

By Representatives Minton, King, Smith, Boyd, Kelly,
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and Bronson

1 A bill to be entitled
2 An act relating to land sales and acquisitions;
3 amending s. 253.022, F.S.; providing an
4 additional member of the Land Management
5 Advisory Council; amending s. 259.032, F.S.;
6 requiring the Board of Trustees of the Internal
7 Improvement Trust Fund to consider certain soil
8 and water conservation districts to monitor
9 certain acquired interests in land; requiring a
10 conservation agreement and an approved
11 conservation plan for purchase and management
12 of certain state lands; providing for
13 referencing approved conservation plans within
14 certain management plans; requiring a report, a
15 prospectus, and plans; increasing the amount of
16 funds earmarked in the Conservation and
17 Recreation Lands Trust Fund for land
18 management; amending s. 373.59, F.S.; requiring
19 water management district governing boards to
20 consider certain soil and water conservation
21 districts to monitor certain acquired interests
22 in land; amending s. 704.06, F.S.; prohibiting
23 conservation easements from operating to
24 prevent construction of certain linear
25 facilities; providing an effective date.

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

28
29 Section 1. Subsection (1) of section 253.022, Florida
30 Statutes, is amended to read:

31 253.022 Land Management Advisory Council.--

1 (1) There is established a Land Management Advisory
2 Council to provide assistance to the Board of Trustees of the
3 Internal Improvement Trust Fund in reviewing the
4 recommendations and plans for state-owned lands required by s.
5 253.034. The council shall be composed of the Commissioner of
6 Agriculture; the Secretary of State; the executive director of
7 the Game and Fresh Water Fish Commission; the secretary of the
8 Department of Environmental Protection; the secretary of the
9 Department of Corrections; the Commissioner of Education; and
10 the secretary of the Department of Community Affairs, or their
11 respective designees. In addition, one individual chosen by
12 the secretary of the Department of Environmental Protection
13 and one individual chosen by the Commissioner of Agriculture
14 shall sit on the council. The chairmanship of the council
15 shall rotate annually in the order specified in the preceding
16 sentence.

17 Section 2. Paragraph (b) of subsection (9) and
18 subsection (11) of section 259.032, Florida Statutes, 1996
19 Supplement, are amended, and paragraph (c) is added to
20 subsection (9) of said section, to read:

21 259.032 Conservation and Recreation Lands Trust Fund;
22 purpose.--

23 (9)

24 (b)1. Concurrent with its adoption of the annual
25 Conservation and Recreational Lands list of acquisition
26 projects pursuant to s. 259.035, the board of trustees shall
27 adopt a management prospectus for each project. The management
28 prospectus shall delineate: the management goals for the
29 property; the conditions that will affect the intensity of
30 management; an estimate of the revenue-generating potential of
31 the property, if appropriate; a timetable for implementing the

1 various stages of management and for providing access to the
2 public, if applicable; provisions for protecting existing
3 infrastructure and for ensuring the security of the project
4 upon acquisition; the anticipated costs of management and
5 projected sources of revenue, including legislative
6 appropriations, to fund management needs; recommendations as
7 to how many employees will be needed to manage the property;
8 and recommendations as to whether local governments, volunteer
9 groups, the former landowner, or other interested parties can
10 be involved in the management.

11 2. Concurrent with the approval of the acquisition
12 contract pursuant to s. 259.041(3)(c) for any interest in
13 lands, the board of trustees shall designate an agency or
14 agencies to manage such lands and shall evaluate and amend, as
15 appropriate, the management policy statement for the project
16 as provided by s. 259.035, consistent with the purposes for
17 which the lands are acquired. For any acquisition of a
18 less-than-fee interest in land the use of which will be
19 agricultural, the board of trustees shall first consider
20 having a soil and water conservation district, created
21 pursuant to chapter 582, monitor such interest.

22 3. Immediately following the acquisition of any
23 interest in lands under this section, the Department of
24 Environmental Protection, acting on behalf of the board of
25 trustees, may issue to the lead managing entity an interim
26 assignment letter to be effective until the execution of a
27 formal lease.

28 (c)1. A conservation agreement shall be entered into
29 between the Bureau of Soil and Water Conservation of the
30 Department of Agriculture and Consumer Services and a local
31 soil and water conservation district board, if in existence,

1 organized pursuant to chapter 582, under which agreement such
2 agencies agree to cooperate in the preparation of conservation
3 plans. Such agreement shall be renewed and updated every 5
4 years. The appropriate public land management agency shall be
5 invited to participate in the preparation of conservation
6 plans pursuant to the conservation agreement provided for in
7 this paragraph.

