

By the Committee on Water & Resource Management and Representatives Minton, Sembler, King, Smith, Boyd, Kelly, Westbrook, Feeney, Albright, Bradley, Peaden, Crady, Spratt and Bronson

1 A bill to be entitled
2 An act relating to public lands; amending s.
3 253.03, F.S.; extending the submerged lands
4 lease for certain properties; amending s.
5 253.034, F.S.; specifying the objective of the
6 management of the state's lands and natural
7 resources; providing that state lands shall
8 receive multiple-use management, unless there
9 is a compelling reason for single use;
10 providing requirements for multiple-use land
11 management strategies; redefining "single use";
12 providing references to the Land Acquisition
13 and Management Council; revising
14 land-management plan adoption processes;
15 correcting a cross reference; amending s.
16 253.68, F.S.; deleting authority of local
17 government to object to state aquaculture
18 leases; amending s. 253.7825, F.S.; correcting
19 a cross reference; amending s. 259.032, F.S.;
20 providing that a soil and water conservation
21 district shall be considered first as the
22 managing agency with respect to fee-simple
23 acquisitions or acquisitions of less-than-fee
24 interest in certain lands through the
25 Conservation and Recreation Lands Trust Fund;
26 providing management objectives for lands
27 acquired under ch. 259, F.S.; providing for
28 multiple-use management and providing strategy
29 requirements therefor; increasing the
30 percentage of funds deposited in the Florida
31 Preservation 2000 Trust Fund available for land

1 management and capital improvements; providing
2 for withholding Conservation and Recreation
3 Lands (CARL) management funds to certain
4 agencies; allowing agencies to keep revenues
5 generated from activities on lands they manage;
6 revising provisions relating to payments in
7 lieu of taxes; amending s. 259.035; creating
8 the Land Acquisition and Management Advisory
9 Council; commencing process to close out the
10 Florida Preservation 2000 program; revising the
11 CARL listing process; creating s. 259.036,
12 F.S.; providing for management review teams;
13 amending s. 259.041, F.S.; allowing the state
14 to pay 100 percent of appraised value to
15 private landowners under certain circumstances;
16 amending s. 259.101, F.S.; adding historical or
17 archeological sites to Preservation 2000
18 project criteria; amending s. 260.015, F.S.;
19 changing certain land acquisition procedures
20 for the Florida Greenways and Trails Program;
21 creating s. 369.255, F.S.; authorizing counties
22 and municipalities to create green utilities
23 and adopt fees for certain purposes; amending
24 s. 373.139, F.S.; providing that lands acquired
25 for specified purposes by water management
26 districts shall receive multiple-use
27 management, except under certain conditions;
28 directing the district governing boards to
29 consult with or enter into a memorandum of
30 agreement with specified state agencies with
31 respect to such management; amending s. 373.59,

1 F.S.; providing that a soil and water
2 conservation district shall be considered first
3 as the managing agency with respect to
4 fee-simple acquisitions or acquisitions of
5 less-than-fee interest in certain land through
6 the Water Management Lands Trust Fund;
7 providing for use of land-management
8 volunteers; repealing s. 253.022, F.S.,
9 relating to the Land Management Advisory
10 Council; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (c) is added to subsection (7) of
15 section 253.03, Florida Statutes, 1996 Supplement, to read:

16 253.03 Board of trustees to administer state lands;
17 lands enumerated.--

18 (7)

19 (c) Structures which are listed in the National
20 Register of Historic Places or the State Inventory of Historic
21 Places and which have a submerged land lease, or have been
22 grandfathered-in to use sovereignty submerged lands until
23 January 1, 1998, pursuant to Chapter 18-21.00405, Florida
24 Administrative Code, shall be allowed to apply for an
25 extension of such lease, regardless of the fact that the
26 present landholder is not an adjacent riparian landowner.

27 Section 2. Section 253.034, Florida Statutes, is
28 amended to read:

29 253.034 State-owned lands; uses.--

30 (1) All lands acquired pursuant to chapter 259 serve
31 the public interest by protecting and conserving land, air,

1 water, and the state's natural resources, which contribute to
2 the public health, welfare, and economy of the state. These
3 lands provide for areas of natural-resource-based recreation
4 and ensure the survival of unique and irreplaceable plant and
5 animal species and the conservation and enlightened use of the
6 lands' renewable natural resources. The state's lands and
7 natural resources shall be managed using a stewardship ethic
8 that assures these resources will be available for the benefit
9 and enjoyment of all people of the state, both present and
10 future. To satisfy this objective, all lands the title of
11 which is vested in the Board of Trustees of the Internal
12 Improvement Trust Fund shall receive multiple-use management
13 unless there is a compelling reason for single use. All such
14 lands not described in paragraph (2)(b) as single use shall
15 receive multiple-use management. All multiple-use land
16 management strategies shall address public access and
17 enjoyment, resource conservation and protection, ecosystem
18 maintenance and protection, and protection of threatened and
19 endangered species. The economic return from multiple-use
20 lands shall be optimized, consistent with these strategies,
21 through the management of their forestry, agricultural,
22 wildlife, and recreational resources.

23 (2)(1) As used in this section, the following phrases
24 have the following meanings:

25 (a) "Multiple use" means the harmonious and
26 coordinated management of timber, recreation, wildlife,
27 forage, archaeological and historic sites, or water resources
28 so that they are utilized in the combination that will best
29 serve the people of the state, making the most judicious use
30 of the land for some or all of these resources and giving
31 consideration to the relative values of the various resources.

1 A multiple-use management designation reflects the different
2 attributes of a parcel or project, and shall not be construed
3 to mean that any one attribute shall be optimized at the
4 expense of another. Where one attribute is clearly the most
5 significant, such lands shall be managed under a single-use
6 management strategy. Where necessary and appropriate for all
7 state-owned lands that are larger than 1,000 acres in project
8 size and which are managed for multiple uses, buffers may be
9 formed around any areas which require special protection or
10 have special management needs. Such buffers shall not exceed
11 more than one-half of the total acreage. Multiple uses within
12 a buffer area may be restricted to provide the necessary
13 buffering effect desired.

