

By Senator Flores

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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.; specifying the
4 authority of the Division of State Lands within the
5 Department of Environmental Protection to acquire
6 lands from an annual list provided by the Department
7 of Economic Opportunity and the Florida Defense
8 Support Task Force for the purpose of buffering
9 military installations against encroachment; providing
10 requirements for the annual list; providing conditions
11 under which specified appraisal standards are required
12 for such lands; authorizing such lands to be leased or
13 conveyed for less than appraised value to military
14 installations; providing requirements for such leasing
15 and conveyance; authorizing the use of certain funding
16 sources for the immediate acquisition of lands that
17 prevent or satisfy private property rights claims
18 within areas of critical state concern; providing
19 procedures for estimating the value of such lands
20 under certain conditions; amending s. 380.0666, F.S.;
21 authorizing land authorities to contribute tourist
22 impact tax revenues to counties for the construction,
23 redevelopment, and preservation of certain affordable
24 housing; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Subsections (21) and (22) of section 253.025,
29 Florida Statutes, are amended to read:

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30 253.025 Acquisition of state lands.—

31 (21) (a) The board of trustees, through its agent, the
32 Division of State Lands within the Department of Environmental
33 Protection, may acquire, pursuant to s. 288.980(2)(b),
34 nonconservation lands from the annual list submitted by the
35 Department of Economic Opportunity for the purpose of buffering
36 a military installation against encroachment.

37 (b) The Department of Economic Opportunity shall annually
38 by October 1 request military installations in the state to
39 provide the department with a list of base buffering
40 encroachment lands for fee simple or less-than-fee simple
41 acquisitions.

42 (c) The Florida Defense Support Task Force shall analyze
43 the list of base buffering encroachment lands submitted by the
44 military installations and provide its recommendations for
45 ranking the lands to the Department of Economic Opportunity.

46 (d) The Department of Economic Opportunity shall submit the
47 final list of base buffering encroachment lands to the Division
48 of State Lands, which may acquire the lands pursuant to this
49 section. At a minimum, the annual list must contain for each
50 land:

51 1. A legal description of the land and its property
52 identification number;

53 2. A detailed map of the land; and

54 3. A management and monitoring agreement to ensure the land
55 serves a base buffering purpose.

56 (e) If federal partnership funds are available before the
57 land is acquired, Yellow Book appraisal standards must be
58 applied and the appraised value must be disclosed to the seller.

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59 (f) As authorized by the Division of State Lands on behalf
 60 of the board of trustees, and in agreement with the benefiting
 61 military installation, the land may be leased or conveyed at
 62 less than appraised value to the installation after its
 63 acquisition in accordance with the installation's procedures and
 64 the laws of this state. The management and monitoring of the
 65 land must be provided by the installation or another
 66 governmental entity.

67 (g) A conveyance at less than appraised value must state
 68 that the land will revert to the board of trustees if the land
 69 is not used for its intended purposes as a military installation
 70 buffer or if the military installation closes.

71 (22) (a) The board of trustees, by an affirmative vote of at
 72 least three members, may direct the department to purchase lands
 73 on an immediate basis using up to 15 percent of the funds
 74 allocated to the department pursuant to s. 259.105 or using
 75 other appropriate funding sources for the acquisition of lands
 76 that:

77 1. ~~(a)~~ Are listed or placed at auction by the Federal
 78 Government as part of the Resolution Trust Corporation sale of
 79 lands from failed savings and loan associations;

80 2. ~~(b)~~ Are listed or placed at auction by the Federal
 81 Government as part of the Federal Deposit Insurance Corporation
 82 sale of lands from failed banks; ~~or~~

83 3. ~~(c)~~ Will be developed or otherwise lost to potential
 84 public ownership, or for which federal matching funds will be
 85 lost, by the time the land can be purchased under the program
 86 within which the land is listed for acquisition; or

87 4. Will prevent or satisfy private property rights claims

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88 resulting from limitations imposed by the designation of an area
89 of critical state concern pursuant to chapter 380.

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91 For such acquisitions, the board of trustees may waive or modify
92 all procedures required for land acquisition pursuant to this
93 chapter and all competitive bid procedures required pursuant to
94 chapters 255 and 287. Lands acquired pursuant to this subsection
95 must, at the time of purchase, be within an area of critical
96 state concern designated pursuant to chapter 380, be on one of
97 the acquisition lists established pursuant to chapter 259, or be
98 essential for water resource development, protection, or
99 restoration, or a significant portion of the lands must contain
100 natural communities or plant or animal species that are listed
101 by the Florida Natural Areas Inventory as critically imperiled,
102 imperiled, or rare, or as excellent quality occurrences of
103 natural communities.

104 (b) For the purposes of this subsection, if a parcel is
105 estimated to be worth \$500,000 or less and the director of the
106 Division of State Lands finds that the cost of an outside
107 appraisal is not justified, a comparable sales analysis, an
108 appraisal prepared by the division, or other reasonably prudent
109 procedure may be used by the division to estimate the value of
110 the land, provided the public interest is reasonably protected.

111 Section 2. Subsection (3) of section 380.0666, Florida
112 Statutes, is amended to read:

113 380.0666 Powers of land authority.—The land authority shall
114 have all the powers necessary or convenient to carry out and
115 effectuate the purposes and provisions of this act, including
116 the following powers, which are in addition to all other powers

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117 granted by other provisions of this act:

118 (3) To acquire and dispose of real and personal property or
119 any interest therein when such acquisition is necessary or
120 appropriate to protect the natural environment, provide public
121 access or public recreational facilities, preserve wildlife
122 habitat areas, provide affordable housing to families whose
123 income does not exceed 160 percent of the median family income
124 for the area, prevent or satisfy private property rights claims
125 resulting from limitations imposed by the designation of an area
126 of critical state concern, or provide access to management of
127 acquired lands; to acquire interests in land by means of land
128 exchanges; to contribute tourist impact tax revenues received
129 pursuant to s. 125.0108 to the county in which it is located and
130 its most populous municipality or the housing authority of such
131 county or municipality, at the request of the county commission
132 or the commission or council of such municipality, for the
133 construction, redevelopment, or preservation of affordable
134 housing in an area of critical state concern within such
135 municipality or any other area of the county; to contribute
136 funds to the Department of Environmental Protection for the
137 purchase of lands by the department; and to enter into all
138 alternatives to the acquisition of fee interests in land,
139 including, but not limited to, the acquisition of easements,
140 development rights, life estates, leases, and leaseback
141 arrangements. However, the land authority shall make an
142 acquisition or contribution only if:

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

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146 (b) The property acquired is within an area designated as
147 an area of critical state concern at the time of acquisition or
148 is within an area that was designated as an area of critical
149 state concern for at least 20 consecutive years before ~~prior to~~
150 removal of the designation;

151 (c) The property to be acquired has not been selected for
152 purchase through another local, regional, state, or federal
153 public land acquisition program. Such restriction does ~~shall~~ not
154 apply if the land authority cooperates with the other public
155 land acquisition programs which listed the lands for
156 acquisition, to coordinate the acquisition and disposition of
157 such lands. In such cases, the land authority may enter into
158 contractual or other agreements to acquire lands jointly or for
159 eventual resale to other public land acquisition programs; and

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

163 Section 3. This act shall take effect upon becoming a law.