



1 A bill to be entitled
2 An act relating to state lands; amending s. 253.025,
3 F.S.; authorizing the Board of Trustees of the
4 Internal Improvement Trust Fund to waive certain
5 requirements and rules and substitute procedures
6 relating to the acquisition of state lands under
7 certain conditions; providing that title to certain
8 acquired lands are vested in the board; providing for
9 the administration of such lands; authorizing the
10 board to adopt specified rules; revising requirements
11 for the appraisal of lands proposed for acquisition;
12 requiring an agency proposing an acquisition to pay
13 the associated costs; deleting provisions directing
14 the board to approve qualified fee appraisal
15 organizations; requiring fee appraisers to submit
16 certain affidavits to an agency before contracting
17 with a participant in a multiparty agreement;
18 prohibiting fee appraisers from negotiating with
19 property owners; revising the minimum survey standards
20 incorporated by reference for conducting certified
21 surveys; authorizing the disclosure of confidential
22 appraisal reports under certain conditions; providing
23 for public agencies and nonprofit organizations to
24 enter into written agreements with the Department of
25 Environmental Protection rather than the Division of
26 State Lands to purchase and hold property for



27 subsequent resale to the board rather than the
28 division; revising the definition of the term
29 "nonprofit organization"; directing the board to adopt
30 by rule the method for determining the value of
31 parcels sought to be acquired by state agencies;
32 providing requirements for such acquisitions;
33 expanding the scope of real estate acquisition
34 services for which the board and state agencies may
35 contract; authorizing the Department of Environmental
36 Protection to use outside counsel to review any
37 agreements or documents or to perform acquisition
38 closings under certain conditions; requiring state
39 agencies to furnish the Department of Environmental
40 Protection rather than the Division of State Lands
41 with specified acquisition documents; providing that
42 the purchase price of certain parcels is not subject
43 to an increase or decrease as a result of certain
44 circumstances; authorizing the board of trustees to
45 direct the Department of Environmental Protection to
46 exercise eminent domain for the acquisition of certain
47 conservation parcels under certain circumstances;
48 authorizing the Department of Environmental Protection
49 to exercise condemnation authority directly or by
50 contracting with the Department of Transportation or a
51 water management district to provide such service;
52 authorizing the board of trustees to direct the



53 Department of Environmental Protection to purchase
54 lands on an immediate basis using specified funds;
55 authorizing the board of trustees to waive or modify
56 all procedures required for such land acquisition;
57 providing that title to certain lands held jointly by
58 the board of trustees and a water management district
59 meet the standards necessary for ownership by the
60 board; creating s. 253.0251, F.S.; providing for the
61 use of alternatives to fee simple acquisition for land
62 purchases by the Department of Environmental
63 Protection, the Department of Agriculture and Consumer
64 Services, and water management districts; amending s.
65 253.03, F.S.; deleting provisions directing the board
66 of trustees to adopt by rule an annual administrative
67 fee for certain leases and similar instruments;
68 revising the criteria by which specified structures
69 have the right to continue submerged land leases;
70 directing the board of trustees to adopt by rule an
71 annual administrative fee for certain leases and
72 instruments; authorizing nonwater-dependent uses for
73 submerged lands; amending s. 253.031, F.S.; providing
74 for the Department of Environmental Protection to
75 maintain documents concerning all state lands;
76 deleting an obsolete provision; amending s. 253.034,
77 F.S.; authorizing the Department of Environmental
78 Protection to submit certain state-owned lands to the



79 Acquisition and Restoration Council or board of
80 trustees for review and consideration; requiring that
81 all nonconservation land use plans are managed to
82 provide the greatest benefit to the state; deleting
83 provisions requiring an analysis of natural or
84 cultural resources as part of a nonconservation land
85 use plan; specifying that certain management and
86 short-term and long-term goals for the conservation of
87 plant and animal species apply to conservation lands;
88 providing conditions under which the Secretary of
89 Environmental Protection, Commissioner of Agriculture,
90 or executive director of the Fish and Wildlife
91 Conservation Commission or their designees are
92 required to submit land management plans to the board
93 of trustees; requiring that updated land management
94 plans identify conservation lands that are no longer
95 needed for conservation purposes; deleting provisions
96 directing the board of trustees to make certain
97 determinations regarding the surplus and disposition
98 of state lands; deleting provisions requiring that
99 buildings and parcels of land be offered for lease to
100 state agencies, state universities, and Florida
101 College System institutions before being offered for
102 lease or sale to a local or federal unit of government
103 or a private party; amending s. 253.0341, F.S.;

104 deleting provisions authorizing counties and local



105 governments to submit requests for the surplus of
106 state-owned lands and requiring that such requests be
107 expedited; directing the board of trustees to make
108 certain determinations regarding the surplus and
109 disposition of state lands; providing that lands
110 acquired before a certain date using specified
111 proceeds are deemed to have been acquired for
112 conservation purposes; providing that certain lands
113 used by the Department of Corrections, the Department
114 of Management Services, and the Department of
115 Transportation may not be designated as lands acquired
116 for conservation purposes; requiring updated land
117 management plans to identify conservation and
118 nonconservation lands that are no longer used for the
119 purposes for which they were originally leased and
120 that could be disposed of; deleting an obsolete
121 provision; requiring that facilities and
122 nonconservation parcels of land be offered for lease
123 to state agencies before being offered for lease to a
124 local or federal unit of government, state university,
125 Florida College System institution, or private party;
126 providing for the valuation and disposition of surplus
127 lands; providing for the deposit of proceeds from the
128 sale of such lands; authorizing the board of trustees
129 to adopt rules; requiring surplus lands conveyed to a
130 local government for affordable housing to be disposed



131 of by the local government; amending s. 253.111, F.S.;

132 deleting provisions requiring the board of trustees to

133 afford an opportunity to local governments to purchase

134 certain state-owned lands; revising provisions

135 relating to the rights of riparian owners to secure

136 certain state-owned lands; amending s. 253.42, F.S.;

137 authorizing individuals or entities to submit requests

138 to the Division of State Lands to exchange state-owned

139 land for privately held land; requiring the state to

140 retain permanent conservation easements over the

141 state-owned land and all or a portion of the privately

142 held land; requiring the division to submit requests

143 to the Acquisition and Restoration Council for review

144 and recommendation or to the board of trustees with

145 recommendations from the division and the council;

146 review requests and provide recommendations to the

147 Acquisition and Restoration Council; providing

148 applicability; directing the board of trustees to

149 consider a request if certain conditions are met;

150 providing special consideration for certain requests;

151 providing that such lands are subject to inspection;

152 amending s. 253.782, F.S.; deleting a provision

153 directing the Department of Environmental Protection

154 to retain ownership of and maintain lands or interests

155 in land owned by the board of trustees; amending s.

156 253.7821, F.S.; assigning the Cross Florida Greenways



157 State Recreation and Conservation Area to the
158 Department of Environmental Protection rather than the
159 Office of Greenways Management within the Office of
160 the Secretary; creating s. 253.87, F.S.; directing the
161 Department of Environmental Protection to include
162 certain county, municipal, state, and federal lands in
163 the Florida State-Owned Lands and Records Information
164 System (SOLARIS) database and to update the database
165 at specified intervals; requiring counties,
166 municipalities, and financially disadvantaged small
167 communities to submit a list of certain lands to the
168 department by a specified date and at specified
169 intervals; directing the department to conduct a study
170 and submit a report to the Governor and the
171 Legislature on the technical and economic feasibility
172 of including certain lands in the database or a
173 similar public lands inventory; amending s. 259.01,
174 F.S.; renaming the "Land Conservation Act of 1972" as
175 the "Land Conservation Program"; repealing s. 259.02,
176 F.S., relating to issuance of state bonds for certain
177 land projects; amending s. 259.032, F.S.; conforming
178 cross-references; revising provisions relating to the
179 management of conservation and recreation lands to
180 conform with changes made by the act; revising duties
181 of the Acquisition and Restoration Council; amending
182 s. 259.035, F.S.; requiring recipients of funds from



183 the Land Acquisition Trust Fund to annually report
184 certain performance measures to the Department of
185 Environmental Protection rather than the Division of
186 State Lands; amending s. 259.036, F.S.; revising the
187 composition of the regional land management review
188 team; providing for the Department of Environmental
189 Protection rather than the Division of State Lands to
190 act as the review team coordinator; revising
191 requirements for conservation and recreation land
192 management reviews and plans; amending s. 259.037,
193 F.S.; removing the director of the Office of Greenways
194 and Trails from the Land Management Uniform Accounting
195 Council; repealing s. 259.041(1)-(6) and (8)-(19),
196 F.S., relating to the acquisition of state-owned lands
197 for preservation, conservation, and recreation
198 purposes; amending s. 259.047, F.S.; revising
199 provisions relating to the acquisition of land on
200 which an agricultural lease exists to conform with
201 changes made by the act; amending s. 259.101, F.S.;
202 conforming cross-references; revising provisions
203 relating to alternate use of lands acquired under the
204 Florida Preservation 2000 Act to conform with changes
205 made by the act; deleting provisions for alternatives
206 to fee simple acquisition of such lands to conform
207 with changes made by the act; amending s. 259.105,
208 F.S.; deleting provisions requiring the advancement of



209 certain goals and objectives of imperiled species
210 management on state lands to conform with changes made
211 by the act; conforming cross-references; revising
212 provisions directing the Acquisition and Restoration
213 Council to give increased priority to certain projects
214 when developing proposed rules relating to Florida
215 Forever funding and additions to the Conservation and
216 Recreation Lands list; deleting provisions requiring
217 that such rules be submitted to the Legislature for
218 review; amending s. 259.1052, F.S.; deleting
219 provisions authorizing the Department of Environmental
220 Protection to distribute revenues from the Florida
221 Forever Trust Fund for the acquisition of a portion of
222 Babcock Crescent B Ranch; amending s. 373.089, F.S.;
223 extending the time within which a certified appraisal
224 may be obtained for lands to be sold as surplus;
225 revising the procedures that a water management
226 district must follow for publishing a notice of
227 intention to sell surplus lands; authorizing the
228 governing board of a water management district to sell
229 certain lands acquired with Florida Forever funds
230 without first offering title to the lands to the Board
231 of Trustees of the Internal Improvement Trust Fund;
232 authorizing the governing board of a water management
233 district to sell parcels of land no longer needed for
234 conservation purposes and valued at or below a



235 specified threshold as surplus; requiring certain
 236 notice before the sale of such parcels; providing
 237 procedures for the sale of such parcels; creating s.
 238 570.715, F.S., and transferring, renumbering, and
 239 amending s. 259.04(7), F.S.; providing procedures for
 240 the acquisition of conservation easements by the
 241 Department of Agriculture and Consumer Services;
 242 amending ss. 73.015, 125.355, 166.045, 215.82,
 243 215.965, 253.027, 253.7824, 260.015, 260.016, 369.317,
 244 373.139, 375.031, 375.041, 380.05, 380.055, 380.508,
 245 589.07, 944.10, 957.04, 985.682, and 1013.14, F.S.;
 246 conforming cross-references; providing an
 247 appropriation and authorizing positions; providing an
 248 effective date.

249
 250 Be It Enacted by the Legislature of the State of Florida:

251
 252 Section 1. Section 253.025, Florida Statutes, is amended
 253 to read:

254 253.025 Acquisition of state lands ~~for purposes other than~~
 255 ~~preservation, conservation, and recreation.~~—

256 (1) (a) ~~Neither~~ The Board of Trustees of the Internal
 257 Improvement Trust Fund or ~~nor~~ its duly authorized agent may not
 258 ~~shall~~ commit the state, through any instrument of negotiated
 259 contract or agreement for purchase, to the purchase of lands
 260 with or without appurtenances unless ~~the provisions of this~~



261 section ~~has have~~ been fully complied with.

262 (b) Except for the requirements of subsections (4), (11),
263 and (22), if the public's interest is reasonably protected, the
264 board of trustees may:

265 1. Waive any requirements of this section.

266 2. Waive any rules adopted pursuant to this section,
267 notwithstanding chapter 120.

268 3. Substitute other reasonably prudent procedures.

269 (c) However, The board of trustees may also substitute
270 federally mandated acquisition procedures for the provisions of
271 this section if ~~when~~ federal funds are available and will be
272 used ~~utilized~~ for the purchase of lands, title to which will
273 vest in the board of trustees, and qualification for such
274 federal funds requires compliance with federally mandated
275 acquisition procedures.

276 (d) Notwithstanding ~~any provisions in~~ this section ~~to the~~
277 contrary, if lands are being acquired by the board of trustees
278 for the anticipated sale, conveyance, or transfer to the Federal
279 Government pursuant to a joint state and federal acquisition
280 project, the board of trustees may use appraisals obtained by
281 the Federal Government in the acquisition of such lands. The
282 board of trustees may waive any provision of this section when
283 land is being conveyed from a state agency to the board.

284 (e) The title to lands acquired pursuant to this section
285 shall vest in the board of trustees pursuant to s. 253.03(1)
286 unless otherwise provided by law, and all such titled lands



287 shall be administered pursuant to s. 253.03.

288 (2) Before ~~Prior to~~ any state agency initiates ~~initiating~~
289 any land acquisition, except for ~~as pertains to~~ the purchase of
290 property for transportation facilities and transportation
291 corridors and property for borrow pits for road building
292 purposes, the agency shall coordinate with the Division of State
293 Lands to determine the availability of existing, suitable state-
294 owned lands in the area and the public purpose for which the
295 acquisition is being proposed. If the state agency determines
296 that no suitable state-owned lands exist, the state agency may
297 proceed to acquire such lands by employing all available
298 statutory authority for acquisition.

299 (3) The board of trustees is authorized to adopt rules to
300 implement this section, including rules governing the terms and
301 conditions of land purchases. The rules shall address, with
302 specificity, but need not be limited to:

303 (a) The procedures to be followed in the acquisition
304 process, including selection of appraisers, surveyors, title
305 agents, and closing agents, and the content of appraisal
306 reports.

307 (b) The determination of the value of parcels which the
308 state has an interest in acquiring.

309 (c) Special requirements when multiple landowners are
310 involved in an acquisition.

311 (d) Requirements for obtaining written option agreements
312 so that the interests of the state are fully protected.



313 (4) An agreement to acquire real property for the purposes
314 described in this chapter, chapter 259, chapter 260, or chapter
315 375, title to which will vest in the board of trustees, may not
316 bind the state before the agreement is reviewed and approved by
317 the Department of Environmental Protection as complying with
318 this section and any rules adopted pursuant to this section. If
319 any of the following conditions exist, the agreement shall be
320 submitted to and approved by the board of trustees:

321 (a) The purchase price agreed to by the seller exceeds the
322 value as established pursuant to the rules of the board of
323 trustees;

324 (b) The contract price agreed to by the seller and the
325 acquiring agency exceeds \$1 million;

326 (c) The acquisition is the initial purchase in a Florida
327 Forever project; or

328 (d) Other conditions that the board of trustees may adopt
329 by rule. Such conditions may include, but are not limited to,
330 Florida Forever projects when title to the property being
331 acquired is considered nonmarketable or is encumbered in such a
332 way as to significantly affect its management.

333
334 If approval of the board of trustees is required pursuant to
335 this subsection, the acquiring agency must provide a
336 justification as to why it is in the public's interest to
337 acquire the parcel or Florida Forever project. Approval of the
338 board of trustees is also required for Florida Forever projects



339 the department recommends acquiring pursuant to subsections (11)
340 and (22). Review and approval of agreements for acquisitions for
341 Florida Greenways and Trails Program properties pursuant to
342 chapter 260 may be waived by the department in any contract with
343 nonprofit corporations that have agreed to assist the department
344 with this program. If the contribution of the acquiring agency
345 exceeds \$100 million in any one fiscal year, the agreement shall
346 be submitted to and approved by the Legislative Budget
347 Commission.

348 (5)~~(3)~~ Land acquisition procedures provided for in this
349 section are for voluntary, negotiated acquisitions.

350 (6)~~(4)~~ For the purposes of this section, the term
351 "negotiations" does not include preliminary contacts with the
352 property owner to determine the availability of the property,
353 existing appraisal data, existing abstracts, and surveys.

354 (7)~~(5)~~ Evidence of marketable title shall be provided by
355 the landowner before ~~prior to~~ the conveyance of title, as
356 provided in the final agreement for purchase. Such evidence of
357 marketability shall be in the form of title insurance or an
358 abstract of title with a title opinion. The board of trustees
359 may waive the requirement that the landowner provide evidence of
360 marketable title, and, in such case, the acquiring agency shall
361 provide evidence of marketable title. The board of trustees or
362 its designee may waive the requirement of evidence of
363 marketability for acquisitions of property assessed by the
364 county property appraiser at \$10,000 or less, if ~~where~~ the



365 Division of State Lands finds, based upon such review of the
366 title records as is reasonable under the circumstances, that
367 there is no apparent impediment to marketability, or to
368 management of the property by the state.

369 (8)-(6) Before approval by the board of trustees, or, when
370 applicable, the Department of Environmental Protection, of any
371 agreement to purchase land pursuant to this chapter, chapter
372 259, chapter 260, or chapter 375, and before ~~Prior to~~
373 negotiations with the parcel owner to purchase any other land
374 ~~pursuant to this section~~, title to which will vest in the board
375 of trustees, an appraisal of the parcel shall be required as
376 follows:

377 (a) The board of trustees shall adopt by rule the method
378 for determining the value of parcels sought to be acquired by
379 state agencies pursuant to this section.

380 (b)-(a) Each parcel to be acquired shall have at least one
381 appraisal. Two appraisals are required when the estimated value
382 of the parcel exceeds \$1 million. However, if both appraisals
383 exceed \$1 million and differ significantly, a third appraisal
384 may be obtained. If ~~When~~ a parcel is estimated to be worth
385 \$100,000 or less and the director of the Division of State Lands
386 finds that the cost of an outside appraisal is not justified, a
387 comparable sales analysis, an appraisal prepared by the
388 division, or other reasonably prudent procedures may be used by
389 the division to estimate the value of the parcel, provided the
390 public's interest is reasonably protected. The state is not



391 required to appraise the value of lands and appurtenances that
392 are being donated to the state.

393 (c) ~~(b)~~ Appraisal fees and associated costs shall be paid
394 by the agency proposing the acquisition. ~~The board of trustees~~
395 ~~shall approve qualified fee appraisal organizations.~~ All
396 appraisals used for the acquisition of lands pursuant to this
397 section shall be prepared by a ~~member of an approved appraisal~~
398 ~~organization or by a~~ state-certified appraiser. The board of
399 trustees shall adopt rules for selecting individuals to perform
400 appraisals pursuant to this section. Each fee appraiser selected
401 to appraise a particular parcel shall, before ~~prior to~~
402 contracting with the agency or a participant in a multiparty
403 agreement, submit to the ~~that~~ agency an affidavit substantiating
404 that he or she has no vested or fiduciary interest in such
405 parcel.

406 (d) The fee appraiser and the review appraiser for the
407 agency may not act in any manner that may be construed as
408 negotiating with the owner of a parcel proposed for acquisition.

409 (e) ~~(e)~~ The board of trustees shall adopt by rule the
410 minimum criteria, techniques, and methods to be used in the
411 preparation of appraisal reports. Such rules shall incorporate,
412 to the extent practicable, generally accepted appraisal
413 standards. Any appraisal issued for acquisition of lands
414 pursuant to this section must comply with the rules adopted by
415 the board of trustees. A certified survey must be made which
416 meets the minimum requirements for upland parcels established in



417 the ~~Minimum Technical~~ Standards of Practice for Land Surveying
418 in Florida published by the Department of Agriculture and
419 Consumer Services ~~Business and Professional Regulation~~ and which
420 accurately portrays, to the greatest extent practicable, the
421 condition of the parcel as it currently exists. The requirement
422 for a certified survey may, in part or in whole, be waived by
423 the board of trustees any time before ~~prior to~~ submitting the
424 agreement for purchase to the Division of State Lands. When an
425 existing boundary map and description of a parcel are determined
426 by the division to be sufficient for appraisal purposes, the
427 division director may temporarily waive the requirement for a
428 survey until any time before ~~prior to~~ conveyance of title to the
429 parcel. ~~The fee appraiser and the review appraiser for the~~
430 ~~agency shall not act in any way that may be construed as~~
431 ~~negotiating with the property owner.~~

432 (f) ~~(d)~~ Appraisal reports are confidential and exempt from
433 ~~the provisions of s. 119.07(1), for use by the agency and the~~
434 ~~board of trustees, until an option contract is executed or, if~~
435 ~~no option contract is executed, until 2 weeks before a contract~~
436 ~~or agreement for purchase is considered for approval by the~~
437 ~~board of trustees. The Department of Environmental Protection~~
438 ~~may disclose appraisal reports to private landowners during~~
439 ~~negotiations for acquisitions using alternatives to fee simple~~
440 ~~techniques, if the department determines that disclosure of such~~
441 ~~reports will bring the proposed acquisition to closure. However,~~
442 ~~the private landowner must agree to maintain the confidentiality~~



443 of the reports or information. ~~However,~~ The department ~~Division~~
444 ~~of State Lands~~ may also disclose appraisal information to public
445 agencies or nonprofit organizations that agree to maintain the
446 confidentiality of the reports or information when joint
447 acquisition of property is contemplated, or when a public agency
448 or nonprofit organization enters into a written agreement with
449 the department ~~division~~ to purchase and hold property for
450 subsequent resale to the board of trustees ~~division~~. In
451 addition, the department ~~division~~ may use, as its own,
452 appraisals obtained by a public agency or nonprofit
453 organization, if ~~provided~~ the appraiser is selected from the
454 department's ~~division's~~ list of appraisers and the appraisal is
455 reviewed and approved by the department ~~division~~. For ~~the~~
456 purposes of this paragraph, the term "nonprofit organization"
457 means an organization that ~~whose purpose is the preservation of~~
458 ~~natural resources,~~ and ~~which~~ is exempt from federal income tax
459 under s. 501(c) (3) of the Internal Revenue Code and, for
460 purposes of the acquisition of conservation lands, an
461 organization whose purpose must include the preservation of
462 natural resources. The agency may release an appraisal report
463 when the passage of time has rendered the conclusions of value
464 in the report invalid or when the acquiring agency has
465 terminated negotiations.

466 (g)-(e) Before ~~Prior to~~ acceptance of an appraisal, the
467 agency shall submit a copy of such report to the division ~~of~~
468 ~~State Lands~~. The division shall review such report for



469 compliance with the rules of the board ~~of trustees~~. Any
470 questions of applicability of laws affecting an appraisal shall
471 be addressed by the legal office of the agency.

472 (h) ~~(f)~~ The appraisal report shall be accompanied by the
473 sales history of the parcel for at least the previous ~~prior~~ 5
474 years. Such sales history shall include all parties and
475 considerations with the amount of consideration verified, if
476 possible. If a sales history would not be useful, or it is its
477 cost prohibitive compared to the value of a parcel, the sales
478 history may be waived by the board of trustees. The board of
479 trustees shall adopt a rule specifying guidelines for waiver of
480 a sales history.

481 (i) ~~(g)~~ The board of trustees may consider an appraisal
482 acquired by a seller, or any part thereof, in negotiating to
483 purchase a parcel, but such appraisal may not be used in lieu of
484 an appraisal required by this subsection or to determine the
485 maximum offer allowed by law.

486 (j)1. The board of trustees shall adopt by rule the method
487 for determining the value of parcels sought to be acquired by
488 state agencies pursuant to this section. An offer by a state
489 agency may not exceed the value for that parcel as determined
490 pursuant to the highest approved appraisal or the value
491 determined pursuant to the rules of the board of trustees,
492 whichever value is less.

493 2. For a joint acquisition by a state agency and a local
494 government or other entity apart from the state, the joint



495 purchase price may not exceed 150 percent of the value for a
496 parcel as determined in accordance with the limits in
497 subparagraph 1. The state agency share of a joint purchase offer
498 may not exceed what the agency may offer singly pursuant to
499 subparagraph 1.

500 3. This paragraph does not apply to the acquisition of
501 historically unique or significant property as determined by the
502 Division of Historical Resources of the Department of State.