14 (b) "Single use" means management for one particular
15 purpose to the exclusion of all other purposes. An area with
16 unique natural features or functions that would be adversely
17 impacted if managed under a multiple-use strategy, ~~except that~~
18 the using agency shall have the option of including in its
19 management program compatible secondary purposes which will
20 not detract from or interfere with the primary management
21 purpose. Such single uses may include, but are not necessarily
22 restricted to, the use of agricultural lands for production of
23 food and livestock, the use of improved sites, and grounds for
24 institutional purposes, and the use of lands for parks,
25 preserves, wildlife management, archaeological or historic
26 sites, and or wilderness areas where the maintenance of
27 essentially natural conditions is important. all submerged
28 lands shall be considered single-use lands. and shall be
29 managed primarily for the maintenance of essentially natural
30 conditions, the propagation of fish and wildlife, and public
31

1 ~~recreation, including hunting and fishing where deemed~~
2 ~~appropriate by the managing agency.~~

3 ~~(2) All lands owned by the Board of Trustees of the~~
4 ~~Internal Improvement Trust Fund shall be managed in a manner~~
5 ~~that will provide the greatest combination of benefits to the~~
6 ~~people of the state. All such lands not designated in the~~
7 ~~land-management plan required by subsection (4) for a specific~~
8 ~~single use shall receive multiple-use management.~~

9 (3) No management agreement, lease, or other
10 instrument authorizing the use of lands owned by the Board of
11 Trustees of the Internal Improvement Trust Fund shall be
12 executed for a period greater than is necessary to provide for
13 the reasonable use of the land for the existing or planned
14 life cycle or amortization of the improvements, except that an
15 easement in perpetuity may be granted by the Board of Trustees
16 of the Internal Improvement Trust Fund if the improvement is a
17 transportation facility. An agency managing or leasing
18 state-owned lands from the Board of Trustees of the Internal
19 Improvement Trust Fund may not sublease such lands without
20 prior review by the division and by the Land Acquisition and
21 Management Advisory Council created in s. 253.022 and approval
22 by the board. The Land Acquisition and Management Advisory
23 Council is not required to review subleases of parcels which
24 are less than 160 acres in size.

25 (4) Each state agency managing lands owned by the
26 Board of Trustees of the Internal Improvement Trust Fund shall
27 submit to the Division of State Lands a land-management plan
28 at least every 5 years in a form and manner prescribed by rule
29 by the board. All management plans, whether for single-use or
30 multiple-use properties, shall specifically describe how the
31 managing agency plans to identify, locate, protect and

1 preserve, or otherwise use fragile nonrenewable resources,
2 such as archaeological and historic sites, as well as other
3 fragile resources, including endangered plant and animal
4 species, and provide for the conservation of soil and water
5 resources and for the control and prevention of soil erosion.
6 Land-management plans submitted by an agency shall include
7 reference to appropriate statutory authority for such use or
8 uses and shall conform to the appropriate policies and
9 guidelines of the state land-management plan. All land
10 management plans for parcels larger than 1,000 acres shall
11 contain an analysis of the multiple-use potential of the
12 parcel, which shall include the potential of the parcel to
13 generate revenues which will optimize and enhance the
14 management of the parcel. Additionally, the land management
15 plan shall contain an analysis of the potential use of private
16 land managers to facilitate the restoration or management of
17 these lands. In those cases where a newly acquired property
18 has a valid conservation plan, the plan shall be used to guide
19 management of the property until a formal land-management plan
20 is completed.

21 (a) The Division of State Lands shall make available
22 to the public ~~submit~~ a copy of each land-management plan for
23 parcels which exceed 160 acres in size ~~to each member of the~~
24 ~~Land Management Advisory Council.~~ At a minimum, these plans
25 shall be available at the county courthouse for each county
26 which contains acreage related to the parcel and at the
27 administrative offices of the parcel described in the plan.

28 (b) Each plan shall be made available for public
29 comment for a period of 90 days. The Division of State Lands
30 shall maintain a central file which contains the plan and any
31 public comment.

1 (c) Any plan for which no public comment is filed or
2 no public objection is filed shall be deemed approved.

3 (d) Any plan for which a public objection has been
4 filed shall, within 30 days after the expiration of the 90-day
5 comment period, be submitted to the council for review.The
6 council shall, ~~within 60 days after receiving a plan from the~~
7 ~~division,~~ review each plan for compliance with the
8 requirements of this subsection and with the requirements of
9 the rules established by the board pursuant to this
10 subsection. The council shall also consider the propriety of
11 the recommendations of the managing agency with regard to the
12 future use of the property, the protection of fragile or
13 nonrenewable resources, the potential for alternative or
14 multiple uses not recognized by the managing agency, and the
15 possibility of disposal of the property by the board. After
16 its review, the council shall submit the plan, along with its
17 recommendations and comments, to the board. The council shall
18 specifically recommend to the board whether to approve the
19 plan as submitted, approve the plan with modifications, or
20 reject the plan.

21 (e)~~(b)~~ The Board of Trustees of the Internal
22 Improvement Trust Fund shall consider the land-management plan
23 submitted by each state agency and the recommendations of the
24 ~~Land Management Advisory~~ council and the Division of State
25 Lands and shall approve the plan with or without modification
26 or reject such plan. The use or possession of any such lands
27 which is not in accordance with an approved land-management
28 plan is subject to termination by the board.

29 (5) The Board of Trustees of the Internal Improvement
30 Trust Fund shall determine which lands, the title to which is
31

1 vested in the board, are of no benefit to the public and shall
2 dispose of such lands pursuant to law.

3 (a) At least every 5 years, in a form and manner
4 prescribed by rule by the board, each state agency shall
5 indicate to the board those lands which the agency manages
6 which are not being used for the purpose for which they were
7 originally leased. Such lands shall be reviewed by the ~~Land~~
8 ~~Management Advisory~~ council for its recommendation as to
9 whether such lands should be disposed of by the board.

10 (b) Lands owned by the board which are not actively
11 managed by any state agency or for which a land-management
12 plan has not been completed pursuant to subsection (4) shall
13 be reviewed by the ~~Land Management Advisory~~ council for its
14 recommendation as to whether such lands should be disposed of
15 by the board.

16 (c) In reviewing lands owned by the board pursuant to
17 paragraphs (a) and (b), the ~~Land Management Advisory~~ council
18 shall consider whether such lands would be more appropriately
19 owned or managed by the county or other unit of local
20 government in which the land is located. The council shall
21 recommend to the board whether a sale, lease, or other
22 conveyance to a local government would be in the best
23 interests of the state and local government. The provisions of
24 this paragraph in no way limit the provisions of ss. 253.111
25 and 253.115.

26 (d) After reviewing the recommendations of the ~~Land~~
27 ~~Management Advisory~~ council, the board shall determine whether
28 lands identified in paragraphs (a) and (b) are to be held for
29 other public purposes or whether such lands are of no benefit
30 to the public. The board may require an agency to release its
31 interest in such lands. Lands determined to be of no benefit

1 to the public shall be disposed of pursuant to law. Each
2 fiscal year, up to \$500,000 of the proceeds from the disposal
3 of such lands shall be placed in the Internal Improvement
4 Trust Fund to be used to pay the costs of any administration,
5 appraisal, management, conservation, protection, sales, or
6 real estate sales services; any such proceeds in excess of
7 \$500,000 shall be placed in the Conservation and Recreation
8 Lands Trust Fund.

