

By the Committees on General Government Appropriations,
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 objectives of the
6 management of the state's lands and natural
7 resources; providing requirements for
8 multiple-use land management strategies;
9 providing references to the Land Acquisition
10 and Management Council; revising
11 land-management plan adoption processes;
12 correcting a cross reference; amending s.
13 253.68, F.S.; deleting authority of local
14 government to object to state aquaculture
15 leases; amending s. 253.7825, F.S.; correcting
16 a cross reference; amending s. 259.032, F.S.;
17 providing that a soil and water conservation
18 district shall be considered first as the
19 managing agency with respect to fee-simple
20 acquisitions or acquisitions of less-than-fee
21 interest in certain lands through the
22 Conservation and Recreation Lands (CARL) Trust
23 Fund; directing managing agencies to enter into
24 certain contracts or agreements; requiring
25 notice and public hearing on individual
26 management plans; providing for withholding of
27 CARL management funds to certain agencies;
28 providing management objectives for lands
29 acquired under ch. 259, F.S.; increasing the
30 percentage of funds deposited in the Florida
31 Preservation 2000 Trust Fund available for land

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

1 less-than-fee interest in certain land through
2 the Water Management Lands Trust Fund;
3 providing for use of land management
4 volunteers; creating s. 373.591, F.S.; creating
5 management review teams for water management
6 district lands; repealing s. 253.022, F.S.,
7 relating to the Land Management Advisory
8 Council; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (c) is added to subsection (7) of
13 section 253.03, Florida Statutes, 1996 Supplement, to read:

14 253.03 Board of trustees to administer state lands;
15 lands enumerated.--

16 (7)

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

25 Section 2. Section 253.034, Florida Statutes, is
26 amended to read:

27 253.034 State-owned lands; uses.--

28 (1) All lands acquired pursuant to chapter 259 shall
29 be managed to serve the public interest by protecting and
30 conserving land, air, water, and the state's natural
31 resources, which contribute to the public health, welfare, and

1 economy of the state. These lands shall be managed to provide
2 for areas of natural-resource-based recreation, and to ensure
3 the survival of plant and animal species and the conservation
4 of finite and renewable natural resources. The state's lands
5 and natural resources shall be managed using a stewardship
6 ethic that assures these resources will be available for the
7 benefit and enjoyment of all people of the state, both present
8 and future. It is the intent of the Legislature that, where
9 feasible and consistent with the goals of protection and
10 conservation of natural resources associated with lands held
11 in the public trust by the Board of Trustees of the Internal
12 Improvement Trust Fund, public land not designated for
13 single-use purposes pursuant to paragraph (2)(b) be managed
14 for multiple-use purposes. All multiple-use land management
15 strategies shall address public access and enjoyment, resource
16 conservation and protection, ecosystem maintenance and
17 protection, and protection of threatened and endangered
18 species, and the degree to which public-private partnerships
19 or endowments may allow the agency with management
20 responsibility to enhance its ability to manage these lands.

21 (2)(1) As used in this section, the following phrases
22 have the following meanings:

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

1 are larger than 1,000 acres in project size and are managed
2 for multiple uses, buffers may be formed around any areas
3 which require special protection or have special management
4 needs. Such buffers shall not exceed more than one-half of
5 the total acreage. Multiple uses within a buffer area may be
6 restricted to provide the necessary buffering effect desired.
7 Multiple use in this context includes both uses of land or
8 resources by more than one state agency, or by one or more
9 state agencies and private sector land managers. In any case,
10 lands identified as multiple-use lands in the land-management
11 plan shall be managed to enhance and conserve the lands and
12 resources for the enjoyment of the people of the state.

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

30 ~~(2) All lands owned by the Board of Trustees of the~~
31 ~~Internal Improvement Trust Fund shall be managed in a manner~~

1 ~~that will provide the greatest combination of benefits to the~~
2 ~~people of the state. All such lands not designated in the~~
3 ~~land-management plan required by subsection (4) for a specific~~
4 ~~single use shall receive multiple-use management.~~

5 (3) No management agreement, lease, or other
6 instrument authorizing the use of lands owned by the Board of
7 Trustees of the Internal Improvement Trust Fund shall be
8 executed for a period greater than is necessary to provide for
9 the reasonable use of the land for the existing or planned
10 life cycle or amortization of the improvements, except that an
11 easement in perpetuity may be granted by the Board of Trustees
12 of the Internal Improvement Trust Fund if the improvement is a
13 transportation facility. An agency managing or leasing
14 state-owned lands from the Board of Trustees of the Internal
15 Improvement Trust Fund may not sublease such lands without
16 prior review by the division and by the Land Acquisition and
17 Management Advisory Council created in s. 259.035 ~~253.022~~ and
18 approval by the board. The Land Acquisition and Management
19 Advisory Council is not required to review subleases of
20 parcels which are less than 160 acres in size.

