

1                                   A bill to be entitled  
 2           An act relating to the sale of surplus state-owned  
 3           lands; amending s. 215.196, F.S.; requiring funds from  
 4           the sale of surplus state-owned buildings and  
 5           associated nonconservation lands to be deposited in  
 6           the Architects Incidental Trust Fund and used for  
 7           specified purposes; amending s. 253.0341, F.S.;  
 8           removing the requirement that surplus state-owned  
 9           buildings and lands be offered for lease or sale to  
 10          state universities and Florida College System  
 11          institutions before being offered to state agencies;  
 12          providing a requirement for determining the value of  
 13          surplus lands; defining the term "highest and best  
 14          use"; requiring funds from the sale of surplus state-  
 15          owned buildings and associated nonconservation lands  
 16          be deposited into the Architects Incidental Trust  
 17          Fund; providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1. Subsection (3) is added to section 215.196,  
 22           Florida Statutes, to read:

23           215.196 Architects Incidental Trust Fund; creation;  
 24           assessment.—

25           (3) Funds received from the sale of surplus state-owned

26 office buildings as defined in s. 255.248 and the  
27 nonconservation lands associated with such buildings pursuant to  
28 s. 253.0341(14) (b) shall be deposited in the Architects  
29 Incidental Trust Fund for the purpose of providing sufficient  
30 funds for the operation of the facilities development activities  
31 of the Department of Management Services and to acquire, lease,  
32 plan, entitle, design, permit, construct, or maintain state-  
33 owned office buildings as defined in s. 255.248(9) and  
34 nonconservation lands associated with such buildings.

35 Section 2. Subsections (7), (8), and (14) of section  
36 253.0341, Florida Statutes, are amended to read:

37 253.0341 Surplus of state-owned lands.—

38 (7) Before a building or parcel of land is offered for  
39 lease or sale to a local or federal unit of government or a  
40 private party, it shall first be offered for lease to state  
41 ~~agencies, state universities, and Florida College System~~  
42 ~~institutions, with priority consideration given to state~~  
43 ~~universities and Florida College System institutions. Within 60~~  
44 ~~days after the offer for lease of a surplus building or parcel,~~  
45 ~~a state university or Florida College System institution that~~  
46 ~~requests the lease must submit a plan for review and approval by~~  
47 ~~the Board of Trustees of the Internal Improvement Trust Fund~~  
48 ~~regarding the intended use, including future use, of the~~  
49 ~~building or parcel of land before approval of a lease. Within 60~~  
50 ~~days after the offer for lease of a surplus building or parcel,~~

51 a state agency that requests the lease of such facility or  
52 parcel must submit a plan for review and approval by the board  
53 of trustees regarding the intended use. The state agency plan  
54 must, at a minimum, include the proposed use of the facility or  
55 parcel, the estimated cost of renovation, a capital improvement  
56 plan for the building, evidence that the building or parcel  
57 meets an existing need that cannot otherwise be met, and other  
58 criteria developed by rule by the board of trustees. The board  
59 or its designee shall compare the estimated value of the  
60 building or parcel to any submitted business plan to determine  
61 if the lease or sale is in the best interest of the state. The  
62 board of trustees shall adopt rules pursuant to chapter 120 for  
63 the implementation of this section.

64 (8) The sale price of lands determined to be surplus  
65 pursuant to this section and s. 253.82 shall be determined by  
66 the Division of State Lands, which shall consider an appraisal  
67 of the property or, if the estimated value of the land is  
68 \$500,000 or less, a comparable sales analysis or a broker's  
69 opinion of value. The division may require a second appraisal.  
70 The individual or entity that requests to purchase the surplus  
71 parcel shall pay all costs associated with determining the  
72 property's value, if any.

73 (a) A written valuation of land determined to be surplus  
74 pursuant to this section and s. 253.82, and related documents  
75 used to form the valuation or which pertain to the valuation,

76 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
77 I of the State Constitution.

78 1. The exemption expires 2 weeks before the contract or  
79 agreement regarding the purchase, exchange, or disposal of the  
80 surplus land is first considered for approval by the board of  
81 trustees.

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

85 a. During negotiations for the sale or exchange of the  
86 land;

87 b. During the marketing effort or bidding process  
88 associated with the sale, disposal, or exchange of the land to  
89 facilitate closure of such effort or process;

90 c. When the passage of time has made the conclusions of  
91 value invalid; or

92 d. When negotiations or marketing efforts concerning the  
93 land are concluded.

94 (b) A unit of government that acquires title to lands  
95 pursuant to this section for less than appraised value may not  
96 sell or transfer title to all or any portion of the lands to any  
97 private owner for 10 years. A unit of government seeking to  
98 transfer or sell lands pursuant to this paragraph must first  
99 allow the board of trustees to reacquire such lands for the  
100 price at which the board of trustees sold such lands.

101        (c) For the purposes of determining the value of surplus  
102 lands pursuant to this subsection, the value shall be based on  
103 the highest and best use of the property considering all  
104 applicable developmental rights to ensure the highest value to  
105 the state as provided in s. 253.03(7) (a). As used in this  
106 paragraph, the term "highest and best use" means the reasonable,  
107 probable, and legal use of vacant land or an improved property  
108 that is physically possible, appropriately supported,  
109 financially feasible, and that results in the highest value.

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

114        (b) Notwithstanding paragraph (a), funds received from the  
115 sale of surplus state-owned office buildings as defined in s.  
116 255.248 and the nonconservation lands associated with such  
117 buildings pursuant to this section shall be deposited into the  
118 Architects Incidental Trust Fund.

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