



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. 380.0555, F.S.;  
32 revising the legislative intent of the Apalachicola  
33 Bay Area Protection Act; amending s. 380.0666, F.S.;  
34 authorizing land authorities to contribute tourist  
35 impact tax revenues to counties to pay for project  
36 costs relating to the construction, redevelopment, and  
37 preservation of certain affordable housing; amending  
38 s. 380.508, F.S.; requiring that urban greenways and  
39 open space projects undertaken, coordinated, or funded  
40 by the Florida Communities Trust meet certain  
41 criteria; providing an effective date.

42

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

44

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

49 253.025 Acquisition of state lands.—

50 (21) (a) The board of trustees may acquire, pursuant to s.



51 288.980(2)(b), nonconservation lands from the annual list  
52 submitted by the Department of Economic Opportunity for the  
53 purpose of buffering a military installation against  
54 encroachment.

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

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

64 1. Convey the land at less than appraised value to the  
65 military installation;

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

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

75 (d) 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 of Environmental  
81 | Protection to purchase lands on an immediate basis using up to  
82 | 15 percent of the funds allocated to the department pursuant to  
83 | s. 259.105 for the acquisition of lands that:

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

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

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

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

97 |  
98 | ~~For such acquisitions, the board of trustees may waive or modify~~  
99 | ~~all procedures required for land acquisition pursuant to this~~  
100 | ~~chapter and all competitive bid procedures required pursuant to~~



101 ~~chapters 255 and 287.~~ Lands acquired pursuant to this subsection  
102 must, at the time of purchase, be on one of the acquisition  
103 lists established pursuant to chapter 259, or be essential for  
104 water resource development, protection, or restoration, or a  
105 significant portion of the lands must contain natural  
106 communities or plant or animal species that are listed by the  
107 Florida Natural Areas Inventory as critically imperiled,  
108 imperiled, or rare, or as excellent quality occurrences of  
109 natural communities.

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

116 (24) For acquisitions directed pursuant to subsection (22)  
117 or subsection (23):

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

122 (b) If a parcel is estimated to be worth \$500,000 or less  
123 and the director of the Division of State Lands finds that the  
124 cost of an outside appraisal is not justified, a comparable  
125 sales analysis, an appraisal prepared by the division, or other



126 | reasonably prudent procedure may be used by the division to  
127 | estimate the value of the land, provided the public interest is  
128 | reasonably protected.

129 | Section 2. Subsection (6) of section 259.045, Florida  
130 | Statutes, is amended to read:

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

144 | (6) Lands used to prevent or satisfy private property  
145 | rights claims resulting from limitations imposed by the  
146 | designation of an area of critical state concern if the  
147 | acquisition of such lands fulfills a public purpose listed in s.  
148 | 259.032(2) or if the parcel is wholly or partially, at the time  
149 | of acquisition, on one of the board's approved acquisition lists  
150 | established pursuant to this chapter. For the purposes of this



151 subsection, if a parcel is estimated to be worth \$500,000 or  
152 less and the director of the Division of State Lands finds that  
153 the cost of an outside appraisal is not justified, a comparable  
154 sales analysis, an appraisal prepared by the Division of State  
155 Lands, or other reasonably prudent procedures may be used by the  
156 Division of State Lands to estimate the value of the parcel,  
157 provided the public's interest is reasonably protected.  
158

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

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

165 259.105 The Florida Forever Act.—

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

171 259.035 (4) :

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

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



176        2. The number of acres acquired or developed to serve dual  
177 functions as:

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

181        b. Greenways or open spaces available to the public for  
182 recreation;

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

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

190

191 Florida Forever projects and acquisitions funded pursuant to  
192 paragraph (3)(c) shall be measured by goals developed by rule by  
193 the Florida Communities Trust Governing Board created in s.  
194 380.504.

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

197        288.980 Military base retention; legislative intent;  
198 grants program.—

199        (2)

200        (b) 1. The department shall annually request military





201 installations in the state to provide the department with a list  
202 of base buffering encroachment lands for fee simple or less-  
203 than-fee simple acquisitions before October 1.

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

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

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

218 a. A legal description of the land and its property  
219 identification number;

220 b. A detailed map of the land; and

221 c. A management and monitoring agreement to ensure the  
222 land serves a base buffering purpose ~~The department may annually~~  
223 ~~submit a list to the Board of Trustees of the Internal~~  
224 ~~Improvement Trust Fund of nonconservation lands to acquire,~~  
225 ~~subject to a specific appropriation, through fee simple purchase~~



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

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

243 Section 5. Paragraphs (h) and (i) are added to subsection  
244 (2) of section 380.0555, Florida Statutes, to read:

245 380.0555 Apalachicola Bay Area; protection and designation  
246 as area of critical state concern.—

247 (2) LEGISLATIVE INTENT.—It is hereby declared that the  
248 intent of the Legislature is:

249 (h) To provide affordable housing in close proximity to  
250 places of employment in the Apalachicola Bay Area.