503
504 Notwithstanding this subsection, on behalf of the board of
505 trustees and before the appraisal of parcels approved for
506 purchase under this chapter or chapter 259, the Secretary of
507 Environmental Protection or the director of the Division of
508 State Lands may enter into option contracts to buy such parcels.
509 Any such option contract shall state that the final purchase
510 price is subject to approval by the board of trustees or, if
511 applicable, the Secretary of Environmental Protection, and that
512 the final purchase price may not exceed the maximum offer
513 allowed by law. Any such option contract presented to the board
514 of trustees for final purchase price approval shall explicitly
515 state that payment of the final purchase price is subject to an
516 appropriation from the Legislature. The consideration for such
517 an option may not exceed \$1,000 or 0.01 percent of the estimate
518 by the department of the value of the parcel, whichever amount
519 is greater.

520 (9) ~~(7)~~ (a) When the owner is represented by an agent or



521 broker, negotiations may not be initiated or continued until a
522 written statement verifying such agent's or broker's legal or
523 fiduciary relationship with the owner is on file with the
524 agency.

525 (b) The board of trustees or any state agency may contract
526 for real estate acquisition services, including, but not limited
527 to, contracts for real estate commission fees, surveying,
528 mapping, environmental audits, title work, and legal and other
529 professional assistance to review acquisition agreements and
530 other documents and to perform acquisition closings. However,
531 the Department of Environmental Protection may use outside
532 counsel to review any agreements or documents or to perform
533 acquisition closings unless department staff can conduct the
534 same activity in 15 days or less.

535 (c) Upon the initiation of negotiations, the state agency
536 shall inform the owner in writing that all agreements for
537 purchase are subject to approval by the board of trustees.

538 (d) All offers or counteroffers shall be documented in
539 writing and shall be confidential and exempt from ~~the provisions~~
540 ~~of~~ s. 119.07(1) until an option contract is executed, or if no
541 option contract is executed, until 2 weeks before a contract or
542 agreement for purchase is considered for approval by the board
543 of trustees. The agency shall maintain complete and accurate
544 records of all offers and counteroffers for all projects.

545 ~~(e)1. The board of trustees shall adopt by rule the method~~
546 ~~for determining the value of parcels sought to be acquired by~~



547 ~~state agencies pursuant to this section. No offer by a state~~
548 ~~agency, except an offer by an agency acquiring lands pursuant to~~
549 ~~s. 259.041, may exceed the value for that parcel as determined~~
550 ~~pursuant to the highest approved appraisal or the value~~
551 ~~determined pursuant to the rules of the board of trustees,~~
552 ~~whichever value is less.~~

553 ~~2. In the case of a joint acquisition by a state agency~~
554 ~~and a local government or other entity apart from the state, the~~
555 ~~joint purchase price may not exceed 150 percent of the value for~~
556 ~~a parcel as determined in accordance with the limits prescribed~~
557 ~~in subparagraph 1. The state agency share of a joint purchase~~
558 ~~offer may not exceed what the agency may offer singly as~~
559 ~~prescribed by subparagraph 1.~~

560 ~~3. The provisions of this paragraph do not apply to the~~
561 ~~acquisition of historically unique or significant property as~~
562 ~~determined by the Division of Historical Resources of the~~
563 ~~Department of State.~~

564 ~~(e)-(f)~~ When making an offer to a landowner, a state agency
565 shall consider the desirability of a single cash payment in
566 relation to the maximum offer allowed by law.

567 ~~(f)-(g)~~ The state shall have the authority to reimburse the
568 owner for the cost of the survey when deemed appropriate. The
569 reimbursement is ~~shall~~ not be considered a part of the purchase
570 price.

571 ~~(g)-(h)~~ A final offer shall be in the form of an option
572 contract or agreement for purchase and shall be signed and



573 attested to by the owner and the representative of the agency.
574 Before the agency executes the option contract or agreement for
575 purchase, the contract or agreement shall be reviewed for form
576 and legality by legal staff of the agency. Before the agency
577 signs the agreement for purchase or exercises the option
578 contract, the provisions of s. 286.23 shall be complied with.
579 Within 10 days after the signing of the agreement for purchase,
580 the state agency shall furnish the Department of Environmental
581 Protection ~~Division of State Lands~~ with the original of the
582 agreement for purchase along with copies of the disclosure
583 notice, evidence of marketability, the accepted appraisal
584 report, the fee appraiser's affidavit, a statement that the
585 inventory of existing state-owned lands was examined and
586 contained no available suitable land in the area, and a
587 statement outlining the public purpose for which the acquisition
588 is being made and the statutory authority therefor.

589 (h)-(i) Within 45 days after ~~of~~ receipt by the Department
590 of Environmental Protection ~~Division of State Lands~~ of the
591 agreement for purchase and the required documentation, the board
592 of trustees or, if ~~when~~ the purchase price does not exceed
593 \$100,000, its designee shall ~~either~~ reject or approve the
594 agreement. An approved agreement for purchase is binding on both
595 parties. Any agreement which has been disapproved shall be
596 returned to the agency, along with a statement as to the
597 deficiencies of the agreement or the supporting documentation.
598 An agreement for purchase which has been disapproved by the



599 board of trustees may be resubmitted when such deficiencies have
600 been corrected.

601 (10)~~(8)~~(a) A ~~No~~ dedication, gift, grant, or bequest of
602 lands and appurtenances may not be accepted by the board of
603 trustees until the receiving state agency supplies sufficient
604 evidence of marketability of title. The board of trustees may
605 not accept by dedication, gift, grant, or bequest any lands and
606 appurtenances that are determined as being owned by the state
607 ~~either~~ in fee or by virtue of the state's sovereignty or which
608 are so encumbered so as to preclude the use of such lands and
609 appurtenances for any reasonable public purpose. The board of
610 trustees may accept a dedication, gift, grant, or bequest of
611 lands and appurtenances without formal evidence of
612 marketability, or when the title is nonmarketable, if the board
613 or its designee determines that such lands and appurtenances
614 have value and are reasonably manageable by the state, and that
615 their acceptance would serve the public interest. The state is
616 not required to appraise the value of such donated lands and
617 appurtenances as a condition of receipt.

618 (b) A ~~No~~ deed filed in the public records to donate lands
619 to the board of trustees does not ~~of the Internal Improvement~~
620 ~~Trust Fund shall be construed to~~ transfer title to or vest title
621 in the board of trustees unless ~~there shall also be filed in the~~
622 ~~public records,~~ a document indicating that the board of trustees
623 has agreed to accept the transfer of title to such donated lands
624 is also filed in the public records.



625 (c) Notwithstanding any other provision of law, the
626 maximum value of a parcel to be purchased by the board of
627 trustees as determined by the highest approved appraisal or as
628 determined pursuant to the rules of the board of trustees may
629 not be increased or decreased as a result of a change in zoning
630 or permitted land uses, or changes in market forces or prices
631 that occur within 1 year after the date the Department of
632 Environmental Protection or the board of trustees approves a
633 contract to purchase the parcel.

634 (11) Notwithstanding this section, the board of trustees,
635 by an affirmative vote of at least three members, voting at a
636 regularly scheduled and advertised meeting, may direct the
637 Department of Environmental Protection to exercise the power of
638 eminent domain pursuant to chapters 73 and 74 to acquire any
639 conservation parcel identified on the acquisition list
640 established by the Acquisition and Restoration Council and
641 approved by the board of trustees pursuant to chapter 259.
642 However, the board of trustees may only make such a vote under
643 the following circumstances:

644 (a) The state has made at least two bona fide offers to
645 purchase the land through negotiation and, notwithstanding those
646 offers, an impasse between the state and the landowner was
647 reached.

648 (b) The land is of special importance to the state because
649 of one or more of the following reasons:

650 1. It involves an endangered or natural resource and is in



651 imminent danger of development.

652 2. It is of unique value to the state and the failure to
653 acquire it will result in irreparable loss to the state.

654 3. The failure of the state to acquire it will seriously
655 impair the state's ability to manage or protect other state-
656 owned lands.

657
658 Pursuant to this subsection, the department may exercise
659 condemnation authority directly or by contracting with the
660 Department of Transportation or a water management district to
661 provide that service. If the Department of Transportation or a
662 water management district enters into such a contract with the
663 department, the Department of Transportation or a water
664 management district may use statutorily approved methods and
665 procedures ordinarily used by the agency for condemnation
666 purposes.

667 (12)-(9) Any conveyance to the board of trustees of fee
668 title shall be made by no less than a special warranty deed,
669 unless the conveyance is from the Federal Government, the county
670 government, or another state agency or, in the event of a gift
671 or donation by quitclaim deed, if the board of trustees, or its
672 designee, determines that the acceptance of such quitclaim deed
673 is in the best interest of the public. A quitclaim deed may also
674 be accepted to aid in clearing title or boundary questions. ~~The~~
675 ~~title to lands acquired pursuant to this section shall vest in~~
676 ~~the board of trustees as provided in s. 253.03(1). All such~~



677 | ~~lands, title to which is vested in the board pursuant to this~~
678 | ~~section, shall be administered pursuant to the provisions of s.~~
679 | ~~253.03.~~

680 | (13)~~(10)~~ The board of trustees may purchase tax
681 | certificates or tax deeds issued in accordance with chapter 197
682 | relating to property eligible for purchase under this section.

683 | (14)~~(11)~~ The Auditor General shall conduct audits of
684 | acquisitions and divestitures which, according to his or her
685 | preliminary assessments of board-approved acquisitions and
686 | divestitures, he or she deems necessary. These preliminary
687 | assessments shall be initiated not later than 60 days after
688 | ~~following~~ the board of trustees' final approval ~~by the board of~~
689 | land acquisitions under this section. If an audit is conducted,
690 | the Auditor General shall submit an audit report to the board of
691 | trustees, the President of the Senate, the Speaker of the House
692 | of Representatives, and their designees.

693 | (15)~~(12)~~ The board of trustees and all affected agencies
694 | shall adopt and may modify or repeal such rules and regulations
695 | as are necessary to carry out ~~the purposes of~~ this section,
696 | including rules governing the terms and conditions of land
697 | purchases. Such rules shall address the procedures to be
698 | followed, when multiple landowners are involved in an
699 | acquisition, in obtaining written option agreements so that the
700 | interests of the state are fully protected.

701 | (16)~~(13)~~ (a) The board of trustees ~~of the Internal~~
702 | ~~Improvement Trust Fund~~ may deed property to the Department of



703 Agriculture and Consumer Services, so that the Department of
704 Agriculture and Consumer Services is ~~department~~ shall be able to
705 sell, convey, transfer, exchange, trade, or purchase land on
706 which a forestry facility resides for money or other more
707 suitable property on which to relocate the facility. Any sale or
708 purchase of property by the Department of Agriculture and
709 Consumer Services shall follow the requirements of subsections
710 (7)-(10) and (12) ~~(5)-(9)~~. Any sale shall be at fair market
711 value, and any trade shall ensure that the state is getting at
712 least an equal value for the property. Except as provided in
713 subsections (7)-(10) and (12) ~~(5)-(9)~~, the Department of
714 Agriculture and Consumer Services is excluded from following the
715 provisions of this chapter and chapters 259 and 375. This
716 exclusion does ~~shall~~ not apply to lands acquired for
717 conservation purposes in accordance with s. 253.0341(1) or (2)
718 ~~253.034(6)(a) or (b)~~.

719 (b) In the case of a sale by the Department of Agriculture
720 and Consumer Services of a forestry facility, the proceeds of
721 the sale shall be deposited ~~go~~ into the Department of
722 Agriculture and Consumer Services Incidental Trust Fund. The
723 Legislature may, at the request of the Department of Agriculture
724 and Consumer Services ~~department~~, appropriate such money within
725 the trust fund to the Department of Agriculture and Consumer
726 Services ~~department~~ for purchase of land and construction of a
727 facility to replace the disposed facility. All proceeds other
728 than land from any sale, conveyance, exchange, trade, or



729 transfer conducted pursuant to ~~as provided for in~~ this
730 subsection shall be deposited into ~~placed within~~ the Department
731 of Agriculture and Consumer Services ~~department's~~ Incidental
732 Trust Fund.

733 (c) Additional funds may be added from time to time by the
734 Legislature to further the relocation and construction of
735 forestry facilities. If ~~In the instance where~~ an equal trade of
736 land occurs, money from the trust fund may be appropriated for
737 building construction even though no money was received from the
738 trade.

739 (17) ~~(14)~~ Any agency that acquires land on behalf of the
740 board of trustees is authorized to request disbursement of
741 payments for real estate closings in accordance with a written
742 authorization from an ultimate beneficiary to allow a third
743 party authorized by law to receive such payment provided the
744 Chief Financial Officer determines that such disbursement is
745 consistent with good business practices and can be completed in
746 a manner minimizing costs and risks to the state.

747 (18) ~~(15)~~ Pursuant to s. 944.10, the Department of
748 Corrections is responsible for obtaining appraisals and entering
749 into option agreements and agreements for the purchase of state
750 correctional facility sites. An option agreement or agreement
751 for purchase is not binding upon the state until it is approved
752 by the board of trustees ~~of the Internal Improvement Trust Fund~~.
753 The provisions of paragraphs (8) (c), (e), and (f) and (9) (b),
754 (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c), and (d)~~ apply



755 to all appraisals, offers, and counteroffers of the Department
756 of Corrections for state correctional facility sites.

757 (19)~~(16)~~ Many parcels of land acquired pursuant to this
758 section may contain cattle-dipping vats as defined in s.
759 376.301. The state is encouraged to continue with the
760 acquisition of such lands, including any ~~the~~ cattle-dipping vats
761 ~~vat~~.

762 (20)~~(17)~~ Pursuant to s. 985.682, the Department of
763 Juvenile Justice is responsible for obtaining appraisals and
764 entering into option agreements and agreements for the purchase
765 of state juvenile justice facility sites. An option agreement or
766 agreement for purchase is not binding upon the state until it is
767 approved by the board of trustees ~~of the Internal Improvement~~
768 ~~Trust Fund~~. The provisions of paragraphs (8) (c), (e), and (f)
769 and (9) (b), (c), and (d) ~~(6) (b), (c), and (d) and (7) (b), (c),~~
770 ~~and (d)~~ apply to all appraisals, offers, and counteroffers of
771 the Department of Juvenile Justice for state juvenile justice
772 facility sites.

773 (21)~~(18)~~ The board of trustees may acquire, pursuant to s.
774 288.980 (2) (b), nonconservation lands from the annual list
775 submitted by the Department of Economic Opportunity for the
776 purpose of buffering a military installation against
777 encroachment.

778 (22) The board of trustees, by an affirmative vote of at
779 least three members, may direct the department to purchase lands
780 on an immediate basis using up to 15 percent of the funds



781 allocated to the department pursuant to s. 259.105 for the
782 acquisition of lands that:

783 (a) Are listed or placed at auction by the Federal
784 Government as part of the Resolution Trust Corporation sale of
785 lands from failed savings and loan associations;

786 (b) Are listed or placed at auction by the Federal
787 Government as part of the Federal Deposit Insurance Corporation
788 sale of lands from failed banks; or

789 (c) Will be developed or otherwise lost to potential
790 public ownership, or for which federal matching funds will be
791 lost, by the time the land can be purchased under the program
792 within which the land is listed for acquisition.

793
794 For such acquisitions, the board of trustees may waive or modify
795 all procedures required for land acquisition pursuant to this
796 chapter and all competitive bid procedures required pursuant to
797 chapters 255 and 287. Lands acquired pursuant to this subsection
798 must, at the time of purchase, be on one of the acquisition
799 lists established pursuant to chapter 259, or be essential for
800 water resource development, protection, or restoration, or a
801 significant portion of the lands must contain natural
802 communities or plant or animal species that are listed by the
803 Florida Natural Areas Inventory as critically imperiled,
804 imperiled, or rare, or as excellent quality occurrences of
805 natural communities.

806 (23) Title to lands to be held jointly by the board of



807 trustees and a water management district and acquired pursuant
808 to s. 373.139 may be deemed to meet the standards necessary for
809 ownership by the board of trustees, notwithstanding this section
810 or related rules.

811 Section 2. Section 253.0251, Florida Statutes, is created
812 to read:

813 253.0251 Alternatives to fee simple acquisition.—

814 (1) The Legislature finds that:

815 (a) With the increasing pressures on the natural areas of
816 this state and on open space suitable for recreational use, the
817 state must develop creative techniques to maximize the use of
818 acquisition and management funds.

819 (b) The state's conservation and recreational land
820 acquisition agencies should be encouraged to augment their
821 traditional, fee simple acquisition programs with the use of
822 alternatives to fee simple acquisition techniques. In addition,
823 the Legislature finds that generations of private landowners
824 have been good stewards of their land, protecting or restoring
825 native habitats and ecosystems to the benefit of the natural
826 resources of this state, its heritage, and its citizens. The
827 Legislature also finds that using alternatives to fee simple
828 acquisition by public land acquisition agencies will achieve the
829 following public policy goals:

830 1. Allow more lands to be brought under public protection
831 for preservation, conservation, and recreational purposes with
832 less expenditure of public funds.



833 2. Retain, on local government tax rolls, some portion of
834 or interest in lands which are under public protection.

835 3. Reduce long-term management costs by allowing private
836 property owners to continue acting as stewards of their land,
837 when appropriate.

838
839 Therefore, it is the intent of the Legislature that public land
840 acquisition agencies develop programs to pursue alternatives to
841 fee simple acquisition and to educate private landowners about
842 such alternatives and the benefits of such alternatives. It is
843 also the intent of the Legislature that a portion of the shares
844 of Florida Forever bond proceeds be used to purchase eligible
845 properties using alternatives to fee simple acquisition.

846 (2) All applications for alternatives to fee simple
847 acquisition projects shall identify, within their acquisition
848 plans, projects that require a full fee simple interest to
849 achieve the public policy goals, together with the reasons full
850 title is determined to be necessary. The state agencies and the
851 water management districts may use alternatives to fee simple
852 acquisition to bring the remaining projects in their acquisition
853 plans under public protection. For purposes of this section, the
854 phrase "alternatives to fee simple acquisition" includes, but is
855 not limited to, purchase of development rights; obtaining
856 conservation easements; obtaining flowage easements; purchase of
857 timber rights, mineral rights, or hunting rights; purchase of
858 agricultural interests or silvicultural interests; fee simple



859 acquisitions with reservations; creating life estates; or any
860 other acquisition technique that achieves the public policy
861 goals listed in subsection (1). It is presumed that a private
862 landowner retains the full range of uses for all the rights or
863 interests in the landowner's land which are not specifically
864 acquired by the public agency. The lands upon which hunting
865 rights are specifically acquired pursuant to this section shall
866 be available for hunting in accordance with the management plan
867 or hunting regulations adopted by the Fish and Wildlife
868 Conservation Commission, unless the hunting rights are purchased
869 specifically to protect activities on adjacent lands.

870 (3) When developing the acquisition plan pursuant to s.
871 259.105, the Acquisition and Restoration Council may give
872 preference to those less than fee simple acquisitions that
873 provide any public access. However, the Legislature recognizes
874 that public access is not always appropriate for certain less
875 than fee simple acquisitions. Therefore, any proposed less than
876 fee simple acquisition may not be rejected simply because public
877 access would be limited.

878 (4) The Department of Environmental Protection, the
879 Department of Agriculture and Consumer Services, and each water
880 management district shall implement initiatives for using
881 alternatives to fee simple acquisition and to educate private
882 landowners about such alternatives. The Department of
883 Environmental Protection, the Department of Agriculture and
884 Consumer Services, and the water management districts may enter



885 into joint acquisition agreements to jointly fund the purchase
886 of lands using alternatives to fee simple techniques.

887 (5) The Legislature finds that the lack of direct sales
888 comparison information has served as an impediment to successful
889 implementation of alternatives to fee simple acquisition. It is
890 the intent of the Legislature that, in the absence of direct
891 comparable sales information, appraisals of alternatives to fee
892 simple acquisitions be based on the difference between the full
893 fee simple valuation and the value of the interests remaining
894 with the seller after acquisition.

895 (6) The public agency that has been assigned management
896 responsibility shall inspect and monitor any less than fee
897 simple interest according to the terms of the purchase agreement
898 relating to such interest.

899 (7) For less than fee simple acquisitions pursuant to s.
900 570.71, the Department of Agriculture and Consumer Services
901 shall comply with the acquisition procedures set forth in s.
902 570.715.

903 Section 3. Subsection (2), paragraph (c) of subsection
904 (7), and subsections (11) and (15) of section 253.03, Florida
905 Statutes, are amended to read:

906 253.03 Board of trustees to administer state lands; lands
907 enumerated.—

908 (2) It is the intent of the Legislature that the board of
909 trustees ~~of the Internal Improvement Trust Fund~~ continue to
910 receive proceeds from the sale or disposition of the products of



911 lands and the sale of lands of which the use and possession are
 912 not subsequently transferred by appropriate lease or similar
 913 instrument from the board of trustees to the proper using
 914 agency. Such using agency shall be entitled to the proceeds from
 915 the sale of products on, under, growing out of, or connected
 916 with lands which such using agency holds under lease or similar
 917 instrument from the board of trustees. The board of trustees ~~of~~
 918 ~~the Internal Improvement Trust Fund~~ is directed and authorized
 919 to enter into leases or similar instruments for the use,
 920 benefit, and possession of public lands by agencies which may
 921 properly use and possess them for the benefit of the state. ~~The~~
 922 ~~board of trustees shall adopt by rule an annual administrative~~
 923 ~~fee for all existing and future leases or similar instruments,~~
 924 ~~to be charged agencies that are leasing land from it. This~~
 925 ~~annual administrative fee assessed for all leases or similar~~
 926 ~~instruments is to compensate the board for costs incurred in the~~
 927 ~~administration and management of such leases or similar~~
 928 ~~instruments.~~

929 (7)

930 (c) Structures which are listed in or are eligible for the
 931 National Register of Historic Places or the State Inventory of
 932 Historic Places which are over the waters of the state ~~of~~
 933 ~~Florida~~ and which have a submerged land lease, or have been
 934 grandfathered-in to use sovereignty submerged lands until
 935 January 1, 1998, pursuant to former rule 18-21.00405, Florida
 936 Administrative Code, as it existed in rule on March 15, 1990,



937 shall have the right to continue such submerged land leases,
938 regardless of the fact that the present landholder is not an
939 adjacent riparian landowner, so long as the lessee maintains the
940 structure in a good state of repair consistent with the
941 guidelines for listing. If the structure is damaged or
942 destroyed, the lessee may ~~shall be allowed to~~ reconstruct, so
943 long as the reconstruction is consistent with the integrity of
944 the listed structure and does not increase the footprint of the
945 structure. If a listed structure ~~so listed~~ falls into disrepair
946 and the lessee is not willing to repair and maintain it
947 consistent with its listing, the state may cancel the submerged
948 lease and ~~either~~ repair and maintain the property or require
949 that the structure be removed from sovereignty submerged lands.

950 (11) The board of trustees ~~of the Internal Improvement~~
951 ~~Trust Fund~~ may adopt rules to provide for the assessment and
952 collection of reasonable fees, commensurate with the actual cost
953 to the board, for disclaimers, easements, exchanges, gifts,
954 leases, releases, or sales of any interest in lands or any
955 applications therefor and for reproduction of documents. All
956 revenues received from the application fees charged by a water
957 management district to process applications that include a
958 request to use state lands are to be retained by the water
959 management district. The board of trustees shall adopt by rule
960 an annual administrative fee for all existing and future leases
961 or similar instruments to be charged to agencies that are
962 leasing land from the board of trustees. This annual



963 administrative fee assessed for all leases or similar
964 instruments is to compensate the board of trustees for costs
965 incurred in the administration and management of such leases or
966 similar instruments.

967 (15) The board of trustees ~~of the Internal Improvement~~
968 ~~Trust Fund~~ shall encourage the use of sovereign submerged lands
969 for public access and water-dependent uses which may include
970 related minimal secondary nonwater-dependent uses and public
971 access.

972 Section 4. Subsections (8) and (9) of section 253.031,
973 Florida Statutes, are renumbered as subsections (7) and (8),
974 respectively, and present subsections (2) and (7) of that
975 section are amended, to read:

976 253.031 Land office; custody of documents concerning land;
977 moneys; plats.—

978 (2) The board ~~of trustees of the Internal Improvement~~
979 ~~Trust Fund~~ shall have custody of, and the department shall
980 maintain, all the records, surveys, plats, maps, field notes,
981 and patents and all other evidence touching the title and
982 description of the public domain.