21 (4) Each state agency managing lands owned by the
22 Board of Trustees of the Internal Improvement Trust Fund shall
23 submit to the Division of State Lands a land-management plan
24 at least every 5 years in a form and manner prescribed by rule
25 by the board. All management plans, whether for single-use or
26 multiple-use properties, shall specifically describe how the
27 managing agency plans to identify, locate, protect and
28 preserve, or otherwise use fragile nonrenewable resources,
29 such as archaeological and historic sites, as well as other
30 fragile resources, including endangered plant and animal
31 species, and provide for the conservation of soil and water

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

17 (a) The Division of State Lands shall make available
18 to the public ~~submit~~ a copy of each land-management plan for
19 parcels which exceed 160 acres in size ~~to each member of the~~
20 ~~Land Management Advisory Council~~. The council shall, ~~within~~
21 ~~60 days after receiving a plan from the division,~~ review each
22 plan for compliance with the requirements of this subsection
23 and with the requirements of the rules established by the
24 board pursuant to this subsection. The council shall also
25 consider the propriety of the recommendations of the managing
26 agency with regard to the future use of the property, the
27 protection of fragile or nonrenewable resources, the potential
28 for alternative or multiple uses not recognized by the
29 managing agency, and the possibility of disposal of the
30 property by the board. After its review, the council shall
31 submit the plan, along with its recommendations and comments,

1 to the board. The council shall specifically recommend to the
2 board whether to approve the plan as submitted, approve the
3 plan with modifications, or reject the plan.

4 (b) The Board of Trustees of the Internal Improvement
5 Trust Fund shall consider the land-management plan submitted
6 by each state agency and the recommendations of the ~~Land~~
7 ~~Management Advisory~~ council and the Division of State Lands
8 and shall approve the plan with or without modification or
9 reject such plan. The use or possession of any such lands
10 which is not in accordance with an approved land-management
11 plan is subject to termination by the board.

12 (5) The Board of Trustees of the Internal Improvement
13 Trust Fund shall determine which lands, the title to which is
14 vested in the board, are of no benefit to the public and shall
15 dispose of such lands pursuant to law.

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

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

29 (c) In reviewing lands owned by the board pursuant to
30 paragraphs (a) and (b), the ~~Land Management Advisory~~ council
31 shall consider whether such lands would be more appropriately

1 owned or managed by the county or other unit of local
2 government in which the land is located. The council shall
3 recommend to the board whether a sale, lease, or other
4 conveyance to a local government would be in the best
5 interests of the state and local government. The provisions of
6 this paragraph in no way limit the provisions of ss. 253.111
7 and 253.115.

8 (d) After reviewing the recommendations of the ~~Land~~
9 ~~Management Advisory~~ council, the board shall determine whether
10 lands identified in paragraphs (a) and (b) are to be held for
11 other public purposes or whether such lands are of no benefit
12 to the public. The board may require an agency to release its
13 interest in such lands. Lands determined to be of no benefit
14 to the public shall be disposed of pursuant to law. Each
15 fiscal year, up to \$500,000 of the proceeds from the disposal
16 of such lands shall be placed in the Internal Improvement
17 Trust Fund to be used to pay the costs of any administration,
18 appraisal, management, conservation, protection, sales, or
19 real estate sales services; any such proceeds in excess of
20 \$500,000 shall be placed in the Conservation and Recreation
21 Lands Trust Fund.

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

25 (6) This section shall not be construed so as to
26 affect:

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

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

1 (c) Sovereignty lands not leased for private uses and
2 purposes.

3 (7) Land-management plans required to be submitted by
4 the Department of Corrections or the Department of Education
5 shall not be subject to the council review provisions
6 described in subsection (4). Management plans filed by these
7 agencies shall be made available to the public for a period of
8 90 days at the administrative offices of the parcel or project
9 affected by the management plan and at the Tallahassee offices
10 of each agency. Any plans not objected to during the public
11 comment period shall be deemed approved. Any plans for which
12 an objection is filed shall be submitted to the Board of
13 Trustees of the Internal Improvement Trust Fund for
14 consideration. The Board of Trustees of the Internal
15 Improvement Trust Fund shall approve the plan with or without
16 modification, or reject the plan. The use or possession of
17 any such lands which is not in accordance with an approved
18 land-management plan is subject to termination by the board.

