable housing.--

158 (1) By July 1, 2009, and every 3 years thereafter, each
159 district school board shall prepare an inventory list of all real
160 property within its jurisdiction to which the district holds fee
161 simple title and which is not included in the 5-year district
162 facilities work plan. The inventory list must include the address
163 and legal description of each such property and specify whether
164 the property is vacant or improved. The district school board
165 must review the inventory list at a public meeting and determine
166 if any property is surplus property and appropriate for
167 affordable housing. For real property that is not included in the
168 5-year district facilities work plan and that is not determined
169 appropriate to be surplus property appropriate for affordable
170 housing, the board shall state in the inventory list the public
171 purpose for which the board intends to use the property. The

4-03424-08

20082562__

172 board may revise the list at the conclusion of the public
173 meeting. Following the public meeting, the district school board
174 shall adopt a resolution that includes the inventory list.

175 (2) Notwithstanding the provisions of ss. 1013.28 and
176 1002.33(18) (e), the properties identified as appropriate for use
177 as affordable housing on the inventory list adopted by the
178 district school board may be offered for sale and the proceeds
179 may be used to purchase land for the development of affordable
180 housing or to increase the local government fund earmarked for
181 affordable housing, may be sold with a restriction that requires
182 the development of the property as permanent affordable housing,
183 or may be donated to a nonprofit housing organization for the
184 construction of permanent affordable housing. Alternatively, the
185 district school board may otherwise make the property available
186 for use for the production and preservation of permanent
187 affordable housing. For purposes of this section, the term
188 "affordable" has the same meaning as in s. 420.0004.

189 (3) A district school board that fails to complete an
190 inventory list in accordance with the provisions of this section
191 is ineligible to receive funding under the Merit Award Program
192 pursuant to s. 1012.225(5) (e) until completion of the inventory.

193 Section 5. Subsection (5) of section 1012.225, Florida
194 Statutes, to read:

195 1012.225 Merit Award Program for Instructional Personnel
196 and School-Based Administrators.--

197 (5) REVIEW OF PERFORMANCE-BASED PAY PLANS; COMPLETION OF
198 INVENTORY LIST.--

199 (a) Each participating district school board must submit
200 its Merit Award Program plan to the Commissioner of Education for

4-03424-08

20082562__

201 review by October 1 of each year. The plan must include the
202 negotiated, district-adopted plan or charter school adopted plan
203 if the district does not submit a plan intended for use in the
204 following year. The commissioner shall complete a review of each
205 plan submitted and determine compliance with the requirements of
206 this section by November 15 of each year. If a submitted plan
207 fails to meet the requirements of this section, the commissioner
208 must identify in writing the specific revisions that are
209 required. Revised plans must be finalized and resubmitted by a
210 school district, or by a charter school if the district does not
211 submit a plan, for the commissioner's review by January 31 of
212 each year. The commissioner shall certify those school district
213 or charter school plans that do not comply with this section to
214 the Governor, the President of the Senate, and the Speaker of the
215 House of Representatives by February 15 of each year.

216 (b) Any charter school that does not follow the school
217 district's salary schedule may adopt its own performance-based
218 plan in accordance with this section. Charter school proposals
219 shall be included with the school district plans or may be
220 submitted independently if the district does not submit a plan.

221 (c) Each district school board shall establish a procedure
222 to annually review both the assessment and compensation
223 components of its plan in order to determine compliance with this
224 section. After this review and by October 1 of each year, the
225 district school board shall submit a report to the Commissioner
226 of Education, along with supporting documentation that will
227 enable the commissioner to verify the district's compliance with
228 this section during the prior school year. The commissioner shall
229 submit a report to the Governor, the President of the Senate, and

4-03424-08

20082562__

230 | the Speaker of the House of Representatives certifying those
231 | school district or charter school plans that do not comply with
232 | this section or whose plans were not implemented in accordance
233 | with this section by December 1 of each year.

234 | (d) For purposes of the 2007-2008 school year, the plan
235 | submitted as required in paragraph (a) applies to the 2007-2008
236 | school year as well as the 2008-2009 school year. Thereafter, all
237 | plans submitted and approved within the timelines set forth in
238 | paragraph (a) apply to the following school year.

239 | (e) By July 1, 2009, and every 3 years thereafter, each
240 | district school board shall certify to the Commissioner of
241 | Education that the district school board has completed and
242 | updated an inventory list in accordance with the provisions of s.
243 | 1011.775 in order to be eligible to receive funding for a Merit
244 | Award Program under this section. A district school board is
245 | ineligible to receive funds until completion of the inventory
246 | list. The determination by the Commissioner of Education that a
247 | district school board has not certified the completion of the
248 | inventory list is a ministerial act.

249 | Section 6. This act shall take effect July 1, 2008.