

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Government Accountability
 2 Committee

3 Representative Raschein offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (21), (22), and (23) of section
 8 253.025, Florida Statutes, are amended to read:

9 253.025 Acquisition of state lands.—

10 (21) (a) The board of trustees may acquire, pursuant to s.
 11 288.980(2)(b), nonconservation lands from the annual list
 12 submitted by the Department of Economic Opportunity for the
 13 purpose of buffering a military installation against
 14 encroachment.

15 (b) If federal partnership funds are available before the
 16 military installation buffer land is acquired, the division

Amendment No.

17 shall apply yellow book appraisal standards and must disclose
18 the appraised value to the seller.

19 (c) Following acquisition of the military installation
20 buffer land, the board of trustees is authorized, in accordance
21 with the installation's procedures, the laws of this state, and
22 the terms of the management and monitoring agreement provided in
23 accordance s. 288.980(2)(b), to:

24 1. Convey the land at less than appraised value to the
25 military installation;

26 2. Lease the land at less than appraised or market value
27 to the military installation; or

28 3. Lease the land at rates determined by competitive bid,
29 which may be less than appraised or market value, to private
30 entities to conduct agricultural or silvicultural operations
31 under terms requiring approval of the military installation and
32 that must implement the best management practices applicable to
33 such operations as adopted by the Department of Agriculture and
34 Consumer Services.

35 (d) A conveyance at less than appraised value must state
36 that the land will revert to the board of trustees if the land
37 is not used for its intended purposes as a military installation
38 buffer or if the military installation closes.

39 (22) The board of trustees, by an affirmative vote of at
40 least three members, may direct the department to purchase lands
41 on an immediate basis using up to 15 percent of the funds

Amendment No.

42 allocated to the department pursuant to s. 259.105 for the
43 acquisition of lands that:

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

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

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

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

57
58 ~~For such acquisitions, the board of trustees may waive or modify~~
59 ~~all procedures required for land acquisition pursuant to this~~
60 ~~chapter and all competitive bid procedures required pursuant to~~
61 ~~chapters 255 and 287.~~ Lands acquired pursuant to this subsection
62 must, at the time of purchase, be on one of the acquisition
63 lists established pursuant to chapter 259, or be essential for
64 water resource development, protection, or restoration, or a
65 significant portion of the lands must contain natural
66 communities or plant or animal species that are listed by the

Amendment No.

67 Florida Natural Areas Inventory as critically imperiled,
68 imperiled, or rare, or as excellent quality occurrences of
69 natural communities.

70 (23) The board of trustees, by an affirmative vote of at
71 least three members, may direct the division to purchase lands
72 on an immediate basis that will prevent or satisfy private
73 property rights claims resulting from limitations imposed by the
74 designation of an area of critical state concern pursuant to
75 chapter 380.

76 (24) For acquisitions directed pursuant to subsection (22)
77 or subsection (23):

78 (a) The board of trustees may waive or modify all
79 procedures required for land acquisition pursuant to this
80 chapter and all competitive bid procedures required pursuant to
81 chapters 255 and 287; and

82 (b) If a parcel is estimated to be worth \$500,000 or less
83 and the director of the division finds that the cost of an
84 outside appraisal is not justified, a comparable sales analysis,
85 an appraisal prepared by the division, or other reasonably
86 prudent procedure may be used by the division to estimate the
87 value of the land, provided the public interest is reasonably
88 protected.

89 (25)-(23) Title to lands to be held jointly by the board of
90 trustees and a water management district and acquired pursuant
91 to s. 373.139 may be deemed to meet the standards necessary for

Amendment No.

92 ownership by the board of trustees, notwithstanding this section
93 or related rules.

