

1                   A bill to be entitled  
2           An act relating to lands used for governmental  
3           purposes; amending s. 253.025, F.S.; providing  
4           conditions under which specified appraisal standards  
5           are required for the acquisition of lands for the  
6           purpose of buffering military installations against  
7           encroachment; authorizing such lands to be leased or  
8           conveyed for less than appraised value to military  
9           installations; providing requirements for such leasing  
10          and conveyance; authorizing the use of certain funding  
11          sources for the immediate acquisition of lands that  
12          prevent or satisfy private property rights claims  
13          within areas of critical state concern; providing  
14          procedures for estimating the value of such lands  
15          under certain conditions; amending s. 259.045, F.S.;  
16          authorizing the Department of Environmental Protection  
17          to acquire conservation and recreation lands to  
18          prevent or satisfy private property rights claims  
19          within areas of critical state concern; providing  
20          procedures for estimating the value of such lands  
21          under certain conditions; amending s. 259.105, F.S.;  
22          including natural disaster and flood mitigation as  
23          criteria for assessing certain projects and land  
24          acquisitions under the Florida Forever Act; amending  
25          s. 288.980, F.S.; directing the Department of Economic

26 Opportunity and the Florida Defense Support Task Force  
 27 to provide an annual list of land acquisitions for the  
 28 purpose of buffering military installations against  
 29 encroachment; providing requirements for the annual  
 30 list; revising the definition of the term  
 31 "nonconservation lands"; amending s. 380.0666, F.S.;  
 32 authorizing land authorities to contribute tourist  
 33 impact tax revenues to counties to pay for project  
 34 costs relating to the construction, redevelopment, and  
 35 preservation of certain affordable housing; amending  
 36 s. 380.508, F.S.; requiring that urban greenways and  
 37 open space projects undertaken, coordinated, or funded  
 38 by the Florida Communities Trust meet certain  
 39 criteria; providing an effective date.

40  
 41 Be It Enacted by the Legislature of the State of Florida:

42  
 43 Section 1. Subsection (23) of section 253.025, Florida  
 44 Statutes, is renumbered as subsection (25), subsections (21) and  
 45 (22) of that section are amended, and new subsections (23) and  
 46 (24) are added to that section, to read:

47 253.025 Acquisition of state lands.—

48 (21) (a) The board of trustees may acquire, pursuant to s.  
 49 288.980(2)(b), nonconservation lands from the annual list  
 50 submitted by the Department of Economic Opportunity for the

51 | purpose of buffering a military installation against  
52 | encroachment.

53 | (b) If federal partnership funds are available before the  
54 | military installation buffer land is acquired, the Division of  
55 | State Lands shall apply yellow book appraisal standards and must  
56 | disclose the appraised value to the seller.

57 | (c) Following acquisition of the military installation  
58 | buffer land, the board of trustees is authorized, in accordance  
59 | with the installation's procedures, the laws of this state, and  
60 | the terms of the management and monitoring agreement provided in  
61 | s. 288.980(2)(b), to:

62 | 1. Convey the land at less than appraised value to the  
63 | military installation;

64 | 2. Lease the land at less than appraised or market value  
65 | to the military installation; or

66 | 3. Lease the land at rates determined by competitive bid,  
67 | which may be less than appraised or market value, to private  
68 | entities to conduct agricultural or silvicultural operations  
69 | under terms requiring approval of the military installation and  
70 | that must implement the best management practices applicable to  
71 | such operations as adopted by the Department of Agriculture and  
72 | Consumer Services.

73 | (d) A conveyance at less than appraised value must state  
74 | that the land will revert to the board of trustees if the land  
75 | is not used for its intended purposes as a military installation

76 | buffer or if the military installation closes.

