

1 A bill to be entitled

2 An act relating to lands used for governmental  
3 purposes; amending s. 253.025, F.S.; specifying the  
4 authority of the Division of State Lands within the  
5 Department of Environmental Protection to acquire  
6 lands from an annual list provided by the Department  
7 of Economic Opportunity and the Florida Defense  
8 Support Task Force for the purpose of buffering  
9 military installations against encroachment; providing  
10 requirements for the annual list; providing conditions  
11 under which specified appraisal standards are required  
12 for such lands; authorizing such lands to be leased or  
13 conveyed for less than appraised value to military  
14 installations; providing requirements for such leasing  
15 and conveyance; authorizing the use of certain funding  
16 sources for the immediate acquisition of lands that  
17 prevent or satisfy private property rights claims  
18 within areas of critical state concern; providing  
19 procedures for estimating the value of such lands  
20 under certain conditions; amending s. 380.0666, F.S.;  
21 authorizing land authorities to contribute tourist  
22 impact tax revenues to counties for the construction,  
23 redevelopment, and preservation of certain affordable  
24 housing; providing an effective date.  
25

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

27

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

30 253.025 Acquisition of state lands.—

31 (21) (a) The board of trustees, through its agent, the  
32 Division of State Lands within the Department of Environmental  
33 Protection, may acquire, pursuant to s. 288.980(2)(b),  
34 nonconservation lands from the annual list submitted by the  
35 Department of Economic Opportunity for the purpose of buffering  
36 a military installation against encroachment.

37 (b) The Department of Economic Opportunity shall annually  
38 by October 1 request military installations in the state to  
39 provide the department with a list of base buffering  
40 encroachment lands for fee simple or less-than-fee simple  
41 acquisitions.

42 (c) The Florida Defense Support Task Force shall analyze  
43 the list of base buffering encroachment lands submitted by the  
44 military installations and provide its recommendations for  
45 ranking the lands to the Department of Economic Opportunity.

46 (d) The Department of Economic Opportunity shall submit  
47 the final list of base buffering encroachment lands to the  
48 Division of State Lands, which may acquire the lands pursuant to  
49 this section. At a minimum, the annual list must contain for  
50 each land:

51           1. A legal description of the land and its property  
52 identification number;

53           2. A detailed map of the land; and

54           3. A management and monitoring agreement to ensure the  
55 land serves a base buffering purpose.

56           (e) If federal partnership funds are available before the  
57 land is acquired, yellow book appraisal standards must be  
58 applied and the appraised value must be disclosed to the seller.

59           (f) As authorized by the Division of State Lands on behalf  
60 of the board of trustees, and in agreement with the benefitting  
61 military installation, the land may be leased or conveyed at  
62 less than appraised value to the installation after its  
63 acquisition in accordance with the installation's procedures and  
64 the laws of this state. The management and monitoring of the  
65 land must be provided by the installation or another  
66 governmental entity.

67           (g) A conveyance at less than appraised value must state  
68 that the land will revert to the board of trustees if the land  
69 is not used for its intended purposes as a military installation  
70 buffer or if the military installation closes.

71           (22) (a) The board of trustees, by an affirmative vote of  
72 at least three members, may direct the department to purchase  
73 lands on an immediate basis using up to 15 percent of the funds  
74 allocated to the department pursuant to s. 259.105 or using  
75 other appropriate funding sources for the acquisition of lands

76 that:

77 1.~~(a)~~ Are listed or placed at auction by the Federal  
 78 Government as part of the Resolution Trust Corporation sale of  
 79 lands from failed savings and loan associations;

80 2.~~(b)~~ Are listed or placed at auction by the Federal  
 81 Government as part of the Federal Deposit Insurance Corporation  
 82 sale of lands from failed banks; ~~or~~

83 3.~~(e)~~ Will be developed or otherwise lost to potential  
 84 public ownership, or for which federal matching funds will be  
 85 lost, by the time the land can be purchased under the program  
 86 within which the land is listed for acquisition; or

87 4. Will prevent or satisfy private property rights claims  
 88 resulting from limitations imposed by the designation of an area  
 89 of critical state concern pursuant to chapter 380.

90  
 91 For such acquisitions, the board of trustees may waive or modify  
 92 all procedures required for land acquisition pursuant to this  
 93 chapter and all competitive bid procedures required pursuant to  
 94 chapters 255 and 287. Lands acquired pursuant to this subsection  
 95 must, at the time of purchase, be within an area of critical  
 96 state concern designated pursuant to chapter 380, be on one of  
 97 the acquisition lists established pursuant to chapter 259, or be  
 98 essential for water resource development, protection, or  
 99 restoration, or a significant portion of the lands must contain  
 100 natural communities or plant or animal species that are listed

101 by the Florida Natural Areas Inventory as critically imperiled,  
102 imperiled, or rare, or as excellent quality occurrences of  
103 natural communities.

104 (b) For the purposes of this subsection, if a parcel is  
105 estimated to be worth \$500,000 or less and the director of the  
106 Division of State Lands finds that the cost of an outside  
107 appraisal is not justified, a comparable sales analysis, an  
108 appraisal prepared by the division, or other reasonably prudent  
109 procedure may be used by the division to estimate the value of  
110 the land, provided the public interest is reasonably protected.

111 Section 2. Subsection (3) of section 380.0666, Florida  
112 Statutes, is amended to read:

113 380.0666 Powers of land authority.—The land authority  
114 shall have all the powers necessary or convenient to carry out  
115 and effectuate the purposes and provisions of this act,  
116 including the following powers, which are in addition to all  
117 other powers granted by other provisions of this act:

118 (3) To acquire and dispose of real and personal property  
119 or any interest therein when such acquisition is necessary or  
120 appropriate to protect the natural environment, provide public  
121 access or public recreational facilities, preserve wildlife  
122 habitat areas, provide affordable housing to families whose  
123 income does not exceed 160 percent of the median family income  
124 for the area, prevent or satisfy private property rights claims  
125 resulting from limitations imposed by the designation of an area

126 of critical state concern, or provide access to management of  
127 acquired lands; to acquire interests in land by means of land  
128 exchanges; to contribute tourist impact tax revenues received  
129 pursuant to s. 125.0108 to the county in which it is located and  
130 its most populous municipality or the housing authority of such  
131 county or municipality, at the request of the county commission  
132 or the commission or council of such municipality, for the  
133 construction, redevelopment, or preservation of affordable  
134 housing in an area of critical state concern within such  
135 municipality or any other area of the county; to contribute  
136 funds to the Department of Environmental Protection for the  
137 purchase of lands by the department; and to enter into all  
138 alternatives to the acquisition of fee interests in land,  
139 including, but not limited to, the acquisition of easements,  
140 development rights, life estates, leases, and leaseback  
141 arrangements. However, the land authority shall make an  
142 acquisition or contribution only if:

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

146 (b) The property acquired is within an area designated as  
147 an area of critical state concern at the time of acquisition or  
148 is within an area that was designated as an area of critical  
149 state concern for at least 20 consecutive years before ~~prior to~~  
150 removal of the designation;

151 (c) The property to be acquired has not been selected for  
152 purchase through another local, regional, state, or federal  
153 public land acquisition program. Such restriction does ~~shall~~ not  
154 apply if the land authority cooperates with the other public  
155 land acquisition programs which listed the lands for  
156 acquisition, to coordinate the acquisition and disposition of  
157 such lands. In such cases, the land authority may enter into  
158 contractual or other agreements to acquire lands jointly or for  
159 eventual resale to other public land acquisition programs; and

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

163 Section 3. This act shall take effect upon becoming a law.