983 ~~(7) The board shall receive all of the tract books, plats,~~
984 ~~and such records and papers heretofore kept in the United States~~
985 ~~Land Office at Gainesville, Alachua County, as may be~~
986 ~~surrendered by the Secretary of the Interior; and the board~~
987 ~~shall carefully and safely keep and preserve all of said tract~~
988 ~~books, plats, records, and papers as part of the public records~~



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989 ~~of its office, and at any time allow any duly accredited~~
990 ~~authority of the United States, full and free access to any and~~
991 ~~all of such tract books, plats, records, and papers, and shall~~
992 ~~furnish any duly accredited authority of the United States with~~
993 ~~copies of any such records without charge.~~

994 Section 5. Section 253.034, Florida Statutes, is amended
995 to read:

996 253.034 State-owned lands; uses.—

997 (1) All lands acquired pursuant to chapter 259 shall be
998 managed to serve the public interest by protecting and
999 conserving land, air, water, and the state's natural resources,
1000 which contribute to the public health, welfare, and economy of
1001 the state. These lands shall be managed to provide for areas of
1002 natural resource based recreation, and to ensure the survival of
1003 plant and animal species and the conservation of finite and
1004 renewable natural resources. The state's lands and natural
1005 resources shall be managed using a stewardship ethic that
1006 assures these resources will be available for the benefit and
1007 enjoyment of all people of the state, both present and future.
1008 It is the intent of the Legislature that, where feasible and
1009 consistent with the goals of protection and conservation of
1010 natural resources associated with lands held in the public trust
1011 by the Board of Trustees of the Internal Improvement Trust Fund,
1012 public land not designated for single-use purposes pursuant to
1013 paragraph (2) (b) be managed for multiple-use purposes. All
1014 multiple-use land management strategies shall address public



1015 access and enjoyment, resource conservation and protection,
1016 ecosystem maintenance and protection, and protection of
1017 threatened and endangered species, and the degree to which
1018 public-private partnerships or endowments may allow the entity
1019 with management responsibility to enhance its ability to manage
1020 these lands. The Acquisition and Restoration Council ~~created in~~
1021 ~~s. 259.035~~ shall recommend rules to the board of trustees, and
1022 the board of trustees shall adopt rules necessary to carry out
1023 the purposes of this section.

1024 (2) As used in this section, the term ~~following phrases~~
1025 ~~have the following meanings:~~

1026 (a) "Multiple use" means the harmonious and coordinated
1027 management of timber, recreation, conservation of fish and
1028 wildlife, forage, archaeological and historic sites, habitat and
1029 other biological resources, or water resources so that they are
1030 used ~~utilized~~ in the combination that will best serve the people
1031 of the state, making the most judicious use of the land for some
1032 or all of these resources and giving consideration to the
1033 relative values of the various resources. Where necessary and
1034 appropriate for all state-owned lands that are larger than 1,000
1035 acres in project size and are managed for multiple uses, buffers
1036 may be formed around any areas that require special protection
1037 or have special management needs. Such buffers may ~~shall~~ not
1038 exceed more than one-half of the total acreage. Multiple uses
1039 within a buffer area may be restricted to provide the necessary
1040 buffering effect desired. Multiple use in this context includes



1041 both uses of land or resources by more than one management
1042 entity, which may include private sector land managers. In any
1043 case, lands identified as multiple-use lands in the land
1044 management plan shall be managed to enhance and conserve the
1045 lands and resources for the enjoyment of the people of the
1046 state.

1047 (b) "Single use" means management for one particular
1048 purpose to the exclusion of all other purposes, except that the
1049 using entity shall have the option of including in its
1050 management program compatible secondary purposes which will not
1051 detract from or interfere with the primary management purpose.
1052 Such single uses may include, but are not necessarily restricted
1053 to, the use of agricultural lands for production of food and
1054 livestock, the use of improved sites and grounds for
1055 institutional purposes, and the use of lands for parks,
1056 preserves, wildlife management, archaeological or historic
1057 sites, or wilderness areas where the maintenance of essentially
1058 natural conditions is important. All submerged lands shall be
1059 considered single-use lands and shall be managed primarily for
1060 the maintenance of essentially natural conditions, the
1061 propagation of fish and wildlife, and public recreation,
1062 including hunting and fishing where deemed appropriate by the
1063 managing entity.

1064 (c) "Conservation lands" means lands that are currently
1065 managed for conservation, outdoor resource-based recreation, or
1066 archaeological or historic preservation, except those lands that



1067 | were acquired solely to facilitate the acquisition of other
1068 | conservation lands. Lands acquired for uses other than
1069 | conservation, outdoor resource-based recreation, or
1070 | archaeological or historic preservation may ~~shall~~ not be
1071 | designated conservation lands except as otherwise authorized
1072 | under this section. These lands shall include, but not be
1073 | limited to, the following: correction and detention facilities,
1074 | military installations and facilities, state office buildings,
1075 | maintenance yards, state university or Florida College System
1076 | institution campuses, agricultural field stations or offices,
1077 | tower sites, law enforcement and license facilities,
1078 | laboratories, hospitals, clinics, and other sites that do not
1079 | possess ~~ne~~ significant natural or historical resources. However,
1080 | lands acquired solely to facilitate the acquisition of other
1081 | conservation lands, and for which the land management plan has
1082 | not yet been completed or updated, may be evaluated by the Board
1083 | of Trustees of the Internal Improvement Trust Fund on a case-by-
1084 | case basis to determine if they will be designated conservation
1085 | lands.

1086 | (d) "Public access," as used in this chapter and chapter
1087 | 259, means access by the general public to state lands and
1088 | water, including vessel access made possible by boat ramps,
1089 | docks, and associated support facilities, where compatible with
1090 | conservation and recreation objectives.

1091 |
1092 | Lands acquired by the state as a gift, through donation, or by



1093 any other conveyance for which no consideration was paid, and
1094 which are not managed for conservation, outdoor resource-based
1095 recreation, or archaeological or historic preservation under a
1096 land management plan approved by the board of trustees are not
1097 conservation lands.

1098 (3) Recognizing that recreational trails purchased with
1099 rails-to-trails funds pursuant to former s. 259.101(3)(g),
1100 Florida Statutes 2014, or s. 259.105(3)(h) have had historic
1101 transportation uses and that their linear character may extend
1102 many miles, the Legislature intends that if the necessity arises
1103 to serve public needs, after balancing the need to protect trail
1104 users from collisions with automobiles and a preference for the
1105 use of overpasses and underpasses to the greatest extent
1106 feasible and practical, transportation uses shall be allowed to
1107 cross recreational trails purchased pursuant to former s.
1108 259.101(3)(g), Florida Statutes 2014, or s. 259.105(3)(h). When
1109 these crossings are needed, the location and design should
1110 consider and mitigate the impact on humans and environmental
1111 resources, and the value of the land shall be paid based on fair
1112 market value.

1113 (4) A ~~No~~ management agreement, lease, or other instrument
1114 authorizing the use of lands owned by the board of trustees may
1115 not ~~of the Internal Improvement Trust Fund shall~~ be executed for
1116 a period greater than is necessary to provide for the reasonable
1117 use of the land for the existing or planned life cycle or
1118 amortization of the improvements, except that an easement in



1119 | perpetuity may be granted by the board of trustees ~~of the~~
1120 | ~~Internal Improvement Trust Fund~~ if the improvement is a
1121 | transportation facility. If an entity managing or leasing state-
1122 | owned lands from the board of trustees does not meet the short-
1123 | term goals under paragraph (5) (b) for conservation lands, the
1124 | Department of Environmental Protection may submit the lands to
1125 | the Acquisition and Restoration Council to review whether the
1126 | short-term goals should be modified, consider whether the lands
1127 | should be offered to another entity for management or leasing,
1128 | or recommend to the board of trustees whether to surplus the
1129 | lands. If an entity managing or leasing state-owned lands from
1130 | the board of trustees does not meet the short-term goals under
1131 | paragraph (5) (i) for nonconservation lands, the department may
1132 | submit the lands to the board of trustees to consider whether to
1133 | require the managing or leasing entity to release its interest
1134 | in the lands and to consider whether to surplus the lands. If
1135 | the state-owned lands are determined to be surplus, the board of
1136 | trustees may require an entity to release its interest in the
1137 | lands. An entity managing or leasing state-owned lands from the
1138 | board of trustees may not sublease such lands without prior
1139 | review by the Division of State Lands and, for conservation
1140 | lands, by the Acquisition and Restoration Council ~~created in s.~~
1141 | ~~259.035~~. All management agreements, leases, or other instruments
1142 | authorizing the use of lands owned by the board of trustees
1143 | shall be reviewed for approval by the board of trustees or its
1144 | designee. The council is not required to review subleases of



1145 parcels which are less than 160 acres in size.

1146 (5) Each manager of conservation lands shall submit to the

1147 Division of State Lands a land management plan at least every 10

1148 years in a form and manner adopted ~~prescribed~~ by rule of ~~by~~ the

1149 board of trustees and in accordance with ~~the provisions of s.~~

1150 259.032. Each manager of conservation lands shall also update a

1151 land management plan whenever the manager proposes to add new

1152 facilities or make substantive land use or management changes

1153 that were not addressed in the approved plan, or within 1 year

1154 after ~~of~~ the addition of significant new lands. Each manager of

1155 nonconservation lands shall submit to the Division of State

1156 Lands a land use plan at least every 10 years in a form and

1157 manner adopted ~~prescribed~~ by rule of ~~by~~ the board of trustees.

1158 The division shall review each plan for compliance with the

1159 requirements of this subsection and the requirements of the

1160 rules adopted ~~established~~ by the board of trustees pursuant to

1161 this section. All nonconservation land use plans, whether for

1162 single-use or multiple-use properties, shall be managed to

1163 provide the greatest benefit to the state ~~include an analysis of~~

1164 ~~the property to determine if any significant natural or cultural~~

1165 ~~resources are located on the property. Such resources include~~

1166 ~~archaeological and historic sites, state and federally listed~~

1167 ~~plant and animal species, and imperiled natural communities and~~

1168 ~~unique natural features. If such resources occur on the~~

1169 ~~property, the manager shall consult with the Division of State~~

1170 ~~Lands and other appropriate agencies to develop management~~



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1171 ~~strategies to protect such resources. Land use plans shall also~~
1172 ~~provide for the control of invasive nonnative plants and~~
1173 ~~conservation of soil and water resources, including a~~
1174 ~~description of how the manager plans to control and prevent soil~~
1175 ~~erosion and soil or water contamination. Land use plans~~
1176 ~~submitted by a manager shall include reference to appropriate~~
1177 ~~statutory authority for such use or uses and shall conform to~~
1178 ~~the appropriate policies and guidelines of the state land~~
1179 ~~management plan. Plans for managed areas larger than 1,000 acres~~
1180 shall contain an analysis of the multiple-use potential of the
1181 property, which includes ~~analysis shall include~~ the potential of
1182 the property to generate revenues to enhance the management of
1183 the property. In addition ~~Additionally~~, the plan shall contain
1184 an analysis of the potential use of private land managers to
1185 facilitate the restoration or management of these lands. If ~~If~~
1186 ~~those cases where~~ a newly acquired property has a valid
1187 conservation plan that was developed by a soil and conservation
1188 district, such plan shall be used to guide management of the
1189 property until a formal land use plan is completed.

1190 (a) State conservation lands shall be managed to ensure
1191 the conservation of the state's plant and animal species and to
1192 ensure the accessibility of state lands for the benefit and
1193 enjoyment of all people of the state, both present and future.
1194 Each land management plan for state conservation lands shall
1195 provide a desired outcome, describe both short-term and long-
1196 term management goals, and include measurable objectives to



1197 | achieve those goals. Short-term goals shall be achievable within
1198 | a 2-year planning period, and long-term goals shall be
1199 | achievable within a 10-year planning period. These short-term
1200 | and long-term management goals shall be the basis for all
1201 | subsequent land management activities.

1202 | (b) Short-term and long-term management goals for state
1203 | conservation lands shall include measurable objectives for the
1204 | following, as appropriate:

- 1205 | 1. Habitat restoration and improvement.
- 1206 | 2. Public access and recreational opportunities.
- 1207 | 3. Hydrological preservation and restoration.
- 1208 | 4. Sustainable forest management.
- 1209 | 5. Exotic and invasive species maintenance and control.
- 1210 | 6. Capital facilities and infrastructure.
- 1211 | 7. Cultural and historical resources.
- 1212 | 8. Imperiled species habitat maintenance, enhancement,
1213 | restoration, or population restoration.

1214 | (c) The land management plan shall, at a minimum, contain
1215 | the following elements:

- 1216 | 1. A physical description of the land.
- 1217 | 2. A quantitative data description of the land which
1218 | includes an inventory of forest and other natural resources;
1219 | exotic and invasive plants; hydrological features;
1220 | infrastructure, including recreational facilities; and other
1221 | significant land, cultural, or historical features. The
1222 | inventory shall reflect the number of acres for each resource



1223 and feature, when appropriate. The inventory shall be of such
1224 detail that objective measures and benchmarks can be established
1225 for each tract of land and monitored during the lifetime of the
1226 plan. All quantitative data collected shall be aggregated,
1227 standardized, collected, and presented in an electronic format
1228 to allow for uniform management reporting and analysis. The
1229 information collected by the Department of Environmental
1230 Protection pursuant to s. 253.0325(2) shall be available to the
1231 land manager and his or her assignee.

1232 3. A detailed description of each short-term and long-term
1233 land management goal, the associated measurable objectives, and
1234 the related activities that are to be performed to meet the land
1235 management objectives. Each land management objective must be
1236 addressed by the land management plan, and if ~~where~~ practicable,
1237 a ~~no~~ land management objective may not ~~shall~~ be performed to the
1238 detriment of the other land management objectives.

1239 4. A schedule of land management activities which contains
1240 short-term and long-term land management goals and the related
1241 measurable objective and activities. The schedule shall include
1242 for each activity a timeline for completion, quantitative
1243 measures, and detailed expense and manpower budgets. The
1244 schedule shall provide a management tool that facilitates
1245 development of performance measures.

1246 5. A summary budget for the scheduled land management
1247 activities of the land management plan. For state lands
1248 containing or anticipated to contain imperiled species habitat,



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1249 the summary budget shall include any fees anticipated from
1250 public or private entities for projects to offset adverse
1251 impacts to imperiled species or such habitat, which fees shall
1252 be used solely to restore, manage, enhance, repopulate, or
1253 acquire imperiled species habitat. The summary budget shall be
1254 prepared in such manner that it facilitates computing an
1255 aggregate of land management costs for all state-managed lands
1256 using the categories described in s. 259.037(3).

1257 (d) Upon completion, the land management plan must ~~will~~ be
1258 transmitted to the Acquisition and Restoration Council for
1259 review. The ~~Acquisition and Restoration~~ council shall have 90
1260 days after receipt of the plan to review the plan and submit its
1261 recommendations to the board of trustees. During the review
1262 period, the land management plan may be revised if agreed to by
1263 the primary land manager and the ~~Acquisition and Restoration~~
1264 council taking into consideration public input. ~~If the~~
1265 ~~Acquisition and Restoration Council fails to make a~~
1266 ~~recommendation for a land management plan, the secretary of the~~
1267 ~~Department of Environmental Protection, Commissioner of~~
1268 ~~Agriculture, or Executive Director of the Fish and Wildlife~~
1269 ~~Conservation Commission or their designees shall submit the land~~
1270 ~~management plan to the board of trustees.~~ The land management
1271 plan becomes effective upon approval by the board of trustees.

1272 (e) Land management plans are to be updated every 10 years
1273 on a rotating basis. Each updated land management plan must
1274 identify any conservation lands under the plan, in part or in



1275 whole, that are no longer needed for conservation purposes and
 1276 could be disposed of in fee simple or with the state retaining a
 1277 permanent conservation easement.

1278 (f) In developing land management plans, at least one
 1279 public hearing shall be held in any one affected county.

1280 (g) The Division of State Lands shall make available to
 1281 the public an electronic copy of each land management plan for
 1282 parcels that exceed 160 acres in size. The division ~~of State~~
 1283 ~~Lands~~ shall review each plan for compliance with the
 1284 requirements of this subsection, the requirements of chapter
 1285 259, and the requirements of the rules adopted ~~established~~ by
 1286 the board of trustees pursuant to this section. The Acquisition
 1287 and Restoration Council shall also consider the propriety of the
 1288 recommendations of the managing entity with regard to the future
 1289 use of the property, the protection of fragile or nonrenewable
 1290 resources, the potential for alternative or multiple uses not
 1291 recognized by the managing entity, and the possibility of
 1292 disposal of the property by the board of trustees. After its
 1293 review, the council shall submit the plan, along with its
 1294 recommendations and comments, to the board of trustees. The
 1295 council shall specifically recommend to the board of trustees
 1296 whether to approve the plan as submitted, approve the plan with
 1297 modifications, or reject the plan. If the ~~Acquisition and~~
 1298 ~~Restoration~~ council fails to make a recommendation for a land
 1299 management plan, the Secretary ~~of the Department~~ of
 1300 Environmental Protection, Commissioner of Agriculture, or



1301 executive director of the Fish and Wildlife Conservation
1302 Commission or their designees shall submit the land management
1303 plan to the board of trustees.

1304 (h) The board of trustees ~~of the Internal Improvement~~
1305 ~~Trust Fund~~ shall consider the land management plan submitted by
1306 each entity and the recommendations of the Acquisition and
1307 Restoration Council and the Division of State Lands and shall
1308 approve the plan with or without modification or reject such
1309 plan. The use or possession of any such lands that is not in
1310 accordance with an approved land management plan is subject to
1311 termination by the board of trustees.

1312 (i)1. State nonconservation lands shall be managed to
1313 provide the greatest benefit to the state. State nonconservation
1314 lands may be grouped by similar land use types under one land
1315 use plan. Each land use plan shall, at a minimum, contain the
1316 following elements:

1317 a. A physical description of the land to include any
1318 significant natural or cultural resources as well as management
1319 strategies developed by the land manager to protect such
1320 resources.

1321 b. A desired development outcome.

1322 c. A schedule for achieving the desired development
1323 outcome.

1324 d. A description of both short-term and long-term
1325 development goals.

1326 e. A management and control plan for invasive nonnative



1327 plants.

1328 f. A management and control plan for soil erosion and soil
1329 and water contamination.

1330 g. Measureable objectives to achieve the goals identified
1331 in the land use plan.

1332 2. Short-term goals shall be achievable within a 5-year
1333 planning period and long-term goals shall be achievable within a
1334 10-year planning period.

1335 3. The use or possession of any such lands that is not in
1336 accordance with an approved land use plan is subject to
1337 termination by the board of trustees.

1338 4. Land use plans submitted by a manager shall include
1339 reference to appropriate statutory authority for such use or
1340 uses and shall conform to the appropriate policies and
1341 guidelines of the state land management plan.

1342 ~~(6) The Board of Trustees of the Internal Improvement~~
1343 ~~Trust Fund shall determine which lands, the title to which is~~
1344 ~~vested in the board, may be surplusued. For conservation lands,~~
1345 ~~the board shall determine whether the lands are no longer needed~~
1346 ~~for conservation purposes and may dispose of them by an~~
1347 ~~affirmative vote of at least three members. In the case of a~~
1348 ~~land exchange involving the disposition of conservation lands,~~
1349 ~~the board must determine by an affirmative vote of at least~~
1350 ~~three members that the exchange will result in a net positive~~
1351 ~~conservation benefit. For all other lands, the board shall~~
1352 ~~determine whether the lands are no longer needed and may dispose~~



1353 ~~of them by an affirmative vote of at least three members.~~

1354 ~~(a) For the purposes of this subsection, all lands~~
1355 ~~acquired by the state before July 1, 1999, using proceeds from~~
1356 ~~Preservation 2000 bonds, the former Conservation and Recreation~~
1357 ~~Lands Trust Fund, the former Water Management Lands Trust Fund,~~
1358 ~~Environmentally Endangered Lands Program, and the Save Our Coast~~
1359 ~~Program and titled to the board which are identified as core~~
1360 ~~parcels or within original project boundaries are deemed to have~~
1361 ~~been acquired for conservation purposes.~~

1362 ~~(b) For any lands purchased by the state on or after July~~
1363 ~~1, 1999, before acquisition, the board must determine which~~
1364 ~~parcels must be designated as having been acquired for~~
1365 ~~conservation purposes. Lands acquired for use by the Department~~
1366 ~~of Corrections, the Department of Management Services for use as~~
1367 ~~state offices, the Department of Transportation, except those~~
1368 ~~specifically managed for conservation or recreation purposes, or~~
1369 ~~the State University System or the Florida College System may~~
1370 ~~not be designated as having been purchased for conservation~~
1371 ~~purposes.~~

1372 ~~(c) At least every 10 years, as a component of each land~~
1373 ~~management plan or land use plan and in a form and manner~~
1374 ~~prescribed by rule by the board, each manager shall evaluate and~~
1375 ~~indicate to the board those lands that are not being used for~~
1376 ~~the purpose for which they were originally leased. For~~
1377 ~~conservation lands, the council shall review and recommend to~~
1378 ~~the board whether such lands should be retained in public~~



1379 ~~ownership or disposed of by the board. For nonconservation~~
1380 ~~lands, the division shall review such lands and recommend to the~~
1381 ~~board whether such lands should be retained in public ownership~~
1382 ~~or disposed of by the board.~~

1383 ~~(d) Lands owned by the board which are not actively~~
1384 ~~managed by any state agency or for which a land management plan~~
1385 ~~has not been completed pursuant to subsection (5) must be~~
1386 ~~reviewed by the council or its successor for its recommendation~~
1387 ~~as to whether such lands should be disposed of by the board.~~

1388 ~~(e) Before any decision by the board to surplus lands, the~~
1389 ~~Acquisition and Restoration Council shall review and make~~
1390 ~~recommendations to the board concerning the request for~~
1391 ~~surplusing. The council shall determine whether the request for~~
1392 ~~surplusing is compatible with the resource values of and~~
1393 ~~management objectives for such lands.~~

1394 ~~(f) In reviewing lands owned by the board, the council~~
1395 ~~shall consider whether such lands would be more appropriately~~
1396 ~~owned or managed by the county or other unit of local government~~
1397 ~~in which the land is located. The council shall recommend to the~~
1398 ~~board whether a sale, lease, or other conveyance to a local~~
1399 ~~government would be in the best interests of the state and local~~
1400 ~~government. The provisions of this paragraph in no way limit the~~
1401 ~~provisions of ss. 253.111 and 253.115. Such lands shall be~~
1402 ~~offered to the state, county, or local government for a period~~
1403 ~~of 45 days. Permittable uses for such surplus lands may include~~
1404 ~~public schools; public libraries; fire or law enforcement~~



1405 ~~substations; governmental, judicial, or recreational centers;~~
1406 ~~and affordable housing meeting the criteria of s. 420.0004(3).~~
1407 ~~County or local government requests for surplus lands shall be~~
1408 ~~expedited throughout the surplusing process. If the county or~~
1409 ~~local government does not elect to purchase such lands in~~
1410 ~~accordance with s. 253.111, any surplusing determination~~
1411 ~~involving other governmental agencies shall be made when the~~
1412 ~~board decides the best public use of the lands. Surplus~~
1413 ~~properties in which governmental agencies have expressed no~~
1414 ~~interest must then be available for sale on the private market.~~

1415 ~~(g) The sale price of lands determined to be surplus~~
1416 ~~pursuant to this subsection and s. 253.82 shall be determined by~~
1417 ~~the division, which shall consider an appraisal of the property,~~
1418 ~~or, if the estimated value of the land is \$500,000 or less, a~~
1419 ~~comparable sales analysis or a broker's opinion of value. The~~
1420 ~~division may require a second appraisal. The individual or~~
1421 ~~entity that requests to purchase the surplus parcel shall pay~~
1422 ~~all costs associated with determining the property's value, if~~
1423 ~~any.~~

1424 ~~1. A written valuation of land determined to be surplus~~
1425 ~~pursuant to this subsection and s. 253.82, and related documents~~
1426 ~~used to form the valuation or which pertain to the valuation,~~
1427 ~~are confidential and exempt from s. 119.07(1) and s. 24(a), Art.~~
1428 ~~I of the State Constitution.~~