8 2. Beginning with lands acquired after July 1, 1997,
9 all lands whose title is vested in the Board of Trustees of
10 the Internal Improvement Trust Fund or the water management
11 districts and managed for preservation, conservation, or
12 outdoor recreation purposes shall have an approved
13 conservation plan in place within 1 year after acquisition.
14 For lands acquired prior to July 1, 1997, the conservation
15 plan shall be completed on the same schedule as the 5-year
16 update of such lands' management plans. For purposes of this
17 section, a "current approved conservation plan" means a
18 document which describes a system of land management practices
19 to control and reduce soil erosion and sediment loss and
20 improve the quality and retention of water and a system of
21 multiple use management practices for a specific parcel of
22 property which has been prepared pursuant to the conservation
23 agreement provided for in this paragraph.

24 3. When timely made available to the appropriate
25 public land management agency, the approved conservation plan
26 for each project or parcel shall be referenced in the
27 management plan developed by public land managing agencies,
28 pursuant to subsection (10).

29 (11)(a) The Legislature recognizes that acquiring
30 lands pursuant to this chapter serves the public interest by
31 protecting land, air, and water resources which contribute to

1 the public health and welfare, providing areas for natural
2 resource based recreation, and ensuring the survival of unique
3 and irreplaceable plant and animal species. The Legislature
4 intends for these lands to be managed and maintained for the
5 purposes for which they were acquired and for the public to
6 have access to these lands where it is consistent with
7 acquisition purposes and would not harm the resources the
8 state is seeking to protect on the public's behalf.

9 (b) By January 1, 1998, all lead agencies managing
10 lands whose title is vested in the Board of Trustees of the
11 Internal Improvement Trust Fund or the water management
12 districts and managed for preservation, conservation, or
13 outdoor recreation purposes shall complete and submit a full
14 report on the long-term management cost of currently owned
15 lands, inclusive of funding sources, using consistent
16 management cost criteria, formulas, and reporting formats.
17 The specific identification of the cost of land management,
18 restoration, and any capital project needs shall be included,
19 as well as the sources of funding and revenue necessary to
20 implement and complete such projects within such report.

21 1. Prior to acquisition of a property, the lead land
22 management agency shall submit a management and restoration
23 prospectus, which shall include a conceptual management plan,
24 exotics plan, conceptual restoration plan, long-term
25 management costs, and funding sources necessary to achieve the
26 management prospectus.

27 2. No later than 1 year after the date of final
28 acquisition of an adequate portion of the project area to
29 substantially meet the management goals contained within the
30 land management prospectus, the land management agency shall
31 prepare a final land management plan and, where applicable, a

1 restoration plan, including specific schedules, funding
2 sources, and a budget consistent with the management
3 prospectus.

4 3. The lead land management agency shall annually
5 assess the cost of management of purchased lands and request
6 an appropriation from the Legislature to cover such costs. If
7 appropriated, the management agency shall allocate sufficient
8 funds to accomplish the management of such lands. To the
9 extent practical and consistent with the purposes for which
10 the property comes under public protection, notwithstanding
11 the provisions of s. 295.034(1)(b), the lead land management
12 agency shall encourage the management of purchased lands for
13 multiple purposes, including water retention, sustainable
14 forestry and agriculture, wildlife, recreation, and other
15 revenue-producing activities in order to reduce management
16 costs and supplement public funds used for land management
17 purposes. The lead land management agency shall rely on the
18 expertise and guidance of other state and local agencies in
19 carrying out the intent of this section.

20 4. The Legislature recognizes the cost to government,
21 and thus to taxpayers, of the responsibilities of public land
22 ownership and management. Multiple use of state lands, as
23 defined in s. 253.034(1)(a), shall be incorporated into the
24 land management plan. To the extent practicable and
25 consistent with the purposes for which the property comes
26 under public protection, notwithstanding the provisions of s.
27 295.034(1)(b), the plan shall provide for public access and
28 the generation of revenue from the renewable natural resources
29 and use of the land. Land management agencies shall receive
30 all revenue generated by the respective agencies from the
31 management of the renewable natural resources and the use of

1 lands the agencies manage. All funds received shall be used
2 by such agencies for the management of public lands from which
3 the funds were generated, except as required in s. 589.08(2).
4 Any remaining funds shall be used to defray management costs
5 on other lands managed by the agencies. A report of all
6 revenues received shall be provided, at the end of the fiscal
7 year, to the Board of Trustees of the Internal Improvement
8 Trust Fund, by each land managing agency.

9 (c)(b) An amount equal to 1.5 ± percent of the
10 cumulative total of funds ever deposited into the Florida
11 Preservation 2000 Trust Fund shall be made available for the
12 purposes of management, maintenance, and capital improvements,
13 and for associated contractual services, for lands acquired
14 pursuant to this section and s. 259.101 to which title is
15 vested in the board of trustees. Each agency with management
16 responsibilities shall annually request from the Legislature
17 funds sufficient to fulfill such responsibilities. Capital
18 improvements shall include, but need not be limited to,
19 perimeter fencing, signs, firelanes, access roads and trails,
20 and minimal public accommodations, such as ~~primitive~~
21 campsites, garbage receptacles, and toilets.