9 (e) The sale of filled, formerly submerged land that
10 does not exceed 5 acres in area is not subject to review by
11 the ~~Land Management Advisory~~ council.

12 (6) This section shall not be construed so as to
13 affect:

14 (a) Other provisions of this chapter relating to oil,
15 gas, or mineral resources.

16 (b) The exclusive use of state-owned land subject to a
17 lease by the Board of Trustees of the Internal Improvement
18 Trust Fund of state-owned land for private uses and purposes.

19 (c) Sovereignty lands not leased for private uses and
20 purposes.

21 (7) Land management plans required to be submitted by
22 the Department of Corrections or the Department of Education
23 shall not be subject to the council review provisions
24 described in subsection (4). Management plans filed by these
25 agencies shall be made available to the public for a period of
26 90 days at the administrative offices of the parcel affected
27 by the management plan. Any plans not objected to during the
28 public comment period shall be deemed approved. Any plans for
29 which an objection was filed shall be submitted to the Board
30 of Trustees of the Internal Improvement Trust Fund for
31 consideration. The Board of Trustees of the Internal

1 Improvement Trust Fund shall approve the plan with or without
2 modification or reject such plan. The use or possession of
3 any such lands which is not in accordance with an approved
4 land-management plan is subject to termination by the board.

5 Section 3. Subsection (1) of section 253.68, Florida
6 Statutes, 1996 Supplement, is amended to read:

7 253.68 Authority to lease submerged land and water
8 column.--

9 (1) To the extent that it is not contrary to the
10 public interest, and subject to limitations contained in ss.
11 253.67-253.75, the board of trustees may lease submerged lands
12 to which it has title for the conduct of aquaculture
13 activities and grant exclusive use of the bottom and the water
14 column to the extent required by such activities. Such leases
15 may authorize use of the submerged land and water column for
16 either commercial or experimental purposes. ~~However no lease~~
17 ~~shall be granted by the board when there is filed with it a~~
18 ~~resolution of objection adopted by a majority of the county~~
19 ~~commission of a county within whose boundaries, if the same~~
20 ~~were extended to the extent of the interest of the state, the~~
21 ~~proposed leased area would lie. Said resolution shall be~~
22 ~~filed with the board of trustees within 30 days of the date of~~
23 ~~the first publication of notice as required by s. 253.70.~~
24 Prior to the granting of any such leases, the board shall
25 establish and publish a list of guidelines to be followed when
26 considering applications for lease. Such guidelines shall be
27 designed to protect the public's interest in submerged lands
28 and the publicly owned water column.

29 Section 4. Subsection (1) of section 253.7825, Florida
30 Statutes, is amended to read:

31 253.7825 Recreational uses.--

1 (1) The Cross Florida Greenways State Recreation and
2 Conservation Area must be managed as a multiple-use area
3 pursuant to s. 253.034~~(2)(1)~~(a), and as further provided
4 herein. The University of Florida Management Plan provides a
5 conceptual recreational plan that may ultimately be developed
6 at various locations throughout the greenways corridor. The
7 plan proposes to locate a number of the larger, more
8 comprehensive and complex recreational facilities in
9 sensitive, natural resource areas. Future site-specific
10 studies and investigations must be conducted by the department
11 to determine compatibility with, and potential for adverse
12 impact to, existing natural resources, need for the facility,
13 the availability of other alternative locations with reduced
14 adverse impacts to existing natural resources, and the proper
15 specific sites and locations for the more comprehensive and
16 complex facilities. Furthermore, it is appropriate, with the
17 approval of the department, to allow more fishing docks, boat
18 launches, and other user-oriented facilities to be developed
19 and maintained by local governments.

20 Section 5. Subsections (7), (9), (10), (11), and (12)
21 of section 259.032, Florida Statutes, 1996 Supplement, are
22 amended to read:

23 259.032 Conservation and Recreation Lands Trust Fund;
24 purpose.--

25 (7) The board of trustees may enter into any contract
26 necessary to accomplish the purposes of this section. The lead
27 land managing agencies also are directed by the Legislature to
28 enter into contracts or interagency agreements with other
29 governmental entities, including local soil and water
30 conservation districts, or private land managers who have the
31 expertise to perform specific management activities which a

1 lead agency lacks, or which would cost more to provide
2 in-house. Such activities shall include, but not be limited
3 to, controlled burning, road and ditch maintenance, mowing,
4 and wildlife assessments.

5 (9)(a) All lands managed under this section shall be:

6 1. Managed in a manner that will provide the greatest
7 combination of benefits to the public and to the resources.

8 2. Managed for public outdoor recreation which is
9 compatible with the conservation and protection of public
10 lands.

11 3. Managed for the purposes for which the lands were
12 acquired, consistent with paragraph (11)(a).

13
14 Management may include the following public uses: fishing,
15 hunting, camping, bicycling, hiking, nature study, swimming,
16 boating, canoeing, horseback riding, diving, birding, sailing,
17 jogging, and other related outdoor activities.

18 (b)1. Concurrent with its adoption of the annual
19 Conservation and Recreational Lands list of acquisition
20 projects pursuant to s. 259.035, the board of trustees shall
21 adopt a management prospectus for each project. The management
22 prospectus shall delineate: the management goals for the
23 property; the conditions that will affect the intensity of
24 management; an estimate of the revenue-generating potential of
25 the property, if appropriate; a timetable for implementing the
26 various stages of management and for providing access to the
27 public, if applicable; provisions for protecting existing
28 infrastructure and for ensuring the security of the project
29 upon acquisition; the anticipated costs of management and
30 projected sources of revenue, including legislative
31 appropriations, to fund management needs; recommendations as

1 to how many employees will be needed to manage the property;
2 and recommendations as to whether local governments, volunteer
3 groups, the former landowner, or other interested parties can
4 be involved in the management.

5 2. Concurrent with the approval of the acquisition
6 contract pursuant to s. 259.041(3)(c) for any interest in
7 lands, the board of trustees shall designate an agency or
8 agencies to manage such lands and shall evaluate and amend, as
9 appropriate, the management policy statement for the project
10 as provided by s. 259.035, consistent with the purposes for
11 which the lands are acquired. For any fee-simple acquisition
12 of a parcel which is or will be leased-back for agricultural
13 purposes, or for any acquisition of a less-than-fee interest
14 in land that is or will be used for agricultural purposes, the
15 Board of Trustees of the Internal Improvement Trust Fund shall
16 first consider having a soil and water conservation district,
17 created pursuant to chapter 582, manage and monitor such
18 interests.