94 Section 2. Subsection (6) of section 259.045, Florida
95 Statutes, is amended to read:

96 259.045 Purchase of lands in areas of critical state
97 concern; recommendations by department and land authorities.—
98 Within 45 days after the Administration Commission designates an
99 area as an area of critical state concern under s. 380.05, and
100 annually thereafter, the Department of Environmental Protection
101 shall consider the recommendations of the state land planning
102 agency pursuant to s. 380.05(1)(a) relating to purchase of lands
103 within an area of critical state concern or lands outside an
104 area of critical state concern that directly impact an area of
105 critical state concern, which may include lands used to preserve
106 and protect water supply, and shall make recommendations to the
107 board with respect to the purchase of the fee or any lesser
108 interest in any such lands that are:

109 (6) Lands used to prevent or satisfy private property
110 rights claims resulting from limitations imposed by the
111 designation of an area of critical state concern if the
112 acquisition of such lands fulfills a public purpose listed in s.
113 259.032(2) or if the parcel is wholly or partially, at the time
114 of acquisition, on one of the board's approved acquisition lists
115 established pursuant to this chapter. For the purposes of this
116 subsection, if a parcel is estimated to be worth \$500,000 or

Amendment No.

117 less and the director of the division finds that the cost of an
118 outside appraisal is not justified, a comparable sales analysis,
119 an appraisal prepared by the division, or other reasonably
120 prudent procedures may be used by the division to estimate the
121 value of the parcel, provided the public's interest is
122 reasonably protected.

123
124 The department, a local government, a special district, or a
125 land authority within an area of critical state concern may make
126 recommendations with respect to additional purchases which were
127 not included in the state land planning agency recommendations.

128 Section 3. Paragraph (i) is added to subsection (4) of
129 section 259.105, Florida Statutes, to read:

130 259.105 The Florida Forever Act.—

131 (4) It is the intent of the Legislature that projects or
132 acquisitions funded pursuant to paragraphs (3) (a) and (b)
133 contribute to the achievement of the following goals, which
134 shall be evaluated in accordance with specific criteria and
135 numeric performance measures developed pursuant to s.

136 259.035(4):

137 (i) Mitigate the effects of natural disasters and floods
138 in developed areas, as measured by:

139 1. The number of acres acquired within a 100-year
140 floodplain or a Coastal High Hazard Area;

Amendment No.

141 2. The number of acres acquired or developed to serve dual
142 functions as:

143 a. Flow ways or temporary water storage areas during
144 flooding or high water events, not including permanent
145 reservoirs; and

146 b. Greenways or open spaces open to the public for
147 recreation;

148 3. The number of acres that protect existing open spaces
149 and natural buffer areas within a floodplain that also serve as
150 natural flow ways or natural temporary water storage areas; and

151 4. The percentage of the land acquired within the project
152 boundary that creates additional open spaces, natural buffer
153 areas, and greenways within a floodplain, while precluding
154 rebuilding in areas that repeatedly flood.

155
156 Florida Forever projects and acquisitions funded pursuant to
157 paragraph (3)(c) shall be measured by goals developed by rule by
158 the Florida Communities Trust Governing Board created in s.
159 380.504.

160 Section 4. Paragraphs (b) and (c) of subsection (2) of
161 section 288.980, Florida Statutes, are amended to read:

162 288.980 Military base retention; legislative intent;
163 grants program.—

164 (2)

Amendment No.

165 **(b)1. The department shall annually request military**
166 **installations in the state to provide the department with a list**
167 **of base buffering encroachment lands for fee simple or less-**
168 **than-fee simple acquisitions before October 1.**

169 **2. The department shall submit the list of base buffering**
170 **encroachment lands to the Florida Defense Support Task Force,**
171 **created in s. 288.987.**

172 **3. The Florida Defense Support Task Force shall, annually**
173 **by December 1, review the list of base buffering encroachment**
174 **lands submitted by the military installations and provide its**
175 **recommendations for ranking the lands for acquisition to the**
176 **department.**

177 **4. The department shall annually submit the list of base**
178 **buffering encroachment lands provided by the Florida Defense**
179 **Support Task Force to the Board of Trustees of the Internal**
180 **Improvement Trust Fund, which may acquire the lands pursuant to**
181 **s. 253.025. At a minimum, the annual list must contain for each**
182 **recommended land acquisition:**

183 **a. A legal description of the land and its property**
184 **identification number;**

185 **b. A detailed map of the land; and**

186 **c. A management and monitoring agreement to ensure the**
187 **land serves a base buffering purpose. ~~The department may~~**
188 **annually submit a list to the Board of Trustees of the Internal**
189 **Improvement Trust Fund of nonconservation lands to acquire,**

Amendment No.