77 |       (22) The board of trustees, by an affirmative vote of at  
78 | least three members, may direct the Department of Environmental  
79 | Protection to purchase lands on an immediate basis using up to  
80 | 15 percent of the funds allocated to the department pursuant to  
81 | s. 259.105 for the acquisition of lands that:

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

85 |       (b) Are listed or placed at auction by the Federal  
86 | Government as part of the Federal Deposit Insurance Corporation  
87 | sale of lands from failed banks; ~~or~~

88 |       (c) Will be developed or otherwise lost to potential  
89 | public ownership, or for which federal matching funds will be  
90 | lost, by the time the land can be purchased under the program  
91 | within which the land is listed for acquisition; or

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

95 |  
96 | ~~For such acquisitions, the board of trustees may waive or modify~~  
97 | ~~all procedures required for land acquisition pursuant to this~~  
98 | ~~chapter and all competitive bid procedures required pursuant to~~  
99 | ~~chapters 255 and 287. Lands acquired pursuant to this subsection~~  
100 | must, at the time of purchase, be on one of the acquisition

101 lists established pursuant to chapter 259, or be essential for  
102 water resource development, protection, or restoration, or a  
103 significant portion of the lands must contain natural  
104 communities or plant or animal species that are listed by the  
105 Florida Natural Areas Inventory as critically imperiled,  
106 imperiled, or rare, or as excellent quality occurrences of  
107 natural communities.

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

114 (24) For acquisitions directed pursuant to subsection (22)  
115 or subsection (23):

116 (a) The board of trustees may waive or modify all  
117 procedures required for land acquisition pursuant to this  
118 chapter and all competitive bid procedures required pursuant to  
119 chapters 255 and 287; and

120 (b) If a parcel is estimated to be worth \$500,000 or less  
121 and the director of the Division of State Lands finds that the  
122 cost of an outside appraisal is not justified, a comparable  
123 sales analysis, an appraisal prepared by the division, or other  
124 reasonably prudent procedure may be used by the division to  
125 estimate the value of the land, provided the public interest is

126 reasonably protected.

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

129 259.045 Purchase of lands in areas of critical state  
130 concern; recommendations by department and land authorities.—  
131 Within 45 days after the Administration Commission designates an  
132 area as an area of critical state concern under s. 380.05, and  
133 annually thereafter, the Department of Environmental Protection  
134 shall consider the recommendations of the state land planning  
135 agency pursuant to s. 380.05(1)(a) relating to purchase of lands  
136 within an area of critical state concern or lands outside an  
137 area of critical state concern that directly impact an area of  
138 critical state concern, which may include lands used to preserve  
139 and protect water supply, and shall make recommendations to the  
140 board with respect to the purchase of the fee or any lesser  
141 interest in any such lands that are:

142 (6) Lands used to prevent or satisfy private property  
143 rights claims resulting from limitations imposed by the  
144 designation of an area of critical state concern if the  
145 acquisition of such lands fulfills a public purpose listed in s.  
146 259.032(2) or if the parcel is wholly or partially, at the time  
147 of acquisition, on one of the board's approved acquisition lists  
148 established pursuant to this chapter. For the purposes of this  
149 subsection, if a parcel is estimated to be worth \$500,000 or  
150 less and the director of the Division of State Lands finds that

151 the cost of an outside appraisal is not justified, a comparable  
152 sales analysis, an appraisal prepared by the Division of State  
153 Lands, or other reasonably prudent procedures may be used by the  
154 Division of State Lands to estimate the value of the parcel,  
155 provided the public's interest is reasonably protected.  
156

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

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

163 259.105 The Florida Forever Act.—

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

169 259.035(4):

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

172 1. The number of acres acquired within a 100-year  
173 floodplain or a coastal high hazard area;

174 2. The number of acres acquired or developed to serve dual  
175 functions as:

176 a. Flow ways or temporary water storage areas during  
 177 flooding or high water events, not including permanent  
 178 reservoirs; and

179 b. Greenways or open spaces available to the public for  
 180 recreation;

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

184 4. The percentage of the land acquired within the project  
 185 boundary that creates additional open spaces, natural buffer  
 186 areas, and greenways within a floodplain, while precluding  
 187 rebuilding in areas that repeatedly flood.