1429 ~~a. The exemption expires 2 weeks before the contract or~~
1430 ~~agreement regarding the purchase, exchange, or disposal of the~~



1431 ~~surplus land is first considered for approval by the board.~~
1432 ~~b. Before expiration of the exemption, the division may~~
1433 ~~disclose confidential and exempt appraisals, valuations, or~~
1434 ~~valuation information regarding surplus land:~~
1435 ~~(I) During negotiations for the sale or exchange of the~~
1436 ~~land.~~
1437 ~~(II) During the marketing effort or bidding process~~
1438 ~~associated with the sale, disposal, or exchange of the land to~~
1439 ~~facilitate closure of such effort or process.~~
1440 ~~(III) When the passage of time has made the conclusions of~~
1441 ~~value invalid.~~
1442 ~~(IV) When negotiations or marketing efforts concerning the~~
1443 ~~land are concluded.~~
1444 ~~2. A unit of government that acquires title to lands~~
1445 ~~hereunder for less than appraised value may not sell or transfer~~
1446 ~~title to all or any portion of the lands to any private owner~~
1447 ~~for 10 years. Any unit of government seeking to transfer or sell~~
1448 ~~lands pursuant to this paragraph must first allow the board of~~
1449 ~~trustees to reacquire such lands for the price at which the~~
1450 ~~board sold such lands.~~
1451 ~~(h) Parcels with a market value over \$500,000 must be~~
1452 ~~initially offered for sale by competitive bid. The division may~~
1453 ~~use agents, as authorized by s. 253.431, for this process. Any~~
1454 ~~parcels unsuccessfully offered for sale by competitive bid, and~~
1455 ~~parcels with a market value of \$500,000 or less, may be sold by~~
1456 ~~any reasonable means, including procuring real estate services,~~



1457 ~~open or exclusive listings, competitive bid, auction, negotiated~~
1458 ~~direct sales, or other appropriate services, to facilitate the~~
1459 ~~sale.~~

1460 ~~(i) After reviewing the recommendations of the council,~~
1461 ~~the board shall determine whether lands identified for surplus~~
1462 ~~are to be held for other public purposes or are no longer~~
1463 ~~needed. The board may require an agency to release its interest~~
1464 ~~in such lands. A state agency, county, or local government that~~
1465 ~~has requested the use of a property that was to be declared as~~
1466 ~~surplus must secure the property under lease within 90 days~~
1467 ~~after being notified that it may use such property.~~

1468 ~~(j) Requests for surplusizing may be made by any public or~~
1469 ~~private entity or person. All requests shall be submitted to the~~
1470 ~~lead managing agency for review and recommendation to the~~
1471 ~~council or its successor. Lead managing agencies have 90 days to~~
1472 ~~review such requests and make recommendations. Any surplusizing~~
1473 ~~requests that have not been acted upon within the 90-day time~~
1474 ~~period shall be immediately scheduled for hearing at the next~~
1475 ~~regularly scheduled meeting of the council or its successor.~~
1476 ~~Requests for surplusizing pursuant to this paragraph are not~~
1477 ~~required to be offered to local or state governments as provided~~
1478 ~~in paragraph (f).~~

1479 ~~(k) Proceeds from the sale of surplus conservation lands~~
1480 ~~purchased before July 1, 2015, shall be deposited into the~~
1481 ~~Florida Forever Trust Fund.~~

1482 ~~(l) Proceeds from the sale of surplus conservation lands~~



1483 ~~purchased on or after July 1, 2015, shall be deposited into the~~
1484 ~~Land Acquisition Trust Fund, except when such lands were~~
1485 ~~purchased with funds other than those from the Land Acquisition~~
1486 ~~Trust Fund or a land acquisition trust fund created to implement~~
1487 ~~s. 28, Art. X of the State Constitution, the proceeds shall be~~
1488 ~~deposited into the fund from which the lands were purchased.~~

1489 ~~(m) Funds received from the sale of surplus~~
1490 ~~nonconservation lands or lands that were acquired by gift, by~~
1491 ~~donation, or for no consideration shall be deposited into the~~
1492 ~~Internal Improvement Trust Fund.~~

1493 ~~(n) Notwithstanding this subsection, such disposition of~~
1494 ~~land may not be made if it would have the effect of causing all~~
1495 ~~or any portion of the interest on any revenue bonds issued to~~
1496 ~~lose the exclusion from gross income for federal income tax~~
1497 ~~purposes.~~

1498 ~~(o) The sale of filled, formerly submerged land that does~~
1499 ~~not exceed 5 acres in area is not subject to review by the~~
1500 ~~council or its successor.~~

1501 ~~(p) The board may adopt rules to administer this section~~
1502 ~~which may include procedures for administering surplus land~~
1503 ~~requests and criteria for when the division may approve requests~~
1504 ~~to surplus nonconservation lands on behalf of the board.~~

1505 ~~(6) (7) This section does shall not be construed so as to~~
1506 ~~affect:~~

1507 ~~(a) Other provisions of this chapter relating to oil, gas,~~
1508 ~~or mineral resources.~~



1509 (b) The exclusive use of state-owned land subject to a
1510 lease by the board of trustees ~~of the Internal Improvement Trust~~
1511 ~~Fund~~ of state-owned land for private uses and purposes.

1512 (c) Sovereignty lands not leased for private uses and
1513 purposes.

1514 (7)~~(8)~~(a) The Legislature recognizes the value of the
1515 state's conservation lands as water recharge areas and air
1516 filters.

1517 (b) If state-owned lands are subject to annexation
1518 procedures, the Division of State Lands must notify the county
1519 legislative delegation of the county in which the land is
1520 located.

1521 (8)~~(9)~~ Land management plans required to be submitted by
1522 the Department of Corrections, the Department of Juvenile
1523 Justice, the Department of Children and Families, or the
1524 Department of Education are not subject to ~~the provisions for~~
1525 review by the Acquisition and Restoration Council ~~or its~~
1526 ~~successor described in subsection (5)~~. Management plans filed by
1527 these agencies shall be made available to the public for a
1528 period of 90 days at the administrative offices of the parcel or
1529 project affected by the management plan and at the Tallahassee
1530 offices of each agency. Any plans not objected to during the
1531 public comment period shall be deemed approved. Any plans for
1532 which an objection is filed shall be submitted to the board of
1533 trustees ~~of the Internal Improvement Trust Fund~~ for
1534 consideration. The board of trustees ~~of the Internal Improvement~~



1535 ~~Trust Fund~~ shall approve the plan with or without modification,
1536 or reject the plan. The use or possession of any such lands
1537 which is not in accordance with an approved land management plan
1538 is subject to termination by the board of trustees.

1539 (9)~~(10)~~ The following additional uses of conservation
1540 lands acquired pursuant to the Florida Forever program and other
1541 state-funded conservation land purchase programs shall be
1542 authorized, upon a finding by the board of trustees, if they
1543 meet the criteria specified in paragraphs (a)-(e): water
1544 resource development projects, water supply development
1545 projects, stormwater management projects, linear facilities, and
1546 sustainable agriculture and forestry. Such additional uses are
1547 authorized if ~~where~~:

1548 (a) The use is not inconsistent with the management plan
1549 for such lands;

1550 (b) The use is compatible with the natural ecosystem and
1551 resource values of such lands;

1552 (c) The ~~proposed~~ use is appropriately located on such
1553 lands and if ~~where~~ due consideration is given to the use of
1554 other available lands;

1555 (d) The using entity reasonably compensates the
1556 titleholder for such use based upon an appropriate measure of
1557 value; and

1558 (e) The use is consistent with the public interest.

1559
1560 A decision by the board of trustees pursuant to this section



1561 shall be given a presumption of correctness. Moneys received
1562 from the use of state lands pursuant to this section shall be
1563 returned to the lead managing entity in accordance with s.
1564 259.032 (9) (c).

1565 (10)~~(11)~~ Lands listed as projects for acquisition may be
1566 managed for conservation pursuant to s. 259.032, on an interim
1567 basis by a private party in anticipation of a state purchase in
1568 accordance with a contractual arrangement between the acquiring
1569 agency and the private party that may include management service
1570 contracts, leases, cost-share arrangements or resource
1571 conservation agreements. Lands designated as eligible under this
1572 subsection shall be managed to maintain or enhance the resources
1573 the state is seeking to protect by acquiring the land. Funding
1574 for these contractual arrangements may originate from the
1575 documentary stamp tax revenue deposited into the Land
1576 Acquisition Trust Fund. No more than \$6.2 million may be
1577 expended from the Land Acquisition Trust Fund for this purpose.

1578 (11)~~(12)~~ Any lands available to governmental employees,
1579 including water management district employees, for hunting or
1580 other recreational purposes shall also be made available to the
1581 general public for such purposes.

1582 ~~(13) Before a building or parcel of land is offered for~~
1583 ~~lease or sale to a local or federal unit of government or a~~
1584 ~~private party, it shall first be offered for lease to state~~
1585 ~~agencies, state universities, and Florida College System~~
1586 ~~institutions, with priority consideration given to state~~



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1587 ~~universities and Florida College System institutions. Within 60~~
1588 ~~days after the offer for lease of a surplus building or parcel,~~
1589 ~~a state university or Florida College System institution that~~
1590 ~~requests the lease must submit a plan for review and approval by~~
1591 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
1592 ~~regarding the intended use, including future use, of the~~
1593 ~~building or parcel of land before approval of a lease. Within 60~~
1594 ~~days after the offer for lease of a surplus building or parcel,~~
1595 ~~a state agency that requests the lease of such facility or~~
1596 ~~parcel must submit a plan for review and approval by the board~~
1597 ~~of trustees regarding the intended use. The state agency plan~~
1598 ~~must, at a minimum, include the proposed use of the facility or~~
1599 ~~parcel, the estimated cost of renovation, a capital improvement~~
1600 ~~plan for the building, evidence that the building or parcel~~
1601 ~~meets an existing need that cannot otherwise be met, and other~~
1602 ~~criteria developed by rule by the board of trustees. The board~~
1603 ~~or its designee shall compare the estimated value of the~~
1604 ~~building or parcel to any submitted business plan to determine~~
1605 ~~if the lease or sale is in the best interest of the state. The~~
1606 ~~board of trustees shall adopt rules pursuant to chapter 120 for~~
1607 ~~the implementation of this section.~~

1608 Section 6. Section 253.0341, Florida Statutes, is amended
1609 to read:

1610 253.0341 Surplus of state-owned lands ~~to counties or local~~
1611 ~~governments. Counties and local governments may submit~~
1612 ~~surplusing requests for state owned lands directly to the board~~



1613 ~~of trustees. County or local government requests for the state~~
1614 ~~to surplus conservation or nonconservation lands, whether for~~
1615 ~~purchase or exchange, shall be expedited throughout the~~
1616 ~~surplusing process. Property jointly acquired by the state and~~
1617 ~~other entities shall not be surplusd without the consent of all~~
1618 ~~joint owners.~~

1619 (1) The board of trustees shall determine which lands, the
1620 title to which is vested in the board, may be surplusd. For all
1621 conservation lands, the Acquisition and Restoration Council
1622 shall make a recommendation to the board of trustees, and the
1623 board of trustees shall determine whether the lands are no
1624 longer needed for conservation purposes. If the board of
1625 trustees determines the lands are no longer needed for
1626 conservation purposes, it may dispose of such lands by an
1627 affirmative vote of at least three members. In the case of a
1628 land exchange involving the disposition of conservation lands,
1629 the board of trustees must determine by an affirmative vote of
1630 at least three members that the exchange will result in a net
1631 positive conservation benefit. For all nonconservation lands,
1632 the board of trustees shall determine whether the lands are no
1633 longer needed. If the board of trustees determines the lands are
1634 no longer needed, it may dispose of such lands by an affirmative
1635 vote of at least three members. Local government requests for
1636 the state to surplus conservation or nonconservation lands,
1637 whether for purchase or exchange, shall be expedited throughout
1638 the surplusing process. Property jointly acquired by the state



1639 and other entities may not be surplusued without the consent of
1640 all joint owners ~~The decision to surplus state-owned~~
1641 ~~nonconservation lands may be made by the board without a review~~
1642 ~~of, or a recommendation on, the request from the Acquisition and~~
1643 ~~Restoration Council or the Division of State Lands. Such~~
1644 ~~requests for nonconservation lands shall be considered by the~~
1645 ~~board within 60 days of the board's receipt of the request.~~

1646 (2) For purposes of this section, all lands acquired by
1647 the state before July 1, 1999, using proceeds from Preservation
1648 2000 bonds, the former Conservation and Recreation Lands Trust
1649 Fund, the former Water Management Lands Trust Fund,
1650 Environmentally Endangered Lands Program, and the Save Our Coast
1651 Program and titled to the board of trustees which are identified
1652 as core parcels or within original project boundaries are deemed
1653 to have been acquired for conservation purposes ~~County or local~~
1654 ~~government requests for the surplusuing of state-owned~~
1655 ~~conservation lands are subject to review of, and recommendation~~
1656 ~~on, the request to the board by the Acquisition and Restoration~~
1657 ~~Council. Requests to surplus conservation lands shall be~~
1658 ~~considered by the board within 120 days of the board's receipt~~
1659 ~~of the request.~~

1660 (3) For any lands purchased by the state on or after July
1661 1, 1999, before acquisition, the board of trustees must
1662 determine which parcels must be designated as having been
1663 acquired for conservation purposes. Lands acquired for use by
1664 the Department of Corrections; the Department of Management



1665 Services for use as state offices; the Department of
1666 Transportation, except those lands specifically managed for
1667 conservation or recreation purposes; the State University
1668 System; or the Florida College System may not be designated as
1669 having been acquired for conservation purposes ~~A local~~
1670 ~~government may request that state lands be specifically declared~~
1671 ~~surplus lands for the purpose of providing alternative water~~
1672 ~~supply and water resource development projects as defined in s.~~
1673 ~~373.019, public facilities such as schools, fire and police~~
1674 ~~facilities, and affordable housing. The request shall comply~~
1675 ~~with the requirements of subsection (1) if the lands are~~
1676 ~~nonconservation lands or subsection (2) if the lands are~~
1677 ~~conservation lands. Surplus lands that are conveyed to a local~~
1678 ~~government for affordable housing shall be disposed of by the~~
1679 ~~local government under the provisions of s. 125.379 or s.~~
1680 ~~166.0451.~~

1681 (4) At least every 10 years, as a component of each land
1682 management plan or land use plan and in a form and manner
1683 adopted by rule of the board of trustees, each manager shall
1684 evaluate and indicate to the board of trustees those lands that
1685 are not being used for the purpose for which they were
1686 originally leased. For conservation lands, the Acquisition and
1687 Restoration Council shall review and recommend to the board of
1688 trustees whether such lands should be retained in public
1689 ownership or disposed of by the board of trustees. For
1690 nonconservation lands, the Division of State Lands shall review



1691 and recommend to the board of trustees whether such lands should
1692 be retained in public ownership or disposed of by the board of
1693 trustees ~~Notwithstanding the requirements of this section and~~
1694 ~~the requirements of s. 253.034 which provides a surplus process~~
1695 ~~for the disposal of state lands, the board shall convey to~~
1696 ~~Miami-Dade County title to the property on which the Graham~~
1697 ~~Building, which houses the offices of the Miami-Dade State~~
1698 ~~Attorney, is located. By January 1, 2008, the board shall convey~~
1699 ~~fee simple title to the property to Miami-Dade County for a~~
1700 ~~consideration of one dollar. The deed conveying title to Miami-~~
1701 ~~Dade County must contain restrictions that limit the use of the~~
1702 ~~property for the purpose of providing workforce housing as~~
1703 ~~defined in s. 420.5095, and to house the offices of the Miami-~~
1704 ~~Dade State Attorney. Employees of the Miami-Dade State Attorney~~
1705 ~~and the Miami-Dade Public Defender who apply for and meet the~~
1706 ~~income qualifications for workforce housing shall receive~~
1707 ~~preference over other qualified applicants.~~

1708 (5) Conservation lands owned by the board of trustees
1709 which are not actively managed by any state agency or for which
1710 a land management plan has not been completed pursuant to s.
1711 253.034(5) must be reviewed by the Acquisition and Restoration
1712 Council for its recommendation as to whether such lands should
1713 be disposed of by the board of trustees.

1714 (6) Before any decision by the board of trustees to
1715 surplus conservation lands, the Acquisition and Restoration
1716 Council shall review and make recommendations to the board of



1717 trustees concerning the request for surplusings. The council
1718 shall determine whether the request for surplusings is compatible
1719 with the resource values of and management objectives for such
1720 lands.

1721 (7) Before a facility or parcel of nonconservation land is
1722 offered for lease to a local or federal unit of government,
1723 state university, Florida College System institution, or private
1724 party, it shall first be offered for lease to state agencies.
1725 Within 45 days after the offer for lease of a facility or
1726 parcel, a state agency that requests the lease must submit a
1727 plan to the board of trustees that includes a description of the
1728 proposed use, including future use, of the facility or parcel.
1729 The board of trustees must review and approve the plan before
1730 approving the lease. The state agency plan must, at a minimum,
1731 include the proposed use of the facility or parcel, the
1732 estimated cost of renovation, a capital improvement plan for the
1733 building, evidence that the facility or parcel meets an existing
1734 need that cannot otherwise be met, and other criteria adopted by
1735 rule of the board of trustees. The board of trustees or its
1736 designee shall compare the estimated value of the facility or
1737 parcel to any submitted business plan to determine if the lease
1738 or sale is in the best interest of the state. The board of
1739 trustees shall adopt rules pursuant to chapter 120 to implement
1740 this section. A state agency that has requested the use of a
1741 facility or parcel must secure the facility or parcel with a
1742 fully executed lease within 90 days after being notified that it



1743 may use such facility or parcel or the request is voidable.

1744 (8) The sale price of lands determined to be surplus
1745 pursuant to this section and s. 253.82 shall be determined by
1746 the Division of State Lands, which shall consider an appraisal
1747 of the property or, if the estimated value of the land is
1748 \$500,000 or less, a comparable sales analysis or a broker's
1749 opinion of value. The division may require a second appraisal.
1750 The individual or entity that requests to purchase the surplus
1751 parcel shall pay all costs associated with determining the
1752 property's value, if any.

1753 (a) A written valuation of land determined to be surplus
1754 pursuant to this section and s. 253.82, and related documents
1755 used to form the valuation or which pertain to the valuation,
1756 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
1757 I of the State Constitution.

1758 1. The exemption expires 2 weeks before the contract or
1759 agreement regarding the purchase, exchange, or disposal of the
1760 surplus land is first considered for approval by the board of
1761 trustees.

1762 2. Before expiration of the exemption, the Division of
1763 State Lands may disclose confidential and exempt appraisals,
1764 valuations, or valuation information regarding surplus land:

1765 a. During negotiations for the sale or exchange of the
1766 land;

1767 b. During the marketing effort or bidding process
1768 associated with the sale, disposal, or exchange of the land to



1769 facilitate closure of such effort or process;

1770 c. When the passage of time has made the conclusions of
1771 value invalid; or

1772 d. When negotiations or marketing efforts concerning the
1773 land are concluded.

1774 (b) A unit of government that acquires title to lands
1775 pursuant to this section for less than appraised value may not
1776 sell or transfer title to all or any portion of the lands to any
1777 private owner for 10 years. A unit of government seeking to
1778 transfer or sell lands pursuant to this paragraph must first
1779 allow the board of trustees to reacquire such lands for the
1780 price at which the board of trustees sold such lands.

1781 (9) Parcels with a market value over \$500,000 must be
1782 initially offered for sale by competitive bid. Any parcels
1783 unsuccessfully offered for sale by competitive bid, and parcels
1784 with a market value of \$500,000 or less, may be sold by any
1785 reasonable means, including procuring real estate services, open
1786 or exclusive listings, competitive bid, auction, negotiated
1787 direct sales, or other appropriate services, to facilitate the
1788 sale.

1789 (10) After reviewing the recommendations of the
1790 Acquisition and Restoration Council, the board of trustees shall
1791 determine whether conservation lands identified for surplus
1792 should be held for other public purposes or are no longer
1793 needed. The board of trustees may require an agency to release
1794 its interest in such lands. An entity approved to use



1795 conservation lands by the board of trustees must secure the
1796 property under a fully executed lease within 90 days after being
1797 notified that it may use such property or the request is
1798 voidable.

1799 (11) Requests to surplus lands may be made by any public
1800 or private entity or person and shall be determined by the board
1801 of trustees. All requests to surplus conservation lands shall be
1802 submitted to the lead managing agency for review and
1803 recommendation to the Acquisition and Restoration Council, and
1804 all requests to surplus nonconservation lands shall be submitted
1805 to the Division of State Lands for review and recommendation to
1806 the board of trustees. The lead managing agencies shall review
1807 such requests and make recommendations to the council within 90
1808 days after receipt of the requests. Any requests to surplus
1809 conservation lands that are not acted upon within the 90-day
1810 period shall be immediately scheduled for hearing at the next
1811 regularly scheduled meeting of the council. Requests to surplus
1812 lands shall be considered by the board of trustees within 60
1813 days after receipt of the requests from the council or division.
1814 Requests to surplus lands pursuant to this subsection are not
1815 required to be offered to state agencies as provided in
1816 subsection (7).

1817 (12) Proceeds from the sale of surplus conservation lands
1818 purchased before July 1, 2015, shall be deposited into the
1819 Florida Forever Trust Fund.

1820 (13) Proceeds from the sale of surplus conservation lands



1821 purchased on or after July 1, 2015, shall be deposited into the
1822 Land Acquisition Trust Fund, except when such lands were
1823 purchased with funds other than those from the Land Acquisition
1824 Trust Fund or a land acquisition trust fund created to implement
1825 s. 28, Art. X of the State Constitution, the proceeds shall be
1826 deposited into the fund from which the lands were purchased.

1827 (14) Funds received from the sale of surplus
1828 nonconservation lands or lands that were acquired by gift, by
1829 donation, or for no consideration shall be deposited into the
1830 Internal Improvement Trust Fund.

1831 (15) Notwithstanding this section, such disposition of
1832 land may not be made if it would have the effect of causing all
1833 or any portion of the interest on any revenue bonds issued to
1834 lose the exclusion from gross income for federal income tax
1835 purposes.

1836 (16) The sale of filled, formerly submerged land that does
1837 not exceed 5 acres in area is not subject to review by the
1838 Acquisition and Restoration Council.

1839 (17) The board of trustees may adopt rules to administer
1840 this section, including procedures for administering surplus
1841 land requests and criteria for when the Division of State Lands
1842 may approve requests to surplus nonconservation lands on behalf
1843 of the board of trustees.

1844 (18) Surplus lands that are conveyed to a local government
1845 for affordable housing shall be disposed of by the local
1846 government under s. 125.379 or s. 166.0451.



1847 Section 7. Section 253.111, Florida Statutes, is amended
1848 to read:

1849 253.111 Riparian owners of land ~~Notice to board of county~~
1850 ~~commissioners before sale. The Board of Trustees of the Internal~~
1851 ~~Improvement Trust Fund of the state may not sell any land to~~
1852 ~~which they hold title unless and until they afford an~~
1853 ~~opportunity to the county in which such land is situated to~~
1854 ~~receive such land on the following terms and conditions:~~

1855 (1) ~~If an application is filed with the board requesting~~
1856 ~~that they sell certain land to which they hold title and the~~
1857 ~~board decides to sell such land or if the board, without such~~
1858 ~~application, decides to sell such land, the board shall, before~~
1859 ~~consideration of any private offers, notify the board of county~~
1860 ~~commissioners of the county in which such land is situated that~~
1861 ~~such land is available to such county. Such notification shall~~
1862 ~~be given by registered mail, return receipt requested.~~

1863 (2) ~~The board of county commissioners of the county in~~
1864 ~~which such land is situated shall, within 40 days after receipt~~
1865 ~~of such notification from the board, determine by resolution~~
1866 ~~whether or not it proposes to acquire such land.~~

1867 (3) ~~If the board receives, within 45 days after notice is~~
1868 ~~given to the board of county commissioners pursuant to~~
1869 ~~subsection (1), the certified copy of the resolution provided~~
1870 ~~for in subsection (2), the board shall forthwith convey to the~~
1871 ~~county such land at a price that is equal to its appraised~~
1872 ~~market value established by generally accepted professional~~



1873 ~~standards for real estate appraisal and subject to such other~~
1874 ~~terms and conditions as the board determines.~~

1875 ~~(4) Nothing in This section restricts any right otherwise~~
1876 ~~granted to the board by this chapter to convey land to which~~
1877 ~~they hold title to the state or any department, office,~~
1878 ~~authority, board, bureau, commission, institution, court,~~
1879 ~~tribunal, agency, or other instrumentality of or under the~~
1880 ~~state. The word "land" as used in this act means all lands~~
1881 ~~vested in the Board of Trustees of the Internal Improvement~~
1882 ~~Trust Fund.~~

1883 ~~(1)-(5)~~ If a ~~any~~ riparian owner exists with respect to any
1884 land to be sold by the board of trustees, such riparian owner
1885 shall have a right to secure such land, ~~which right is prior in~~
1886 ~~interest to the right in the county created by this section,~~
1887 provided that such riparian owner shall be required to pay for
1888 such land upon such prices, terms, and conditions as determined
1889 by the board of trustees. Such riparian owner may waive this
1890 ~~prior right, in which case this section shall apply.~~

1891 ~~(2)-(6)~~ This section does not apply to:

1892 (a) Any land exchange approved by the board of trustees;

1893 (b) The conveyance of any lands located within the
1894 Everglades Agricultural Area; or

1895 (c) Lands managed pursuant to ss. 253.781-253.785.