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

21 253.68 Authority to lease submerged land and water
22 column.--

23 (1) To the extent that it is not contrary to the
24 public interest, and subject to limitations contained in ss.
25 253.67-253.75, the board of trustees may lease submerged lands
26 to which it has title for the conduct of aquaculture
27 activities and grant exclusive use of the bottom and the water
28 column to the extent required by such activities. Such leases
29 may authorize use of the submerged land and water column for
30 either commercial or experimental purposes. ~~However no lease~~
31 ~~shall be granted by the board when there is filed with it a~~

1 ~~resolution of objection adopted by a majority of the county~~
2 ~~commission of a county within whose boundaries, if the same~~
3 ~~were extended to the extent of the interest of the state, the~~
4 ~~proposed leased area would lie. Said resolution shall be~~
5 ~~filed with the board of trustees within 30 days of the date of~~
6 ~~the first publication of notice as required by s. 253.70.~~
7 Prior to the granting of any such leases, the board shall
8 establish and publish a list of guidelines to be followed when
9 considering applications for lease. Such guidelines shall be
10 designed to protect the public's interest in submerged lands
11 and the publicly owned water column.

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

14 253.7825 Recreational uses.--

15 (1) The Cross Florida Greenways State Recreation and
16 Conservation Area must be managed as a multiple-use area
17 pursuant to s. 253.034(2)(1)(a), and as further provided
18 herein. The University of Florida Management Plan provides a
19 conceptual recreational plan that may ultimately be developed
20 at various locations throughout the greenways corridor. The
21 plan proposes to locate a number of the larger, more
22 comprehensive and complex recreational facilities in
23 sensitive, natural resource areas. Future site-specific
24 studies and investigations must be conducted by the department
25 to determine compatibility with, and potential for adverse
26 impact to, existing natural resources, need for the facility,
27 the availability of other alternative locations with reduced
28 adverse impacts to existing natural resources, and the proper
29 specific sites and locations for the more comprehensive and
30 complex facilities. Furthermore, it is appropriate, with the
31 approval of the department, to allow more fishing docks, boat

1 launches, and other user-oriented facilities to be developed
2 and maintained by local governments.

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

6 259.032 Conservation and Recreation Lands Trust Fund;
7 purpose.--

8 (7) The board of trustees may enter into any contract
9 necessary to accomplish the purposes of this section. The lead
10 land managing agencies also are directed by the Legislature to
11 enter into contracts or interagency agreements with other
12 governmental entities, including local soil and water
13 conservation districts, or private land managers who have the
14 expertise to perform specific management activities which a
15 lead agency lacks, or which would cost more to provide
16 in-house. Such activities shall include, but not be limited
17 to, controlled burning, road and ditch maintenance, mowing,
18 and wildlife assessments.

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

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

22 2. Managed for public outdoor recreation which is
23 compatible with the conservation and protection of public
24 lands.

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

27
28 Management may include the following public uses: fishing,
29 hunting, camping, bicycling, hiking, nature study, swimming,
30 boating, canoeing, horseback riding, diving, birding, sailing,
31 jogging, and other related outdoor activities.

1 (b)1. Concurrent with its adoption of the annual
2 Conservation and Recreational Lands list of acquisition
3 projects pursuant to s. 259.035, the board of trustees shall
4 adopt a management prospectus for each project. The management
5 prospectus shall delineate: the management goals for the
6 property; the conditions that will affect the intensity of
7 management; an estimate of the revenue-generating potential of
8 the property, if appropriate; a timetable for implementing the
9 various stages of management and for providing access to the
10 public, if applicable; provisions for protecting existing
11 infrastructure and for ensuring the security of the project
12 upon acquisition; the anticipated costs of management and
13 projected sources of revenue, including legislative
14 appropriations, to fund management needs; recommendations as
15 to how many employees will be needed to manage the property;
16 and recommendations as to whether local governments, volunteer
17 groups, the former landowner, or other interested parties can
18 be involved in the management.

19 2. Concurrent with the approval of the acquisition
20 contract pursuant to s. 259.041(3)(c) for any interest in
21 lands, the board of trustees shall designate an agency or
22 agencies to manage such lands and shall evaluate and amend, as
23 appropriate, the management policy statement for the project
24 as provided by s. 259.035, consistent with the purposes for
25 which the lands are acquired. For any fee-simple acquisition
26 of a parcel which is or will be leased back for agricultural
27 purposes, or any acquisition of a less-than-fee interest in
28 land that is or will be used for agricultural purposes, the
29 Board of Trustees of the Internal Improvement Trust Fund shall
30 first consider having a soil and water conservation district,
31

1 created pursuant to chapter 582, manage and monitor such
2 interests.

3 3. State agencies designated to manage lands acquired
4 under this chapter may contract with local governments and
5 soil and water conservation districts to assist in management
6 activities, including the responsibility of being the lead
7 land manager. Such land-management contracts may include a
8 provision for the transfer of management funding to the local
9 government or soil and water conservation district from the
10 Conservation and Recreation Lands Trust Fund in an amount
11 adequate for the local government or soil and water
12 conservation district to perform its contractual
13 land-management responsibilities and proportionate to its
14 responsibilities, and which otherwise would have been expended
15 by the state agency to manage the property.

