

By the Committees on Military and Veterans Affairs, Space, and Domestic Security; and Environmental Preservation and Conservation; and Senator Flores

583-03275-18

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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 acquisition of military installation
6 buffer lands; authorizing such lands to be leased or
7 conveyed for less than appraised value to military
8 installations; authorizing such lands to be leased for
9 less than appraised value to agricultural or
10 silvicultural operations; providing requirements for
11 such leasing and conveyance; authorizing the use of
12 certain funding sources for the immediate acquisition
13 of lands that prevent or satisfy private property
14 rights claims within areas of critical state concern;
15 authorizing the board of trustees to waive or modify
16 certain procedures or competitive bidding
17 requirements; providing procedures for estimating the
18 value of such lands under certain conditions; amending
19 s. 259.045, F.S.; requiring the Department of
20 Environmental Protection to make certain
21 recommendations to the board regarding the acquisition
22 of certain lands to prevent or satisfy private
23 property rights claims within areas of critical state
24 concern; providing procedures for estimating the value
25 of such lands under certain conditions; amending s.
26 288.980, F.S.; requiring the Department of Economic
27 Opportunity to annually request a list from military
28 installations regarding base buffering encroachment
29 lands before a specified date; requiring the

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30 department to submit such list to the Florida Defense
31 Support Task Force; requiring the Task Force to review
32 such list annually and provide its recommendations to
33 the department by a specified date; requiring the
34 department to submit such list annually to the Board
35 of Trustees of the Internal Improvement Trust Fund;
36 authorizing the board to acquire such land, subject to
37 certain conditions; specifying requirements for such
38 list; revising the definition of the term
39 "nonconservation lands"; amending s. 380.0666, F.S.;
40 revising the powers of land authorities; authorizing
41 land authorities to contribute tourist impact tax
42 revenues to counties for the construction,
43 redevelopment, and preservation of certain affordable
44 housing; providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Subsections (21) and (22) of section 253.025,
49 Florida Statutes, are amended, present subsection (23) is
50 redesignated as subsection (25), and a new subsection (23) and
51 subsection (24) are added to that section, to read:

52 253.025 Acquisition of state lands.—

53 (21) (a) The board of trustees may acquire, pursuant to s.
54 288.980(2)(b), nonconservation lands from the annual list
55 submitted by the Department of Economic Opportunity for the
56 purpose of buffering a military installation against
57 encroachment.

58 (b) If federal partnership funds are available before the

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59 military installation buffer land is acquired, the division
60 shall apply Yellow Book appraisal standards and must disclose
61 the appraised value to the seller.

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

67 1. Convey the land at less than appraised value to the
68 military installation;

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

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

78 (d) A conveyance at less than appraised value must state
79 that the land will revert to the board of trustees if the land
80 is not used for its intended purposes as a military installation
81 buffer or if the military installation closes.

82 (22) The board of trustees, by an affirmative vote of at
83 least three members, may direct the department to purchase lands
84 on an immediate basis using up to 15 percent of the funds
85 allocated to the department pursuant to s. 259.105 for the
86 acquisition of lands that:

87 (a) Are listed or placed at auction by the Federal

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88 Government as part of the Resolution Trust Corporation sale of
89 lands from failed savings and loan associations;

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

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

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

100

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

113 (23) The board of trustees, by an affirmative vote of at
114 least three members, may direct the division to purchase lands
115 on an immediate basis that will prevent or satisfy private
116 property rights claims resulting from limitations imposed by the

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117 designation of an area of critical state concern pursuant to
118 chapter 380.

119 (24) For acquisitions directed pursuant to subsection (22)
120 or subsection (23):

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

125 (b) If a parcel is estimated to be worth \$500,000 or less
126 and the director of the division finds that the cost of an
127 outside appraisal is not justified, a comparable sales analysis,
128 an appraisal prepared by the division, or other reasonably
129 prudent procedure may be used by the division to estimate the
130 value of the land, provided the public interest is reasonably
131 protected.

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

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

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146 interest in any such lands that are:

147 (6) Lands used to prevent or satisfy private property
148 rights claims resulting from limitations imposed by the
149 designation of an area of critical state concern if the
150 acquisition of such lands fulfills a public purpose listed in s.
151 259.032(2) or if the parcel is wholly or partially, at the time
152 of acquisition, on one of the board's approved acquisition lists
153 established pursuant to this chapter. For the purposes of this
154 subsection, if a parcel is estimated to be worth \$500,000 or
155 less and the director of the division finds that the cost of an
156 outside appraisal is not justified, a comparable sales analysis,
157 an appraisal prepared by the division, or other reasonably
158 prudent procedures may be used by the division to estimate the
159 value of the parcel, provided the public's interest is
160 reasonably protected.

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

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

168 288.980 Military base retention; legislative intent; grants
169 program.—

170 (2)

171 (b)1. The department shall annually request military
172 installations in the state to provide the department with a list
173 of base buffering encroachment lands for fee simple or less-
174 than-fee simple acquisitions before October 1.

