



LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
03/06/2018 10:26 AM	.	03/08/2018 01:53 PM
	.	

Senator Flores moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (23) of section 253.025, Florida
Statutes, is renumbered as subsection (25), subsections (21) and
(22) of that section are amended, and new subsections (23) and
(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.
288.980(2) (b), nonconservation lands from the annual list



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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 of
17 State Lands shall apply yellow book appraisal standards and must
18 disclose 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 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
40 least three members, may direct the Department of Environmental



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41 Protection to purchase lands on an immediate basis using up to
42 15 percent of the funds allocated to the department pursuant to
43 s. 259.105 for the 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
69 natural communities.



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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 of State Lands finds that the
84 cost of an outside appraisal is not justified, a comparable
85 sales analysis, an appraisal prepared by the division, or other
86 reasonably prudent procedure may be used by the division to
87 estimate the value of the land, provided the public interest is
88 reasonably 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
98 within an area of critical state concern or lands outside an



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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 of State Lands finds that
113 the cost of an outside appraisal is not justified, a comparable
114 sales analysis, an appraisal prepared by the Division of State
115 Lands, or other reasonably prudent procedures may be used by the
116 Division of State Lands to estimate the value of the parcel,
117 provided the public's interest is 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. Paragraph (i) is added to subsection (4) of
124 section 259.105, Florida Statutes, to read:

125 259.105 The Florida Forever Act.—

126 (4) It is the intent of the Legislature that projects or
127 acquisitions funded pursuant to paragraphs (3) (a) and (b)



128 contribute to the achievement of the following goals, which
129 shall be evaluated in accordance with specific criteria and
130 numeric performance measures developed pursuant to s.
131 259.035(4):

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

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

136 2. The number of acres acquired or developed to serve dual
137 functions as:

138 a. Flow ways or temporary water storage areas during
139 flooding or high water events, not including permanent
140 reservoirs; and

141 b. Greenways or open spaces available to the public for
142 recreation;

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

146 4. The percentage of the land acquired within the project
147 boundary that creates additional open spaces, natural buffer
148 areas, and greenways within a floodplain, while precluding
149 rebuilding in areas that repeatedly flood.

150
151 Florida Forever projects and acquisitions funded pursuant to
152 paragraph (3)(c) shall be measured by goals developed by rule by
153 the Florida Communities Trust Governing Board created in s.
154 380.504.

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



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157 288.980 Military base retention; legislative intent; grants
158 program.—

159 (2)

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

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

167 3. The Florida Defense Support Task Force shall, annually
168 by December 1, review the list of base buffering encroachment
169 lands submitted by the military installations and provide its
170 recommendations for ranking the lands for acquisition to the
171 department.

172 4. The department shall annually submit the list of base
173 buffering encroachment lands provided by the Florida Defense
174 Support Task Force to the Board of Trustees of the Internal
175 Improvement Trust Fund, which may acquire the lands pursuant to
176 s. 253.025. At a minimum, the annual list must contain for each
177 recommended land acquisition:

178 a. A legal description of the land and its property
179 identification number;

180 b. A detailed map of the land; and

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



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186 ~~or through perpetual, less than fee interest purchase, for the~~
187 ~~purpose of buffering a military installation against~~
188 ~~encroachment. The Board of Trustees of the Internal Improvement~~
189 ~~Trust Fund shall also consider the recommendations of the~~
190 ~~Florida Defense Support Task Force, created in s. 288.987, when~~
191 ~~selecting nonconservation lands to purchase for the purpose of~~
192 ~~securing and protecting a military installation against~~
193 ~~encroachment. This paragraph does not preclude the acquisition~~
194 ~~of such lands by local governments through fee simple purchase~~
195 ~~or through perpetual, less than fee interest purchase, for the~~
196 ~~purpose of buffering a military installation against~~
197 ~~encroachment.~~

198 (c) As used in this subsection, the term "nonconservation
199 lands" means lands acquired for uses other than conservation,
200 outdoor resource-based recreation, or archaeological or historic
201 preservation ~~not subject to acquisition by the Florida Forever~~
202 ~~Program.~~

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

205 380.0555 Apalachicola Bay Area; protection and designation
206 as area of critical state concern.—

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

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

211 (i) To protect and improve the water quality of the
212 Apalachicola Bay Area through federal, state, and local funding
213 of water quality improvement projects, including the
214 construction and operation of wastewater management facilities



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215 that meet state requirements.