1896 Section 8. Section 253.42, Florida Statutes, is amended to
1897 read:

1898 253.42 Board of trustees may exchange lands. ~~The~~



1899 ~~provisions of~~ This section applies ~~apply~~ to all lands owned by,
 1900 vested in, or titled in the name of the board of trustees
 1901 whether the lands were acquired by the state as a purchase, or
 1902 through gift, donation, or any other conveyance for which no
 1903 consideration was paid.

1904 (1) The board of trustees may exchange any lands owned by,
 1905 vested in, or titled in its ~~the name of the board~~ for other
 1906 lands in the state owned by counties, local governments,
 1907 individuals, or private or public corporations, and may fix the
 1908 terms and conditions of any such exchange. ~~Any nonconservation~~
 1909 ~~lands that were acquired by the state through gift, donation, or~~
 1910 ~~any other conveyance for which no consideration was paid must~~
 1911 ~~first be offered at no cost to a county or local government~~
 1912 ~~unless otherwise provided in a deed restriction of record or~~
 1913 ~~other legal impediment, and so long as the use proposed by the~~
 1914 ~~county or local government is for a public purpose. For~~
 1915 conservation lands acquired by the state through gift, donation,
 1916 or any other conveyance for which no consideration was paid, the
 1917 state may request land of equal conservation value from the
 1918 county or local government but no other consideration.

1919 (2) In exchanging state-owned lands not acquired by the
 1920 state through gift, donation, or any other conveyance for which
 1921 no consideration was paid, with counties or local governments,
 1922 the board of trustees shall require an exchange of equal value.
 1923 Equal value is defined as the conservation benefit of the lands
 1924 being offered for exchange by a county or local government being



1925 equal or greater in conservation benefit than the state-owned
1926 lands. Such exchanges may include cash transactions if based on
1927 an appropriate measure of value of the state-owned land, but
1928 must also include the determination of a net-positive
1929 conservation benefit by the Acquisition and Restoration Council,
1930 irrespective of appraised value.

1931 (3) The board of trustees shall select and agree upon the
1932 state lands to be exchanged and the lands to be conveyed to the
1933 state and shall pay or receive any sum of money the board of
1934 trustees deems ~~deemed~~ necessary ~~by the board~~ for the purpose of
1935 equalizing the value of the exchanged property. The board of
1936 trustees is authorized to make and enter into contracts or
1937 agreements for such purpose or purposes.

1938 (4) (a) A person who owns land contiguous to state-owned
1939 land titled to the board of trustees may submit a request to the
1940 Division of State Lands to exchange all or a portion of the
1941 privately owned land for all or a portion of the state-owned
1942 land, whereby the state retains a permanent conservation
1943 easement over all or a portion of the exchanged state-owned land
1944 and a permanent conservation easement over all or a portion of
1945 the exchanged privately owned land. State-owned land exchanged
1946 pursuant to this subsection shall be contiguous to the privately
1947 owned land upon which the state retains a permanent conservation
1948 easement. If the division elects to proceed with a request, the
1949 division must submit the request to the Acquisition and
1950 Restoration Council for review and the council must provide



1951 recommendations to the division. If the division elects to
1952 forward a request to the board of trustees, the division must
1953 provide its recommendations and the recommendations of the
1954 council to the board. This subsection does not apply to state-
1955 owned sovereign submerged land.

1956 (b) After receiving a request and the division's
1957 recommendations, the board of trustees shall consider such
1958 request and recommendations and may approve the request if:

1959 1. At least 30 percent of the perimeter of the privately
1960 owned land is bordered by state-owned land and the exchange does
1961 not create an inholding.

1962 2. The approval does not result in a violation of the
1963 terms of a preexisting lease or agreement by the board of
1964 trustees, the Department of Environmental Protection, the
1965 Department of Agriculture and Consumer Services, or the Fish and
1966 Wildlife Conservation Commission.

1967 3. For state-owned land purchased for conservation
1968 purposes, the board of trustees makes a determination that the
1969 exchange of land under this subsection will result in a net
1970 positive conservation benefit.

1971 4. The approval does not conflict with any existing
1972 flowage easement.

1973 5. The request is approved by three or more members of the
1974 board of trustees.

1975 (c) Special consideration shall be given to a request that
1976 maintains public access for any recreational purpose allowed on



1977 | the state-owned land at the time the request is submitted to the
 1978 | board of trustees. A person who maintains public access pursuant
 1979 | to this paragraph is entitled to the limitation on liability
 1980 | provided in s. 375.251.

1981 | (d) Land subject to a permanent conservation easement
 1982 | granted pursuant to this subsection is subject to inspection by
 1983 | the Department of Environmental Protection to ensure compliance
 1984 | with the terms of the permanent conservation easement.

1985 | Section 9. Subsection (2) of section 253.782, Florida
 1986 | Statutes, is amended to read:

1987 | 253.782 Retention of state-owned lands in and around Lake
 1988 | Rousseau and the Cross Florida Barge Canal right-of-way from
 1989 | Lake Rousseau west to the Withlacoochee River.—

1990 | (2) The Department of Environmental Protection is
 1991 | authorized ~~and directed~~ to retain ownership of and maintain all
 1992 | lands or interests in land owned by the Board of Trustees of the
 1993 | Internal Improvement Trust Fund, including all fee and less than
 1994 | fee less than fee interests in lands previously owned by the
 1995 | canal authority in Lake Rousseau and the Cross Florida Barge
 1996 | Canal right-of-way from Lake Rousseau at U.S. Highway 41 west to
 1997 | and including the Withlacoochee River.

1998 | Section 10. Section 253.7821, Florida Statutes, is amended
 1999 | to read:

2000 | 253.7821 Cross Florida Greenways State Recreation and
 2001 | Conservation Area assigned to the Department of Environmental
 2002 | Protection ~~Office of the Executive Director.~~—The Cross Florida



2003 Greenways State Recreation and Conservation Area is ~~hereby~~
 2004 established and ~~is initially~~ assigned to the department ~~Office~~
 2005 ~~of Greenways Management within the Office of the Secretary~~. The
 2006 department ~~office~~ shall manage the greenways pursuant to the
 2007 department's existing statutory authority until administrative
 2008 rules are adopted by the department. However, the provisions of
 2009 this act shall control in any conflict between this act and any
 2010 other authority of the department.

2011 Section 11. Section 253.87, Florida Statutes, is created
 2012 to read:

2013 253.87 Inventory of state, federal, and local government
 2014 conservation lands by the Department of Environmental
 2015 Protection.-

2016 (1) By July 1, 2018, the department shall include in the
 2017 Florida State-Owned Lands and Records Information System (FL-
 2018 SOLARIS) database all federally owned conservation lands in the
 2019 state, all lands on which the Federal Government retains a
 2020 permanent conservation easement in the state, and all lands on
 2021 which the state retains a permanent conservation easement. The
 2022 department shall update the database at least every 5 years.

2023 (2) By July 1, 2018, for counties and municipalities, and
 2024 by July 1, 2019, for financially disadvantaged small
 2025 communities, as defined in s. 403.1838, and at least every 5
 2026 years thereafter, respectively, each county, municipality, and
 2027 financially disadvantaged small community shall identify all
 2028 conservation lands that it owns in fee simple and all lands on



2029 which it retains a permanent conservation easement and submit,
2030 in a manner determined by the department, a list of such lands
2031 to the department. Within 6 months after receiving such list,
2032 the department shall add such lands to the FL-SOLARIS database.

2033 (3) By January 1, 2018, the department shall conduct a
2034 study and submit a report to the Governor, the President of the
2035 Senate, and the Speaker of the House of Representatives on the
2036 technical and economic feasibility of including the following
2037 lands in the FL-SOLARIS database or a similar public lands
2038 inventory:

2039 (a) All lands on which local comprehensive plans, land use
2040 restrictions, zoning ordinances, or land development regulations
2041 prohibit the land from being developed or limit the amount of
2042 development to one unit per 40 or more acres.

2043 (b) All publicly and privately owned lands for which
2044 development rights have been transferred.

2045 (c) All privately owned lands under a permanent
2046 conservation easement.

2047 (d) All lands owned by a nonprofit or nongovernmental
2048 organization for conservation purposes.

2049 (e) All lands that are part of a mitigation bank.

2050 Section 12. Section 259.01, Florida Statutes, is amended
2051 to read:

2052 259.01 Short title.—This chapter shall be known and may be
2053 cited as the "Land Conservation Program Act ~~of 1972.~~"

2054 Section 13. Section 259.02, Florida Statutes, is repealed.



2055 Section 14. Subsections (6), (7), and (8) and paragraphs
2056 (a) and (d) of section (9) of section 259.032, Florida Statutes,
2057 are amended to read:

2058 259.032 Conservation and recreation lands.—

2059 (6) Conservation and recreation lands are subject to the
2060 selection procedures of s. 259.035 and related rules and shall
2061 be acquired in accordance with acquisition procedures for state
2062 lands provided for in s. 253.025 ~~259.041~~, except as otherwise
2063 provided by the Legislature. An inholding or an addition to
2064 conservation and recreation lands is not subject to the
2065 selection procedures of s. 259.035 if the estimated value of
2066 such inholding or addition does not exceed \$500,000. When at
2067 least 90 percent of the acreage of a project has been purchased
2068 for conservation and recreation purposes, the project may be
2069 removed from the list and the remaining acreage may continue to
2070 be purchased. Funds appropriated to acquire conservation and
2071 recreation lands may be used for title work, appraisal fees,
2072 environmental audits, and survey costs related to acquisition
2073 expenses for lands to be acquired, donated, or exchanged which
2074 qualify under the categories of this section, at the discretion
2075 of the board. When the Legislature has authorized the department
2076 ~~of Environmental Protection~~ to condemn a specific parcel of land
2077 and such parcel has already been approved for acquisition, the
2078 land may be acquired in accordance with ~~the provisions of~~
2079 chapter 73 or chapter 74, and the funds appropriated to acquire
2080 conservation and recreation lands may be used to pay the



2081 condemnation award and all costs, including reasonable attorney
 2082 fees, associated with condemnation.

2083 (7) All lands managed under this chapter and s. 253.034
 2084 shall be:

2085 (a) Managed in a manner that will provide the greatest
 2086 combination of benefits to the public and to the resources.

2087 (b) Managed for public outdoor recreation which is
 2088 compatible with the conservation and protection of public lands.
 2089 Such management may include, but not be limited to, the
 2090 following public recreational uses: fishing, hunting, camping,
 2091 bicycling, hiking, nature study, swimming, boating, canoeing,
 2092 horseback riding, diving, model hobbyist activities, birding,
 2093 sailing, jogging, and other related outdoor activities
 2094 ~~compatible with the purposes for which the lands were acquired.~~

2095 ~~(c) Managed for the purposes for which the lands were~~
 2096 ~~acquired, consistent with paragraph (9)(a).~~

2097 (c) ~~(d)~~ Concurrent with its adoption of the annual list of
 2098 acquisition projects pursuant to s. 259.035, the board ~~of~~
 2099 ~~trustees~~ shall adopt a management prospectus for each project.
 2100 The management prospectus shall delineate:

- 2101 1. The management goals for the property;
- 2102 2. The conditions that will affect the intensity of
 2103 management;
- 2104 3. An estimate of the revenue-generating potential of the
 2105 property, if appropriate;
- 2106 4. A timetable for implementing the various stages of



2107 management and for providing access to the public, if
 2108 applicable;

2109 5. A description of potential multiple-use activities as
 2110 described in this section and s. 253.034;

2111 6. Provisions for protecting existing infrastructure and
 2112 for ensuring the security of the project upon acquisition;

2113 7. The anticipated costs of management and projected
 2114 sources of revenue, including legislative appropriations, to
 2115 fund management needs; and

2116 8. Recommendations as to how many employees will be needed
 2117 to manage the property, and recommendations as to whether local
 2118 governments, volunteer groups, the former landowner, or other
 2119 interested parties can be involved in the management.

2120 (d) ~~(e)~~ Concurrent with the approval of the acquisition
 2121 contract pursuant to s. 253.025(4)(c) ~~259.041(3)(e)~~ for any
 2122 interest in lands except those lands ~~being~~ pursuant to
 2123 ~~under the provisions of~~ s. 259.1052, the board ~~of trustees~~ shall
 2124 designate an agency or agencies to manage such lands. The board
 2125 shall evaluate and amend, as appropriate, the management policy
 2126 statement for the project as provided by s. 259.035 to ensure
 2127 that the policy statement is compatible with conservation,
 2128 recreation, or both, ~~consistent with the purposes for which the~~
 2129 ~~lands are acquired~~. For any fee simple acquisition of a parcel
 2130 which is or will be leased back for agricultural purposes, or
 2131 any acquisition of a less than fee ~~less than fee~~ interest in
 2132 land that is or will be used for agricultural purposes, the



2133 | board ~~of trustees of the Internal Improvement Trust Fund~~ shall
 2134 | first consider having a soil and water conservation district,
 2135 | created pursuant to chapter 582, manage and monitor such
 2136 | interests.

2137 | (e)~~(f)~~ State agencies designated to manage lands acquired
 2138 | under this chapter or with funds deposited into the Land
 2139 | Acquisition Trust Fund, except those lands acquired under s.
 2140 | 259.1052, may contract with local governments and soil and water
 2141 | conservation districts to assist in management activities,
 2142 | including the responsibility of being the lead land manager.
 2143 | Such land management contracts may include a provision for the
 2144 | transfer of management funding to the local government or soil
 2145 | and water conservation district from the land acquisition trust
 2146 | fund of the lead land managing agency in an amount adequate for
 2147 | the local government or soil and water conservation district to
 2148 | perform its contractual land management responsibilities and
 2149 | proportionate to its responsibilities, and which otherwise would
 2150 | have been expended by the state agency to manage the property.

2151 | (f)~~(g)~~ Immediately following the acquisition of any
 2152 | interest in conservation and recreation lands, the department ~~of~~
 2153 | ~~Environmental Protection~~, acting on behalf of the board ~~of~~
 2154 | ~~trustees~~, may issue to the lead managing entity an interim
 2155 | assignment letter to be effective until the execution of a
 2156 | formal lease.

2157 | (8) (a) State, regional, or local governmental agencies or
 2158 | private entities designated to manage lands under this section



2159 shall develop and adopt, with the approval of the board ~~of~~
2160 ~~trustees~~, an individual management plan for each project
2161 designed to conserve and protect such lands and their associated
2162 natural resources. Private sector involvement in management plan
2163 development may be used to expedite the planning process.

2164 (b) Individual management plans required by s. 253.034(5),
2165 for parcels over 160 acres, shall be developed with input from
2166 an advisory group. Members of this advisory group shall include,
2167 at a minimum, representatives of the lead land managing agency,
2168 comanaging entities, local private property owners, the
2169 appropriate soil and water conservation district, a local
2170 conservation organization, and a local elected official. If
2171 habitat or potentially restorable habitat for imperiled species
2172 is located on state lands, the Fish and Wildlife Conservation
2173 Commission and the Department of Agriculture and Consumer
2174 Services shall be included on any advisory group required under
2175 chapter 253, and the short-term and long-term management goals
2176 required under chapter 253 must advance the goals and objectives
2177 of imperiled species management without restricting other uses
2178 identified in the management plan. The advisory group shall
2179 conduct at least one public hearing within the county in which
2180 the parcel or project is located. For those parcels or projects
2181 that are within more than one county, at least one areawide
2182 public hearing shall be acceptable and the lead managing agency
2183 shall invite a local elected official from each county. The
2184 areawide public hearing shall be held in the county in which the



2185 core parcels are located. Notice of such public hearing shall be
2186 posted on the parcel or project designated for management,
2187 advertised in a paper of general circulation, and announced at a
2188 scheduled meeting of the local governing body before the actual
2189 public hearing. The management prospectus required pursuant to
2190 paragraph (7) (c) ~~(7) (d)~~ shall be available to the public for a
2191 period of 30 days before ~~prior to~~ the public hearing.

2192 (c) Once a plan is adopted, the managing agency or entity
2193 shall update the plan at least every 10 years in a form and
2194 manner adopted ~~prescribed~~ by rule of the board ~~of trustees~~. Such
2195 updates, for parcels over 160 acres, shall be developed with
2196 input from an advisory group. Such plans may include transfers
2197 of leasehold interests to appropriate conservation organizations
2198 or governmental entities designated by the ~~Land Acquisition and~~
2199 ~~Management Advisory~~ council ~~or its successor~~, for uses
2200 consistent with the purposes of the organizations and the
2201 protection, preservation, conservation, restoration, and proper
2202 management of the lands and their resources. Volunteer
2203 management assistance is encouraged, including, but not limited
2204 to, assistance by youths participating in programs sponsored by
2205 state or local agencies, by volunteers sponsored by
2206 environmental or civic organizations, and by individuals
2207 participating in programs for committed delinquents and adults.

2208 ~~(d)1.~~ For each project for which lands are acquired after
2209 July 1, 1995, an individual management plan shall be adopted and
2210 in place no later than 1 year after the essential parcel or



2211 parcels identified in the priority list developed pursuant to s.
 2212 259.105 have been acquired. The department ~~of Environmental~~
 2213 ~~Protection~~ shall distribute only 75 percent of the acquisition
 2214 funds to which a budget entity or water management district
 2215 would otherwise be entitled to any budget entity or any water
 2216 management district that has more than one-third of its
 2217 management plans overdue.

2218 ~~2. The requirements of subparagraph 1. do not apply to the~~
 2219 ~~individual management plan for the Babcock Crescent B Ranch~~
 2220 ~~being acquired pursuant to s. 259.1052. The management plan for~~
 2221 ~~the ranch shall be adopted and in place no later than 2 years~~
 2222 ~~following the date of acquisition by the state.~~

2223 (e) Individual management plans shall conform to the
 2224 appropriate policies and guidelines of the state land management
 2225 plan and shall include, but not be limited to:

2226 1. A statement of the purpose for which the lands were
 2227 acquired, the projected use or uses as defined in s. 253.034,
 2228 and the statutory authority for such use or uses.

2229 2. Key management activities necessary to achieve the
 2230 desired outcomes, including, but not limited to, providing
 2231 public access, preserving and protecting natural resources,
 2232 protecting cultural and historical resources, restoring habitat,
 2233 protecting threatened and endangered species, controlling the
 2234 spread of nonnative plants and animals, performing prescribed
 2235 fire activities, and other appropriate resource management.

2236 3. A specific description of how the managing agency plans



2237 | to identify, locate, protect, and preserve, or otherwise use
 2238 | fragile, nonrenewable natural and cultural resources.

2239 | 4. A priority schedule for conducting management
 2240 | activities, ~~based on the purposes for which the lands were~~
 2241 | ~~acquired.~~

2242 | 5. A cost estimate for conducting priority management
 2243 | activities, to include recommendations for cost-effective
 2244 | methods of accomplishing those activities.

2245 | 6. A cost estimate for conducting other management
 2246 | activities which would enhance the natural resource value or
 2247 | public recreation value ~~for which the lands were acquired.~~ The
 2248 | cost estimate shall include recommendations for cost-effective
 2249 | methods of accomplishing those activities.

2250 | 7. A determination of the public uses and public access
 2251 | that would be compatible with conservation, recreation, or both
 2252 | ~~that would be consistent with the purposes for which the lands~~
 2253 | ~~were acquired.~~

2254 | (f) The Division of State Lands shall submit a copy of
 2255 | each individual management plan for parcels which exceed 160
 2256 | acres in size to each member of the ~~Acquisition and Restoration~~
 2257 | council, which shall:

2258 | 1. Within 60 days after receiving a plan from the Division
 2259 | of State Lands, review each plan for compliance with the
 2260 | requirements of this subsection and with the requirements of the
 2261 | rules adopted ~~established~~ by the board pursuant to this
 2262 | subsection.



2263 2. Consider the propriety of the recommendations of the
2264 managing agency with regard to the future use or protection of
2265 the property.

2266 3. After its review, submit the plan, along with its
2267 recommendations and comments, to the board ~~of trustees~~, with
2268 recommendations as to whether to approve the plan as submitted,
2269 approve the plan with modifications, or reject the plan.

2270 (g) The board ~~of trustees~~ shall consider the individual
2271 management plan submitted by each state agency and the
2272 recommendations of the ~~Acquisition and Restoration~~ council and
2273 the department ~~Division of State Lands~~ and shall approve the
2274 plan with or without modification or reject such plan. The use
2275 or possession of any lands owned by the board ~~of trustees~~ which
2276 is not in accordance with an approved individual management plan
2277 is subject to termination by the board ~~of trustees~~.

2278
2279 By July 1 of each year, each governmental agency and each
2280 private entity designated to manage lands shall report to the
2281 Secretary of Environmental Protection on the progress of
2282 funding, staffing, and resource management of every project for
2283 which the agency or entity is responsible.

2284 (9) (a) The Legislature recognizes that acquiring lands
2285 pursuant to this chapter serves the public interest by
2286 protecting land, air, and water resources which contribute to
2287 the public health and welfare, providing areas for natural
2288 resource based recreation, and ensuring the survival of unique



2289 and irreplaceable plant and animal species. The Legislature
2290 intends for these lands to be managed and maintained in a manner
2291 that is compatible with conservation, recreation, or both,
2292 consistent with the land management plan ~~for the purposes for~~
2293 ~~which they were acquired~~ and for the public to have access to
2294 and use of these lands if public access ~~where it is consistent~~
2295 ~~with acquisition purposes~~ and would not harm the resources the
2296 state is seeking to protect on the public's behalf.

2297 (d) Up to one-fifth of the funds appropriated for the
2298 purposes identified in paragraph (b) shall be reserved by the
2299 board ~~of trustees~~ for interim management of acquisitions and for
2300 associated contractual services, to ensure the conservation and
2301 protection of natural resources on project sites and to allow
2302 limited public recreational use of lands. Interim management
2303 activities may include, but not be limited to, resource
2304 assessments, control of invasive, nonnative species, habitat
2305 restoration, fencing, law enforcement, controlled burning, and
2306 public access consistent with preliminary determinations made
2307 pursuant to paragraph (7)(f) ~~(7)(g)~~. The board ~~of trustees~~ shall
2308 make these interim funds available immediately upon purchase.

2309 Section 15. Subsection (3) and paragraph (a) of subsection
2310 (4) of section 259.035, Florida Statutes, are amended to read:

2311 259.035 Acquisition and Restoration Council.—

2312 (3) The council shall provide assistance to the board ~~of~~
2313 ~~trustees~~ in reviewing the recommendations and plans for state-
2314 owned conservation lands required under s. 253.034 and this



2315 chapter. The council shall, in reviewing such ~~recommendations~~
 2316 ~~and~~ plans, consider the optimization of multiple-use and
 2317 conservation strategies to accomplish the provisions funded
 2318 pursuant to former s. 259.101(3)(a), Florida Statutes 2014, and
 2319 to s. 259.105(3)(b).