16 4.3. Immediately following the acquisition of any
17 interest in lands under this chapter section, the Department
18 of Environmental Protection, acting on behalf of the board of
19 trustees, may issue to the lead managing entity an interim
20 assignment letter to be effective until the execution of a
21 formal lease.

22 (10) State, regional, or local governmental agencies
23 or private ~~nonstate~~ entities designated to manage lands under
24 this section shall develop and adopt, with the approval of the
25 board of trustees, an individual management plan for each
26 project designed to conserve and protect such lands and their
27 associated natural resources. Private-sector involvement in
28 management plan development may be used to expedite the
29 planning process. Individual management plans required by s.
30 253.034(4) shall be developed with input from an advisory
31 group. Members of this advisory group shall include, at a

1 minimum, representatives of the lead land managing agency,
2 co-managing entities, local private property owners, the
3 appropriate soil and water conservation district, a local
4 conservation organization, and a local elected official. The
5 advisory group shall conduct at least one public hearing
6 within the county in which the parcel or project is located.
7 Notice of such public hearing shall be posted on the parcel or
8 project designated for management, advertised in a paper of
9 general circulation, and announced at a scheduled meeting of
10 the local governing body before the actual public hearing.
11 The management prospectus required pursuant to paragraph
12 (9)(b) shall be available to the public for a period of 30
13 days prior to the public hearing. Once a plan is adopted, the
14 managing agency or entity shall update the plan at least every
15 5 years in a form and manner prescribed by rule of the board
16 of trustees. Such plans may include transfers of leasehold
17 interests to appropriate conservation organizations designated
18 by the Land Management Advisory Council for uses consistent
19 with the purposes of the organizations and the protection,
20 preservation, and proper management of the lands and their
21 resources. Volunteer management assistance is encouraged,
22 including, but not limited to, assistance by youths
23 participating in programs sponsored by state or local
24 agencies, by volunteers sponsored by environmental or civic
25 organizations, and by individuals participating in programs
26 for committed delinquents and adults. For each project for
27 which lands are acquired after July 1, 1995, an individual
28 management plan shall be adopted and in place no later than 1
29 year after the essential parcel or parcels identified in the
30 annual Conservation and Recreation Lands report prepared
31 pursuant to s. 259.035(2)(a) have been acquired. Beginning in

1 fiscal year 1998-1999, any state land managing agency with
2 more than one-third of its management plans overdue shall not
3 receive a release of an appropriation from the Conservation
4 and Recreation Lands Trust Fund for land management
5 activities. The agency, however, may use appropriated
6 management funds for the preparation of its overdue
7 land-management plans. That portion of the appropriation not
8 needed for management plan preparation shall be placed in
9 unbudgeted reserve in the trust fund. If at any time during
10 the fiscal year the agency comes into compliance with the
11 management plan requirement, the agency may request a release
12 of the appropriation, pursuant to the process provided in s.
13 216.177.

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

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

20 2. Key management activities necessary to preserve and
21 protect natural resources and restore habitat, and for
22 controlling the spread of nonnative plants and animals, and
23 for prescribed fire and other appropriate resource management
24 activities.

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

28 4. A priority schedule for conducting management
29 activities, based on the purposes for which the lands were
30 acquired.

31

1 5. A cost estimate for conducting priority management
2 activities, to include recommendations for cost-effective
3 methods of accomplishing those activities.

4 6. A cost estimate for conducting other management
5 activities which would enhance the natural resource value or
6 public recreation value for which the lands were acquired. The
7 cost estimate shall include recommendations for cost-effective
8 methods of accomplishing those activities.

9 7. A determination of the public uses that would be
10 consistent with the purposes for which the lands were
11 acquired.

12 (b) The Division of State Lands shall submit a copy of
13 each individual management plan for parcels which exceed 160
14 acres in size to each member of the Land Management Advisory
15 Council. The council shall, within 60 days after receiving a
16 plan from the division, review each plan for compliance with
17 the requirements of this subsection and with the requirements
18 of the rules established by the board pursuant to this
19 subsection. The council shall also consider the propriety of
20 the recommendations of the managing agency with regard to the
21 future use or protection of the property. After its review,
22 the council shall submit the plan, along with its
23 recommendations and comments, to the board of trustees. The
24 council shall specifically recommend to the board of trustees
25 whether to approve the plan as submitted, approve the plan
26 with modifications, or reject the plan.

27 (c) The board of trustees shall consider the
28 individual management plan submitted by each state agency and
29 the recommendations of the Land Management Advisory Council
30 and the Division of State Lands and shall approve the plan
31 with or without modification or reject such plan. The use or

1 possession of any lands owned by the board of trustees which
2 is not in accordance with an approved individual management
3 plan is subject to termination by the board of trustees.