216 Section 6. Subsection (3) of section 380.0666, Florida
217 Statutes, is amended 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) (a) To acquire and dispose of real and personal property
224 or 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
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,



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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 1.~~(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 2.~~(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 before ~~prior to~~
255 removal of the designation;

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

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

270 1. The cost of acquiring real property and any buildings
271 thereon, including payments for contracts to purchase
272 properties;



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273 2. The cost of site preparation, demolition, environmental
274 remediation that is not reimbursed by another governmental
275 funding program, and development;

276 3. Professional fees in connection with the planning,
277 design, and construction of the project, such as those of
278 architects, engineers, attorneys, and accountants;

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

280 5. The cost of the construction, rehabilitation, and
281 equipping of the project, excluding permit and impact fees and
282 mitigation requirements;

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

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

288 Section 7. Paragraph (f) of subsection (4) of section
289 380.508, Florida Statutes, is redesignated as paragraph (g), and
290 a new paragraph (f) is added to that subsection, to read:

291 380.508 Projects; development, review, and approval.—

292 (4) Projects or activities which the trust undertakes,
293 coordinates, or funds in any manner shall comply with the
294 following guidelines:

295 (f) The purpose of urban greenways and open space projects
296 shall be to provide recreational opportunities, promote
297 community interaction, and connect communities. Urban greenways
298 and open space projects may also serve dual functions as flow
299 ways or temporary water storage areas, not including permanent
300 reservoirs, to mitigate natural disasters and floods in
301 developed areas.



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302
303 Project costs may include costs of providing parks, open space,
304 public access sites, scenic easements, and other areas and
305 facilities serving the public where such features are part of a
306 project plan approved according to this part. In undertaking or
307 coordinating projects or activities authorized by this part, the
308 trust shall, when appropriate, use and promote the use of
309 creative land acquisition methods, including the acquisition of
310 less than fee interest through, among other methods,
311 conservation easements, transfer of development rights, leases,
312 and leaseback arrangements. The trust shall assist local
313 governments in the use of sound alternative methods of financing
314 for funding projects and activities authorized under this part.
315 Any funds over and above eligible project costs, which remain
316 after completion of a project approved according to this part,
317 shall be transmitted to the state and deposited into the Florida
318 Forever Trust Fund.

319 Section 8. Paragraph (d) of subsection (3) of section
320 380.510, Florida Statutes, is amended to read:

321 380.510 Conditions of grants and loans.—

322 (3) In the case of a grant or loan for land acquisition,
323 agreements shall provide all of the following:

324 (d) If any essential term or condition of a grant or loan
325 is violated, title to all interest in real property acquired
326 with state funds shall be conveyed or revert to the Board of
327 Trustees of the Internal Improvement Trust Fund. The trust shall
328 treat such property in accordance with s. 380.508(4)(g) ~~s.~~
329 ~~380.508(4)(f)~~.

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331 Any deed or other instrument of conveyance whereby a nonprofit
332 organization or local government acquires real property under
333 this section shall set forth the interest of the state. The
334 trust shall keep at least one copy of any such instrument and
335 shall provide at least one copy to the Board of Trustees of the
336 Internal Improvement Trust Fund.

337 Section 9. This act shall take effect upon becoming a law.

338

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

340 And the title is amended as follows:

341 Delete everything before the enacting clause

342 and insert:

343 A bill to be entitled

344 An act relating to lands used for governmental
345 purposes; amending s. 253.025, F.S.; providing
346 conditions under which specified appraisal standards
347 are required, and such appraisal be provided to the
348 seller, for the acquisition of lands for the purpose
349 of buffering military installations against
350 encroachment; authorizing such lands to be leased or
351 conveyed for less than appraised value to military
352 installations; providing requirements for such leasing
353 and conveyance; authorizing the use of certain funding
354 sources for the immediate acquisition of lands that
355 prevent or satisfy private property rights claims
356 within areas of critical state concern; authorizing
357 the board of trustees to waive certain procedures for
358 land acquisition for such lands; providing procedures
359 for estimating the value of such lands under certain



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360 conditions; amending s. 259.045, F.S.; authorizing the
361 Department of Environmental Protection to acquire
362 certain conservation and recreation lands to prevent
363 or satisfy private property rights claims within areas
364 of critical state concern; providing procedures for
365 estimating the value of such lands under certain
366 conditions; amending s. 259.105, F.S.; including
367 natural disaster and flood mitigation as criteria for
368 assessing certain projects and land acquisitions under
369 the Florida Forever Act; amending s. 288.980, F.S.;
370 requiring the Department of Economic Opportunity to
371 annually request state military installations to
372 provide a certain list before a specified date;
373 requiring the department to submit such list to the
374 Florida Defense Support Task Force; requiring the task
375 force to annually review such list and provide certain
376 recommendations by a specified date; requiring the
377 department to annually submit a certain list to the
378 Board of Trustees of the Internal Improvement Trust
379 Fund, for certain purposes; providing requirements for
380 the annual list; revising the definition of the term
381 "nonconservation lands"; amending s. 380.0555, F.S.;
382 revising the legislative intent of the Apalachicola
383 Bay Area Protection Act; amending s. 380.0666, F.S.;
384 authorizing land authorities to contribute tourist
385 impact tax revenues to counties to pay for project
386 costs relating to the construction, redevelopment, and
387 preservation of certain affordable housing; amending
388 s. 380.508, F.S.; requiring that urban greenways and



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389 open space projects undertaken, coordinated, or funded
390 by the Florida Communities Trust meet certain
391 criteria; amending s. 380.510, F.S.; conforming a
392 cross-reference; providing an effective date.