19 3. State agencies designated to manage lands acquired
20 under this chapter may contract with local governments and
21 soil and water conservation districts to assist in management
22 activities, including the responsibility of being the lead
23 land manager. Such land-management contracts shall include a
24 provision for the transfer of management funding to the local
25 government or soil and water conservation district from the
26 Conservation and Recreation Lands Trust Fund in an amount
27 adequate for the local government or soil and water
28 conservation district to perform its contractual
29 land-management responsibilities and proportionate to its
30 responsibilities, and which otherwise would have been expended
31 by the state agency to manage the property.

1 ~~4.3-~~ Immediately following the acquisition of any
2 interest in lands under this chapter ~~section~~, the Department
3 of Environmental Protection, acting on behalf of the board of
4 trustees, may issue to the lead managing entity an interim
5 assignment letter to be effective until the execution of a
6 formal lease.

7 (10) State, regional, or local governmental under this
8 chapter may contract with local governments and soil and water
9 conservation districts to assist in management activities,
10 including the responsibility of being the lead land manager.
11 Such land-management contracts shall include a provision for
12 the transfer of management funding to the local government or
13 soil and water conservation district from the Conservation and
14 Recreation Lands Trust Fund in an amount adequate for the
15 local government or soil and water conservation district to
16 perform its contractual agencies or private ~~nonstate~~ entities
17 designated to manage lands under this section shall develop
18 and adopt, with the approval of the board of trustees, an
19 individual management plan for each project designed to
20 conserve and protect such lands and their associated natural
21 resources. Private-sector involvement in management plan
22 development may be used to expedite the planning process.
23 Individual management plans required by s. 253.034(4) shall be
24 developed with input from an advisory group. Members of this
25 advisory group shall include, at a minimum, representatives of
26 the lead land managing agency, co-managing entities, local
27 private property owners, the appropriate soil and water
28 conservation district, and a local elected official. The
29 advisory group shall conduct at least one public hearing
30 within the county in which the parcel is located. Such public
31 hearing shall be posted on the parcel designated for

1 management, advertised in a paper of general circulation and
2 announced at a scheduled meeting of the local governing body
3 before the actual public hearing.Once a plan is adopted, the
4 managing agency or entity shall update the plan at least every
5 5 years in a form and manner prescribed by rule of the board
6 of trustees. Such plans may include transfers of leasehold
7 interests to appropriate conservation organizations designated
8 by the Land Management Advisory Council for uses consistent
9 with the purposes of the organizations and the protection,
10 preservation, and proper management of the lands and their
11 resources. Volunteer management assistance is encouraged,
12 including, but not limited to, assistance by youths
13 participating in programs sponsored by state or local
14 agencies, by volunteers sponsored by environmental or civic
15 organizations, and by individuals participating in programs
16 for committed delinquents and adults. For each project for
17 which lands are acquired after July 1, 1995, an individual
18 management plan shall be adopted and in place no later than 1
19 year after the essential parcel or parcels identified in the
20 annual Conservation and Recreation Lands report prepared
21 pursuant to s. 259.035(2)(a) have been acquired. Beginning in
22 fiscal year 1998-1999, any state land managing agency with
23 more than one-third of its management plans overdue shall not
24 receive a release of an appropriation from the Conservation
25 and Recreation Lands Trust Fund for land management
26 activities. The agency, however, may use appropriated
27 management funds for the preparation of its overdue
28 land-management plans. That portion of the appropriation not
29 needed for management plan preparation shall be placed in
30 unbudgeted reserve in the trust fund. If at any time during
31 the fiscal year the agency comes into compliance with the

1 management plan requirement, the agency may request a release
2 of the appropriation, pursuant to the process provided in s.
3 216.177.

4 (a) Individual management plans shall conform to the
5 appropriate policies and guidelines of the state land
6 management plan and shall include, but not be limited to:

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

10 2. Key management activities necessary to preserve and
11 protect natural resources and restore habitat, and for
12 controlling the spread of nonnative plants and animals, and
13 for prescribed fire and other appropriate resource management
14 activities.

15 3. A specific description of how the managing agency
16 plans to identify, locate, protect, and preserve, or otherwise
17 use fragile, nonrenewable natural and cultural resources.

18 4. A priority schedule for conducting management
19 activities, based on the purposes for which the lands were
20 acquired.

21 5. A cost estimate for conducting priority management
22 activities, to include recommendations for cost-effective
23 methods of accomplishing those activities.

24 6. A cost estimate for conducting other management
25 activities which would enhance the natural resource value or
26 public recreation value for which the lands were acquired. The
27 cost estimate shall include recommendations for cost-effective
28 methods of accomplishing those activities.

29 7. A determination of the public uses that would be
30 consistent with the purposes for which the lands were
31 acquired.

1 (b) The Division of State Lands shall submit a copy of
2 each individual management plan for parcels which exceed 160
3 acres in size to each member of the Land Management Advisory
4 Council. The council shall, within 60 days after receiving a
5 plan from the division, review each plan for compliance with
6 the requirements of this subsection and with the requirements
7 of the rules established by the board pursuant to this
8 subsection. The council shall also consider the propriety of
9 the recommendations of the managing agency with regard to the
10 future use or protection of the property. After its review,
11 the council shall submit the plan, along with its
12 recommendations and comments, to the board of trustees. The
13 council shall specifically recommend to the board of trustees
14 whether to approve the plan as submitted, approve the plan
15 with modifications, or reject the plan.

16 (c) The board of trustees shall consider the
17 individual management plan submitted by each state agency and
18 the recommendations of the Land Management Advisory Council
19 and the Division of State Lands and shall approve the plan
20 with or without modification or reject such plan. The use or
21 possession of any lands owned by the board of trustees which
22 is not in accordance with an approved individual management
23 plan is subject to termination by the board of trustees.

24
25 By July 1 of each year, each governmental agency, including
26 the water management districts, and each private ~~nonstate~~
27 entity designated to manage lands shall report to the
28 Secretary of Environmental Protection on the progress of
29 funding, staffing, and resource management of every project
30 for which the agency or entity is responsible.

