

CHAPTER 2020-20

Senate Bill No. 1714

An act relating to the sale of surplus state-owned office buildings and associated nonconservation lands; amending s. 215.196, F.S.; revising the purpose of the Architects Incidental Trust Fund; requiring funds relating to the sale of surplus state-owned office buildings and associated nonconservation lands to be used for certain purposes; amending s. 253.0341, F.S.; revising the entities that the Board of Trustees of the Internal Improvement Trust Fund must offer a lease to before offering certain surplus lands for sale to other specified entities; requiring an appraisal, comparable sales analysis, or broker's opinion of the surplus land's value to consider the highest and best use of the property; defining the term "highest and best use"; requiring funds from the sale of surplus state-owned office buildings and associated nonconservation lands to be deposited into the Architects Incidental Trust Fund; providing an effective date.

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

Section 1. Section 215.196, Florida Statutes, is amended to read:

215.196 Architects Incidental Trust Fund; creation; assessment.—

(1) There is created the Architects Incidental Trust Fund for the purpose of:

(a) Collecting all funds received through the sale of surplus state-owned office buildings, as defined in s. 255.248, and the nonconservation lands associated with such buildings;

(b) Diverting funds referenced in s. 253.0341(14)(b); and

(c) Providing sufficient funds for the operation of the facilities development activities of the Department of Management Services.

(2) The department ~~may is authorized to~~ levy and assess an amount necessary to cover the cost of administration by the department of fixed capital outlay projects on which it serves as owner representative on behalf of the state. The assessment rate is to be provided in the General Appropriations Act and statement of intent and shall be based on estimated operating cost projections for the services rendered. The total assessment shall be transferred into the Architects Incidental Trust Fund at the beginning of each fiscal year.

(3) Funds received through the sale of surplus state-owned office buildings and the nonconservation lands associated with such buildings must be used for the acquisition, lease, planning, entitlement, design, permitting, construction, or maintenance of state-owned office buildings, as

defined in s. 255.248, and the nonconservation lands associated with such buildings.

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

253.0341 Surplus of state-owned lands.—

(7) Before a building or parcel of land is offered for lease or sale to a local or federal unit of government or a private party, it ~~must shall~~ first be offered for lease to state agencies, ~~state universities, and Florida College System institutions, with priority consideration given to state universities and Florida College System institutions.~~ Within 60 days after the offer for lease of a surplus building or parcel, a state university or Florida College System institution that requests the lease must submit a plan for review and approval by the Board of Trustees of the Internal Improvement Trust Fund regarding the intended use, including future use, of the building or parcel of land before approval of a lease. Within 60 days after the offer for lease of a surplus building or parcel, a state agency that requests the lease of such facility or parcel must submit a plan for review and approval by the board of trustees regarding the intended use. The state agency plan must, at a minimum, include the proposed use of the facility or parcel, the estimated cost of renovation, a capital improvement plan for the building, evidence that the building or parcel meets an existing need that cannot otherwise be met, and other criteria developed by rule by the board of trustees. The board or its designee shall compare the estimated value of the building or parcel to any submitted business plan to determine if the lease or sale is in the best interest of the state. The board of trustees shall adopt rules pursuant to chapter 120 for the implementation of this section.

(8) The sale price of lands determined to be surplus pursuant to this section and s. 253.82 shall be determined by the Division of State Lands, which shall consider an appraisal of the property or, if the estimated value of the land is \$500,000 or less, a comparable sales analysis or a broker's opinion of value. The value must be based on the highest and best use of the property, considering all applicable developmental rights, to ensure the maximum benefit and use to the state as provided in s. 253.03(7)(a). The division may require a second appraisal. The individual or entity that requests to purchase the surplus parcel shall pay all costs associated with determining the property's value, if any. As used in this subsection, the term "highest and best use" means the reasonable, probable, and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible, and results in the highest value.

(a) A written valuation of land determined to be surplus pursuant to this section and s. 253.82, and related documents used to form the valuation or which pertain to the valuation, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

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

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

(b) Notwithstanding paragraph (a), funds received from the sale of surplus state-owned office buildings, as defined in s. 255.248, and the nonconservation lands associated with such buildings shall be deposited into the Architects Incidental Trust Fund, as established pursuant to s. 215.196.

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

Approved by the Governor June 9, 2020.

Filed in Office Secretary of State June 9, 2020.