

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. 259.045, F.S.;
21 authorizing the Department of Environmental Protection
22 to acquire conservation and recreation lands to
23 prevent or satisfy private property rights claims
24 within areas of critical state concern; providing
25 procedures for estimating the value of such lands

26 | under certain conditions; amending s. 288.980, F.S.;
 27 | revising the definition of the term "nonconservation
 28 | lands"; amending s. 380.0666, F.S.; authorizing land
 29 | authorities to contribute tourist impact tax revenues
 30 | to counties for the construction, redevelopment, and
 31 | preservation of certain affordable housing; providing
 32 | an effective date.

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

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

38 | 253.025 Acquisition of state lands.—

39 | (21) (a) The board of trustees, through its agent, the
 40 | Division of State Lands within the Department of Environmental
 41 | Protection, may acquire, pursuant to s. 288.980(2)(b),
 42 | nonconservation lands from the annual list submitted by the
 43 | Department of Economic Opportunity for the purpose of buffering
 44 | a military installation against encroachment.

45 | (b) The Department of Economic Opportunity shall annually
 46 | by October 1 request military installations in the state to
 47 | provide the department with a list of base buffering
 48 | encroachment lands for fee simple or less-than-fee simple
 49 | acquisitions.

50 | (c) The Florida Defense Support Task Force shall analyze

51 the list of base buffering encroachment lands submitted by the
52 military installations and provide its recommendations for
53 ranking the lands to the Department of Economic Opportunity.

54 (d) The Department of Economic Opportunity shall submit
55 the final list of base buffering encroachment lands to the
56 Division of State Lands, which may acquire the lands pursuant to
57 this section. At a minimum, the annual list must contain for
58 each land:

59 1. A legal description of the land and its property
60 identification number;

61 2. A detailed map of the land; and

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

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

67 (f) As authorized by the Division of State Lands on behalf
68 of the board of trustees, and in agreement with the benefitting
69 military installation, the land may be leased or conveyed at
70 less than appraised value to the installation after its
71 acquisition in accordance with the installation's procedures and
72 the laws of this state. The management and monitoring of the
73 land must be provided by the installation or another
74 governmental entity.

75 (g) A conveyance at less than appraised value must state

76 that the land will revert to the board of trustees if the land
 77 is not used for its intended purposes as a military installation
 78 buffer or if the military installation closes.

79 (22) The board of trustees, by an affirmative vote of at
 80 least three members, may direct the department to purchase lands
 81 on an immediate basis using:

82 (a) Up to 15 percent of the funds allocated to the
 83 department pursuant to s. 259.105 for the acquisition of lands
 84 that:

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

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

91 3. ~~(c)~~ Will be developed or otherwise lost to potential
 92 public ownership, or for which federal matching funds will be
 93 lost, by the time the land can be purchased under the program
 94 within which the land is listed for acquisition; or

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

98 (b) Any available funding source for the acquisition of
 99 lands that are used to prevent or satisfy private property
 100 rights claims resulting from limitations imposed by the

101 designation of an area of critical state concern.

102

103 For such acquisitions, the board of trustees may waive or modify
104 all procedures required for land acquisition pursuant to this
105 chapter and all competitive bid procedures required pursuant to
106 chapters 255 and 287. Lands acquired pursuant to this subsection
107 must, at the time of purchase, be within an area of critical
108 state concern designated pursuant to chapter 380, be on one of
109 the acquisition lists established pursuant to chapter 259, or be
110 essential for water resource development, protection, or
111 restoration, or a significant portion of the lands must contain
112 natural communities or plant or animal species that are listed
113 by the Florida Natural Areas Inventory as critically imperiled,
114 imperiled, or rare, or as excellent quality occurrences of
115 natural communities. For the purposes of this subsection, if a
116 parcel is estimated to be worth \$500,000 or less and the
117 director of the Division of State Lands finds that the cost of
118 an outside appraisal is not justified, a comparable sales
119 analysis, an appraisal prepared by the division, or other
120 reasonably prudent procedure may be used by the division to
121 estimate the value of the land, provided the public interest is
122 reasonably protected.