31

1 (11)(a) The Legislature recognizes that acquiring
2 lands pursuant to this chapter serves the public interest by
3 protecting land, air, and water resources which contribute to
4 the public health and welfare and the economy of the state.
5 These lands provide, ~~providing~~ areas for natural resource
6 based recreation, and ensure ~~ensuring~~ the survival of unique
7 and irreplaceable plant and animal species and the
8 conservation and enlightened use of the lands' renewable
9 resources. The Legislature intends for these lands and
10 natural resources to be managed using a stewardship ethic that
11 assures these lands and resources will be available to the
12 people of the state, both present and future. To satisfy this
13 objective, all lands the title of which is vested in the Board
14 of Trustees of the Internal Improvement Trust Fund shall
15 receive multiple-use management, unless there is a compelling
16 reason for single use as defined in s. 253.034(2)(b). All
17 such lands not described as single use in s. 253.034(2)(b)
18 shall receive multiple-use management. All multiple-use land
19 management strategies shall address public access and
20 enjoyment, resource conservation and protection, ecosystem
21 maintenance and protection, and protection of threatened and
22 endangered species. ~~and maintained for the purposes for which~~
23 ~~they were acquired and for the public to have access to these~~
24 ~~lands where it is consistent with acquisition purposes and~~
25 ~~would not harm the resources the state is seeking to protect~~
26 ~~on the public's behalf.~~

27 (b) An amount up equal ~~to~~ 1.5 ± percent of the
28 cumulative total of funds ever deposited into the Florida
29 Preservation 2000 Trust Fund shall be made available for the
30 purposes of management, maintenance, and capital improvements,
31 and for associated contractual services, for lands acquired

1 pursuant to this section and s. 259.101 to which title is
2 vested in the board of trustees. Each agency with management
3 responsibilities shall annually request from the Legislature
4 funds sufficient to fulfill such responsibilities. Capital
5 improvements shall include, but need not be limited to,
6 perimeter fencing, signs, firelanes, access roads and trails,
7 and minimal public accommodations, such as primitive
8 campsites, garbage receptacles, and toilets.

9 (c) In requesting funds provided for in paragraph (b)
10 for long-term management of all acquisitions pursuant to this
11 chapter and for associated contractual services, the managing
12 agencies shall recognize the following categories of land
13 management needs:

14 1. Lands which are low-need tracts, requiring basic
15 resource management and protection, such as state reserves,
16 state preserves, state forests, and wildlife management areas.
17 These lands generally are open to the public but have no more
18 than minimum facilities development.

19 2. Lands which are moderate-need tracts, requiring
20 more than basic resource management and protection, such as
21 state parks and state recreation areas. These lands generally
22 have extra restoration or protection needs, higher
23 concentrations of public use, or more highly developed
24 facilities.

25 3. Lands which are high-need tracts, with identified
26 needs requiring unique site-specific resource management and
27 protection. These lands generally are sites with historic
28 significance, unique natural features, or very high intensity
29 public use, or sites that require extra funds to stabilize or
30 protect resources.

31

1 In evaluating the management funding needs of lands based on
2 the above categories, the lead land managing agencies shall
3 include in their considerations the impacts of, and needs
4 created or addressed by, multiple-use management strategies.

5 (d) All revenues generated through multiple-use
6 management shall be returned to the agency responsible for
7 such management and shall be used to pay for management
8 activities on all conservation, preservation, and recreation
9 lands under the agency's jurisdiction. In addition, such
10 revenues shall be segregated in an agency trust fund and shall
11 remain available to the agency in subsequent fiscal years to
12 support land management appropriations.

13 (e)(d)1. Up to one-fifth of the funds provided for in
14 paragraph (b) shall be reserved by the board of trustees for
15 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.~~

31

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 (b)
9 shall be reserved for control and removal of nonnative,
10 upland, invasive species on public lands.

11 (12)(a) Beginning in fiscal year 1994-1995, not more
12 than 3.75 percent of the Conservation and Recreation Lands
13 Trust Fund shall be made available annually to the department
14 for payment in lieu of taxes to qualifying counties, cities,
15 and local governments as defined in paragraph (b) for actual
16 tax losses incurred as a result of board of trustees
17 acquisitions for state agencies under the Florida Preservation
18 2000 Program during any year. Reserved funds not used for
19 payments in lieu of taxes in any year shall revert to the fund
20 to be used for land acquisition in accordance with the
21 provisions of this section.

22 (b) Payment in lieu of taxes shall be available:

23 1. To counties which levy an ad valorem tax of at
24 least 9 mills or the amount of the tax loss from all completed
25 Preservation 2000 acquisitions in the county exceeds 0.01
26 percent of the county's total taxable value, and have a
27 population of 75,000 or less; and

28 2. To counties with a population of less than 100,000
29 which contain all or a portion of an area of critical state
30 concern designated pursuant to chapter 380 and to local
31 governments within such counties.

1
2 For the purposes of this paragraph, "local government"
3 includes municipalities, the county school board, mosquito
4 control districts, and any other local government entity which
5 levies ad valorem taxes, with the exception of a water
6 management district.

7 (c) Payment in lieu of taxes shall be available to any
8 city which has a population of 10,000 or less and which levies
9 an ad valorem tax of at least 9 mills or the amount of the tax
10 loss from all completed Preservation 2000 acquisitions in the
11 city exceeds 0.01 percent of the city's total taxable value.

12 (d) If insufficient funds are available in any year to
13 make full payments to all qualifying counties, cities, and
14 local governments, such counties, cities, and local
15 governments shall receive a pro rata share of the moneys
16 available.

17 (e) The payment amount shall be based on the average
18 amount of actual taxes paid on the property for the 3 years
19 preceding acquisition. Applications for payment in lieu of
20 taxes shall be made no later than January 31 of the year
21 following acquisition. No payment in lieu of taxes shall be
22 made for properties which were exempt from ad valorem taxation
23 for the year immediately preceding acquisition. If property
24 which was subject to ad valorem taxation was acquired by a
25 tax-exempt entity for ultimate conveyance to the state under
26 this chapter, payment in lieu of taxes shall be made for such
27 property based upon the average amount of taxes paid on the
28 property for the 3 years prior to its being removed from the
29 tax rolls. The department shall certify to the Department of
30 Revenue those properties that may be eligible under this
31 provision. Payment in lieu of taxes shall be limited to a

1 total of 10 consecutive years of annual payments, beginning
2 the year a local government becomes eligible.

3 (f) Payment in lieu of taxes pursuant to this
4 paragraph shall be made annually to qualifying counties,
5 cities, and local governments after certification by the
6 Department of Revenue that the amounts applied for are
7 reasonably appropriate, based on the amount of actual taxes
8 paid on the eligible property, and after the Department of
9 Environmental Protection has provided supporting documents to
10 the Comptroller and has requested that payment be made in
11 accordance with the requirements of this section.

12 (g) If the board of trustees conveys to a local
13 government title to any land owned by the board, any payments
14 in lieu of taxes on the land made to the local government
15 shall be discontinued as of the date of the conveyance.

16 Section 6. Subsection (3) of section 259.035, Florida
17 Statutes, 1996 Supplement, is amended to read:

18 259.035 Advisory council; powers and duties.--

19 (1) There is created a Land Acquisition and Management
20 Advisory Council to be composed of the secretary and a
21 designee of the department, the director of the Division of
22 Forestry of the Department of Agriculture and Consumer
23 Services, the executive director of the Game and Fresh Water
24 Fish Commission, the director of the Division of Historical
25 Resources of the Department of State, and the secretary of the
26 Department of Community Affairs, or their respective
27 designees. The chairmanship of the council shall rotate
28 annually in the foregoing order. The council shall hold
29 periodic meetings at the request of the chair. The department
30 shall provide primary staff support to the council and shall
31 ensure that council meetings are electronically recorded. Such

1 recordings shall be preserved pursuant to chapters 119 and
2 257. The department may adopt any rule or form necessary to
3 implement this section.