4
5 By July 1 of each year, each governmental agency, including
6 the water management districts, and each private nonstate
7 entity designated to manage lands shall report to the
8 Secretary of Environmental Protection on the progress of
9 funding, staffing, and resource management of every project
10 for which the agency or entity is responsible.

11 (11)(a) The Legislature recognizes that acquiring
12 lands pursuant to this chapter serves the public interest by
13 protecting land, air, and water resources which contribute to
14 the public health and welfare, providing areas for natural
15 resource based recreation, and ensuring the survival of unique
16 and irreplaceable plant and animal species. The Legislature
17 intends for these lands to be managed and maintained for the
18 purposes for which they were acquired and for the public to
19 have access to these lands where it is consistent with
20 acquisition purposes and would not harm the resources the
21 state is seeking to protect on the public's behalf.

22 (b) An amount up equal to 1.5 ~~±~~ percent of the
23 cumulative total of funds ever deposited into the Florida
24 Preservation 2000 Trust Fund shall be made available for the
25 purposes of management, maintenance, and capital improvements,
26 and for associated contractual services, for lands acquired
27 pursuant to this section and s. 259.101 to which title is
28 vested in the board of trustees. Each agency with management
29 responsibilities shall annually request from the Legislature
30 funds sufficient to fulfill such responsibilities. Capital
31 improvements shall include, but need not be limited to,

1 perimeter fencing, signs, firelanes, access roads and trails,
2 and minimal public accommodations, such as primitive
3 campsites, garbage receptacles, and toilets.

4 (c) In requesting funds provided for in paragraph (b)
5 for long-term management of all acquisitions pursuant to this
6 chapter and for associated contractual services, the managing
7 agencies shall recognize the following categories of land
8 management needs:

9 1. Lands which are low-need tracts, requiring basic
10 resource management and protection, such as state reserves,
11 state preserves, state forests, and wildlife management areas.
12 These lands generally are open to the public but have no more
13 than minimum facilities development.

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

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

26
27 In evaluating the management funding needs of lands based on
28 the above categories, the lead land managing agencies shall
29 include in their considerations the impacts of, and needs
30 created or addressed by, multiple-use management strategies.
31

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

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

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

27 (f)~~(e)~~ The department shall set long-range and annual
28 goals for the control and removal of nonnative, upland,
29 invasive plant species on public lands. Such goals shall
30 differentiate between aquatic plant species and upland plant
31 species. In setting such goals, the department may rank, in

1 order of adverse impact, species which impede or destroy the
2 functioning of natural systems. Notwithstanding paragraph (a),
3 up to one-fourth of the funds provided for in paragraph (b)
4 shall be reserved for control and removal of nonnative,
5 upland, invasive species on public lands.

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

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

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

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

27
28 For the purposes of this paragraph, "local government"
29 includes municipalities, the county school board, mosquito
30 control districts, and any other local government entity which

31

1 levies ad valorem taxes, with the exception of a water
2 management district.

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

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

13 (e) The payment amount shall be based on the average
14 amount of actual taxes paid on the property for the 3 years
15 preceding acquisition. Applications for payment in lieu of
16 taxes shall be made no later than January 31 of the year
17 following acquisition. No payment in lieu of taxes shall be
18 made for properties which were exempt from ad valorem taxation
19 for the year immediately preceding acquisition. If property
20 which was subject to ad valorem taxation was acquired by a
21 tax-exempt entity for ultimate conveyance to the state under
22 this chapter, payment in lieu of taxes shall be made for such
23 property based upon the average amount of taxes paid on the
24 property for the 3 years prior to its being removed from the
25 tax rolls. The department shall certify to the Department of
26 Revenue those properties that may be eligible under this
27 provision. Payment in lieu of taxes shall be limited to a
28 total of 10 consecutive years of annual payments, beginning
29 the year a local government becomes eligible.

30 (f) Payment in lieu of taxes pursuant to this
31 paragraph shall be made annually to qualifying counties,

1 cities, and local governments after certification by the
2 Department of Revenue that the amounts applied for are
3 reasonably appropriate, based on the amount of actual taxes
4 paid on the eligible property, and after the Department of
5 Environmental Protection has provided supporting documents to
6 the Comptroller and has requested that payment be made in
7 accordance with the requirements of this section.

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

12 Section 6. Subsection (1) and (2) of section 259.035,
13 Florida Statutes, 1996 Supplement, is amended to read:

14 259.035 Advisory council; powers and duties.--

15 (1) There is created a Land Acquisition and Management
16 Advisory Council to be composed of the secretary and a
17 designee of the department, the director of the Division of
18 Forestry of the Department of Agriculture and Consumer
19 Services, the executive director of the Game and Fresh Water
20 Fish Commission, the director of the Division of Historical
21 Resources of the Department of State, and the secretary of the
22 Department of Community Affairs, or their respective
23 designees. The chairmanship of the council shall rotate
24 annually in the foregoing order. The council shall hold
25 periodic meetings at the request of the chair. The department
26 shall provide primary staff support to the council and shall
27 ensure that council meetings are electronically recorded. Such
28 recordings shall be preserved pursuant to chapters 119 and
29 257. The department may adopt any rule or form necessary to
30 implement this section.

