

1 A bill to be entitled
2 An act relating to disposition of public property for
3 affordable housing; amending ss. 125.379 and 166.0451,
4 F.S.; providing for ineligibility of counties and
5 municipalities to receive state funding for affordable
6 housing for failing to complete and update an inventory
7 list of certain real property; amending s. 253.034, F.S.;
8 increasing the frequency required of managers of state
9 lands under certain management or use plans to evaluate
10 and indicate to the Board of Trustees of the Internal
11 Improvement Trust Fund which lands are not being used for
12 certain purposes; requiring the Division of State Lands to
13 annually submit to the Legislature a state inventory of
14 certain lands; requiring publication of the inventory on
15 the division's website and notification of the heads of
16 the governing bodies of certain local governments;
17 creating s. 1011.775, F.S.; requiring district school
18 boards to prepare an inventory list of certain district
19 real property; providing requirements; requiring district
20 school boards to review the list and determine
21 appropriateness of properties for affordable housing;
22 requiring district school boards to state the public
23 purpose for use of certain properties; authorizing
24 district school boards to dispose of certain properties
25 for affordable housing purposes; providing for
26 ineligibility of district school boards to receive Merit
27 Award Program funding for failing to complete and update
28 an inventory list of certain real property; amending s.

29 | 1012.225, F.S.; requiring district school boards to
 30 | certify completing and updating an inventory list of
 31 | certain real property for Merit Award Program funding
 32 | eligibility; specifying ineligibility for such funding
 33 | until completing and updating such list; providing an
 34 | effective date.

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

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 38 | Section 1. Subsection (3) is added to section 125.379,
 39 | Florida Statutes, to read:

40 | 125.379 Disposition of county property for affordable
 41 | housing.--

42 | (3) A county that fails to complete the inventory list in
 43 | accordance with this section is ineligible to receive any state
 44 | funding for affordable housing until the inventory is completed.
 45 | The determination by an agency or entity that the inventory has
 46 | been completed in order to release state funds for affordable
 47 | housing is a ministerial act.

48 | Section 2. Subsection (3) is added to section 166.0451,
 49 | Florida Statutes, to read:

50 | 166.0451 Disposition of municipal property for affordable
 51 | housing.--

52 | (3) A municipality that fails to complete the inventory
 53 | list in accordance with this section is ineligible to receive
 54 | any state funding for affordable housing until the inventory is
 55 | completed. The determination by an agency or entity that the

56 inventory has been completed in order to release state funds for
 57 affordable housing is a ministerial act.

58 Section 3. Paragraph (c) of subsection (6) of section
 59 253.034, Florida Statutes, is amended, and paragraph (d) is
 60 added to subsection (8) of that section, to read:

61 253.034 State-owned lands; uses.--

62 (6) The Board of Trustees of the Internal Improvement
 63 Trust Fund shall determine which lands, the title to which is
 64 vested in the board, may be surplused. For conservation lands,
 65 the board shall make a determination that the lands are no
 66 longer needed for conservation purposes and may dispose of them
 67 by an affirmative vote of at least three members. In the case of
 68 a land exchange involving the disposition of conservation lands,
 69 the board must determine by an affirmative vote of at least
 70 three members that the exchange will result in a net positive
 71 conservation benefit. For all other lands, the board shall make
 72 a determination that the lands are no longer needed and may
 73 dispose of them by an affirmative vote of at least three
 74 members.

75 (c) At least every 5 ~~10~~ years, as a component of each land
 76 management plan or land use plan and in a form and manner
 77 prescribed by rule by the board, each manager shall evaluate and
 78 indicate to the board those lands that are not being used for
 79 the purpose for which they were originally leased. For
 80 conservation lands, the council shall review and shall recommend
 81 to the board whether such lands should be retained in public
 82 ownership or disposed of by the board. For nonconservation
 83 lands, the division shall review such lands and shall recommend

84 to the board whether such lands should be retained in public
 85 ownership or disposed of by the board.

86 (8)

87 (d) Beginning December 1, 2008, the Division of State
 88 Lands shall annually submit to the President of the Senate and
 89 the Speaker of the House of Representatives a copy of the state
 90 inventory that identifies all nonconservation lands, including
 91 lands that meet the surplus requirements of subsection (6) and
 92 lands purchased by the state, a state agency, or a water
 93 management district which are not essential or necessary for
 94 conservation purposes. The division shall also publish a copy of
 95 the annual inventory on its website and notify by electronic
 96 mail the executive head of the governing body of each local
 97 government that has lands in the inventory within its
 98 jurisdiction.