4 (2)(a) The council shall, by the time of the first
5 board meeting in February of each year, establish or update a
6 list of acquisition projects selected for purchase pursuant to
7 this chapter. In scoring potential projects for inclusion on
8 the acquisition list, the council shall give greater
9 consideration to projects that can serve as corridors between
10 lands already in public ownership or under management for
11 conservation and recreational purposes. Acquisition projects
12 shall be ranked, in order of priority, individually as a
13 single group or individually within up to 10 separate groups.
14 The council shall submit to the board of trustees, together
15 with its list of acquisition projects, a Conservation and
16 Recreation Lands report. For each project on an acquisition
17 list, the council shall include in its report the stated
18 purpose for acquiring the project, an identification of the
19 essential parcel or parcels within the project without which
20 the project cannot be properly managed, an identification of
21 those projects or parcels within projects which should be
22 acquired in fee simple or in other than fee simple, an
23 explanation of the reasons why the council selected a
24 particular acquisition technique, a management policy
25 statement for the project, a management prospectus pursuant to
26 s. 259.032(9)(b), an estimate of land value based on county
27 tax assessed values, a map delineating project boundaries, a
28 brief description of the important natural and cultural
29 resources to be protected, preacquisition planning and
30 budgeting, coordination with other public and nonprofit
31 public-lands acquisition programs, a preliminary statement of

1 the extent and nature of public use, an interim management
2 budget, and designation of a management agency or agencies.
3 The Department of Environmental Protection shall prepare the
4 information required by this section for each acquisition
5 project selected for purchase pursuant to this chapter. In
6 addition, the department shall prepare, by July 1 of each
7 year, an acquisition work plan for each project on the
8 acquisition list for which funds will be available for
9 acquisition during the fiscal year and which meets the
10 criteria in subsection (3). The work plan need not disclose
11 any information that is required by this chapter or chapter
12 253 to remain confidential.

13 (b) An affirmative vote of four members of the council
14 shall be required in order to place a proposed project on a
15 list. Each list shall contain at least twice the number of
16 projects in terms of estimated cost as there are anticipated
17 funds for purchase. The anticipated cost of each project
18 shall include proposed costs for development of the lands
19 necessary to meet the public purpose for which such lands are
20 to be purchased.

21 (c) All proposals for acquisition projects pursuant to
22 this chapter shall be developed and adopted by the council.
23 The council shall consider and evaluate in writing the merits
24 and demerits of each project that is proposed for acquisition
25 and shall ensure that each proposed acquisition project will
26 meet a stated public purpose for the preservation of
27 environmentally endangered lands, for the development of
28 outdoor recreation lands, or as provided in s. 259.032(3) and
29 shall determine whether each acquisition project conforms with
30 the comprehensive plan developed pursuant to s. 259.04(1)(a),
31 the comprehensive outdoor recreation and conservation plan

1 developed pursuant to s. 375.021, and the state lands
2 management plan adopted pursuant to s. 253.03(7). Copies of a
3 written report describing each project proposed for
4 acquisition shall be submitted to the board of trustees. The
5 council shall consider and include in each project description
6 its assessment of a project's ecological value, vulnerability,
7 endangerment, ownership pattern, utilization, location, and
8 cost and other pertinent factors in determining whether to
9 recommend a project for state purchase.

10 (d) Additionally, the council shall provide assistance
11 to the Board of Trustees of the Internal Improvement Trust
12 Fund in reviewing the recommendations and plans for
13 state-owned lands required by s. 253.034. The council shall,
14 in reviewing the recommendations and plans for state-owned
15 lands required by s. 253.034, consider the optimization of
16 multiple-use strategies to accomplish the provisions of s.
17 253.034.

18 (3)(a) The listing of new projects during the 1997
19 evaluation cycle for the 1998 Conservation and Recreation
20 Lands list shall be limited to those projects with a single
21 owner or an assemblage of ownerships that can be completed
22 within the 3 years remaining for the Florida Preservation 2000
23 program, and which add to the state's inventory of lands those
24 resources which currently are not adequately represented.

25 (b) To the extent that projects which meet the
26 requirements in this subsection are acquired, and projects
27 which do not are removed, the council may in years subsequent
28 to 1997 consider and rank new projects for inclusion on the
29 acquisition list, as long as the new projects meet at least
30 two of the following criteria:

31

1 1. The new projects can reasonably be acquired within
2 the remaining years of the Preservation 2000 program;

3 2. The new projects provide habitat for endangered or
4 threatened species, include significant waterbodies or provide
5 significant recharge, or have some other natural resource
6 values which are underrepresented in the state's current
7 ownership of lands; and

8 3. The new projects are essential parcels, as defined
9 in paragraph (2)(a).

10 (c) Purchases from the current list of acquisition
11 projects shall be limited to those projects in which an
12 initial acquisition has been made, with staff concentrating on
13 acquiring the remaining essential parcels within these
14 projects. No unencumbered balances in the Preservation 2000
15 accounts of agencies whose projects are ranked on the
16 Conservation and Recreation Lands list shall be spent on
17 projects which are contrary to the provisions of this section,
18 regardless of whether such projects are included in the
19 department's acquisition workplan. "Unencumbered balances"
20 shall be defined as provided in s. 259.101(9)(f).

21 (d) The council shall establish a policy that requires
22 it to remove property from the Conservation and Recreation
23 Lands acquisition workplan before adding new projects to the
24 workplan. In addition, the council shall determine:

25 1. What resources are inadequately represented in the
26 public land inventory and which projects on the acquisition
27 list could best fill these needs;

28 2. For projects in which an initial acquisition
29 already has been made, what are the minimal lands within these
30 projects that are essential from management and resource
31

1 protection perspectives in order for the projects to be
2 successfully completed;

3 3. How much funding would be needed to acquire these
4 lands; and

5 4. The best method of completing the Florida
6 Preservation 2000 program to ensure that the program achieves
7 its mission, as discussed in s. 259.101(2).

8 ~~(4)(3)~~ Members of the council shall serve without
9 compensation but shall be entitled to receive reimbursement by
10 their respective agencies for per diem and travel expenses
11 incurred in the performance of their duties as provided in s.
12 112.061.