251           (i) To protect and improve the water quality of the  
252 Apalachicola Bay Area through federal, state, and local funding  
253 of water quality improvement projects, including the  
254 construction and operation of wastewater management facilities  
255 that meet state requirements.

256           Section 6. Subsection (3) of section 380.0666, Florida  
257 Statutes, is amended to read:

258           380.0666 Powers of land authority.—The land authority  
259 shall have all the powers necessary or convenient to carry out  
260 and effectuate the purposes and provisions of this act,  
261 including the following powers, which are in addition to all  
262 other powers granted by other provisions of this act:

263           (3) (a) To acquire and dispose of real and personal  
264 property or any interest therein when such acquisition is  
265 necessary or appropriate to protect the natural environment,  
266 provide public access or public recreational facilities,  
267 preserve wildlife habitat areas, provide affordable housing to  
268 families whose income does not exceed 160 percent of the median  
269 family income for the area, prevent or satisfy private property  
270 rights claims resulting from limitations imposed by the  
271 designation of an area of critical state concern, or provide  
272 access to management of acquired lands; to acquire interests in  
273 land by means of land exchanges; to contribute tourist impact  
274 tax revenues received pursuant to s. 125.0108 to the county in  
275 which it is located and its most populous municipality or the



276 housing authority of such county or municipality, at the request  
277 of the county commission or the commission or council of such  
278 municipality, for the construction, redevelopment, or  
279 preservation of affordable housing in an area of critical state  
280 concern within such municipality or any other area of the  
281 county; to contribute funds to the Department of Environmental  
282 Protection for the purchase of lands by the department; and to  
283 enter into all alternatives to the acquisition of fee interests  
284 in land, including, but not limited to, the acquisition of  
285 easements, development rights, life estates, leases, and  
286 leaseback arrangements. However, the land authority shall make  
287 an acquisition or contribution only if:

288 1.(a) Such acquisition or contribution is consistent with  
289 land development regulations and local comprehensive plans  
290 adopted and approved pursuant to this chapter;

291 2.(b) The property acquired is within an area designated  
292 as an area of critical state concern at the time of acquisition  
293 or is within an area that was designated as an area of critical  
294 state concern for at least 20 consecutive years before ~~prior to~~  
295 removal of the designation;

296 3.(e) The property to be acquired has not been selected  
297 for purchase through another local, regional, state, or federal  
298 public land acquisition program. Such restriction does ~~shall~~ not  
299 apply if the land authority cooperates with the other public  
300 land acquisition programs which listed the lands for



301 acquisition, to coordinate the acquisition and disposition of  
302 such lands. In such cases, the land authority may enter into  
303 contractual or other agreements to acquire lands jointly or for  
304 eventual resale to other public land acquisition programs; and

305 4.-(d) The acquisition or contribution is not used to  
306 improve public transportation facilities or otherwise increase  
307 road capacity to reduce hurricane evacuation clearance times.

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

310 1. The cost of acquiring real property and any buildings  
311 thereon, including payments for contracts to purchase  
312 properties;

313 2. The cost of site preparation, demolition, environmental  
314 remediation that is not reimbursed by another governmental  
315 funding program, and development;

316 3. Professional fees in connection with the planning,  
317 design, and construction of the project, such as those of  
318 architects, engineers, attorneys, and accountants;

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

320 5. The cost of the construction, rehabilitation, and  
321 equipping of the project, excluding permit and impact fees and  
322 mitigation requirements;

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



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

328        Section 7. Paragraph (f) of subsection (4) of section  
329 380.508, Florida Statutes, is redesignated as paragraph (g), and  
330 a new paragraph (f) is added to that subsection, to read:

331        380.508 Projects; development, review, and approval.—

332        (4) Projects or activities which the trust undertakes,  
333 coordinates, or funds in any manner shall comply with the  
334 following guidelines:

335        (f) The purpose of urban greenways and open space projects  
336 shall be to provide recreational opportunities, promote  
337 community interaction, and connect communities. Urban greenways  
338 and open space projects may also serve dual functions as flow  
339 ways or temporary water storage areas, not including permanent  
340 reservoirs, to mitigate natural disasters and floods in  
341 developed areas.

342  
343 Project costs may include costs of providing parks, open space,  
344 public access sites, scenic easements, and other areas and  
345 facilities serving the public where such features are part of a  
346 project plan approved according to this part. In undertaking or  
347 coordinating projects or activities authorized by this part, the  
348 trust shall, when appropriate, use and promote the use of  
349 creative land acquisition methods, including the acquisition of  
350 less than fee interest through, among other methods,



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351 conservation easements, transfer of development rights, leases,  
352 and leaseback arrangements. The trust shall assist local  
353 governments in the use of sound alternative methods of financing  
354 for funding projects and activities authorized under this part.  
355 Any funds over and above eligible project costs, which remain  
356 after completion of a project approved according to this part,  
357 shall be transmitted to the state and deposited into the Florida  
358 Forever Trust Fund.

359 Section 8. This act shall take effect upon becoming a law.