31

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

1 information required by this section for each acquisition
2 project selected for purchase pursuant to this chapter. In
3 addition, the department shall prepare, by July 1 of each
4 year, an acquisition work plan for each project on the
5 acquisition list for which funds will be available for
6 acquisition during the fiscal year. The work plan need not
7 disclose any information that is required by this chapter or
8 chapter 253 to remain confidential.

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

17 (c) All proposals for acquisition projects pursuant to
18 this chapter shall be developed and adopted by the council.
19 The council shall consider and evaluate in writing the merits
20 and demerits of each project that is proposed for acquisition
21 and shall ensure that each proposed acquisition project will
22 meet a stated public purpose for the preservation of
23 environmentally endangered lands, for the development of
24 outdoor recreation lands, or as provided in s. 259.032(3) and
25 shall determine whether each acquisition project conforms with
26 the comprehensive plan developed pursuant to s. 259.04(1)(a),
27 the comprehensive outdoor recreation and conservation plan
28 developed pursuant to s. 375.021, and the state lands
29 management plan adopted pursuant to s. 253.03(7). Copies of a
30 written report describing each project proposed for
31 acquisition shall be submitted to the board of trustees. The

1 council shall consider and include in each project description
2 its assessment of a project's ecological value, vulnerability,
3 endangerment, ownership pattern, utilization, location, and
4 cost and other pertinent factors in determining whether to
5 recommend a project for state purchase.

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

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

16 259.036 Management review teams.--

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

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

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

31

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 8. A member of a conservation organization.

14
15 The staff of the Division of State Lands shall act as the
16 review team coordinator for the purposes of establishing
17 schedules for the reviews and other staff functions. The
18 Legislature shall appropriate funds necessary to implement
19 land management review team functions.

20 (2) The land management review team shall review
21 select parcels of managed land prior to the date the managing
22 agency is required to submit its 5-year land-management plan
23 update. A copy of the review shall be provided to the
24 managing agency, the Division of State Lands, and the Land
25 Acquisition and Management Advisory Council. The managing
26 agency shall consider the findings and recommendations of the
27 land management review team in finalizing the required 5-year
28 update of its management plan.

29 (3) In conducting a review, the land management review
30 team shall evaluate the extent to which the existing
31 management plan provides sufficient protection to threatened

1 or endangered species, unique or important natural or physical
2 features, geological or hydrological functions, or
3 archaeological features. The review shall also evaluate the
4 extent to which the land is being managed for the purposes for
5 which it was acquired and the degree to which actual
6 management practices, including public access, are in
7 compliance with the adopted management plan.

8 (4) In the event a land-management plan has not been
9 adopted within the timeframes specified in s. 259.032(10), the
10 department may direct a management review of the property, to
11 be conducted by the land management review team. The review
12 shall consider the extent to which the land is being managed
13 for the purposes for which it was acquired and the degree to
14 which actual management practices are in compliance with the
15 management policy statement and management prospectus for that
16 property.

17 (5) If the land management review team determines that
18 reviewed lands are not being managed for the purposes for
19 which they were acquired or in compliance with the adopted
20 land management plan, management policy statement, or
21 management prospectus, or if the managing agency fails to
22 address the review findings in the updated management plan,
23 the department shall provide the review findings to the board,
24 and the managing agency must report to the board its reasons
25 for managing the lands as it has.

26 (6) No later than the second board meeting in October
27 of each year, the department shall report the annual review
28 findings of its land management review team.

29 Section 8. Subsection (4) of section 259.101, Florida
30 Statutes, 1996 Supplement, is amended to read:

31 259.101 Florida Preservation 2000 Act.--

1 (4) PROJECT CRITERIA.--

2 (a) Proceeds of bonds issued pursuant to this act and
3 distributed pursuant to paragraphs (3)(a) and (b) shall be
4 spent only on projects which meet at least one of the
5 following criteria, as determined pursuant to paragraphs (b)
6 and (c):

7 1. A significant portion of the land in the project is
8 in imminent danger of development, in imminent danger of loss
9 of its significant natural attributes, or in imminent danger
10 of subdivision which will result in multiple ownership and may
11 make acquisition of the project more costly or less likely to
12 be accomplished;

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

18 3. A significant portion of the land in the project
19 serves to protect or recharge groundwater and to protect other
20 valuable natural resources or provide space for natural
21 resource based recreation;