99 Section 4. Section 1011.775, Florida Statutes, is created
 100 to read:

101 1011.775 Disposition of district school board property for
 102 affordable housing.--

103 (1) By July 1, 2009, and every 3 years thereafter, each
 104 district school board shall prepare an inventory list of all
 105 real property within its jurisdiction to which the district
 106 holds fee simple title and that is not included in the 5-year
 107 district facilities work plan. The inventory list must include
 108 the address and legal description of each such property and
 109 specify whether the property is vacant or improved. The district
 110 school board shall review the inventory list at a public meeting
 111 and determine if any of the properties is appropriate to be

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112 surplused for use as affordable housing. For real property that
113 is not included in the 5-year district facilities work plan and
114 that is not determined appropriate to be surplused for use as
115 affordable housing, the board shall state in the inventory list
116 the public purpose for which the board intends to use the
117 property. The board may revise the inventory list at the
118 conclusion of the public meeting. Following the public meeting,
119 the district school board shall adopt a resolution that includes
120 the inventory list.

121 (2) Notwithstanding the provisions of ss. 1002.33(18)(e)
122 and 1013.28, the properties identified as appropriate for use as
123 affordable housing on the inventory list adopted by the district
124 school board may be offered for sale and the proceeds may be
125 used to purchase land for the development of affordable housing
126 or to increase the local government fund earmarked for
127 affordable housing, may be sold with a restriction that requires
128 the development of the property as permanent affordable housing,
129 or may be donated to a nonprofit housing organization for the
130 construction of permanent affordable housing. Alternatively, the
131 district school board may otherwise make the property available
132 for use for the production and preservation of permanent
133 affordable housing. For purposes of this section, the term
134 "affordable" has the same meaning as that provided in s.
135 420.0004(3).

136 (3) A district school board that fails to complete an
137 inventory list in accordance with this section is ineligible to
138 receive funding under the Merit Award Program pursuant to s.
139 1012.225(5)(e) until completion of the inventory.

140 Section 5. Subsection (5) of section 1012.225, Florida
141 Statutes, is amended to read:

142 1012.225 Merit Award Program for Instructional Personnel
143 and School-Based Administrators.--

144 (5) REVIEW OF PERFORMANCE-BASED PAY PLANS; COMPLETION OF
145 INVENTORY LIST.--

146 (a) Each participating district school board must submit
147 its Merit Award Program plan to the Commissioner of Education
148 for review by October 1 of each year. The plan must include the
149 negotiated, district-adopted plan or charter school adopted plan
150 if the district does not submit a plan intended for use in the
151 following year. The commissioner shall complete a review of each
152 plan submitted and determine compliance with the requirements of
153 this section by November 15 of each year. If a submitted plan
154 fails to meet the requirements of this section, the commissioner
155 must identify in writing the specific revisions that are
156 required. Revised plans must be finalized and resubmitted by a
157 school district, or by a charter school if the district does not
158 submit a plan, for the commissioner's review by January 31 of
159 each year. The commissioner shall certify those school district
160 or charter school plans that do not comply with this section to
161 the Governor, the President of the Senate, and the Speaker of
162 the House of Representatives by February 15 of each year.

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

168 (c) Each district school board shall establish a procedure
169 to annually review both the assessment and compensation
170 components of its plan in order to determine compliance with
171 this section. After this review and by October 1 of each year,
172 the district school board shall submit a report to the
173 Commissioner of Education, along with supporting documentation
174 that will enable the commissioner to verify the district's
175 compliance with this section during the prior school year. The
176 commissioner shall submit a report to the Governor, the
177 President of the Senate, and the Speaker of the House of
178 Representatives certifying those school district or charter
179 school plans that do not comply with this section or whose plans
180 were not implemented in accordance with this section by December
181 1 of each year.

182 (d) For purposes of the 2007-2008 school year, the plan
183 submitted as required in paragraph (a) applies to the 2007-2008
184 school year as well as the 2008-2009 school year. Thereafter,
185 all plans submitted and approved within the timelines set forth
186 in paragraph (a) apply to the following school year.

187 (e) By July 1, 2009, and every 3 years thereafter, each
188 district school board shall certify to the Commissioner of
189 Education that the district school board has completed an
190 inventory list in accordance with the provisions of s. 1011.775
191 in order to be eligible to receive funding for a Merit Award
192 Program under this section. A district school board is
193 ineligible to receive such funds until completion of the
194 inventory list. The determination by the Commissioner of

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195 | Education that a district school board has not certified the
196 | completion of the inventory list is a ministerial act.

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