2320 (4)(a) By December 1, 2016, the ~~Acquisition and~~
 2321 ~~Restoration~~ council shall develop rules defining specific
 2322 criteria and numeric performance measures needed for lands that
 2323 are to be acquired for public purpose under the Florida Forever
 2324 program pursuant to s. 259.105 or with funds deposited into the
 2325 Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the
 2326 State Constitution. These rules shall be reviewed and adopted by
 2327 the board, then submitted to the Legislature for consideration
 2328 by February 1, 2017. The Legislature may reject, modify, or take
 2329 no action relative to the proposed rules. If no action is taken,
 2330 the rules shall be implemented. Subsequent to their approval,
 2331 each recipient of funds from the Land Acquisition Trust Fund
 2332 shall annually report to the department ~~Division of State Lands~~
 2333 on each of the numeric performance measures accomplished during
 2334 the previous fiscal year.

2335 Section 16. Subsections (1), (2), (4), and (5) of section
 2336 259.036, Florida Statutes, are amended to read:

2337 259.036 Management review teams.—

2338 (1) To determine whether conservation, preservation, and
 2339 recreation lands titled in the name of the board ~~of Trustees of~~
 2340 ~~the Internal Improvement Trust Fund~~ are being managed for the



2341 purposes that are compatible with conservation, preservation, or
2342 recreation ~~for which they were acquired and~~ in accordance with a
2343 land management plan adopted pursuant to s. 259.032, the board
2344 ~~of trustees,~~ acting through the department ~~of Environmental~~
2345 ~~Protection,~~ shall cause periodic management reviews to be
2346 conducted as follows:

2347 (a) The department shall establish a regional land
2348 management review team composed of the following members:

2349 1. One individual who is from the county or local
2350 community in which the parcel or project is located and who is
2351 selected by the county commission in the county which is most
2352 impacted by the acquisition.

2353 2. One individual from the Division of Recreation and
2354 Parks of the department.

2355 3. One individual from the Florida Forest Service of the
2356 Department of Agriculture and Consumer Services.

2357 4. One individual from the Fish and Wildlife Conservation
2358 Commission.

2359 5. One individual from the department's district office in
2360 which the parcel is located.

2361 6. A private land manager, preferably from the local
2362 community, mutually agreeable to the state agency
2363 representatives.

2364 7. A member or staff from the jurisdictional water
2365 management district or ~~of the~~ local soil and water conservation
2366 district board of supervisors.



2367 8. A member of a conservation organization.

2368 (b) The department ~~staff of the Division of State Lands~~
2369 shall act as the review team coordinator for the purposes of
2370 establishing schedules for the reviews and other staff
2371 functions. The Legislature shall appropriate funds necessary to
2372 implement land management review team functions.

2373 (2) The land management review team shall review select
2374 management areas before ~~prior to~~ the date the manager is
2375 required to submit a 10-year land management plan update. For
2376 management areas that exceed 1,000 acres in size, the department
2377 ~~Division of State Lands~~ shall schedule a land management review
2378 at least every 5 years. A copy of the review shall be provided
2379 to the manager, the department ~~Division of State Lands~~, and the
2380 ~~Acquisition and Restoration~~ council. The manager shall consider
2381 the findings and recommendations of the land management review
2382 team in finalizing the required 10-year update of its management
2383 plan.

2384 (4) In the event a land management plan has not been
2385 adopted within the timeframes specified in s. 259.032(8), the
2386 department may direct a management review of the property, to be
2387 conducted by the land management review team. The review shall
2388 consider the extent to which the land is being managed in a
2389 manner that is compatible with conservation, recreation, or both
2390 ~~for the purposes for which it was acquired~~ and the degree to
2391 which actual management practices are in compliance with the
2392 management policy statement and management prospectus for that



2393 property.

2394 (5) If the land management review team determines that
2395 reviewed lands are not being managed in a manner that is
2396 compatible with conservation, recreation, or both, consistent
2397 ~~for the purposes for which they were acquired or in compliance~~
2398 with the adopted land management plan, management policy
2399 statement, or management prospectus, or if the managing agency
2400 fails to address the review findings in the updated management
2401 plan, the department shall provide the review findings to the
2402 board, and the managing agency must report to the board its
2403 reasons for managing the lands as it has.

2404 Section 17. Section 259.037, Florida Statutes, is amended
2405 to read:

2406 259.037 Land Management Uniform Accounting Council.—

2407 (1) The Land Management Uniform Accounting Council (LMUAC)
2408 is created within the Department of Environmental Protection and
2409 shall consist of the director of the Division of State Lands,
2410 the director of the Division of Recreation and Parks, and the
2411 director of the Office of Coastal and Aquatic Managed Areas, ~~and~~
2412 ~~the director of the Office of Greenways and Trails of the~~
2413 ~~department of Environmental Protection;~~ the director of the
2414 Florida Forest Service of the Department of Agriculture and
2415 Consumer Services; the executive director of the Fish and
2416 Wildlife Conservation Commission; and the director of the
2417 Division of Historical Resources of the Department of State, or
2418 their respective designees. Each state agency represented on the



2419 LMUAC ~~council~~ shall have one vote. The chair of the LMUAC
2420 ~~council~~ shall rotate annually in the foregoing order of state
2421 agencies. The agency of the representative serving as chair ~~of~~
2422 ~~the council~~ shall provide staff support for the LMUAC ~~council~~.
2423 The Division of State Lands shall serve as the recipient of and
2424 repository for the LMUAC's ~~council's~~ documents. The LMUAC
2425 ~~council~~ shall meet at the request of the chair.

2426 (2) The Auditor General and the director of the Office of
2427 Program Policy Analysis and Government Accountability, or their
2428 designees, shall advise the LMUAC ~~council~~ to ensure that
2429 appropriate accounting procedures are used ~~utilized~~ and that a
2430 uniform method of collecting and reporting accurate costs of
2431 land management activities are created and can be used by all
2432 agencies.

2433 (3) (a) All land management activities and costs must be
2434 assigned to a specific category, and any single activity or cost
2435 may not be assigned to more than one category. Administrative
2436 costs, such as planning or training, shall be segregated from
2437 other management activities. Specific management activities and
2438 costs must initially be grouped, at a minimum, within the
2439 following categories:

- 2440 1. Resource management.
- 2441 2. Administration.
- 2442 3. Support.
- 2443 4. Capital improvements.
- 2444 5. Recreation visitor services.



2445 | 6. Law enforcement activities.

2446

2447 | Upon adoption of the initial list of land management categories
 2448 | by the LMUAC ~~council~~, agencies assigned to manage conservation
 2449 | or recreation lands shall, ~~on July 1, 2000, begin to~~ account for
 2450 | land management costs in accordance with the category to which
 2451 | an expenditure is assigned.

2452 | (b) Each reporting agency shall also:

2453 | 1. Include a report of the available public use
 2454 | opportunities for each management unit of state land, the total
 2455 | management cost for public access and public use, and the cost
 2456 | associated with each use option.

2457 | 2. List the acres of land requiring minimal management
 2458 | effort, moderate management effort, and significant management
 2459 | effort pursuant to s. 259.032(9)(c). For each category created
 2460 | in paragraph (a), the reporting agency shall include the amount
 2461 | of funds requested, the amount of funds received, and the amount
 2462 | of funds expended for land management.

2463 | 3. List acres managed and cost of management for each
 2464 | park, preserve, forest, reserve, or management area.

2465 | 4. List acres managed, cost of management, and lead
 2466 | manager for each state lands management unit for which secondary
 2467 | management activities were provided.

2468 | 5. Include a report of the estimated calculable financial
 2469 | benefits to the public for the ecosystem services provided by
 2470 | conservation lands, based on the best readily available



2471 information or science that provides a standard measurement
2472 methodology to be consistently applied by the land managing
2473 agencies. Such information may include, but need not be limited
2474 to, the value of natural lands for protecting the quality and
2475 quantity of drinking water through natural water filtration and
2476 recharge, contributions to protecting and improving air quality,
2477 benefits to agriculture through increased soil productivity and
2478 preservation of biodiversity, and savings to property and lives
2479 through flood control.

2480 (4) The LMUAC ~~council~~ shall provide a report of the
2481 agencies' expenditures pursuant to the adopted categories to the
2482 Acquisition and Restoration Council and the Division of State
2483 Lands for inclusion in its annual report required pursuant to s.
2484 259.036.

2485 (5) Should the LMUAC ~~council~~ determine that the list of
2486 land management categories needs to be revised, it shall meet
2487 upon the call of the chair.

2488 (6) Biennially, each reporting agency shall also submit an
2489 operational report for each management area along with an
2490 approved management plan. The report should assess the progress
2491 toward achieving short-term and long-term management goals of
2492 the approved management plan, including all land management
2493 activities, and identify any deficiencies in management and
2494 corrective actions to address identified deficiencies as
2495 appropriate. This report shall be submitted to the Acquisition
2496 and Restoration Council and the Division of State Lands for



2497 inclusion in its annual report required pursuant to s. 259.036.

2498 Section 18. Subsections (1) through (6) and (8) through
 2499 (19) of section 259.041, Florida Statutes, are repealed.

2500 Section 19. Subsection (2) of section 259.047, Florida
 2501 Statutes, is amended to read:

2502 259.047 Acquisition of land on which an agricultural lease
 2503 exists.—

2504 (2) If ~~where~~ consistent with the purposes of conservation
 2505 and recreation ~~for which the property was acquired~~, the state or
 2506 acquiring entity shall make reasonable efforts to keep lands in
 2507 agricultural production which are in agricultural production at
 2508 the time of acquisition.

2509 Section 20. Subsection (8) of section 259.101, Florida
 2510 Statutes, is renumbered as subsection (7), and subsection (5),
 2511 paragraph (a) of subsection (6), and present subsection (7) of
 2512 that section are amended, to read:

2513 259.101 Florida Preservation 2000 Act.—

2514 (5) DISPOSITION OF LANDS.—

2515 (a) Any lands acquired pursuant to former paragraphs
 2516 (3) (a), (3) (c), (3) (d), (3) (e), (3) (f), or (3) (g) of this
 2517 section, Florida Statutes 2014, if title to such lands is vested
 2518 in the board ~~of Trustees of the Internal Improvement Trust Fund~~,
 2519 may be disposed of by the board ~~of Trustees of the Internal~~
 2520 ~~Improvement Trust Fund~~ in accordance with the provisions and
 2521 procedures set forth in s. 253.0341 ~~253.034(6)~~, and lands
 2522 acquired pursuant to former paragraph (3) (b) of this section,



2523 Florida Statutes 2014, may be disposed of by the owning water
 2524 management district in accordance with the procedures and
 2525 provisions set forth in ss. 373.056 and 373.089 provided such
 2526 disposition also shall satisfy the requirements of paragraphs
 2527 (b) and (c).

2528 (b) Before land acquired with Preservation 2000 funds may
 2529 be surplusd as required by s. 253.0341 ~~253.034(6)~~ or determined
 2530 to be no longer required for its purposes under s. 373.056(4),
 2531 as applicable, there shall first be a determination by the board
 2532 ~~of Trustees of the Internal Improvement Trust Fund~~, or, in the
 2533 case of water management district lands, by the owning water
 2534 management district, that such land no longer needs to be
 2535 preserved in furtherance of the intent of the Florida
 2536 Preservation 2000 Act. Any lands eligible to be disposed of
 2537 under this procedure also may be used to acquire other lands
 2538 through an exchange of lands if such lands obtained in an
 2539 exchange are described in the same paragraph of former
 2540 subsection (3) of this section, Florida Statutes 2014, as the
 2541 lands disposed.

2542 (c) Revenue derived from the disposal of lands acquired
 2543 with Preservation 2000 funds may not be used for any purpose
 2544 except for deposit into the Florida Forever Trust Fund within
 2545 the department ~~of Environmental Protection~~, for recredit to the
 2546 share held under former subsection (3) of this section, Florida
 2547 Statutes 2014, in which such disposed land is described.

2548 (6) ALTERNATE USES OF ACQUIRED LANDS.—



2549 (a) ~~The board of Trustees of the Internal Improvement~~
2550 ~~Trust Fund,~~ or, in the case of water management district lands,
2551 the owning water management district, may authorize the granting
2552 of a lease, easement, or license for the use of any lands
2553 acquired pursuant to former subsection (3) of this section,
2554 Florida Statutes 2014, for any governmental use permitted by s.
2555 17, Art. IX of the State Constitution of 1885, as adopted by s.
2556 9(a), Art. XII of the State Constitution, and any other
2557 incidental public or private use that is determined by the board
2558 or the owning water management district to be compatible with
2559 conservation, preservation, or recreation ~~the purposes for which~~
2560 ~~such lands were acquired.~~

2561 ~~(7) ALTERNATIVES TO FEE SIMPLE ACQUISITION.—~~

2562 ~~(a) The Legislature finds that, with the increasing~~
2563 ~~pressures on the natural areas of this state, the state must~~
2564 ~~develop creative techniques to maximize the use of acquisition~~
2565 ~~and management moneys. The Legislature finds that the state's~~
2566 ~~environmental land-buying agencies should be encouraged to~~
2567 ~~augment their traditional, fee simple acquisition programs with~~
2568 ~~the use of alternatives to fee simple acquisition techniques.~~
2569 ~~The Legislature also finds that using alternatives to fee simple~~
2570 ~~acquisition by public land-buying agencies will achieve the~~
2571 ~~following public policy goals:~~

2572 ~~1. Allow more lands to be brought under public protection~~
2573 ~~for preservation, conservation, and recreational purposes at~~
2574 ~~less expense using public funds.~~



2575 ~~2. Retain, on local government tax rolls, some portion of~~
2576 ~~or interest in lands that are under public protection.~~

2577 ~~3. Reduce long-term management costs by allowing private~~
2578 ~~property owners to continue acting as stewards of the land, as~~
2579 ~~appropriate.~~

2580
2581 ~~Therefore, it is the intent of the Legislature that public land-~~
2582 ~~buying agencies develop programs to pursue alternatives to fee~~
2583 ~~simple acquisition and to educate private landowners about such~~
2584 ~~alternatives and the benefits of such alternatives. It also is~~
2585 ~~the intent of the Legislature that the department and the water~~
2586 ~~management districts spend a portion of their shares of~~
2587 ~~Preservation 2000 bond proceeds to purchase eligible properties~~
2588 ~~using alternatives to fee simple acquisition. Finally, it is the~~
2589 ~~intent of the Legislature that public agencies acquire lands in~~
2590 ~~fee simple for public access and recreational activities. Lands~~
2591 ~~protected using alternatives to fee simple acquisition~~
2592 ~~techniques may not be accessible to the public unless such~~
2593 ~~access is negotiated with and agreed to by the private~~
2594 ~~landowners who retain interests in such lands.~~

2595 ~~(b) The Land Acquisition Advisory Council and the water~~
2596 ~~management districts shall identify, within their 1997~~
2597 ~~acquisition plans, those projects that require a full fee simple~~
2598 ~~interest to achieve the public policy goals, along with the~~
2599 ~~reasons why full title is determined to be necessary. The~~
2600 ~~council and the water management districts may use alternatives~~



2601 ~~to fee simple acquisition to bring the remaining projects in~~
2602 ~~their acquisition plans under public protection. For the~~
2603 ~~purposes of this subsection, the term "alternatives to fee~~
2604 ~~simple acquisition" includes the purchase of development rights;~~
2605 ~~conservation easements; flowage easements; the purchase of~~
2606 ~~timber rights, mineral rights, or hunting rights; the purchase~~
2607 ~~of agricultural interests or silvicultural interests; land~~
2608 ~~protection agreements; fee simple acquisitions with~~
2609 ~~reservations; or any other acquisition technique that achieves~~
2610 ~~the public policy goals identified in paragraph (a). It is~~
2611 ~~presumed that a private landowner retains the full range of uses~~
2612 ~~for all the rights or interests in the landowner's land which~~
2613 ~~are not specifically acquired by the public agency. Life estates~~
2614 ~~and fee simple acquisitions with leaseback provisions do not~~
2615 ~~qualify as an alternative to fee simple acquisition under this~~
2616 ~~subsection, although the department and the districts are~~
2617 ~~encouraged to use such techniques if appropriate.~~

2618 ~~(c) The department and each water management district~~
2619 ~~shall implement initiatives to use alternatives to fee simple~~
2620 ~~acquisition and to educate private landowners about such~~
2621 ~~alternatives. These initiatives must include at least two~~
2622 ~~acquisitions a year by the department and each water management~~
2623 ~~district utilizing alternatives to fee simple.~~

2624 ~~(d) The Legislature finds that the lack of direct sales~~
2625 ~~comparison information has served as an impediment to successful~~
2626 ~~implementation of alternatives to fee simple acquisition. It is~~



2627 ~~the intent of the Legislature that, in the absence of direct~~
 2628 ~~comparable sales information, appraisals of alternatives to fee~~
 2629 ~~simple acquisitions be based on the difference between the full~~
 2630 ~~fee simple valuation and the value of the interests remaining~~
 2631 ~~with the seller after acquisition.~~

2632 ~~(c) The public agency that has been assigned management~~
 2633 ~~responsibility shall inspect and monitor any less than fee-~~
 2634 ~~simple interest according to the terms of the purchase agreement~~
 2635 ~~relating to such interest.~~

2636 ~~(f) The department and the water management districts may~~
 2637 ~~enter into joint acquisition agreements to jointly fund the~~
 2638 ~~purchase of lands using alternatives to fee simple techniques.~~

2639 Section 21. Paragraph (a) of subsection (2), paragraphs
 2640 (i) and (l) of subsection (3), subsections (10) and (13),
 2641 paragraph (i) of subsection (15), and subsection (19) of section
 2642 259.105, Florida Statutes, are amended to read:

2643 259.105 The Florida Forever Act.—

2644 (2) (a) The Legislature finds and declares that:

2645 1. Land acquisition programs have provided tremendous
 2646 financial resources for purchasing environmentally significant
 2647 lands to protect those lands from imminent development or
 2648 alteration, thereby ensuring present and future generations'
 2649 access to important waterways, open spaces, and recreation and
 2650 conservation lands.

2651 2. The continued alteration and development of the state's
 2652 ~~Florida's~~ natural and rural areas to accommodate the state's



2653 growing population have contributed to the degradation of water
2654 resources, the fragmentation and destruction of wildlife
2655 habitats, the loss of outdoor recreation space, and the
2656 diminishment of wetlands, forests, working landscapes, and
2657 coastal open space.

2658 3. The potential development of the state's ~~Florida's~~
2659 remaining natural areas and escalation of land values require
2660 government efforts to restore, bring under public protection, or
2661 acquire lands and water areas to preserve the state's essential
2662 ecological functions and invaluable quality of life.

2663 4. It is essential to protect the state's ecosystems by
2664 promoting a more efficient use of land, to ensure opportunities
2665 for viable agricultural activities on working lands, and to
2666 promote vital rural and urban communities that support and
2667 produce development patterns consistent with natural resource
2668 protection.

2669 5. The state's ~~Florida's~~ groundwater, surface waters, and
2670 springs are under tremendous pressure due to population growth
2671 and economic expansion and require special protection and
2672 restoration efforts, including the protection of uplands and
2673 springsheds that provide vital recharge to aquifer systems and
2674 are critical to the protection of water quality and water
2675 quantity of the aquifers and springs. To ensure that sufficient
2676 quantities of water are available to meet the current and future
2677 needs of the natural systems and citizens of the state, and
2678 assist in achieving the planning goals of the department and the



2679 water management districts, water resource development projects
2680 on public lands, if ~~where~~ compatible with the resource values of
2681 and management objectives for the lands, are appropriate.

2682 6. The needs of urban, suburban, and small communities in
2683 the state Florida for high-quality outdoor recreational
2684 opportunities, greenways, trails, and open space have not been
2685 fully met by previous acquisition programs. Through such
2686 programs as the Florida Communities Trust and the Florida
2687 Recreation Development Assistance Program, the state shall place
2688 additional emphasis on acquiring, protecting, preserving, and
2689 restoring open space, ecological greenways, and recreation
2690 properties within urban, suburban, and rural areas where
2691 pristine natural communities or water bodies no longer exist
2692 because of the proximity of developed property.

2693 7. Many of the state's Florida's unique ecosystems, such
2694 as the Florida Everglades, are facing ecological collapse due to
2695 the state's Florida's burgeoning population growth and other
2696 economic activities. To preserve these valuable ecosystems for
2697 future generations, essential parcels of land must be acquired
2698 to facilitate ecosystem restoration.

2699 8. Access to public lands to support a broad range of
2700 outdoor recreational opportunities and the development of
2701 necessary infrastructure, if ~~where~~ compatible with the resource
2702 values of and management objectives for such lands, promotes an
2703 appreciation for the state's Florida's natural assets and
2704 improves the quality of life.



2705 9. Acquisition of lands, in fee simple, less than fee
2706 ~~less than fee~~ interest, or other techniques shall be based on a
2707 comprehensive science-based assessment of the state's ~~Florida's~~
2708 natural resources which targets essential conservation lands by
2709 prioritizing all current and future acquisitions based on a
2710 uniform set of data and planned so as to protect the integrity
2711 and function of ecological systems and working landscapes, and
2712 provide multiple benefits, including preservation of fish and
2713 wildlife habitat, recreation space for urban and rural areas,
2714 and the restoration of natural water storage, flow, and
2715 recharge.

2716 10. The state has embraced performance-based program
2717 budgeting as a tool to evaluate the achievements of publicly
2718 funded agencies, build in accountability, and reward those
2719 agencies which are able to consistently achieve quantifiable
2720 goals. While previous and existing state environmental programs
2721 have achieved varying degrees of success, few of these programs
2722 can be evaluated as to the extent of their achievements,
2723 primarily because performance measures, standards, outcomes, and
2724 goals were not established at the outset. Therefore, the Florida
2725 Forever program shall be developed and implemented in the
2726 context of measurable state goals and objectives.

2727 11. The state must play a major role in the recovery and
2728 management of its imperiled species through the acquisition,
2729 restoration, enhancement, and management of ecosystems that can
2730 support the major life functions of such species. It is the



2731 intent of the Legislature to support local, state, and federal
2732 programs that result in net benefit to imperiled species habitat
2733 by providing public and private land owners meaningful
2734 incentives for acquiring, restoring, managing, and repopulating
2735 habitats for imperiled species. It is the further intent of the
2736 Legislature that public lands, both existing and to be acquired,
2737 identified by the lead land managing agency, in consultation
2738 with the ~~Florida~~ Fish and Wildlife Conservation Commission for
2739 animals or the Department of Agriculture and Consumer Services
2740 for plants, as habitat or potentially restorable habitat for
2741 imperiled species, be restored, enhanced, managed, and
2742 repopulated as habitat for such species to advance the goals and
2743 objectives of imperiled species management for conservation,
2744 recreation, or both, consistent with the land management plan
2745 ~~purposes for which such lands are acquired~~ without restricting
2746 other uses identified in the management plan. It is also the
2747 intent of the Legislature that of the proceeds distributed
2748 pursuant to subsection (3), additional consideration be given to
2749 acquisitions that achieve a combination of conservation goals,
2750 including the restoration, enhancement, management, or
2751 repopulation of habitat for imperiled species. The ~~Acquisition~~
2752 ~~and Restoration~~ council, in addition to the criteria in
2753 subsection (9), shall give weight to projects that include
2754 acquisition, restoration, management, or repopulation of habitat
2755 for imperiled species. The term "imperiled species" as used in
2756 this chapter and chapter 253, means plants and animals that are



2757 federally listed under the Endangered Species Act, or state-
 2758 listed by the Fish and Wildlife Conservation Commission or the
 2759 Department of Agriculture and Consumer Services.

2760 ~~a.~~ As part of the state's role, all state lands that have
 2761 imperiled species habitat shall include as a consideration in
 2762 management plan development the restoration, enhancement,
 2763 management, and repopulation of such habitats. In addition, the
 2764 lead land managing agency of such state lands may use fees
 2765 received from public or private entities for projects to offset
 2766 adverse impacts to imperiled species or their habitat in order
 2767 to restore, enhance, manage, repopulate, or acquire land and to
 2768 implement land management plans developed under s. 253.034 or a
 2769 land management prospectus developed and implemented under this
 2770 chapter. Such fees shall be deposited into a foundation or fund
 2771 created by each land management agency under s. 379.223, s.
 2772 589.012, or s. 259.032(9)(c), to be used solely to restore,
 2773 manage, enhance, repopulate, or acquire imperiled species
 2774 habitat.