190 ~~subject to a specific appropriation, through fee simple purchase~~
191 ~~or through perpetual, less than fee interest purchase, for the~~
192 ~~purpose of buffering a military installation against~~
193 ~~encroachment. The Board of Trustees of the Internal Improvement~~
194 ~~Trust Fund shall also consider the recommendations of the~~
195 ~~Florida Defense Support Task Force, created in s. 288.987, when~~
196 ~~selecting nonconservation lands to purchase for the purpose of~~
197 ~~securing and protecting a military installation against~~
198 ~~encroachment. This paragraph does not preclude the acquisition~~
199 ~~of such lands by local governments through fee simple purchase~~
200 ~~or through perpetual, less than fee interest purchase, for the~~
201 ~~purpose of buffering a military installation against~~
202 ~~encroachment.~~

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

208 Section 5. Subsections (3) and (4) of section 380.0666,
209 Florida Statutes, are amended to read:

210 380.0666 Powers of land authority.—The land authority
211 shall have all the powers necessary or convenient to carry out
212 and effectuate the purposes and provisions of this act,
213 including the following powers, which are in addition to all
214 other powers granted by other provisions of this act:

Amendment No.

215 (3) To acquire and dispose of real and personal property
216 or any interest therein when such acquisition is necessary or
217 appropriate to protect the natural environment, provide public
218 access or public recreational facilities, preserve wildlife
219 habitat areas, provide affordable housing to families whose
220 income does not exceed 160 percent of the median family income
221 for the area, prevent or satisfy private property rights claims
222 resulting from limitations imposed by the designation of an area
223 of critical state concern, or provide access to management of
224 acquired lands; to acquire interests in land by means of land
225 exchanges; to contribute tourist impact tax revenues received
226 pursuant to s. 125.0108 to the county in which it is located and
227 its most populous municipality or the housing authority of such
228 county or municipality, at the request of the county commission
229 or the commission or council of such municipality, for the
230 construction, redevelopment, or preservation of affordable
231 housing in an area of critical state concern within such
232 municipality or any other area of the county; to contribute
233 funds to the Department of Environmental Protection for the
234 purchase of lands by the department; and to enter into all
235 alternatives to the acquisition of fee interests in land,
236 including, but not limited to, the acquisition of easements,
237 development rights, life estates, leases, and leaseback
238 arrangements. However, the land authority shall make an
239 acquisition or contribution only if:

766465 - HB 1173 Amendment strike all.docx

Published On: 2/12/2018 7:04:27 PM

Amendment No.

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

243 (b) The property acquired is within an area designated as
244 an area of critical state concern at the time of acquisition or
245 is within an area that was designated as an area of critical
246 state concern for at least 20 consecutive years prior to removal
247 of the designation;

248 (c) The property to be acquired has not been selected for
249 purchase through another local, regional, state, or federal
250 public land acquisition program. Such restriction shall not
251 apply if the land authority cooperates with the other public
252 land acquisition programs which listed the lands for
253 acquisition, to coordinate the acquisition and disposition of
254 such lands. In such cases, the land authority may enter into
255 contractual or other agreements to acquire lands jointly or for
256 eventual resale to other public land acquisition programs; and

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

260 (4) Land authority funds received pursuant to s. 125.0108
261 may be used to pay costs related to affordable housing projects,
262 including:

Amendment No.

263 (a) The cost of acquiring real property and any buildings
264 thereon, including payments for contracts to purchase
265 properties.

266 (b) The cost of site preparation, demolition,
267 environmental remediation that is not reimbursed by another
268 governmental funding program, and development.

269 (c) Professional fees in connection with the planning,
270 design, and construction of the project, such as those of
271 architects, engineers, attorneys, and accountants.

272 (d) The cost of studies, surveys, and plans.