188  
 189 Florida Forever projects and acquisitions funded pursuant to  
 190 paragraph (3)(c) shall be measured by goals developed by rule by  
 191 the Florida Communities Trust Governing Board created in s.  
 192 380.504.

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

195 288.980 Military base retention; legislative intent;  
 196 grants program.—

197 (2)

198 (b)1. The department shall annually request military  
 199 installations in the state to provide the department with a list  
 200 of base buffering encroachment lands for fee simple or less-



201 than-fee simple acquisitions before October 1.

202 2. The department shall submit the list of base buffering  
203 encroachment lands to the Florida Defense Support Task Force,  
204 created in s. 288.987.

205 3. The Florida Defense Support Task Force shall, annually  
206 by December 1, review the list of base buffering encroachment  
207 lands submitted by the military installations and provide its  
208 recommendations for ranking the lands for acquisition to the  
209 department.

210 4. The department shall annually submit the list of base  
211 buffering encroachment lands provided by the Florida Defense  
212 Support Task Force to the Board of Trustees of the Internal  
213 Improvement Trust Fund, which may acquire the lands pursuant to  
214 s. 253.025. At a minimum, the annual list must contain for each  
215 recommended land acquisition:

216 a. A legal description of the land and its property  
217 identification number;

218 b. A detailed map of the land; and

219 c. A management and monitoring agreement to ensure the  
220 land serves a base buffering purpose ~~The department may annually~~  
221 ~~submit a list to the Board of Trustees of the Internal~~  
222 ~~Improvement Trust Fund of nonconservation lands to acquire,~~  
223 ~~subject to a specific appropriation, through fee simple purchase~~  
224 ~~or through perpetual, less-than-fee interest purchase, for the~~  
225 ~~purpose of buffering a military installation against~~

226 ~~encroachment. The Board of Trustees of the Internal Improvement~~  
227 ~~Trust Fund shall also consider the recommendations of the~~  
228 ~~Florida Defense Support Task Force, created in s. 288.987, when~~  
229 ~~selecting nonconservation lands to purchase for the purpose of~~  
230 ~~securing and protecting a military installation against~~  
231 ~~encroachment. This paragraph does not preclude the acquisition~~  
232 ~~of such lands by local governments through fee simple purchase~~  
233 ~~or through perpetual, less than fee interest purchase, for the~~  
234 ~~purpose of buffering a military installation against~~  
235 ~~encroachment.~~

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

241 Section 5. Subsection (3) of section 380.0666, Florida  
242 Statutes, is amended to read:

243 380.0666 Powers of land authority.—The land authority  
244 shall have all the powers necessary or convenient to carry out  
245 and effectuate the purposes and provisions of this act,  
246 including the following powers, which are in addition to all  
247 other powers granted by other provisions of this act:

248 (3) (a) To acquire and dispose of real and personal  
249 property or any interest therein when such acquisition is  
250 necessary or appropriate to protect the natural environment,

251 provide public access or public recreational facilities,  
252 preserve wildlife habitat areas, provide affordable housing to  
253 families whose income does not exceed 160 percent of the median  
254 family income for the area, prevent or satisfy private property  
255 rights claims resulting from limitations imposed by the  
256 designation of an area of critical state concern, or provide  
257 access to management of acquired lands; to acquire interests in  
258 land by means of land exchanges; to contribute tourist impact  
259 tax revenues received pursuant to s. 125.0108 to the county in  
260 which it is located and its most populous municipality or the  
261 housing authority of such county or municipality, at the request  
262 of the county commission or the commission or council of such  
263 municipality, for the construction, redevelopment, or  
264 preservation of affordable housing in an area of critical state  
265 concern within such municipality or any other area of the  
266 county; to contribute funds to the Department of Environmental  
267 Protection for the purchase of lands by the department; and to  
268 enter into all alternatives to the acquisition of fee interests  
269 in land, including, but not limited to, the acquisition of  
270 easements, development rights, life estates, leases, and  
271 leaseback arrangements. However, the land authority shall make  
272 an acquisition or contribution only if:

273       ~~1.(a)~~ Such acquisition or contribution is consistent with  
274 land development regulations and local comprehensive plans  
275 adopted and approved pursuant to this chapter;

276        2.~~(b)~~ The property acquired is within an area designated  
277 as an area of critical state concern at the time of acquisition  
278 or is within an area that was designated as an area of critical  
279 state concern for at least 20 consecutive years before ~~prior to~~  
280 removal of the designation;

281        3.~~(c)~~ The property to be acquired has not been selected  
282 for purchase through another local, regional, state, or federal  
283 public land acquisition program. Such restriction does ~~shall~~ not  
284 apply if the land authority cooperates with the other public  
285 land acquisition programs which listed the lands for  
286 acquisition, to coordinate the acquisition and disposition of  
287 such lands. In such cases, the land authority may enter into  
288 contractual or other agreements to acquire lands jointly or for  
289 eventual resale to other public land acquisition programs; and

290        4.~~(d)~~ The acquisition or contribution is not used to  
291 improve public transportation facilities or otherwise increase  
292 road capacity to reduce hurricane evacuation clearance times.

293        (b) To use revenues received pursuant to s. 125.0108 to  
294 pay costs related to affordable housing projects, including:

295        1. The cost of acquiring real property and any buildings  
296 thereon, including payments for contracts to purchase  
297 properties;

298        2. The cost of site preparation, demolition, environmental  
299 remediation that is not reimbursed by another governmental  
300 funding program, and development;

301        3. Professional fees in connection with the planning,  
 302 design, and construction of the project, such as those of  
 303 architects, engineers, attorneys, and accountants;

304        4. The cost of studies, surveys, and plans;

305        5. The cost of the construction, rehabilitation, and  
 306 equipping of the project, excluding permit and impact fees and  
 307 mitigation requirements;

308        6. The cost of on-site land improvements, such as  
 309 landscaping, parking, and ingress and egress, excluding permit  
 310 and impact fees and mitigation requirements; and

311        7. The cost of offsite access roads, except those required  
 312 to meet hurricane evacuation clearance times.

313        Section 6. Paragraph (f) of subsection (4) of section  
 314 380.508, Florida Statutes, is redesignated as paragraph (g), and  
 315 a new paragraph (f) is added to that subsection, to read:

316        380.508 Projects; development, review, and approval.—

317        (4) Projects or activities which the trust undertakes,  
 318 coordinates, or funds in any manner shall comply with the  
 319 following guidelines:

320        (f) The purpose of urban greenways and open space projects  
 321 shall be to provide recreational opportunities, promote  
 322 community interaction, and connect communities. Urban greenways  
 323 and open space projects may also serve dual functions as flow  
 324 ways or temporary water storage areas, not including permanent  
 325 reservoirs, to mitigate natural disasters and floods in

326 developed areas.

327

328 Project costs may include costs of providing parks, open space,  
329 public access sites, scenic easements, and other areas and  
330 facilities serving the public where such features are part of a  
331 project plan approved according to this part. In undertaking or  
332 coordinating projects or activities authorized by this part, the  
333 trust shall, when appropriate, use and promote the use of  
334 creative land acquisition methods, including the acquisition of  
335 less than fee interest through, among other methods,  
336 conservation easements, transfer of development rights, leases,  
337 and leaseback arrangements. The trust shall assist local  
338 governments in the use of sound alternative methods of financing  
339 for funding projects and activities authorized under this part.  
340 Any funds over and above eligible project costs, which remain  
341 after completion of a project approved according to this part,  
342 shall be transmitted to the state and deposited into the Florida  
343 Forever Trust Fund.

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