13 Section 7. Section 259.036, Florida Statutes, is
14 created to read:

15 259.036 Management review teams.--

16 (1) To determine whether conservation, preservation,
17 and recreation lands titled in the name of the Board of
18 Trustees of the Internal Improvement Trust Fund or the water
19 management districts are being managed for the purposes for
20 which they were acquired and in accordance with a
21 land-management plan adopted in accordance with s. 259.032,
22 the Board of Trustees of the Internal Improvement Trust Fund,
23 acting through the Department of Environmental Protection,
24 shall cause periodic management reviews to be conducted, as
25 follows:

26 (a) The department shall establish a land management
27 review team composed of the following members:

28 1. One individual who is from the county or local
29 community in which the parcel is located and who is selected
30 by the county commission in the county which is most impacted
31 by the acquisition.

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

3 3. One individual from the Division of Forestry of the
4 Department of Agriculture and Consumer Services.

5 4. One individual from the Game and Fresh Water Fish
6 Commission.

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

9 6. A private land manager mutually agreeable to the
10 state agency representatives.

11 7. A member of the local soil and water conservation
12 district board of supervisors.

13
14 The staff of the Division of State Lands shall act as the
15 review team coordinator for the purposes of establishing
16 schedules for review and other staff functions.

17 (2) In conducting a review, the land management review
18 team shall evaluate:

19 (a) The extent to which the existing management plan
20 provides sufficient protection to threatened or endangered
21 species, unique or important natural or physical features,
22 geological or hydrological functions, or archaeological
23 features;

24 (b) Whether the potential for public access is being
25 utilized to the fullest extent possible, and recommendations
26 to promote recreational activities;

27 (c) The extent to which the full potential for
28 revenue-generating activities is being utilized on the
29 property, and recommendations to optimize those activities,
30 where appropriate; and

31

1 (d) A breakdown of the funding needs for managing the
2 property. Since many properties have more than one type of
3 management need, the review team shall evaluate the
4 recommendations of the lead land managing agency for each
5 property before determining how much funding is needed to
6 accomplish management goals.

7 (3) In determining which lands shall be reviewed in
8 any given year, the department may prioritize resource
9 management reviews of the property to be conducted by the land
10 management review team. The reviews shall consider the extent
11 to which the land is being managed for the purposes for which
12 it was acquired and the degree to which actual management
13 practices are in compliance with the management prospectus for
14 that property.

15 (4) Should the land management review team findings
16 indicate the lands subject to review are not being managed in
17 accordance with the adopted land-management plan, or if the
18 managing agency does not address the findings of the review in
19 the update of its management plan, the department shall
20 provide the findings to the Board of Trustees of the Internal
21 Improvement Trust Fund and the managing agency shall provide
22 written explanation of why they are not managing the land in
23 accordance with the adopted land management plan.

24 (5) The department shall provide the board of trustees
25 with an annual report indicating which parcels have been
26 reviewed, and the findings of those reviews, not later than
27 the second board meeting in October.

28 Section 8. Paragraph (c) is added to subsection (9) of
29 section 259.041, Florida Statutes, 1996 Supplement, to read:

30 259.041 Acquisition of state-owned lands for
31 preservation, conservation, and recreation purposes.--

1 (9)
2 (c) With the approval of the board of trustees, the
3 department or any other state agency acquiring land under this
4 chapter may offer a potential seller 100 percent of the
5 approved appraised value of the property, if the seller agrees
6 to donate no less than 5 percent of the purchase price to the
7 agency designated as the lead manager for the property, to be
8 invested as an endowment to provide for land management. Each
9 land managing agency shall create an endowment account for the
10 purposes of investing and accounting for these contributions
11 from private sellers, and the principal and interest earned
12 from these endowment accounts shall only be spent on land
13 management activities. To the extent possible, each agency
14 shall rely on the interest earnings to defray management
15 expenses for all conservation, preservation, and recreation
16 lands for which it has management responsibilities. These
17 funds shall be supplemental to the land management funds each
18 agency is appropriated from the Conservation and Recreation
19 Lands Trust Fund.

20 Section 9. Subsection (4) of section 259.101, Florida
21 Statutes, 1996 Supplement, is amended to read:

22 259.101 Florida Preservation 2000 Act.--

23 (4) PROJECT CRITERIA.--

24 (a) Proceeds of bonds issued pursuant to this act and
25 distributed pursuant to paragraphs (3)(a) and (b) shall be
26 spent only on projects which meet at least one of the
27 following criteria, as determined pursuant to paragraphs (b)
28 and (c):

29 1. A significant portion of the land in the project is
30 in imminent danger of development, in imminent danger of loss
31 of its significant natural attributes, or in imminent danger

1 of subdivision which will result in multiple ownership and may
2 make acquisition of the project more costly or less likely to
3 be accomplished;

4 2. Compelling evidence exists that the land is likely
5 to be developed during the next 12 months, or appraisals made
6 during the past 5 years indicate an escalation in land value
7 at an average rate that exceeds the average rate of interest
8 likely to be paid on the bonds;

9 3. A significant portion of the land in the project
10 serves to protect or recharge groundwater and to protect other
11 valuable natural resources or provide space for natural
12 resource based recreation;

13 4. The project can be purchased at 80 percent of
14 appraised value or less; ~~or~~

15 5. A significant portion of the land in the project
16 serves as habitat for endangered, threatened, or rare species
17 or serves to protect natural communities which are listed by
18 the Florida Natural Areas Inventory as critically imperiled,
19 imperiled, or rare, or as excellent quality occurrences of
20 natural communities; or

21 6. A significant portion of the land serves to
22 preserve important archeological or historical sites.

23 (b) Each year that bonds are to be issued pursuant to
24 this act, the Land Acquisition and Management Advisory Council
25 shall review that year's approved Conservation and Recreation
26 Lands priority list and shall, by the first board meeting in
27 February, present to the Board of Trustees of the Internal
28 Improvement Trust Fund for approval a listing of projects on
29 the list which meet one or more of the criteria listed in
30 paragraph (a). The board may remove projects from the list

31

1 developed pursuant to this paragraph, but may not add
2 projects.

3 (c) Each year that bonds are to be issued pursuant to
4 this act, each water management district governing board shall
5 review the lands on its current year's Save Our Rivers 5-year
6 plan and shall, by January 15, adopt a listing of projects
7 from the plan which meet one or more of the criteria listed in
8 paragraph (a).

9 (d) In the acquisition of coastal lands pursuant to
10 paragraph (3)(a), the following additional criteria shall also
11 be considered:

12 1. The value of acquiring coastal high-hazard parcels,
13 consistent with hazard mitigation and postdisaster
14 redevelopment policies, in order to minimize the risk to life
15 and property and to reduce the need for future disaster
16 assistance.

17 2. The value of acquiring beachfront parcels,
18 irrespective of size, to provide public access and
19 recreational opportunities in highly developed urban areas.

20 3. The value of acquiring identified parcels the
21 development of which would adversely affect coastal resources.