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175 2. The department shall submit the list of base buffering
176 encroachment lands to the Florida Defense Support Task Force
177 created in s. 288.987.

178 3. The Florida Defense Support Task Force shall, annually
179 by December 1, review the list of base buffering encroachment
180 lands submitted by the military installations and provide its
181 recommendations for ranking the lands for acquisition to the
182 department.

183 4. The department shall annually submit the list of base
184 buffering encroachment lands provided by the Florida Defense
185 Support Task Force to the Board of Trustees of the Internal
186 Improvement Trust Fund, which may acquire the lands pursuant to
187 s. 253.025. At a minimum, the annual list must contain for each
188 recommended land acquisition:

189 a. A legal description of the land and its property
190 identification number;

191 b. A detailed map of the land; and

192 c. A management and monitoring agreement to ensure the land
193 serves a base buffering purpose. ~~The department may annually~~
194 ~~submit a list to the Board of Trustees of the Internal~~
195 ~~Improvement Trust Fund of nonconservation lands to acquire,~~
196 ~~subject to a specific appropriation, through fee simple purchase~~
197 ~~or through perpetual, less than fee interest purchase, for the~~
198 ~~purpose of buffering a military installation against~~
199 ~~encroachment. The Board of Trustees of the Internal Improvement~~
200 ~~Trust Fund shall also consider the recommendations of the~~
201 ~~Florida Defense Support Task Force, created in s. 288.987, when~~
202 ~~selecting nonconservation lands to purchase for the purpose of~~
203 ~~securing and protecting a military installation against~~

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204 ~~encroachment. This paragraph does not preclude the acquisition~~
205 ~~of such lands by local governments through fee simple purchase~~
206 ~~or through perpetual, less-than-fee interest purchase, for the~~
207 ~~purpose of buffering a military installation against~~
208 ~~encroachment.~~

209 (c) As used in this subsection, the term "nonconservation
210 lands" means lands acquired for uses other than conservation,
211 outdoor resource-based recreation, or archaeological or historic
212 preservation not subject to acquisition by the Florida Forever
213 Program.

214 Section 4. Subsection (3) of section 380.0666, Florida
215 Statutes, is amended, present subsection (4) is redesignated as
216 subsection (5), and a new subsection (4) is added to that
217 subsection to read:

218 380.0666 Powers of land authority.—The land authority shall
219 have all the powers necessary or convenient to carry out and
220 effectuate the purposes and provisions of this act, including
221 the following powers, which are in addition to all other powers
222 granted by other provisions of this act:

223 (3) To acquire and dispose of real and personal property or
224 any interest therein when such acquisition is necessary or
225 appropriate to protect the natural environment, provide public
226 access or public recreational facilities, preserve wildlife
227 habitat areas, provide affordable housing to families whose
228 income does not exceed 160 percent of the median family income
229 for the area, prevent or satisfy private property rights claims
230 resulting from limitations imposed by the designation of an area
231 of critical state concern, or provide access to management of
232 acquired lands; to acquire interests in land by means of land

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233 exchanges; to contribute tourist impact tax revenues received
234 pursuant to s. 125.0108 to the county in which it is located and
235 its most populous municipality or the housing authority of such
236 county or municipality, at the request of the county commission
237 or the commission or council of such municipality, for the
238 construction, redevelopment, or preservation of affordable
239 housing in an area of critical state concern within such
240 municipality or any other area of the county; to contribute
241 funds to the Department of Environmental Protection for the
242 purchase of lands by the department; and to enter into all
243 alternatives to the acquisition of fee interests in land,
244 including, but not limited to, the acquisition of easements,
245 development rights, life estates, leases, and leaseback
246 arrangements. However, the land authority shall make an
247 acquisition or contribution only if:

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

251 (b) The property acquired is within an area designated as
252 an area of critical state concern at the time of acquisition or
253 is within an area that was designated as an area of critical
254 state concern for at least 20 consecutive years prior to removal
255 of the designation;

256 (c) The property to be acquired has not been selected for
257 purchase through another local, regional, state, or federal
258 public land acquisition program. Such restriction shall not
259 apply if the land authority cooperates with the other public
260 land acquisition programs which listed the lands for
261 acquisition, to coordinate the acquisition and disposition of

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262 such lands. In such cases, the land authority may enter into
263 contractual or other agreements to acquire lands jointly or for
264 eventual resale to other public land acquisition programs; and

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

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

271 (a) The cost of acquiring real property and any buildings
272 thereon, including payments for contracts to purchase
273 properties.

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

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

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

281 (e) The cost of the construction, rehabilitation, and
282 equipping of the project, excluding permit and impact fees and
283 mitigation requirements.

284 (f) The cost of onsite land improvements, such as
285 landscaping, parking, and ingress and egress, excluding permit
286 and impact fees and mitigation requirements.

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

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