

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 571 Powers of Land Authorities

SPONSOR(S): Mooney

TIED BILLS: IDEN./SIM. BILLS: SB 442

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Environment, Agriculture & Flooding Subcommittee	14 Y, 0 N	Gawin	Moore
2) Local Administration & Veterans Affairs Subcommittee	15 Y, 0 N	Mwakyanjala	Miller
3) State Affairs Committee	21 Y, 0 N	Gawin	Williamson

SUMMARY ANALYSIS

Current law authorizes a county in which one or more designated areas of critical state concern are located to create a land authority by ordinance. The Legislature authorized the creation of land authorities to equitably address the challenges of implementing comprehensive land use plans developed pursuant to the area of critical state concern program, which can be complicated by the environmental sensitivity of such areas. Monroe County is the only county in the state that has established a land authority pursuant to this statutory 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, prevention or satisfaction of 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.

The bill authorizes a land authority to assist the county in which it is located with the administration of state and federal grants awarded to the county for residential flood and sea-level rise mitigation projects, including 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 does not appear to have a fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Land Authorities

Current law authorizes a county in which one or more designated areas of critical state concern¹ are located² to create a land authority by ordinance.³ The Legislature authorized the creation of land authorities to equitably address the challenges of implementing comprehensive land use plans developed pursuant to the area of critical state concern program, which can be complicated by the environmental sensitivity of such areas.⁴ Monroe County is the only county in the state that has established a land authority pursuant to this statutory authority.

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.⁵ The governing body of the land authority is the governing board of the county.⁶

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 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 land authority.⁷

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.⁸ The Authority also provides funding for affordable housing projects, prevention or satisfaction of 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.⁹

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.¹⁰

¹ 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 Dec. 21, 2021).

² 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.*

³ Section 380.0663(1), F.S.

⁴ Section 380.0661(1), F.S.

⁵ Sections 380.0661(2) and 380.0663(1), F.S.

⁶ Section 380.0663(1), F.S.

⁷ Section 380.0666, F.S.

⁸ Monroe County, *Monroe County Land Authority*, <https://www.monroecounty-fl.gov/272/Land-Authority> (last visited Dec. 21, 2021).

⁹ *Id.*

¹⁰ *Id.*

Effect of the Bill

The bill authorizes a land authority to assist the county in which it is located with the administration of state and federal grants awarded to the county for residential flood and sea-level rise mitigation projects, including 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.

B. SECTION DIRECTORY:

Section 1. Amends s. 380.0666, F.S., related to powers of land authorities.

Section 2. Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.