

20201714er

1
2 An act relating to the sale of surplus state-owned
3 office buildings and associated nonconservation lands;
4 amending s. 215.196, F.S.; revising the purpose of the
5 Architects Incidental Trust Fund; requiring funds
6 relating to the sale of surplus state-owned office
7 buildings and associated nonconservation lands to be
8 used for certain purposes; amending s. 253.0341, F.S.;
9 revising the entities that the Board of Trustees of
10 the Internal Improvement Trust Fund must offer a lease
11 to before offering certain surplus lands for sale to
12 other specified entities; requiring an appraisal,
13 comparable sales analysis, or broker's opinion of the
14 surplus land's value to consider the highest and best
15 use of the property; defining the term "highest and
16 best use"; requiring funds from the sale of surplus
17 state-owned office buildings and associated
18 nonconservation lands to be deposited into the
19 Architects Incidental Trust Fund; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 215.196, Florida Statutes, is amended to
25 read:

26 215.196 Architects Incidental Trust Fund; creation;
27 assessment.—

28 (1) There is created the Architects Incidental Trust Fund
29 for the purpose of:

20201714er

30 (a) Collecting all funds received through the sale of
31 surplus state-owned office buildings, as defined in s. 255.248,
32 and the nonconservation lands associated with such buildings;

33 (b) Diverting funds referenced in s. 253.0341(14)(b); and

34 (c) Providing sufficient funds for the operation of the
35 facilities development activities of the Department of
36 Management Services.

37 (2) The department may ~~is authorized to~~ levy and assess an
38 amount necessary to cover the cost of administration by the
39 department of fixed capital outlay projects on which it serves
40 as owner representative on behalf of the state. The assessment
41 rate is to be provided in the General Appropriations Act and
42 statement of intent and shall be based on estimated operating
43 cost projections for the services rendered. The total assessment
44 shall be transferred into the Architects Incidental Trust Fund
45 at the beginning of each fiscal year.

46 (3) Funds received through the sale of surplus state-owned
47 office buildings and the nonconservation lands associated with
48 such buildings must be used for the acquisition, lease,
49 planning, entitlement, design, permitting, construction, or
50 maintenance of state-owned office buildings, as defined in s.
51 255.248, and the nonconservation lands associated with such
52 buildings.

53 Section 2. Subsections (7), (8), and (14) of section
54 253.0341, Florida Statutes, are amended to read:

55 253.0341 Surplus of state-owned lands.—

56 (7) Before a building or parcel of land is offered for
57 lease or sale to a local or federal unit of government or a
58 private party, it must ~~shall~~ first be offered for lease to state

20201714er

59 ~~agencies, state universities, and Florida College System~~
60 ~~institutions, with priority consideration given to state~~
61 ~~universities and Florida College System institutions. Within 60~~
62 ~~days after the offer for lease of a surplus building or parcel,~~
63 ~~a state university or Florida College System institution that~~
64 ~~requests the lease must submit a plan for review and approval by~~
65 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
66 ~~regarding the intended use, including future use, of the~~
67 ~~building or parcel of land before approval of a lease. Within 60~~
68 days after the offer for lease of a surplus building or parcel,
69 a state agency that requests the lease of such facility or
70 parcel must submit a plan for review and approval by the board
71 of trustees regarding the intended use. The state agency plan
72 must, at a minimum, include the proposed use of the facility or
73 parcel, the estimated cost of renovation, a capital improvement
74 plan for the building, evidence that the building or parcel
75 meets an existing need that cannot otherwise be met, and other
76 criteria developed by rule by the board of trustees. The board
77 or its designee shall compare the estimated value of the
78 building or parcel to any submitted business plan to determine
79 if the lease or sale is in the best interest of the state. The
80 board of trustees shall adopt rules pursuant to chapter 120 for
81 the implementation of this section.

82 (8) The sale price of lands determined to be surplus
83 pursuant to this section and s. 253.82 shall be determined by
84 the Division of State Lands, which shall consider an appraisal
85 of the property or, if the estimated value of the land is
86 \$500,000 or less, a comparable sales analysis or a broker's
87 opinion of value. The value must be based on the highest and

20201714er

88 best use of the property, considering all applicable
89 developmental rights, to ensure the maximum benefit and use to
90 the state as provided in s. 253.03(7)(a). The division may
91 require a second appraisal. The individual or entity that
92 requests to purchase the surplus parcel shall pay all costs
93 associated with determining the property's value, if any. As
94 used in this subsection, the term "highest and best use" means
95 the reasonable, probable, and legal use of vacant land or an
96 improved property which is physically possible, appropriately
97 supported, financially feasible, and results in the highest
98 value.

99 (a) A written valuation of land determined to be surplus
100 pursuant to this section and s. 253.82, and related documents
101 used to form the valuation or which pertain to the valuation,
102 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
103 I of the State Constitution.

104 1. The exemption expires 2 weeks before the contract or
105 agreement regarding the purchase, exchange, or disposal of the
106 surplus land is first considered for approval by the board of
107 trustees.

108 2. Before expiration of the exemption, the Division of
109 State Lands may disclose confidential and exempt appraisals,
110 valuations, or valuation information regarding surplus land:

111 a. During negotiations for the sale or exchange of the
112 land;

113 b. During the marketing effort or bidding process
114 associated with the sale, disposal, or exchange of the land to
115 facilitate closure of such effort or process;

116 c. When the passage of time has made the conclusions of

20201714er

117 value invalid; or

118 d. When negotiations or marketing efforts concerning the
119 land are concluded.

120 (b) A unit of government that acquires title to lands
121 pursuant to this section for less than appraised value may not
122 sell or transfer title to all or any portion of the lands to any
123 private owner for 10 years. A unit of government seeking to
124 transfer or sell lands pursuant to this paragraph must first
125 allow the board of trustees to reacquire such lands for the
126 price at which the board of trustees sold such lands.

127 (14) (a) Funds received from the sale of surplus
128 nonconservation lands or lands that were acquired by gift, by
129 donation, or for no consideration shall be deposited into the
130 Internal Improvement Trust Fund.

131 (b) Notwithstanding paragraph (a), funds received from the
132 sale of surplus state-owned office buildings, as defined in s.
133 255.248, and the nonconservation lands associated with such
134 buildings shall be deposited into the Architects Incidental
135 Trust Fund, as established pursuant to s. 215.196.

136 Section 3. This act shall take effect July 1, 2020.