2775 ~~b. Where habitat or potentially restorable habitat for~~
 2776 ~~imperiled species is located on state lands, the Fish and~~
 2777 ~~Wildlife Conservation Commission and the Department of~~
 2778 ~~Agriculture and Consumer Services shall be included on any~~
 2779 ~~advisory group required under chapter 253, and the short-term~~
 2780 ~~and long-term management goals required under chapter 253 must~~
 2781 ~~advance the goals and objectives of imperiled species management~~
 2782 ~~consistent with the purposes for which the land was acquired~~



2783 ~~without restricting other uses identified in the management~~
2784 ~~plan.~~

2785 12. There is a need to change the focus and direction of
2786 the state's major land acquisition programs and to extend
2787 funding and bonding capabilities, so that future generations may
2788 enjoy the natural resources of this state.

2789 (3) Less the costs of issuing and the costs of funding
2790 reserve accounts and other costs associated with bonds, the
2791 proceeds of cash payments or bonds issued pursuant to this
2792 section shall be deposited into the Florida Forever Trust Fund
2793 created by s. 259.1051. The proceeds shall be distributed by the
2794 department of Environmental Protection in the following manner:

2795 (i) Three and five-tenths percent to the Department of
2796 Agriculture and Consumer Services for the acquisition of
2797 agricultural lands, through perpetual conservation easements and
2798 other perpetual less than fee ~~less than fee~~ techniques, which
2799 will achieve the objectives of Florida Forever and s. 570.71.
2800 Rules concerning the application, acquisition, and priority
2801 ranking process for such easements shall be developed pursuant
2802 to s. 570.71(10) and as provided by this paragraph. The board
2803 shall ensure that such rules are consistent with the acquisition
2804 process provided for in s. 570.715 ~~259.041~~. ~~Provisions of~~ The
2805 rules developed pursuant to s. 570.71(10), shall also provide
2806 for the following:

2807 1. An annual priority list shall be developed pursuant to
2808 s. 570.71(10), submitted to the ~~Acquisition and Restoration~~



2809 council for review, and approved by the board pursuant to s.
2810 259.04.

2811 2. Terms of easements and acquisitions proposed pursuant
2812 to this paragraph shall be approved by the board and may ~~shall~~
2813 not be delegated by the board to any other entity receiving
2814 funds under this section.

2815 3. All acquisitions pursuant to this paragraph shall
2816 contain a clear statement that they are subject to legislative
2817 appropriation.

2818
2819 ~~No~~ Funds provided under this paragraph may not ~~shall~~ be expended
2820 until final adoption of rules by the board pursuant to s.
2821 570.71.

2822 (1) For the purposes of paragraphs (e), (f), (g), and (h),
2823 the agencies that receive the funds shall develop their
2824 individual acquisition or restoration lists in accordance with
2825 specific criteria and numeric performance measures developed
2826 pursuant to s. 259.035(4). Proposed additions may be acquired if
2827 they are identified within the original project boundary, the
2828 management plan required pursuant to s. 253.034(5), or the
2829 management prospectus required pursuant to s. 259.032(7)(c)
2830 ~~259.032(7)(d)~~. Proposed additions not meeting the requirements
2831 of this paragraph shall be submitted to the ~~Acquisition and~~
2832 ~~Restoration~~ council for approval. The council may only approve
2833 the proposed addition if it meets two or more of the following
2834 criteria: serves as a link or corridor to other publicly owned



2835 | property; enhances the protection or management of the property;
2836 | would add a desirable resource to the property; would create a
2837 | more manageable boundary configuration; has a high resource
2838 | value that otherwise would be unprotected; or can be acquired at
2839 | less than fair market value.

2840 | (10) The ~~Acquisition and Restoration~~ council shall give
2841 | increased priority to:

2842 | (a) these Projects for which matching funds are available.

2843 | (b) and to Project elements previously identified on an
2844 | acquisition list pursuant to this section that can be acquired
2845 | at 80 percent or less of appraised value.

2846 | (c) Projects that can be acquired in less than fee
2847 | ownership, such as a permanent conservation easement.

2848 | (d) Projects that contribute to improving the quality and
2849 | quantity of surface water and groundwater.

2850 | (e) Projects that contribute to improving the water
2851 | quality and flow of springs.

2852 | (f) The council shall also give increased priority to
2853 | those Projects for which where the state's land conservation
2854 | plans overlap with the military's need to protect lands, water,
2855 | and habitat to ensure the sustainability of military missions
2856 | including:

2857 | 1.(a) Protecting habitat on nonmilitary land for any
2858 | species found on military land that is designated as threatened
2859 | or endangered, or is a candidate for such designation under the
2860 | Endangered Species Act or any Florida statute;



2861 ~~2.(b)~~ Protecting areas underlying low-level military air
2862 corridors or operating areas; and

2863 ~~3.(e)~~ Protecting areas identified as clear zones, accident
2864 potential zones, and air installation compatible use buffer
2865 zones delineated by our military partners, and for which federal
2866 or other funding is available to assist with the project.

2867 (13) An affirmative vote of at least five members of the
2868 ~~Acquisition and Restoration~~ council shall be required in order
2869 to place a ~~proposed~~ project submitted pursuant to subsection (7)
2870 on the proposed project list developed pursuant to subsection
2871 (8). Any member of the council who by family or a business
2872 relationship has a connection with any project proposed to be
2873 ranked shall declare such interest before ~~prior to~~ voting for a
2874 project's inclusion on the list.

2875 (15) The ~~Acquisition and Restoration~~ council shall submit
2876 to the board ~~of trustees~~, with its list of projects, a report
2877 that includes, but need ~~shall~~ not be limited to, the following
2878 information for each project listed:

2879 (i) A management policy statement for the project and a
2880 management prospectus pursuant to s. 259.032(7)(c)
2881 ~~259.032(7)(d)~~.

2882 (19) The ~~Acquisition and Restoration~~ council shall
2883 recommend adoption of rules by the board ~~of trustees~~ necessary
2884 to implement ~~the provisions of~~ this section relating to:
2885 solicitation, scoring, selecting, and ranking of Florida Forever
2886 project proposals; disposing of or leasing lands or water areas



2887 | selected for funding through the Florida Forever program; and
 2888 | the process of reviewing and recommending for approval or
 2889 | rejection the land management plans associated with publicly
 2890 | owned properties. ~~Rules promulgated pursuant to this subsection~~
 2891 | ~~shall be submitted to the President of the Senate and the~~
 2892 | ~~Speaker of the House of Representatives, for review by the~~
 2893 | ~~Legislature, no later than 30 days prior to the 2010 Regular~~
 2894 | ~~Session and shall become effective only after legislative~~
 2895 | ~~review. In its review, the Legislature may reject, modify, or~~
 2896 | ~~take no action relative to such rules. The board of trustees~~
 2897 | ~~shall conform such rules to changes made by the Legislature, or,~~
 2898 | ~~if no action was taken by the Legislature, such rules shall~~
 2899 | ~~become effective.~~

2900 | Section 22. Subsections (6) and (7) of section 259.1052,
 2901 | Florida Statutes, are amended to read:

2902 | 259.1052 Babcock Crescent B Ranch Florida Forever
 2903 | acquisition; conditions for purchase.—

2904 | ~~(6) In addition to distributions authorized under s.~~
 2905 | ~~259.105(3), the Department of Environmental Protection is~~
 2906 | ~~authorized to distribute \$310 million in revenues from the~~
 2907 | ~~Florida Forever Trust Fund. This distribution shall represent~~
 2908 | ~~payment in full for the portion of the Babcock Crescent B Ranch~~
 2909 | ~~to be acquired by the state under this section.~~

2910 | ~~(7) As used in this section, the term "state's portion of~~
 2911 | ~~the Babcock Crescent B Ranch" comprises those lands to be~~
 2912 | ~~conveyed by special warranty deed to the Board of Trustees of~~



2913 ~~the Internal Improvement Trust Fund under the provisions of the~~
 2914 ~~agreement for sale and purchase executed by the Board of~~
 2915 ~~Trustees of the Internal Improvement Trust Fund, the Fish and~~
 2916 ~~Wildlife Conservation Commission, the Department of Agriculture~~
 2917 ~~and Consumer Services, and the participating local government,~~
 2918 ~~as purchaser, and MSKP, III, a Florida corporation, as seller.~~

2919 Section 23. Subsections (1), (3), and (7) of section
 2920 373.089, Florida Statutes, are amended, and subsection (8) is
 2921 added to that section, to read:

2922 373.089 Sale or exchange of lands, or interests or rights
 2923 in lands.—The governing board of the district may sell lands, or
 2924 interests or rights in lands, to which the district has acquired
 2925 title or to which it may hereafter acquire title in the
 2926 following manner:

2927 (1) Any lands, or interests or rights in lands, determined
 2928 by the governing board to be surplus may be sold by the
 2929 district, at any time, for the highest price obtainable;
 2930 however, in no case shall the selling price be less than the
 2931 appraised value of the lands, or interests or rights in lands,
 2932 as determined by a certified appraisal obtained within 360 ~~120~~
 2933 days before the effective date of a contract for sale.

2934 (3) Before selling any surplus land, or interests or
 2935 rights in land, ~~it shall be the duty of the district~~ shall
 2936 publish ~~to cause~~ a notice of intention to sell ~~to be published~~
 2937 in a newspaper published in the county in which the land, or
 2938 interests or rights in the land, is situated once each week for



2939 3 successive weeks, ~~(three insertions being sufficient.)~~ The
 2940 first publication of the required notice must occur at least
 2941 ~~which shall be not less than~~ 30 days, but not ~~nor~~ more than 360
 2942 ~~45 days, before~~ prior to any sale and must include, ~~which notice~~
 2943 ~~shall set forth~~ a description of lands, or interests or rights
 2944 in lands, to be offered for sale.

2945 (7) Notwithstanding other provisions of this section, the
 2946 governing board shall first offer title to lands acquired in
 2947 whole or in part with Florida Forever funds which are determined
 2948 to be no longer needed for conservation purposes to the Board of
 2949 Trustees of the Internal Improvement Trust Fund unless the
 2950 disposition of those lands is for the following purposes:

2951 (a) Linear facilities, including electric transmission and
 2952 distribution facilities, telecommunication transmission and
 2953 distribution facilities, pipeline transmission and distribution
 2954 facilities, public transportation corridors, and related
 2955 appurtenances.

2956 (b) The disposition of the fee interest in the land where
 2957 a conservation easement is retained by the district to fulfill
 2958 the conservation objectives for which the land was acquired.

2959 (c) An exchange of the land for other lands that meet or
 2960 exceed the conservation objectives for which the original land
 2961 was acquired in accordance with subsection (4).

2962 (d) To be used by a governmental entity for a public
 2963 purpose.

2964 (e) The portion of an overall purchase deemed surplus at



2965 | the time of the acquisition.

2966 | (8) (a) If a parcel of land is no longer essential or
2967 | necessary for conservation purposes and is valued at \$25,000 or
2968 | less as determined by a certified appraisal obtained within 360
2969 | days before the effective date of a contract for the sale, the
2970 | governing board may determine that the parcel of land is
2971 | surplus. The notice of intention to sell must be published as
2972 | required under subsection (3), one time only. The governing
2973 | board shall send the notice of intention to sell the parcel to
2974 | adjacent property owners by certified mail and publish the
2975 | notice on its website.

2976 | (b) Fourteen days after publication of such notice, the
2977 | district may sell the parcel to an adjacent property owner or,
2978 | if there are two or more owners of adjacent property, accept
2979 | sealed bids and sell the parcel to the highest bidder or reject
2980 | all offers.

2981 | (c) Thirty days after publication of such notice, the
2982 | district shall accept sealed bids and may sell the parcel to the
2983 | highest bidder or reject all offers.

2984 |
2985 | If ~~In the event~~ the Board of Trustees of the Internal
2986 | Improvement Trust Fund declines to accept title to the lands
2987 | offered under this section, the land may be disposed of by the
2988 | district under the provisions of this section.

2989 | Section 24. Section 570.715, Florida Statutes, is created,
2990 | and subsection (7) of section 259.041, Florida Statutes, is



2991 transferred, renumbered as subsection (5) of section 570.715,
 2992 Florida Statutes, and amended, to read:

2993 570.715 Conservation easement acquisition procedures.—

2994 (1) For less than fee simple acquisitions pursuant to s.
 2995 570.71, the Department of Agriculture and Consumer Services
 2996 shall comply with the following acquisition procedures:

2997 (a) Before conveyance of title by the department, evidence
 2998 of marketable title in the form of a commitment for title
 2999 insurance or an abstract of title with a title opinion shall be
 3000 obtained.

3001 (b) Before approval by the board of trustees of an
 3002 agreement to purchase less than fee simple title to land
 3003 pursuant to s. 570.71, an appraisal of the parcel shall be
 3004 required as follows:

3005 1. Each parcel to be acquired shall have at least one
 3006 appraisal. Two appraisals are required when the estimated value
 3007 of the parcel exceeds \$1 million. However, when both appraisals
 3008 exceed \$1 million and differ significantly, a third appraisal
 3009 may be obtained.

3010 2. Appraisal fees and associated costs shall be paid by
 3011 the department. All appraisals used for the acquisition of less
 3012 than fee simple interest in lands pursuant to this section shall
 3013 be prepared by a state-certified appraiser who meets the
 3014 standards and criteria established by rule of the board of
 3015 trustees. Each appraiser selected to appraise a particular
 3016 parcel shall, before contracting with the department or a



3017 participant in a multiparty agreement, submit to the department
3018 or participant an affidavit substantiating that he or she has no
3019 vested or fiduciary interest in such parcel.

3020 (c) A certified survey must be made that meets the minimum
3021 requirements for upland parcels established in the Standards of
3022 Practice for Land Surveying in Florida published by the
3023 department and that accurately portrays, to the greatest extent
3024 practicable, the condition of the parcel as it currently exists.
3025 The requirement for a certified survey may, in whole or in part,
3026 be waived by the board of trustees any time before acquisition
3027 of the less than fee simple interest. If an existing boundary
3028 map and description of a parcel are determined by the department
3029 to be sufficient for appraisal purposes, the department may
3030 temporarily waive the requirement for a survey until any time
3031 before conveyance of title to the parcel.

3032 (d) On behalf of the board of trustees and before the
3033 appraisal of parcels approved for purchase under s.
3034 259.105(3)(i) and s. 570.71, the department may enter into
3035 option contracts to buy less than fee simple interest in such
3036 parcels. Any such option contract shall state that the final
3037 purchase price is subject to approval by the board of trustees
3038 and that the final purchase price may not exceed the maximum
3039 offer authorized by law. Any such option contract presented to
3040 the board of trustees for final purchase price approval shall
3041 explicitly state that payment of the final purchase price is
3042 subject to an appropriation by the Legislature. The



3043 consideration for any such option contract may not exceed \$1,000
3044 or 0.01 percent of the estimate by the department of the value
3045 of the parcel, whichever amount is greater.

3046 (e) A final offer shall be in the form of an option
3047 contract or agreement for purchase of the less than fee simple
3048 interest and shall be signed and attested to by the owner and
3049 the department. Before the department signs the agreement for
3050 purchase of the less than fee simple interest or exercises the
3051 option contract, the requirements of s. 286.23 shall be complied
3052 with.

3053 (f) The procedures provided in s. 253.025(9)(a)-(d) and
3054 (10) shall be followed.

3055 (2) If the public's interest is reasonably protected, the
3056 board of trustees may:

3057 (a) Waive any requirement of this section.

3058 (b) Waive any rules adopted pursuant to s. 570.71,
3059 notwithstanding chapter 120.

3060 (c) Substitute any other reasonably prudent procedures,
3061 including federally mandated acquisition procedures, for the
3062 procedures in this section, if federal funds are available and
3063 will be used for the purchase of a less than fee simple interest
3064 in lands, title to which will vest in the board of trustees, and
3065 qualification for such federal funds requires compliance with
3066 federally mandated acquisition procedures.

3067 (3) The less than fee simple land acquisition procedures
3068 provided in this section are for voluntary, negotiated



3069 acquisitions.

3070 (4) For purposes of this section, the term "negotiations"
3071 does not include preliminary contacts with the property owner to
3072 determine availability or eligibility of the property, existing
3073 appraisal data, existing abstracts, and surveys.

3074 ~~(5)-(7) Prior to approval by the board of trustees or, when~~
3075 ~~applicable, the Department of Environmental Protection, of any~~
3076 ~~agreement to purchase land pursuant to this chapter, chapter~~
3077 ~~260, or chapter 375, and prior to negotiations with the parcel~~
3078 ~~owner to purchase any other land, title to which will vest in~~
3079 ~~the board of trustees, an appraisal of the parcel shall be~~
3080 ~~required as follows:~~

3081 ~~(a) The board of trustees shall adopt by rule the method~~
3082 ~~for determining the value of parcels sought to be acquired by~~
3083 ~~state agencies pursuant to this section.~~

3084 ~~(b) Each parcel to be acquired shall have at least one~~
3085 ~~appraisal. Two appraisals are required when the estimated value~~
3086 ~~of the parcel exceeds \$1 million. However, when both appraisals~~
3087 ~~exceed \$1 million and differ significantly, a third appraisal~~
3088 ~~may be obtained. When a parcel is estimated to be worth \$100,000~~
3089 ~~or less and the director of the Division of State Lands finds~~
3090 ~~that the cost of obtaining an outside appraisal is not~~
3091 ~~justified, an appraisal prepared by the division may be used.~~

3092 ~~(c) Appraisal fees and associated costs shall be paid by~~
3093 ~~the agency proposing the acquisition. The board of trustees~~
3094 ~~shall approve qualified fee appraisal organizations. All~~



3095 ~~appraisals used for the acquisition of lands pursuant to this~~
3096 ~~section shall be prepared by a member of an approved appraisal~~
3097 ~~organization or by a state-certified appraiser who meets the~~
3098 ~~standards and criteria established in rule by the board of~~
3099 ~~trustees. Each fee appraiser selected to appraise a particular~~
3100 ~~parcel shall, prior to contracting with the agency or a~~
3101 ~~participant in a multiparty agreement, submit to that agency or~~
3102 ~~participant an affidavit substantiating that he or she has no~~
3103 ~~vested or fiduciary interest in such parcel.~~

3104 ~~(d) The fee appraiser and the review appraiser for the~~
3105 ~~agency shall not act in any way that may be construed as~~
3106 ~~negotiating with the property owner.~~

3107 ~~(e) Generally,~~ Appraisal reports are confidential and
3108 exempt from ~~the provisions of~~ s. 119.07(1), for use by the
3109 department agency and the board of trustees, until an option
3110 contract is executed or, if an ~~no~~ option contract is not
3111 executed, until 2 weeks before a contract or agreement for
3112 purchase is considered for approval by the board of trustees.
3113 However, the department has the authority, at its discretion, to
3114 disclose appraisal reports to private landowners during
3115 negotiations for acquisitions using alternatives to fee simple
3116 techniques, if the department determines that disclosure of such
3117 reports will bring the proposed acquisition to closure. The
3118 department ~~Division of State Lands~~ may also disclose appraisal
3119 information to public agencies or nonprofit organizations that
3120 agree to maintain the confidentiality of the reports or



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3121 information when joint acquisition of property is contemplated,
3122 or when a public agency or nonprofit organization enters into a
3123 written multiparty agreement with the department ~~division to~~
3124 ~~purchase and hold property for subsequent resale to the~~
3125 ~~division. In addition, the division may use, as its own,~~
3126 ~~appraisals obtained by a public agency or nonprofit~~
3127 ~~organization, provided the appraiser is selected from the~~
3128 ~~division's list of appraisers and the appraisal is reviewed and~~
3129 ~~approved by the division. For the purposes of this subsection~~
3130 ~~chapter, the term "nonprofit organization" means an organization~~
3131 whose purposes include the preservation of natural resources,
3132 and which is exempt from federal income tax under s. 501(c)(3)
3133 of the Internal Revenue Code. The department ~~agency~~ may release
3134 an appraisal report when the passage of time has rendered the
3135 conclusions of value in the report invalid or when the
3136 department ~~acquiring agency~~ has terminated negotiations.

3137 ~~(f) The Division of State Lands may use, as its own,~~
3138 ~~appraisals obtained by a public agency or nonprofit~~
3139 ~~organization, provided that the appraiser is selected from the~~
3140 ~~division's list of appraisers and the appraisal is reviewed and~~
3141 ~~approved by the division. For the purposes of this chapter, the~~
3142 ~~term "nonprofit organization" means an organization whose~~
3143 ~~purposes include the preservation of natural resources and which~~
3144 ~~is exempt from federal income tax under s. 501(c)(3) of the~~
3145 ~~Internal Revenue Code.~~

3146



3147 ~~Notwithstanding the provisions of this subsection, on behalf of~~
3148 ~~the board and before the appraisal of parcels approved for~~
3149 ~~purchase under this chapter, the Secretary of Environmental~~
3150 ~~Protection or the director of the Division of State Lands may~~
3151 ~~enter into option contracts to buy such parcels. Any such option~~
3152 ~~contract shall state that the final purchase price is subject to~~
3153 ~~approval by the board or, when applicable, the secretary and~~
3154 ~~that the final purchase price may not exceed the maximum offer~~
3155 ~~allowed by law. Any such option contract presented to the board~~
3156 ~~for final purchase price approval shall explicitly state that~~
3157 ~~payment of the final purchase price is subject to an~~
3158 ~~appropriation from the Legislature. The consideration for such~~
3159 ~~an option may not exceed \$1,000 or 0.01 percent of the estimate~~
3160 ~~by the department of the value of the parcel, whichever amount~~
3161 ~~is greater.~~

3162 Section 25. Paragraph (d) of subsection (1) of section
3163 73.015, Florida Statutes, is amended to read:

3164 73.015 Presuit negotiation.—

3165 (1) Effective July 1, 2000, before an eminent domain
3166 proceeding is brought under this chapter or chapter 74, the
3167 condemning authority must attempt to negotiate in good faith
3168 with the fee owner of the parcel to be acquired, must provide
3169 the fee owner with a written offer and, if requested, a copy of
3170 the appraisal upon which the offer is based, and must attempt to
3171 reach an agreement regarding the amount of compensation to be
3172 paid for the parcel.



3173 (d) Notwithstanding this subsection, with respect to lands
 3174 acquired under s. 253.025 ~~259.041~~, the condemning authority is
 3175 not required to give the fee owner the current appraisal before
 3176 executing an option contract.

3177 Section 26. Paragraph (b) of subsection (1) of section
 3178 125.355, Florida Statutes, is amended to read:

3179 125.355 Proposed purchase of real property by county;
 3180 confidentiality of records; procedure.-

3181 (1)

3182 (b) If the exemptions provided in this section are
 3183 utilized, the governing body shall obtain at least one appraisal
 3184 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
 3185 for each purchase in an amount of not more than \$500,000. For
 3186 each purchase in an amount in excess of \$500,000, the governing
 3187 body shall obtain at least two appraisals by appraisers approved
 3188 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
 3189 price exceeds the average appraised price of the two appraisals,
 3190 the governing body is required to approve the purchase by an
 3191 extraordinary vote. The governing body may, by ordinary vote,
 3192 exempt a purchase in an amount of \$100,000 or less from the
 3193 requirement for an appraisal.

3194 Section 27. Paragraph (b) of subsection (1) of section
 3195 166.045, Florida Statutes, is amended to read:

3196 166.045 Proposed purchase of real property by
 3197 municipality; confidentiality of records; procedure.-

3198 (1)



3199 (b) If the exemptions provided in this section are
 3200 utilized, the governing body shall obtain at least one appraisal
 3201 by an appraiser approved pursuant to s. 253.025 ~~253.025(6)(b)~~
 3202 for each purchase in an amount of not more than \$500,000. For
 3203 each purchase in an amount in excess of \$500,000, the governing
 3204 body shall obtain at least two appraisals by appraisers approved
 3205 pursuant to s. 253.025 ~~253.025(6)(b)~~. If the agreed purchase
 3206 price exceeds the average appraised price of the two appraisals,
 3207 the governing body is required to approve the purchase by an
 3208 extraordinary vote. The governing body may, by ordinary vote,
 3209 exempt a purchase in an amount of \$100,000 or less from the
 3210 requirement for an appraisal.

