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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 02/15/2018 | . | |
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (21) and (22) of section 253.025, Florida Statutes, are amended, present subsection (23) is redesignated as subsection (25), and a new subsection (23) and subsection (24) are added to that section, to read:

253.025 Acquisition of state lands.—

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



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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
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 to
27 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



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40 least three members, may direct the department to purchase lands
41 on an immediate basis using up to 15 percent of the funds
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 public
51 ownership, or for which federal matching funds will be lost, by
52 the time the land can be purchased under the program within
53 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
67 Florida Natural Areas Inventory as critically imperiled,
68 imperiled, or rare, or as excellent quality occurrences of



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

91 259.045 Purchase of lands in areas of critical state
92 concern; recommendations by department and land authorities.—
93 Within 45 days after the Administration Commission designates an
94 area as an area of critical state concern under s. 380.05, and
95 annually thereafter, the Department of Environmental Protection
96 shall consider the recommendations of the state land planning
97 agency pursuant to s. 380.05(1)(a) relating to purchase of lands



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98 within an area of critical state concern or lands outside an
99 area of critical state concern that directly impact an area of
100 critical state concern, which may include lands used to preserve
101 and protect water supply, and shall make recommendations to the
102 board with respect to the purchase of the fee or any lesser
103 interest in any such lands that are:

104 (6) Lands used to prevent or satisfy private property
105 rights claims resulting from limitations imposed by the
106 designation of an area of critical state concern if the
107 acquisition of such lands fulfills a public purpose listed in s.
108 259.032(2) or if the parcel is wholly or partially, at the time
109 of acquisition, on one of the board's approved acquisition lists
110 established pursuant to this chapter. For the purposes of this
111 subsection, if a parcel is estimated to be worth \$500,000 or
112 less and the director of the division finds that the cost of an
113 outside appraisal is not justified, a comparable sales analysis,
114 an appraisal prepared by the division, or other reasonably
115 prudent procedures may be used by the division to estimate the
116 value of the parcel, provided the public's interest is
117 reasonably protected.

118
119 The department, a local government, a special district, or a
120 land authority within an area of critical state concern may make
121 recommendations with respect to additional purchases which were
122 not included in the state land planning agency recommendations.

123 Section 3. Paragraphs (b) and (c) of subsection (2) of
124 section 288.980, Florida Statutes, are amended to read:

125 288.980 Military base retention; legislative intent; grants
126 program.-



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127 (2)

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

129 installations in the state to provide the department with a list

130 of base buffering encroachment lands for fee simple or less-

131 than-fee simple acquisitions before October 1.

132 2. The department shall submit the list of base buffering

133 encroachment lands to the Florida Defense Support Task Force

134 created in s. 288.987.

135 3. The Florida Defense Support Task Force shall, annually

136 by December 1, review the list of base buffering encroachment

137 lands submitted by the military installations and provide its

138 recommendations for ranking the lands for acquisition to the

139 department.

140 4. The department shall annually submit the list of base

141 buffering encroachment lands provided by the Florida Defense

142 Support Task Force to the Board of Trustees of the Internal

143 Improvement Trust Fund, which may acquire the lands pursuant to

144 s. 253.025. At a minimum, the annual list must contain for each

145 recommended land acquisition:

146 a. A legal description of the land and its property

147 identification number;

148 b. A detailed map of the land; and

149 c. A management and monitoring agreement to ensure the land

150 serves a base buffering purpose. ~~The department may annually~~

151 ~~submit a list to the Board of Trustees of the Internal~~

152 ~~Improvement Trust Fund of nonconservation lands to acquire,~~

153 ~~subject to a specific appropriation, through fee simple purchase~~

154 ~~or through perpetual, less than fee interest purchase, for the~~

155 ~~purpose of buffering a military installation against~~



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156 ~~encroachment. The Board of Trustees of the Internal Improvement~~
157 ~~Trust Fund shall also consider the recommendations of the~~
158 ~~Florida Defense Support Task Force, created in s. 288.987, when~~
159 ~~selecting nonconservation lands to purchase for the purpose of~~
160 ~~securing and protecting a military installation against~~
161 ~~encroachment. This paragraph does not preclude the acquisition~~
162 ~~of such lands by local governments through fee simple purchase~~
163 ~~or through perpetual, less-than-fee interest purchase, for the~~
164 ~~purpose of buffering a military installation against~~
165 ~~encroachment.~~

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

171 Section 4. Subsection (3) of section 380.0666, Florida
172 Statutes, is amended, present subsection (4) is redesignated as
173 subsection (5), and a new subsection (4) is added to that
174 subsection to read:

175 380.0666 Powers of land authority.—The land authority shall
176 have all the powers necessary or convenient to carry out and
177 effectuate the purposes and provisions of this act, including
178 the following powers, which are in addition to all other powers
179 granted by other provisions of this act:

180 (3) To acquire and dispose of real and personal property or
181 any interest therein when such acquisition is necessary or
182 appropriate to protect the natural environment, provide public
183 access or public recreational facilities, preserve wildlife
184 habitat areas, provide affordable housing to families whose



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185 income does not exceed 160 percent of the median family income
186 for the area, prevent or satisfy private property rights claims
187 resulting from limitations imposed by the designation of an area
188 of critical state concern, or provide access to management of
189 acquired lands; to acquire interests in land by means of land
190 exchanges; to contribute tourist impact tax revenues received
191 pursuant to s. 125.0108 to the county in which it is located and
192 its most populous municipality or the housing authority of such
193 county or municipality, at the request of the county commission
194 or the commission or council of such municipality, for the
195 construction, redevelopment, or preservation of affordable
196 housing in an area of critical state concern within such
197 municipality or any other area of the county; to contribute
198 funds to the Department of Environmental Protection for the
199 purchase of lands by the department; and to enter into all
200 alternatives to the acquisition of fee interests in land,
201 including, but not limited to, the acquisition of easements,
202 development rights, life estates, leases, and leaseback
203 arrangements. However, the land authority shall make an
204 acquisition or contribution only if:

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

208 (b) The property acquired is within an area designated as
209 an area of critical state concern at the time of acquisition or
210 is within an area that was designated as an area of critical
211 state concern for at least 20 consecutive years prior to removal
212 of the designation;

213 (c) The property to be acquired has not been selected for



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214 purchase through another local, regional, state, or federal
215 public land acquisition program. Such restriction shall not
216 apply if the land authority cooperates with the other public
217 land acquisition programs which listed the lands for
218 acquisition, to coordinate the acquisition and disposition of
219 such lands. In such cases, the land authority may enter into
220 contractual or other agreements to acquire lands jointly or for
221 eventual resale to other public land acquisition programs; and

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

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

228 (a) The cost of acquiring real property and any buildings
229 thereon, including payments for contracts to purchase
230 properties.

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

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

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

238 (e) The cost of the construction, rehabilitation, and
239 equipping of the project, excluding permit and impact fees and
240 mitigation requirements.

241 (f) The cost of onsite land improvements, such as
242 landscaping, parking, and ingress and egress, excluding permit



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243 and impact fees and mitigation requirements.

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

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

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

249 And the title is amended as follows:

250 Delete everything before the enacting clause

251 and insert:

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A bill to be entitled

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An act relating to lands used for governmental

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purposes; amending s. 253.025, F.S.; providing

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conditions under which specified appraisal standards

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are required for acquisition of military installation

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buffer lands; authorizing such lands to be leased or

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conveyed for less than appraised value to military

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installations; authorizing such lands to be leased for

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less than appraised value to agricultural or

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silvicultural operations; providing requirements for

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such leasing and conveyance; authorizing the use of

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certain funding sources for the immediate acquisition

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of lands that prevent or satisfy private property

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rights claims within areas of critical state concern;

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authorizing the board of trustees to waive or modify

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certain procedures or competitive bidding

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requirements; providing procedures for estimating the

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value of such lands under certain conditions; amending

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s. 259.045, F.S.; requiring the Department of

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Environmental Protection to make certain



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272 recommendations to the board regarding the acquisition
273 of certain lands to prevent or satisfy private
274 property rights claims within areas of critical state
275 concern; providing procedures for estimating the value
276 of such lands under certain conditions; amending s.
277 288.980, F.S.; requiring the Department of Economic
278 Opportunity to annually request a list from military
279 installations regarding base buffering encroachment
280 lands before a specified date; requiring the
281 department to submit such list to the Florida Defense
282 Support Task Force; requiring the Task Force to review
283 such list annually and provide its recommendations to
284 the department by a specified date; requiring the
285 department to submit such list annually to the Board
286 of Trustees of the Internal Improvement Trust Fund;
287 authorizing the board to acquire such land, subject to
288 certain conditions; specifying requirements for such
289 list; revising the definition of the term
290 "nonconservation lands"; amending s. 380.0666, F.S.;
291 revising the powers of land authorities; authorizing
292 land authorities to contribute tourist impact tax
293 revenues to counties for the construction,
294 redevelopment, and preservation of certain affordable
295 housing; providing an effective date.