

By Senator Gaetz

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1 A bill to be entitled
2 An act relating to surplus lands available for
3 affordable housing; transferring, renumbering, and
4 amending ss. 125.379 and 166.0451, F.S.; providing
5 that a county or municipality failing to complete and
6 update the inventory of all real property held by the
7 county or municipality which is appropriate for
8 affordable housing is ineligible to receive any state
9 funding for affordable housing; providing that
10 determining when the inventory is updated or complete
11 is a ministerial act; amending s. 253.034, F.S.;
12 requiring that a manager of conservation lands report
13 to the Board of Trustees of the Internal Improvement
14 Trust Fund at least every 5 years those lands that are
15 not being used for the purpose for which they were
16 originally leased; requiring that the Division of
17 State Lands annually submit to the President of the
18 Senate and the Speaker of the House of Representatives
19 a copy of the state inventory identifying all
20 nonconservation lands; requiring that the division
21 publish a copy of the annual inventory on its website
22 and notify by electronic mail the executive head of
23 the governing body of each local government having
24 lands in the inventory within its jurisdiction;
25 amending s. 253.0341, F.S.; conforming cross-
26 references to changes made by the act; creating s.
27 1011.775, F.S.; requiring that each district school
28 board prepare an inventory list at specified intervals
29 of all real property within its jurisdiction which is

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30 not included in the 5-year district facilities work
31 plan; requiring that the district school board adopt a
32 resolution including the inventory list; providing
33 acceptable uses for properties identified as
34 appropriate for use as affordable housing on the
35 inventory list; providing that a district school board
36 that fails to complete an inventory list is ineligible
37 to receive funding under the Merit Award Program;
38 amending s. 1012.225, F.S.; requiring each district
39 school board to certify to the Commissioner of
40 Education its completion of a list of surplus real
41 property; providing that the determination of
42 completion of a district school board inventory by the
43 Commissioner of Education is a ministerial act;
44 providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Section 125.379, Florida Statutes, is
49 transferred, renumbered as section 163.32431, Florida Statutes,
50 and amended to read:

51 163.32431 ~~125.379~~ Disposition of county property for
52 affordable housing.—

53 (1) By July 1, 2007, and every 3 years thereafter, each
54 county shall prepare an inventory list of all real property
55 within its jurisdiction to which the county holds fee simple
56 title that is appropriate for use as affordable housing. The
57 inventory list must include the address and legal description of
58 each such real property and specify whether the property is

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59 vacant or improved. The governing body of the county must review
60 the inventory list at a public hearing and may revise it at the
61 conclusion of the public hearing. The governing body of the
62 county shall adopt a resolution that includes an inventory list
63 of such property following the public hearing.

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

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

84 Section 2. Section 166.0451, Florida Statutes, is
85 transferred, renumbered as section 163.32432, Florida Statutes,
86 and amended to read:

87 163.32432 ~~166.0451~~ Disposition of municipal property for

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88 affordable housing.-

89 (1) By July 1, 2007, and every 3 years thereafter, each
90 municipality shall prepare an inventory list of all real
91 property within its jurisdiction to which the municipality holds
92 fee simple title that is appropriate for use as affordable
93 housing. The inventory list must include the address and legal
94 description of each such property and specify whether the
95 property is vacant or improved. The governing body of the
96 municipality must review the inventory list at a public hearing
97 and may revise it at the conclusion of the public hearing.
98 Following the public hearing, the governing body of the
99 municipality shall adopt a resolution that includes an inventory
100 list of such property.

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

114 (3) A municipality that fails to complete and update the
115 inventory in accordance with the provisions of this section is
116 ineligible to receive any state funding for affordable housing

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117 until the inventory or update is completed. The determination by
118 an agency or entity that the inventory or update has been
119 completed in order to release state funds for affordable housing
120 is a ministerial act.

121 Section 3. Paragraph (c) of subsection (6) of section
122 253.034, Florida Statutes, is amended, and paragraph (e) is
123 added to subsection (8) of that section, to read:

124 253.034 State-owned lands; uses.—

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

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

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146 lands, the division shall review such lands and shall recommend
147 to the board whether such lands should be retained in public
148 ownership or disposed of by the board.

149 (8)

150 (e) Beginning December 1, 2009, the Division of State Lands
151 shall annually submit to the President of the Senate and the
152 Speaker of the House of Representatives a copy of the state
153 inventory that identifies all nonconservation lands, including
154 lands that meet the surplus requirements of subsection (6) and
155 lands purchased by the state, a state agency, or a water
156 management district which are not essential or necessary for
157 conservation purposes. The division shall also publish a copy of
158 the annual inventory on its website and notify by electronic
159 mail the executive head of the governing body of each local
160 government that has lands in the inventory within its
161 jurisdiction.

162 Section 4. Subsection (3) of section 253.0341, Florida
163 Statutes, is amended to read:

164 253.0341 Surplus of state-owned lands to counties or local
165 governments.—Counties and local governments may submit
166 surplus requests for state-owned lands directly to the board
167 of trustees. County or local government requests for the state
168 to surplus conservation or nonconservation lands, whether for
169 purchase or exchange, shall be expedited throughout the
170 surplus process. Property jointly acquired by the state and
171 other entities shall not be surplus without the consent of all
172 joint owners.