22 (d)(c) In requesting funds provided for in paragraph
23 (c)(b) for long-term management of acquisitions and for
24 associated contractual services, the managing agencies shall
25 recognize the following categories of land management needs:

26 1. Lands which are low-need tracts, requiring basic
27 resource management and protection, such as state reserves,
28 state preserves, state forests, and wildlife management areas.
29 These lands generally are open to the public but have no more
30 than minimum facilities development.

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1 2. Lands which are moderate-need tracts, requiring
2 more than basic resource management and protection, such as
3 state parks and state recreation areas. These lands generally
4 have extra restoration or protection needs, higher
5 concentrations of public use, or more highly developed
6 facilities.

7 3. Lands which are high-need tracts, with identified
8 needs requiring unique site-specific resource management and
9 protection. These lands generally are sites with historic
10 significance, unique natural features, or very high intensity
11 public use, or sites that require extra funds to stabilize or
12 protect resources.

13 ~~(e)(d)~~1. Up to one-fifth of the funds provided for in
14 paragraph ~~(c)~~~~(b)~~ shall be reserved by the board of trustees
15 for interim management of acquisitions and for associated
16 contractual services, to ensure the conservation and
17 protection of natural resources on project sites and to allow
18 limited public recreational use of lands. Interim management
19 activities may include, but not be limited to, resource
20 assessments, control of invasive exotic species, habitat
21 restoration, fencing, law enforcement, controlled burning, and
22 public access consistent with preliminary determinations made
23 pursuant to paragraph (9)(b). The board of trustees shall
24 make these interim funds available immediately upon purchase.

25 2. For the 1995-1996 fiscal year only, funds in the
26 Conservation and Recreation Lands Trust Fund that are not
27 specifically appropriated for the interim management of public
28 lands pursuant to subparagraph 1. may be appropriated for the
29 control and eradication of nuisance aquatic plants in public
30 water bodies. This subparagraph is repealed on July 1, 1996.

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1 (f)~~(e)~~ The department shall set long-range and annual
2 goals for the control and removal of nonnative, upland,
3 invasive plant species on public lands. Such goals shall
4 differentiate between aquatic plant species and upland plant
5 species. In setting such goals, the department may rank, in
6 order of adverse impact, species which impede or destroy the
7 functioning of natural systems. Notwithstanding paragraph (a),
8 up to one-fourth of the funds provided for in paragraph(c)
9 ~~(b)~~ shall be reserved for control and removal of nonnative,
10 upland, invasive species on public lands.

11 Section 3. Subsection (11) of section 373.59, Florida
12 Statutes, 1996 Supplement, is amended to read:

13 373.59 Water Management Lands Trust Fund.--

14 (11) Lands acquired for the purposes enumerated in
15 this section shall also be used for general public
16 recreational purposes. General public recreational purposes
17 shall include, but not be limited to, fishing, hunting,
18 horseback riding, swimming, camping, hiking, canoeing,
19 boating, diving, birding, sailing, jogging, and other related
20 outdoor activities to the maximum extent possible considering
21 the environmental sensitivity and suitability of those lands.
22 These public lands shall be evaluated for their resource value
23 for the purpose of establishing which parcels, in whole or in
24 part, annually or seasonally, would be conducive to general
25 public recreational purposes. Such findings shall be included
26 in management plans which are developed for such public lands.
27 These lands shall be made available to the public for these
28 purposes, unless the district governing board can demonstrate
29 that such activities would be incompatible with the purposes
30 for which these lands were acquired. For any acquisition of a
31 less-than-fee interest in land the use of which will be

1 agricultural, the district governing board shall first
2 consider having a soil and water conservation district,
3 created pursuant to chapter 582, monitor such interest.

4 Section 4. Subsection (11) is added to section 704.06,
5 Florida Statutes, to read:

6 704.06 Conservation easements; creation; acquisition;
7 enforcement.--

8 (11) Notwithstanding any other provision of law, the
9 existence of a conservation easement shall not prohibit the
10 construction of linear facilities, including, but not limited
11 to, electric transmission and distribution facilities,
12 telecommunications transmission and distribution facilities,
13 pipeline transmission and distribution facilities, public
14 transportation corridors, and related appurtenant structures.
15 This section shall operate retroactively and shall apply to
16 any linear facility the construction of which has not been
17 completed on the effective date of this act.

18 Section 5. This act shall take effect upon becoming a
19 law.

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21 HOUSE SUMMARY

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23 Provides for an additional member on the Land Management
24 Advisory Council. Provides that, prior to acquisition of
25 state lands which are to be purchased and managed for
26 preservation purposes, there must be a conservation
27 agreement between the Department of Agriculture and
28 Consumer Services and a local soil and water conservation
29 district, and there must be an approved conservation plan
30 within 1 year after acquisition or implementation of the
31 act on all state lands. Specifies that conservation
easements cannot prohibit construction of linear
facilities such as electric transmission and distribution
facilities, telecommunications transmission and
distribution facilities, pipeline transmission and
distribution facilities, public transportation corridors,
and related appurtenant structures. See bill for details.