

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 442

INTRODUCER: Senator Rodriguez

SUBJECT: Powers of Land Authorities

DATE: December 2, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Rogers</u>	<u>EN</u>	<u>Favorable</u>
2.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 442 authorizes land authorities to assist the counties within which they are located in the administration of state and federal grants awarded to those counties for residential flood and sea-level rise mitigation projects. These projects include grants for the elevation of structures above minimum flood elevations, the demolition and reconstruction of structures above minimum flood elevations, and the acquisition of land with structures at risk of flooding.

The bill is effective July 1, 2022.

**II. Present Situation:**

**Land Authorities**

Sections 380.0661-380.0685, F.S. (Act), authorize certain counties – specifically, counties in which one or more designated areas of critical state concern<sup>1</sup> are located<sup>2</sup> – to create land authorities by ordinance<sup>3</sup> to “equitably deal with the challenges of implementing comprehensive land use plans developed pursuant to the area of critical state concern program, which challenges are often complicated by the environmental sensitivity of such areas.”<sup>4</sup>

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<sup>1</sup> The Areas of Critical State Concern Program, which was created by the Florida Environmental Land and Water Management Act of 1972, is intended to “protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources.” Fla. Dep’t of Economic Opportunity, *Areas of Critical State Concern Program*, <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Nov. 3, 2021).

<sup>2</sup> The following areas have been designated as areas of critical state concern: Big Cypress Area (portions of Collier, Miami-Dade, and Monroe counties); Green Swamp Area (portions of Polk and Lake counties); City of Key West and the Florida Keys Areas (Monroe County); and the Apalachicola Bay Area (Franklin County). *Id.*

<sup>3</sup> Section 380.0663(1), F.S.

<sup>4</sup> Section 380.0661(1), F.S.

Land authorities are intended to be both corporate and political public bodies having stable funding and the flexibility to address plan implementation innovatively and by acting as intermediaries between individual landowners and the governmental entities regulating land use.<sup>5</sup> The governing body of the land authority is the governing board of the county.<sup>6</sup>

Land authorities act as intermediaries between landowners and government agencies that regulate land use; their core mission is to acquire property for conservation use. Land authorities also provide funding for affordable housing projects, protect conserved land from private acquisition and use, and maintain conservation land stewardship programs.

Land authorities are funded through two primary sources: a surcharge on admission and overnight occupancy at state parks,<sup>7</sup> and a share of locally imposed tourist taxes on goods such as lodging.<sup>8</sup> In order to raise additional funds to purchase lands or afford other approved purposes, a land authority may also issue revenue bonds.

Land authorities' powers are statutorily enumerated and include, among other powers, the powers to sue and be sued; to make and execute contracts and other instruments; to commission studies and analyses of county land planning needs within areas of critical state concern; to acquire and dispose of real and personal property under specified conditions; to contribute tourist impact tax revenues pursuant to s. 125.0108, F.S., to certain authorized government and state agency recipients for specified purposes under certain conditions; to borrow money through the issuance of bonds and to buy, hold, cancel, or resell such bonds; and to do any and all things otherwise necessary or convenient to carry out the purposes of the Act.<sup>9</sup>

### **The Monroe County Land Authority**

The Monroe County Comprehensive Plan Land Authority, known as the Monroe County Land Authority (Authority), has a core mission to acquire property for conservation use. The Authority also provides funding for affordable housing projects, prevents or satisfies private property acquisition, and maintains the conservation land stewardship program in Monroe County within the Florida Keys and Key West Areas of Critical State Concern.<sup>10</sup>

The Authority was established to assist in the implementation of land use plans and to serve as an intermediary between landowners and government agencies that regulate land use. The Authority is a component of Monroe County government created in 1986 and governed by the Board of County Commissioners (BOCC).<sup>11</sup>

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<sup>5</sup> Sections 380.0661(2); 380.0663(1), F.S.

<sup>6</sup> Section 380.0663(1), F.S.

<sup>7</sup> Section 380.0685, F.S.

<sup>8</sup> Section 125.0108, F.S.

<sup>9</sup> *See generally* Section 380.0666, F.S.

<sup>10</sup> Monroe County, *Monroe County Land Authority*, <https://www.monroecounty-fl.gov/272/Land-Authority> (last visited Nov. 22, 2021).

<sup>11</sup> *Id.*

**III. Effect of Proposed Changes:**

The bill amends s. 380.0666, F.S., to authorize land authorities to assist the counties within which they are located in the administration of state and federal grants awarded to those counties for residential flood and sea-level rise mitigation projects. Such grants include grants for the elevation of structures above minimum flood elevations, the demolition and reconstruction of structures above minimum flood elevations, and the acquisition of land with structures at risk of flooding.

The bill takes effect on July 1, 2022.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends s. 380.0666 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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