22
23 When a nonprofit environmental organization which is tax
24 exempt pursuant to s. 501(c)(3) of the United States Internal
25 Revenue Code sells land to the state, such land at the time of
26 such sale shall be deemed to meet one or more of the criteria
27 listed in paragraph (a) if such land meets one or more of the
28 criteria at the time the organization purchases it. Listings
29 of projects compiled pursuant to paragraphs (b) and (c) may be
30 revised to include projects on the Conservation and Recreation
31 Lands priority list or in a water management district's 5-year

1 plan which come under the criteria in paragraph (a) after the
2 dates specified in paragraph (b) or paragraph (c). The
3 requirement of paragraph (3)(a) regarding coastal lands is met
4 as long as an average of one-fifth of the cumulative proceeds
5 allocated through fiscal year 1999-2000 pursuant to that
6 paragraph is used to purchase coastal lands.

7 Section 10. Subsection (1) of section 260.015, Florida
8 Statutes, 1996 Supplement, is amended to read:

9 260.015 Acquisition of land.--

10 (1) The department is authorized to acquire by gift or
11 purchase the fee simple absolute title or any lesser interest
12 in land, including easements, for the purposes of ss.

13 260.011-260.018 pursuant to the provisions of chapter 375,
14 except that:

15 (a) The department's power of eminent domain shall be
16 limited to curing defects in title accepted by the board
17 pursuant to subsection (2).

18 (b) Lists of proposed acquisitions for the Florida
19 Greenways and Trails Program shall be prepared according to
20 procedures adopted by the department.

21 (c) Projects acquired under this chapter shall not be
22 subject to the evaluation and selection procedures of s.
23 259.035, regardless of the estimated value of such projects.
24 All projects shall be acquired in accordance with the
25 acquisition procedures of chapter 259 ~~253~~, except that the
26 department may use the appraisal procedure used by the
27 Department of Transportation to acquire transportation
28 rights-of-way. When a parcel is estimated to be valued at
29 \$100,000 or less and the department finds that the costs of
30 obtaining an outside appraisal are not justified, an appraisal
31 prepared by the department may be used.

1 Section 11. Section 369.255, Florida Statutes, is
2 created to read:

3 369.255 Green utility ordinances for funding
4 greenspace management and exotic plant control.--

5 (1) LEGISLATIVE FINDING.--The Legislature finds that
6 the proper management of greenspace areas, including, without
7 limitation, the urban forest, greenways, private and public
8 forest preserves, wetlands, and aquatic zones, is essential to
9 the state's environment and economy and to the health and
10 safety of its residents and visitors. The Legislature also
11 finds that the limitation and control of nonindigenous plants
12 and tree replacement and maintenance are vital to achieving
13 the natural systems and recreational lands goals and policies
14 of the state pursuant to s. 187.201(10), the State
15 Comprehensive Plan. It is the intent of this section to
16 enable local governments to establish a mechanism to provide
17 dedicated funding for the aforementioned activities, when
18 deemed necessary by that county.

19 (2) In addition to any other funding mechanisms
20 legally available to counties to control invasive,
21 nonindigenous aquatic or upland plants, and manage urban
22 forest resources, a county may create one or more green
23 utilities or adopt fees sufficient to plan, restore, and
24 manage urban forest resources, greenways, forest preserves,
25 wetlands, and other aquatic zones, and create a stewardship
26 grant program for private natural areas. Counties may create,
27 alone or in cooperation with other counties pursuant to the
28 Florida Interlocal Cooperation Act, s. 163.01, one or more
29 greenspace management districts to fund the planning,
30 management, operation, and administration of a greenspace
31 management program. The fees shall be calculated to generate

1 sufficient funds to plan, manage, operate, and administer a
2 greenspace management program. Private natural areas assessed
3 according to s. 193.501 would qualify for stewardship grants.

4 (3) This section shall only apply to counties with a
5 population of 500,000 or more.

6 (4) Nothing in this section shall authorize counties
7 to require any nongovernmental entity to collect the fee
8 described in subsection (2) on their behalf.

9 Section 12. Subsection (5) of section 373.139, Florida
10 Statutes, 1996 Supplement, is amended to read:

11 373.139 Acquisition of real property.--

12 (5) Lands acquired for the purposes enumerated in
13 subsection (2) shall receive multiple-use management and be
14 open to the general public, unless such management and public
15 access is shown to be detrimental to the water resource or
16 water management function for which the lands were purchased.
17 The governing board of the district shall consult with the
18 Division of Recreation and Parks of the Department of
19 Environmental Protection, the Division of Forestry of the
20 Department of Agriculture and Consumer Services, the Game and
21 Freshwater Fish Commission, and the local soil and water
22 conservation districts in their areas of expertise and
23 management experience when developing multiple-use strategy on
24 these lands. Alternatively, the governing board of the
25 district may enter into a memorandum of agreement with one or
26 more of those agencies to achieve the multiple-use management
27 of said lands.~~may also be used for recreational purposes, and~~
28 ~~whenever practicable such lands shall be open to the general~~
29 ~~public for recreational uses.~~

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1 Section 13. Subsection (11) of section 373.59, Florida
2 Statutes, 1996 supplement, is amended, and subsection (16) is
3 added to said section, to read:

4 373.59 Water Management Lands Trust Fund.--

5 (11) Lands acquired for the purposes enumerated in
6 this section shall also be used for general public
7 recreational purposes. General public recreational purposes
8 shall include, but not be limited to, fishing, hunting,
9 horseback riding, swimming, camping, hiking, canoeing,
10 boating, diving, birding, sailing, jogging, and other related
11 outdoor activities to the maximum extent possible considering
12 the environmental sensitivity and suitability of those lands.
13 These public lands shall be evaluated for their resource value
14 for the purpose of establishing which parcels, in whole or in
15 part, annually or seasonally, would be conducive to general
16 public recreational purposes. Such findings shall be included
17 in management plans which are developed for such public lands.
18 These lands shall be made available to the public for these
19 purposes, unless the district governing board can demonstrate
20 that such activities would be incompatible with the purposes
21 for which these lands were acquired. For any fee-simple
22 acquisition of a parcel which is or will be leased-back for
23 agricultural purposes, or for any acquisition of a
24 less-than-fee interest in land that is or will be used for
25 agricultural purposes, the district governing board shall
26 first consider having a soil and water conservation district,
27 created pursuant to chapter 582, manage and monitor such
28 interest.

29 (16) Each district is encouraged to use volunteers to
30 provide land-management and other services. Volunteers shall
31 be covered by liability protection and worker's compensation

1 in the same manner as district employees, unless waived in
2 writing by such volunteers or unless such volunteers otherwise
3 provide equivalent insurance.

4 Section 14. Section 253.022, Florida Statutes, is
5 hereby repealed.

6 Section 15. This act shall take effect upon becoming a
7 law.

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