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

24 5. A significant portion of the land in the project
25 serves as habitat for endangered, threatened, or rare species
26 or serves to protect natural communities which are listed by
27 the Florida Natural Areas Inventory as critically imperiled,
28 imperiled, or rare, or as excellent quality occurrences of
29 natural communities; or-

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

1 (b) Each year that bonds are to be issued pursuant to
2 this act, the Land Acquisition and Management Advisory Council
3 shall review that year's approved Conservation and Recreation
4 Lands priority list and shall, by the first board meeting in
5 February, present to the Board of Trustees of the Internal
6 Improvement Trust Fund for approval a listing of projects on
7 the list which meet one or more of the criteria listed in
8 paragraph (a). The board may remove projects from the list
9 developed pursuant to this paragraph, but may not add
10 projects.

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

17 (d) In the acquisition of coastal lands pursuant to
18 paragraph (3)(a), the following additional criteria shall also
19 be considered:

20 1. The value of acquiring coastal high-hazard parcels,
21 consistent with hazard mitigation and postdisaster
22 redevelopment policies, in order to minimize the risk to life
23 and property and to reduce the need for future disaster
24 assistance.

25 2. The value of acquiring beachfront parcels,
26 irrespective of size, to provide public access and
27 recreational opportunities in highly developed urban areas.

28 3. The value of acquiring identified parcels the
29 development of which would adversely affect coastal resources.
30
31

1 When a nonprofit environmental organization which is tax
2 exempt pursuant to s. 501(c)(3) of the United States Internal
3 Revenue Code sells land to the state, such land at the time of
4 such sale shall be deemed to meet one or more of the criteria
5 listed in paragraph (a) if such land meets one or more of the
6 criteria at the time the organization purchases it. Listings
7 of projects compiled pursuant to paragraphs (b) and (c) may be
8 revised to include projects on the Conservation and Recreation
9 Lands priority list or in a water management district's 5-year
10 plan which come under the criteria in paragraph (a) after the
11 dates specified in paragraph (b) or paragraph (c). The
12 requirement of paragraph (3)(a) regarding coastal lands is met
13 as long as an average of one-fifth of the cumulative proceeds
14 allocated through fiscal year 1999-2000 pursuant to that
15 paragraph is used to purchase coastal lands.

16 (e) The Legislature finds that the Florida
17 Preservation 2000 Program has provided financial resources
18 that have enabled the acquisition of significant amounts of
19 land for public ownership in the first 7 years of the
20 program's existence. In the remaining years of the Florida
21 Preservation 2000 Program, agencies that receive funds are
22 encouraged to better coordinate their expenditures so that
23 future acquisitions, when combined with previous acquisitions,
24 will form more complete patterns of protection for natural
25 areas and functioning ecosystems, to better accomplish the
26 intent of paragraph (2)(c).

27 (f) The Legislature intends that, in the remaining
28 years of the Florida Preservation 2000 Program, emphasis be
29 given to the acquisition of lands containing ecological
30 resources which are either not represented or underrepresented
31 on lands currently in public ownership. The Legislature also

1 intends that future acquisitions under the Florida
2 Preservation 2000 Program be limited to projects on the
3 current project lists, or any additions to the list as
4 determined and prioritized by the study, or those projects
5 that can reasonably be expected to be acquired by the end of
6 the Florida Preservation 2000 Program.

7 (g) In determining the remaining needs and priorities
8 for the Florida Preservation 2000 Program and to ensure that
9 future acquisitions preserve those resources in the greatest
10 need of protection, the Land Acquisition and Management
11 Advisory Council and each water management district governing
12 board shall commission a study to determine:

13 1. What ecological resources are inadequately
14 represented in the state's and each district's public land
15 inventory and which approved projects can best fill the needs
16 identified.

17 2. Significant natural areas and watersheds which can
18 be conserved by the use of conservation easements or other
19 less-than-fee techniques.

20 3. For projects in which an acquisition has been
21 completed, the minimal lands needed to be acquired for
22 resource protection and effective management.

23 4. Projects with significant historical or
24 archeological importance.

25 5. The best method of completing the Florida
26 Preservation 2000 Program to ensure that the program achieves
27 its mission, pursuant to subsection (2).

28
29 These studies shall be completed by October 1, 1997. No
30 acquisition shall be initiated for any project on a current
31

1 acquisition list which has not had an initial acquisition
2 until the study is complete.