273 (e) The cost of the construction, rehabilitation, and
274 equipping of the project, excluding permit and impact fees and
275 mitigation requirements.

276 (f) The cost of on-site land improvements, such as
277 landscaping, parking, and ingress and egress, excluding permit
278 and impact fees and mitigation requirements.

279 (g) The cost of offsite access roads, except those
280 required to meet hurricane evacuation clearance times.

281 (5)-(4) To borrow money through the issuance of bonds for
282 the purposes provided in this act, to provide for and secure the
283 payment thereof, and to provide for the rights of the holders
284 thereof.

285 Section 6. Paragraph (e) of subsection (4) of section
286 380.508, Florida Statutes, is amended to read:

287 380.508 Projects; development, review, and approval.-

Amendment No.

288 (4) Projects or activities which the trust undertakes,
289 coordinates, or funds in any manner shall comply with the
290 following guidelines:

291 (e) The purposes of urban greenways and open space
292 projects are to provide recreational opportunities, promote
293 community interaction, and connect communities. Urban greenways
294 and open space projects may also serve dual functions as flow
295 ways or temporary water storage areas, not including permanent
296 reservoirs, to mitigate natural disasters and floods in
297 developed areas.

298 (f) The purpose of working waterfront projects shall be to
299 restore and preserve working waterfronts as provided in s.
300 380.5105.

301
302 Project costs may include costs of providing parks, open space,
303 public access sites, scenic easements, and other areas and
304 facilities serving the public where such features are part of a
305 project plan approved according to this part. In undertaking or
306 coordinating projects or activities authorized by this part, the
307 trust shall, when appropriate, use and promote the use of
308 creative land acquisition methods, including the acquisition of
309 less than fee interest through, among other methods,
310 conservation easements, transfer of development rights, leases,
311 and leaseback arrangements. The trust shall assist local
312 governments in the use of sound alternative methods of financing

Amendment No.

313 for funding projects and activities authorized under this part.
314 Any funds over and above eligible project costs, which remain
315 after completion of a project approved according to this part,
316 shall be transmitted to the state and deposited into the Florida
317 Forever Trust Fund.

318 Section 7. This act shall take effect upon becoming a law.

319

320

321

T I T L E A M E N D M E N T

322

Remove everything before the enacting clause and insert:

323

An act relating to lands used for governmental purposes;

324

amending s. 253.025, F.S.; providing conditions under which

325

specified appraisal standards are required for acquisition of

326

military buffer lands; authorizing such lands to be leased or

327

conveyed for less than appraised value to military

328

installations; authorizing such lands to be leased for less than

329

appraised value to agricultural or silvicultural operations;

330

providing requirements for such leasing and conveyance;

331

authorizing the use of certain funding sources for the immediate

332

acquisition of lands that prevent or satisfy private property

333

rights claims within areas of critical state concern; providing

334

procedures for estimating the value of such lands under certain

335

conditions; amending s. 259.045, F.S.; authorizing the

336

Department of Environmental Protection to acquire conservation

337

and recreation lands to prevent or satisfy private property

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1173 (2018)

Amendment No.

338 | rights claims within areas of critical state concern; providing
339 | procedures for estimating the value of such lands under certain
340 | conditions; amending s. 259.105, F.S.; including natural
341 | disaster and flood mitigation as criteria for assessing certain
342 | projects for land acquisition; amending s. 288.980, F.S.;
343 | providing requirements for the Department of Economic
344 | Opportunity to provide an annual acquisition list to the Board
345 | of Trustees of the Internal Improvement Trust Fund for the
346 | purpose of buffering military installations against
347 | encroachment; revising the definition of the term
348 | "nonconservation lands"; amending s. 380.0666, F.S.; authorizing
349 | land authorities to contribute tourist impact tax revenues to
350 | counties for the construction, redevelopment, and preservation
351 | of certain affordable housing; amending s. 380.705, F.S.; adding
352 | guidelines the Florida Communities Trust must follow when
353 | undertaking, coordinating, or funding projects or activities;
354 | providing an effective date.