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

125 259.045 Purchase of lands in areas of critical state

126 concern; recommendations by department and land authorities.—
127 Within 45 days after the Administration Commission designates an
128 area as an area of critical state concern under s. 380.05, and
129 annually thereafter, the Department of Environmental Protection
130 shall consider the recommendations of the state land planning
131 agency pursuant to s. 380.05(1)(a) relating to purchase of lands
132 within an area of critical state concern or lands outside an
133 area of critical state concern that directly impact an area of
134 critical state concern, which may include lands used to preserve
135 and protect water supply, and shall make recommendations to the
136 board with respect to the purchase of the fee or any lesser
137 interest in any such lands that are:

138 (6) Lands used to prevent or satisfy private property
139 rights claims resulting from limitations imposed by the
140 designation of an area of critical state concern if the
141 acquisition of such lands fulfills a public purpose listed in s.
142 259.032(2) or if the parcel is wholly or partially, at the time
143 of acquisition, on one of the board's approved acquisition lists
144 established pursuant to this chapter. For the purposes of this
145 subsection, if a parcel is estimated to be worth \$500,000 or
146 less and the director of the Division of State Lands finds that
147 the cost of an outside appraisal is not justified, a comparable
148 sales analysis, an appraisal prepared by the Division of State
149 Lands, or other reasonably prudent procedures may be used by the
150 Division of State Lands to estimate the value of the parcel,

151 provided the public's interest is reasonably protected.

152

153 The department, a local government, a special district, or a
154 land authority within an area of critical state concern may make
155 recommendations with respect to additional purchases which were
156 not included in the state land planning agency recommendations.

157 Section 3. Paragraph (c) of subsection (2) of section
158 288.980, Florida Statutes, is amended to read:

159 288.980 Military base retention; legislative intent;
160 grants program.—

161 (2)

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

167 Section 4. Subsection (3) of section 380.0666, Florida
168 Statutes, is amended to read:

169 380.0666 Powers of land authority.—The land authority
170 shall have all the powers necessary or convenient to carry out
171 and effectuate the purposes and provisions of this act,
172 including the following powers, which are in addition to all
173 other powers granted by other provisions of this act:

174 (3) To acquire and dispose of real and personal property
175 or any interest therein when such acquisition is necessary or

176 appropriate to protect the natural environment, provide public
177 access or public recreational facilities, preserve wildlife
178 habitat areas, provide affordable housing to families whose
179 income does not exceed 160 percent of the median family income
180 for the area, prevent or satisfy private property rights claims
181 resulting from limitations imposed by the designation of an area
182 of critical state concern, or provide access to management of
183 acquired lands; to acquire interests in land by means of land
184 exchanges; to contribute tourist impact tax revenues received
185 pursuant to s. 125.0108 to the county in which it is located and
186 its most populous municipality or the housing authority of such
187 county or municipality, at the request of the county commission
188 or the commission or council of such municipality, for the
189 construction, redevelopment, or preservation of affordable
190 housing in an area of critical state concern within such
191 municipality or any other area of the county; to contribute
192 funds to the Department of Environmental Protection for the
193 purchase of lands by the department; and to enter into all
194 alternatives to the acquisition of fee interests in land,
195 including, but not limited to, the acquisition of easements,
196 development rights, life estates, leases, and leaseback
197 arrangements. However, the land authority shall make an
198 acquisition or contribution only if:
199 (a) Such acquisition or contribution is consistent with
200 land development regulations and local comprehensive plans

201 adopted and approved pursuant to this chapter;

202 (b) The property acquired is within an area designated as
203 an area of critical state concern at the time of acquisition or
204 is within an area that was designated as an area of critical
205 state concern for at least 20 consecutive years before ~~prior to~~
206 removal of the designation;

207 (c) The property to be acquired has not been selected for
208 purchase through another local, regional, state, or federal
209 public land acquisition program. Such restriction does ~~shall~~ not
210 apply if the land authority cooperates with the other public
211 land acquisition programs which listed the lands for
212 acquisition, to coordinate the acquisition and disposition of
213 such lands. In such cases, the land authority may enter into
214 contractual or other agreements to acquire lands jointly or for
215 eventual resale to other public land acquisition programs; and

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

219 Section 5. This act shall take effect upon becoming a law.