173 (3) A local government may request that state lands be
174 specifically declared surplus lands for the purpose of providing

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175 alternative water supply and water resource development projects
176 as defined in s. 373.019, public facilities such as schools,
177 fire and police facilities, and affordable housing. The request
178 shall comply with the requirements of subsection (1) if the
179 lands are nonconservation lands or subsection (2) if the lands
180 are conservation lands. Surplus lands that are conveyed to a
181 local government for affordable housing shall be disposed of by
182 the local government under the provisions of s. 163.32431 ~~s.~~
183 ~~125.379~~ or s. 163.32432 ~~s. 166.0451~~.

184 Section 5. Section 1011.775, Florida Statutes, is created
185 to read:

186 1011.775 Disposition of district school board property for
187 affordable housing.-

188 (1) By July 1, 2010, and by July 1 of every third year
189 thereafter, each district school board shall prepare an
190 inventory list of all real property within its jurisdiction to
191 which the district holds fee simple title and which is not
192 included in the 5-year district facilities work plan. The
193 inventory list must include the address and legal description of
194 each such property and specify whether the property is vacant or
195 improved. The district school board must review the inventory
196 list at a public meeting and determine if any property is
197 surplus property and appropriate for affordable housing. For
198 real property that is not included in the 5-year district
199 facilities work plan and that is not determined appropriate to
200 be surplus property appropriate for affordable housing, the
201 board shall state in the inventory list the public purpose for
202 which the board intends to use the property. The board may
203 revise the list at the conclusion of the public meeting.

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204 Following the public meeting, the district school board shall
205 adopt a resolution that includes the inventory list.

206 (2) Notwithstanding the provisions of ss. 1013.28 and
207 1002.33(18)(e), the properties identified as appropriate for use
208 as affordable housing on the inventory list adopted by the
209 district school board may be offered for sale and the proceeds
210 may be used to purchase land for the development of affordable
211 housing or to increase the local government fund earmarked for
212 affordable housing, may be sold with a restriction that requires
213 the development of the property as permanent affordable housing,
214 or may be donated to a nonprofit housing organization for the
215 construction of permanent affordable housing. Alternatively, the
216 district school board may otherwise make the property available
217 for use for the production and preservation of permanent
218 affordable housing. For purposes of this section, the term
219 "affordable" has the same meaning as in s. 420.0004.

220 (3) A district school board that fails to complete an
221 inventory list in accordance with the provisions of this section
222 is ineligible to receive funding under the Merit Award Program
223 pursuant to s. 1012.225(5)(f) until completion of the inventory.

224 Section 6. Subsection (5) of section 1012.225, Florida
225 Statutes, to read:

226 1012.225 Merit Award Program for Instructional Personnel
227 and School-Based Administrators.—

228 (5) REVIEW OF PERFORMANCE-BASED PAY PLANS; COMPLETION OF
229 INVENTORY LIST.—

230 (a) Each participating district school board must submit
231 its Merit Award Program plan to the Commissioner of Education
232 for review by October 1 of each year. The plan must include the

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233 negotiated, district-adopted plan or charter school adopted plan
234 if the district does not submit a plan intended for use in the
235 following year. The commissioner shall complete a review of each
236 plan submitted and determine compliance with the requirements of
237 this section by November 15 of each year. If a submitted plan
238 fails to meet the requirements of this section, the commissioner
239 must identify in writing the specific revisions that are
240 required. Revised plans must be finalized and resubmitted by a
241 school district, or by a charter school if the district does not
242 submit a plan, for the commissioner's review by January 31 of
243 each year. The commissioner shall certify those school district
244 or charter school plans that do not comply with this section to
245 the Governor, the President of the Senate, and the Speaker of
246 the House of Representatives by February 15 of each year.

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

252 (c) Each district school board shall establish a procedure
253 to annually review both the assessment and compensation
254 components of its plan in order to determine compliance with
255 this section. After this review and by October 1 of each year,
256 the district school board shall submit a report to the
257 Commissioner of Education, along with supporting documentation
258 that will enable the commissioner to verify the district's
259 compliance with this section during the prior school year. The
260 commissioner shall submit a report to the Governor, the
261 President of the Senate, and the Speaker of the House of

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262 Representatives certifying those school district or charter
263 school plans that do not comply with this section or whose plans
264 were not implemented in accordance with this section by December
265 1 of each year.

266 (d) For purposes of the 2007-2008 school year, the plan
267 submitted as required in paragraph (a) applies to the 2007-2008
268 school year as well as the 2008-2009 school year. Thereafter,
269 all plans submitted and approved within the timelines set forth
270 in paragraph (a) apply to the following school year.

271 (e) Districts that do not have an approved plan for the
272 2008-2009 school year may submit a plan for the 2008-2009 school
273 year by October 1, 2008.

274 (f) By July 1, 2010, and by July 1 of every third year
275 thereafter, each district school board shall certify to the
276 Commissioner of Education that the district school board has
277 completed and updated an inventory list in accordance with the
278 provisions of s. 1011.775 in order to be eligible to receive
279 funding for a Merit Award Program under this section. A district
280 school board is ineligible to receive funds until completion of
281 the inventory list. The determination by the Commissioner of
282 Education that a district school board has not certified the
283 completion of the inventory list is a ministerial act.

284 Section 7. This act shall take effect July 1, 2009.