3 Section 9. Subsection (1) of section 260.015, Florida
4 Statutes, 1996 Supplement, is amended to read:

5 260.015 Acquisition of land.--

6 (1) The department is authorized to acquire by gift or
7 purchase the fee simple absolute title or any lesser interest
8 in land, including easements, for the purposes of ss.
9 260.011-260.018 pursuant to the provisions of chapter 375,
10 except that:

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

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

17 (c) Projects acquired under this chapter shall not be
18 subject to the evaluation and selection procedures of s.
19 259.035, regardless of the estimated value of such projects.
20 All projects shall be acquired in accordance with the
21 acquisition procedures of chapter 259 ~~253~~, except that the
22 department may use the appraisal procedure used by the
23 Department of Transportation to acquire transportation
24 rights-of-way. When a parcel is estimated to be valued at
25 \$100,000 or less and the department finds that the costs of
26 obtaining an outside appraisal are not justified, an appraisal
27 prepared by the department may be used.

28 Section 10. Section 369.255, Florida Statutes, is
29 created to read:

30 369.255 Green utility ordinances for funding
31 greenspace management and exotic plant control.--

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

15 (2) In addition to any other funding mechanisms
16 legally available to counties to control invasive,
17 nonindigenous aquatic or upland plants, and manage urban
18 forest resources, a county may create one or more green
19 utilities or adopt fees sufficient to plan, restore, and
20 manage urban forest resources, greenways, forest preserves,
21 wetlands, and other aquatic zones, and create a stewardship
22 grant program for private natural areas. Counties may create,
23 alone or in cooperation with other counties pursuant to the
24 Florida Interlocal Cooperation Act, s. 163.01, one or more
25 greenspace management districts to fund the planning,
26 management, operation, and administration of a greenspace
27 management program. The fees shall be calculated to generate
28 sufficient funds to plan, manage, operate, and administer a
29 greenspace management program. Private natural areas assessed
30 according to s. 193.501 would qualify for stewardship grants.

31

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

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

6 Section 11. Subsection (5) of section 373.139, Florida
7 Statutes, 1996 Supplement, is amended to read:

8 373.139 Acquisition of real property.--

9 (5) Lands acquired for the purposes enumerated in
10 subsection (2) shall receive multiple-use management and be
11 open to the general public unless such management and public
12 access is shown to be detrimental to the water resource or
13 water management function for which the lands were purchased.

14 The governing board of the district shall consult with the
15 Division of Recreation and Parks of the Department of
16 Environmental Protection, the Division of Forestry of the
17 Department of Agriculture and Consumer Services, the Game and
18 Fresh Water Fish Commission, the Division of Historical
19 Resources of the Department of State, and the local soil and
20 water conservation districts in their areas of expertise and
21 management experience when developing multiple-use strategy on
22 these lands. Alternatively, the governing board of the
23 district may enter into a memorandum of agreement with one or
24 more of those agencies to achieve the multiple-use management
25 of said lands ~~may also be used for recreational purposes, and~~
26 ~~whenever practicable such lands shall be open to the general~~
27 ~~public for recreational uses.~~

28 Section 12. Subsection (11) of section 373.59, Florida
29 Statutes, 1996 Supplement, is amended and a new subsection
30 (16) is added to read:

31 373.59 Water Management Lands Trust Fund.--

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

25 (16) Each district is encouraged to use volunteers to
26 provide land management and other services. Volunteers shall
27 be covered by liability protection and worker's compensation
28 in the same manner as district employees, unless waived in
29 writing by such volunteers or unless such volunteers otherwise
30 provide equivalent insurance.

31

1 Section 13. Section 373.591, Florida Statutes, is
2 created to read:

3 373.591 Management review teams.--

4 (1) To determine whether conservation, preservation,
5 and recreation lands titled in the named of the water
6 management districts are being managed for the purposes for
7 which they were acquired and in accordance with land
8 management objectives, the water management districts shall
9 establish land management review teams to conduct periodic
10 management reviews. The land management review teams shall be
11 composed of the following members:

12 1. One individual from the county or local community
13 in which the parcel is located.

14 2. One employee of the water management district.

15 3. A private land manager mutually agreeable to the
16 governmental agency representatives.

17 4. A member of the local soil and water conservation
18 district board of supervisors.

19 5. One individual from the Game and Fresh Water Fish
20 Commission.

21 6. One individual from the Department of Environmental
22 Protection.

23 7. One individual representing a conservation
24 organization.

25 (2) The management review team shall use the criteria
26 provided in s. 259.036 in conducting its reviews.

27 (3) In determining which lands shall be reviewed in
28 any given year, the water management district may prioritize
29 the properties to be reviewed.

30 (4) If the land management review team finds that the
31 lands reviewed are not being managed in accordance with their

1 land management plan, the land managing agency shall provide a
2 written explanation to the management review team.

3 (5) Each water management district shall, by October 1
4 of each year, provide its governing board with a report
5 indicating which properties have been reviewed and the review
6 team's findings.

7 Section 14. Section 253.022, Florida Statutes, is
8 hereby repealed.

9 Section 15. This act shall take effect upon becoming a
10 law.

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