3211 Section 28. Subsection (2) of section 215.82, Florida
 3212 Statutes, is amended to read:

3213 215.82 Validation; when required.—

3214 (2) Any bonds issued pursuant to this act which are
 3215 validated shall be validated in the manner provided by chapter
 3216 75. In actions to validate bonds to be issued in the name of the
 3217 State Board of Education under s. 9(a) and (d), Art. XII of the
 3218 State Constitution and bonds to be issued pursuant to chapter
 3219 259, the Land Conservation Program Act of 1972, the complaint
 3220 shall be filed in the circuit court of the county where the seat
 3221 of state government is situated, the notice required to be
 3222 published by s. 75.06 shall be published only in the county
 3223 where the complaint is filed, and the complaint and order of the
 3224 circuit court shall be served only on the state attorney of the



3225 circuit in which the action is pending. In any action to
3226 validate bonds issued pursuant to s. 1010.62 or issued pursuant
3227 to s. 9(a)(1), Art. XII of the State Constitution or issued
3228 pursuant to s. 215.605 or s. 338.227, the complaint shall be
3229 filed in the circuit court of the county where the seat of state
3230 government is situated, the notice required to be published by
3231 s. 75.06 shall be published in a newspaper of general
3232 circulation in the county where the complaint is filed and in
3233 two other newspapers of general circulation in the state, and
3234 the complaint and order of the circuit court shall be served
3235 only on the state attorney of the circuit in which the action is
3236 pending; provided, however, that if publication of notice
3237 pursuant to this section would require publication in more
3238 newspapers than would publication pursuant to s. 75.06, such
3239 publication shall be made pursuant to s. 75.06.

3240 Section 29. Section 215.965, Florida Statutes, is amended
3241 to read:

3242 215.965 Disbursement of state moneys.—Except as provided
3243 in s. 17.076, s. 253.025(17) ~~253.025(14)~~, ~~s. 259.041(18)~~, s.
3244 717.124(4)(b) and (c), s. 732.107(5), or s. 733.816(5), all
3245 moneys in the State Treasury shall be disbursed by state
3246 warrant, drawn by the Chief Financial Officer upon the State
3247 Treasury and payable to the ultimate beneficiary. This
3248 authorization shall include electronic disbursement.

3249 Section 30. Subsection (8) of section 253.027, Florida
3250 Statutes, is amended to read:



3251 253.027 Emergency archaeological property acquisition.—
3252 (8) WAIVER OF APPRAISALS OR SURVEYS.—The Board of Trustees
3253 of the Internal Improvement Trust Fund may waive or limit any
3254 appraisal or survey requirements in s. 253.025 ~~259.041~~, if
3255 necessary to effectuate the purposes of this section. Fee simple
3256 title is not required to be conveyed if some lesser interest
3257 will allow the preservation of the archaeological resource.
3258 Properties purchased pursuant to this section shall be
3259 considered archaeologically unique or significant properties and
3260 may be purchased under the provisions of s. 253.025(9)
3261 ~~253.025(7)~~.

3262 Section 31. Section 253.7824, Florida Statutes, is amended
3263 to read:

3264 253.7824 Sale of products; proceeds.—The Department of
3265 Environmental Protection may authorize the removal and sale of
3266 products from the land where environmentally appropriate, the
3267 proceeds from which shall be deposited into the appropriate
3268 trust fund in accordance with the same disposition provided
3269 under s. 253.0341 ~~253.034(6)(k), (l), or (m)~~ applicable to the
3270 sale of land.

3271 Section 32. Paragraphs (b) and (c) of subsection (2) of
3272 section 260.015, Florida Statutes, are amended to read:

3273 260.015 Acquisition of land.—
3274 (2) For purposes of the Florida Greenways and Trails
3275 Program, the board may:
3276 (b) Accept title to abandoned railroad rights-of-way which



3277 is conveyed by quitclaim deed through purchase, dedication,
 3278 gift, grant, or settlement, notwithstanding s. 253.025
 3279 ~~259.041(1)~~.

3280 (c) Enter into an agreement or, upon delegation, the
 3281 department may enter into an agreement, with a nonprofit
 3282 corporation, as defined in s. 253.025 ~~259.041(7)(e)~~, to assume
 3283 responsibility for acquisition of lands pursuant to this
 3284 section. The agreement may transfer responsibility for all
 3285 matters which may be delegated or waived pursuant to s. 253.025
 3286 ~~259.041(1)~~.

3287 Section 33. Paragraph (b) of subsection (3) of section
 3288 260.016, Florida Statutes, is amended to read:

3289 260.016 General powers of the department.—

3290 (3) The department or its designee is authorized to
 3291 negotiate with potentially affected private landowners as to the
 3292 terms under which such landowners would consent to the public
 3293 use of their lands as part of the greenways and trails system.
 3294 The department shall be authorized to agree to incentives for a
 3295 private landowner who consents to this public use of his or her
 3296 lands for conservation or recreational purposes, including, but
 3297 not limited to, the following:

3298 (b) Agreement to exchange, subject to the approval of the
 3299 board of ~~Trustees of the Internal Improvement Trust Fund~~ or
 3300 other applicable unit of government, ownership or other rights
 3301 of use of public lands for the ownership or other rights of use
 3302 of privately owned lands. Any exchange of state-owned lands,



3303 title to which is vested in the board ~~of Trustees of the~~
 3304 ~~Internal Improvement Trust Fund~~, for privately owned lands shall
 3305 be subject to the requirements of s. 253.025 ~~259.041~~.

3306 Section 34. Subsections (6) and (7) of section 369.317,
 3307 Florida Statutes, are amended to read:

3308 369.317 Wekiva Parkway.—

3309 (6) The Central Florida Expressway Authority is hereby
 3310 granted the authority to act as a third-party acquisition agent,
 3311 pursuant to s. 253.025 ~~259.041~~ on behalf of the Board of
 3312 Trustees of the Internal Improvement Trust Fund or chapter 373
 3313 on behalf of the governing board of the St. Johns River Water
 3314 Management District, for the acquisition of all necessary lands,
 3315 property and all interests in property identified herein,
 3316 including fee simple or less than fee ~~less than fee~~ simple
 3317 interests. The lands subject to this authority are identified in
 3318 paragraph 10.a., State of Florida, Office of the Governor,
 3319 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
 3320 of the Wekiva Basin Area Task Force created by Executive Order
 3321 2002-259, such lands otherwise known as Neighborhood Lakes, a
 3322 1,587+/-acre parcel located in Orange and Lake Counties within
 3323 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
 3324 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
 3325 Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake
 3326 County within Section 37, Township 19 South, Range 28 East; New
 3327 Garden Coal; a 1,605+/-acre parcel in Lake County within
 3328 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28



3329 East; Pine Plantation, a 617+/-acre tract consisting of eight
3330 individual parcels within the Apopka City limits. The Department
3331 of Transportation, the Department of Environmental Protection,
3332 the St. Johns River Water Management District, and other land
3333 acquisition entities shall participate and cooperate in
3334 providing information and support to the third-party acquisition
3335 agent. The land acquisition process authorized by this paragraph
3336 shall begin no later than December 31, 2004. Acquisition of the
3337 properties identified as Neighborhood Lakes, Pine Plantation,
3338 and New Garden Coal, or approval as a mitigation bank shall be
3339 concluded no later than December 31, 2010. Department of
3340 Transportation and Central Florida Expressway Authority funds
3341 expended to purchase an interest in those lands identified in
3342 this subsection shall be eligible as environmental mitigation
3343 for road construction related impacts in the Wekiva Study Area.
3344 If any of the lands identified in this subsection are used as
3345 environmental mitigation for road-construction-related impacts
3346 incurred by the Department of Transportation or Central Florida
3347 Expressway Authority, or for other impacts incurred by other
3348 entities, within the Wekiva Study Area or within the Wekiva
3349 parkway alignment corridor, and if the mitigation offsets these
3350 impacts, the St. Johns River Water Management District and the
3351 Department of Environmental Protection shall consider the
3352 activity regulated under part IV of chapter 373 to meet the
3353 cumulative impact requirements of s. 373.414(8)(a).

3354 (a) Acquisition of the land described in this section is



3355 required to provide right-of-way for the Wekiva Parkway, a
3356 limited access roadway linking State Road 429 to Interstate 4,
3357 an essential component in meeting regional transportation needs
3358 to provide regional connectivity, improve safety, accommodate
3359 projected population and economic growth, and satisfy critical
3360 transportation requirements caused by increased traffic volume
3361 growth and travel demands.

3362 (b) Acquisition of the lands described in this section is
3363 also required to protect the surface water and groundwater
3364 resources of Lake, Orange, and Seminole counties, otherwise
3365 known as the Wekiva Study Area, including recharge within the
3366 springshed that provides for the Wekiva River system. Protection
3367 of this area is crucial to the long term viability of the Wekiva
3368 River and springs and the central Florida region's water supply.
3369 Acquisition of the lands described in this section is also
3370 necessary to alleviate pressure from growth and development
3371 affecting the surface and groundwater resources within the
3372 recharge area.

3373 (c) Lands acquired pursuant to this section that are
3374 needed for transportation facilities for the Wekiva Parkway
3375 shall be determined not necessary for conservation purposes
3376 pursuant to ss. 253.0341 ~~253.034(6)~~ and 373.089(5) and shall be
3377 transferred to or retained by the Central Florida Expressway
3378 Authority or the Department of Transportation upon reimbursement
3379 of the full purchase price and acquisition costs.

3380 (7) The Department of Transportation, the Department of



3381 Environmental Protection, the St. Johns River Water Management
3382 District, Central Florida Expressway Authority, and other land
3383 acquisition entities shall cooperate and establish funding
3384 responsibilities and partnerships by agreement to the extent
3385 funds are available to the various entities. Properties acquired
3386 with Florida Forever funds shall be in accordance with s.
3387 253.025 ~~259.041~~ or chapter 373. The Central Florida Expressway
3388 Authority shall acquire land in accordance with this section ~~of~~
3389 ~~law~~ to the extent funds are available from the various funding
3390 partners; however, the authority is, ~~but shall not be required~~
3391 or not assumed to fund the land acquisition beyond the agreement
3392 and funding provided by the various land acquisition entities.

3393 Section 35. Paragraph (a) of subsection (3) of section
3394 373.139, Florida Statutes, is amended to read:

3395 373.139 Acquisition of real property.—

3396 (3) The initial 5-year work plan and any subsequent
3397 modifications or additions thereto shall be adopted by each
3398 water management district after a public hearing. Each water
3399 management district shall provide at least 14 days' advance
3400 notice of the hearing date and shall separately notify each
3401 county commission within which a proposed work plan project or
3402 project modification or addition is located of the hearing date.

3403 (a) Appraisal reports, offers, and counteroffers are
3404 confidential and exempt from ~~the provisions of~~ s. 119.07(1)
3405 until an option contract is executed or, if no option contract
3406 is executed, until 30 days before a contract or agreement for



3407 purchase is considered for approval by the governing board.
 3408 However, each district may, at its discretion, disclose
 3409 appraisal reports to private landowners during negotiations for
 3410 acquisitions using alternatives to fee simple techniques, if the
 3411 district determines that disclosure of such reports will bring
 3412 the proposed acquisition to closure. If ~~In the event that~~
 3413 negotiation is terminated by the district, the appraisal report,
 3414 offers, and counteroffers shall become available pursuant to s.
 3415 119.07(1). Notwithstanding ~~the provisions of~~ this section and s.
 3416 253.025 ~~259.041~~, a district and the Division of State Lands may
 3417 share and disclose appraisal reports, appraisal information,
 3418 offers, and counteroffers when joint acquisition of property is
 3419 contemplated. A district and the Division of State Lands shall
 3420 maintain the confidentiality of such appraisal reports,
 3421 appraisal information, offers, and counteroffers in conformance
 3422 with this section and s. 253.025 ~~259.041~~, except in those cases
 3423 in which a district and the division have exercised discretion
 3424 to disclose such information. A district may disclose appraisal
 3425 information, offers, and counteroffers to a third party who has
 3426 entered into a contractual agreement with the district to work
 3427 with or on the behalf of or to assist the district in connection
 3428 with land acquisitions. The third party shall maintain the
 3429 confidentiality of such information in conformance with this
 3430 section. In addition, a district may use, as its own, appraisals
 3431 obtained by a third party provided the appraiser is selected
 3432 from the district's list of approved appraisers and the



3433 appraisal is reviewed and approved by the district.

3434 Section 36. Subsection (8) of section 375.031, Florida
 3435 Statutes, is amended to read:

3436 375.031 Acquisition of land; procedures.—

3437 (8) The department may, if it deems it desirable and in
 3438 the best interest of the program, request the board of trustees
 3439 to sell or otherwise dispose of any lands or water storage areas
 3440 acquired under this act. The board of trustees, when so
 3441 requested, shall offer the lands or water storage areas, on such
 3442 terms as the department may determine, first to other state
 3443 agencies and then, if still available, to the county or
 3444 municipality in which the lands or water storage areas lie. If
 3445 not acquired by another state agency or local governmental body
 3446 for beneficial public purposes, the lands or water storage areas
 3447 shall then be offered by the board of trustees at public sale,
 3448 after first giving notice of such sale by publication in a
 3449 newspaper published in the county or counties in which such
 3450 lands or water storage areas lie not less than once a week for 3
 3451 consecutive weeks. All proceeds from the sale or disposition of
 3452 any lands or water storage areas pursuant to this section shall
 3453 be deposited into the appropriate trust fund pursuant to s.
 3454 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3455 Section 37. Subsection (2) of section 375.041, Florida
 3456 Statutes, is amended to read:

3457 375.041 Land Acquisition Trust Fund.—

3458 (2) All moneys and revenue from the sale or other



3459 disposition of land, water areas, or related resources acquired
3460 on or after July 1, 2015, for the purposes of s. 28, Art. X of
3461 the State Constitution shall be deposited into or credited to
3462 the Land Acquisition Trust Fund, except as otherwise provided
3463 pursuant to s. 253.0341 ~~253.034(6)(1)~~.

3464 Section 38. Paragraph (a) of subsection (1) of section
3465 380.05, Florida Statutes, is amended to read:

3466 380.05 Areas of critical state concern.—

3467 (1) (a) The state land planning agency may from time to
3468 time recommend to the Administration Commission specific areas
3469 of critical state concern. In its recommendation, the agency
3470 shall include recommendations with respect to the purchase of
3471 lands situated within the boundaries of the proposed area as
3472 environmentally endangered lands and outdoor recreation lands
3473 under the Land Conservation Program Act of 1972. The agency also
3474 shall include any report or recommendation of a resource
3475 planning and management committee appointed pursuant to s.
3476 380.045; the dangers that would result from uncontrolled or
3477 inadequate development of the area and the advantages that would
3478 be achieved from the development of the area in a coordinated
3479 manner; a detailed boundary description of the proposed area;
3480 specific principles for guiding development within the area; an
3481 inventory of lands owned by the state, federal, county, and
3482 municipal governments within the proposed area; and a list of
3483 the state agencies with programs that affect the purpose of the
3484 designation. The agency shall recommend actions which the local



3485 government and state and regional agencies must accomplish in
3486 order to implement the principles for guiding development. These
3487 actions may include, but need ~~shall~~ not be limited to, revisions
3488 of the local comprehensive plan and adoption of land development
3489 regulations, density requirements, and special permitting
3490 requirements.

3491 Section 39. Paragraph (b) of subsection (5) of section
3492 380.055, Florida Statutes, is amended to read:

3493 380.055 Big Cypress Area.—

3494 (5) ACQUISITION OF BIG CYPRESS NATIONAL PRESERVE.—

3495 (b) The Board of Trustees of the Internal Improvement
3496 Trust Fund shall set aside from the proceeds of the full faith
3497 and credit bonds authorized by the Land Conservation Program Act
3498 ~~of 1972~~, or from other funds authorized, appropriated, or
3499 allocated for the acquisition of environmentally endangered
3500 lands, or from both sources, \$40 million for acquisition of the
3501 area proposed as the Federal Big Cypress National Preserve,
3502 Florida, or portions thereof.

3503 Section 40. Paragraph (f) of subsection (4) of section
3504 380.508, Florida Statutes, is amended to read:

3505 380.508 Projects; development, review, and approval.—

3506 (4) Projects or activities which the trust undertakes,
3507 coordinates, or funds in any manner shall comply with the
3508 following guidelines:

3509 (f) The trust shall cooperate with local governments,
3510 state agencies, federal agencies, and nonprofit organizations in



3511 ensuring the reservation of lands for parks, recreation, fish
3512 and wildlife habitat, historical preservation, or scientific
3513 study. If any local government, state agency, federal agency, or
3514 nonprofit organization is unable, due to limited financial
3515 resources or other circumstances of a temporary nature, to
3516 acquire a site for the purposes described in this paragraph, the
3517 trust may acquire and hold the site for subsequent conveyance to
3518 the appropriate governmental agency or nonprofit organization.
3519 The trust may provide such technical assistance as required to
3520 aid local governments, state and federal agencies, and nonprofit
3521 organizations in completing acquisition and related functions.
3522 The trust may not reserve lands acquired in accordance with this
3523 paragraph for more than 5 years from the time of acquisition. A
3524 local government, federal or state agency, or nonprofit
3525 organization may acquire the land at any time during this period
3526 for public purposes. The purchase price shall be based upon the
3527 trust's cost of acquisition, plus administrative and management
3528 costs in reserving the land. The payment of the purchase price
3529 shall be by money, trust-approved property of an equivalent
3530 value, or a combination of money and trust-approved property.
3531 If, after the 5-year period, the trust has not sold to a
3532 governmental agency or nonprofit organization land acquired for
3533 site reservation, the trust shall dispose of such land at fair
3534 market value or shall trade it for other land of comparable
3535 value which will serve to accomplish the purposes of this part.
3536 Any proceeds from the sale of such land received by the



3537 department shall be deposited into the appropriate trust fund
3538 pursuant to s. 253.0341 ~~253.034(6)(k), (l), or (m)~~.

3539
3540 Project costs may include costs of providing parks, open space,
3541 public access sites, scenic easements, and other areas and
3542 facilities serving the public where such features are part of a
3543 project plan approved according to this part. In undertaking or
3544 coordinating projects or activities authorized by this part, the
3545 trust shall, when appropriate, use and promote the use of
3546 creative land acquisition methods, including the acquisition of
3547 less than fee interest through, among other methods,
3548 conservation easements, transfer of development rights, leases,
3549 and leaseback arrangements. The trust shall assist local
3550 governments in the use of sound alternative methods of financing
3551 for funding projects and activities authorized under this part.
3552 Any funds over and above eligible project costs, which remain
3553 after completion of a project approved according to this part,
3554 shall be transmitted to the state and deposited into the Florida
3555 Forever Trust Fund.

3556 Section 41. Section 589.07, Florida Statutes, is amended
3557 to read:

3558 589.07 Florida Forest Service may acquire lands for forest
3559 purposes.—The Florida Forest Service, on behalf of the state and
3560 subject to the restrictions mentioned in s. 589.08, may acquire
3561 lands, suitable for state forest purposes, by gift, donation,
3562 contribution, purchase, or otherwise and may enter into



3563 agreements with the Federal Government, or other agency, for
3564 acquiring by gift, purchase, or otherwise, such lands as are, in
3565 the judgment of the Florida Forest Service, suitable and
3566 desirable for state forests. The acquisition procedures for
3567 state lands provided in s. 253.025 ~~259.041~~ do not apply to
3568 acquisition of land by the Florida Forest Service.

3569 Section 42. Paragraphs (a) and (b) of subsection (4) of
3570 section 944.10, Florida Statutes, are amended to read:

3571 944.10 Department of Corrections to provide buildings;
3572 sale and purchase of land; contracts to provide services and
3573 inmate labor.—

3574 (4) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
3575 the department finds it to be necessary for timely site
3576 acquisition, it may contract without the need for competitive
3577 selection with one or more appraisers whose names are contained
3578 on the list of approved appraisers maintained by the Division of
3579 State Lands of the Department of Environmental Protection in
3580 accordance with s. 253.025(8) ~~253.025(6)(b)~~. In those instances
3581 in which the department directly contracts for appraisal
3582 services, it must also contract with an approved appraiser who
3583 is not employed by the same appraisal firm for review services.

3584 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3585 department may negotiate and enter into an option contract
3586 before an appraisal is obtained. The option contract must state
3587 that the final purchase price cannot exceed the maximum value
3588 allowed by law. The consideration for such an option contract



3589 may not exceed 10 percent of the estimate obtained by the
3590 department or 10 percent of the value of the parcel, whichever
3591 amount is greater.

3592 Section 43. Subsections (6) and (7) of section 957.04,
3593 Florida Statutes, are amended to read:

3594 957.04 Contract requirements.—

3595 (6) Notwithstanding s. 253.025(9) ~~253.025(7)~~, the Board of
3596 Trustees of the Internal Improvement Trust Fund need not approve
3597 a lease-purchase agreement negotiated by the Department of
3598 Management Services if the Department of Management Services
3599 finds that there is a need to expedite the lease-purchase.

3600 (7) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
3601 the Department of Management Services finds it to be in the best
3602 interest of timely site acquisition, it may contract without the
3603 need for competitive selection with one or more appraisers whose
3604 names are contained on the list of approved appraisers
3605 maintained by the Division of State Lands of the Department of
3606 Environmental Protection in accordance with s. 253.025(8)
3607 ~~253.025(6)(b)~~. In those instances when the Department of
3608 Management Services directly contracts for appraisal services,
3609 it shall also contract with an approved appraiser who is not
3610 employed by the same appraisal firm for review services.

3611 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3612 Department of Management Services may negotiate and enter into
3613 lease-purchase agreements before an appraisal is obtained. Any
3614 such agreement must state that the final purchase price cannot



3615 exceed the maximum value allowed by law.

3616 Section 44. Paragraphs (a) and (b) of subsection (12) of
3617 section 985.682, Florida Statutes, are amended to read:

3618 985.682 Siting of facilities; criteria.—

3619 (12) (a) Notwithstanding s. 253.025 or s. 287.057, when the
3620 department finds it necessary for timely site acquisition, it
3621 may contract, without using the competitive selection procedure,
3622 with an appraiser whose name is on the list of approved
3623 appraisers maintained by the Division of State Lands of the
3624 Department of Environmental Protection under s. 253.025(8)
3625 ~~253.025(6)(b)~~. When the department directly contracts for
3626 appraisal services, it must contract with an approved appraiser
3627 who is not employed by the same appraisal firm for review
3628 services.

3629 (b) Notwithstanding s. 253.025(8) ~~253.025(6)~~, the
3630 department may negotiate and enter into an option contract
3631 before an appraisal is obtained. The option contract must state
3632 that the final purchase price may not exceed the maximum value
3633 allowed by law. The consideration for such an option contract
3634 may not exceed 10 percent of the estimate obtained by the
3635 department or 10 percent of the value of the parcel, whichever
3636 amount is greater.

3637 Section 45. Paragraph (b) of subsection (1) of section
3638 1013.14, Florida Statutes, is amended to read:

3639 1013.14 Proposed purchase of real property by a board;
3640 confidentiality of records; procedure.—



3641 (1)
3642 (b) Before ~~Prior to~~ acquisition of the property, the board
3643 shall obtain at least one appraisal by an appraiser approved
3644 pursuant to s. 253.025(8) ~~253.025(6)(b)~~ for each purchase in an
3645 amount greater than \$100,000 and not more than \$500,000. For
3646 each purchase in an amount in excess of \$500,000, the board
3647 shall obtain at least two appraisals by appraisers approved
3648 pursuant to s. 253.025(8) ~~253.025(6)(b)~~. If the agreed to
3649 purchase price exceeds the average appraised value, the board is
3650 required to approve the purchase by an extraordinary vote.

3651 Section 46. For the 2016-2017 fiscal year, the sums of
3652 \$396,040 in recurring funds and \$1,370,528 in nonrecurring funds
3653 from the General Revenue Fund are appropriated to the Department
3654 of Environmental Protection, and four full-time equivalent
3655 positions with associated salary rate of 182,968 are authorized,
3656 for the purpose of implementing the amendments made by this act
3657 to ss. 253.034 and 253.0341, Florida Statutes, and the
3658 provisions of s. 253.87, Florida Statutes, as created by this
3659 act.

3660 Section 47. This act shall take effect July 1, 2016.