

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.; modifying 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; amending s. 704.06, F.S.;
7 clarifying linear facilities ability to cross
8 conservation easements; repealing s. 253.022,
9 F.S., relating to the Land Management Advisory
10 Council; amending s. 373.250, F.S.; revising a
11 date with respect to certain reports by water
12 management districts; providing an effective
13 date.

14

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

16

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

19 253.03 Board of trustees to administer state lands;
20 lands enumerated.--

21 (7)

22 (c) Structures which are listed in or are eligible for
23 the National Register of Historic Places or the State
24 Inventory of Historic Places and which have a submerged land
25 lease, or have been grandfathered-in to use sovereignty
26 submerged lands until January 1, 1998, pursuant to chapter
27 18-21.00405, Florida Administrative Code, shall be allowed to
28 apply for an extension of such lease, regardless of the fact
29 that the present landholder is not an adjacent riparian
30 landowner.

31

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

3 253.034 State-owned lands; uses.--

4 (1) All lands acquired pursuant to chapter 259 shall
5 be managed to serve the public interest by protecting and
6 conserving land, air, water, and the state's natural
7 resources, which contribute to the public health, welfare, and
8 economy of the state. These lands shall be managed to provide
9 for areas of natural-resource-based recreation, and to ensure
10 the survival of plant and animal species and the conservation
11 of finite and renewable natural resources. The state's lands
12 and natural resources shall be managed using a stewardship
13 ethic that assures these resources will be available for the
14 benefit and enjoyment of all people of the state, both present
15 and future. It is the intent of the Legislature that, where
16 feasible and consistent with the goals of protection and
17 conservation of natural resources associated with lands held
18 in the public trust by the Board of Trustees of the Internal
19 Improvement Trust Fund, public land not designated for
20 single-use purposes pursuant to paragraph (2)(b) be managed
21 for multiple-use purposes. All multiple-use land management
22 strategies shall address public access and enjoyment, resource
23 conservation and protection, ecosystem maintenance and
24 protection, and protection of threatened and endangered
25 species, and the degree to which public-private partnerships
26 or endowments may allow the agency with management
27 responsibility to enhance its ability to manage these lands.

28 (2)(1) As used in this section, the following phrases
29 have the following meanings:

30 (a) "Multiple use" means the harmonious and
31 coordinated management of timber, recreation, conservation of

1 fish and wildlife, forage, archaeological and historic sites,
2 habitat and other biological resources, or water resources so
3 that they are utilized in the combination that will best serve
4 the people of the state, making the most judicious use of the
5 land for some or all of these resources and giving
6 consideration to the relative values of the various resources.
7 Where necessary and appropriate for all state-owned lands that
8 are larger than 1,000 acres in project size and are managed
9 for multiple uses, buffers may be formed around any areas
10 which require special protection or have special management
11 needs. Such buffers shall not exceed more than one-half of
12 the total acreage. Multiple uses within a buffer area may be
13 restricted to provide the necessary buffering effect desired.
14 Multiple use in this context includes both uses of land or
15 resources by more than one state agency, or by one or more
16 state agencies and private sector land managers. In any case,
17 lands identified as multiple-use lands in the land-management
18 plan shall be managed to enhance and conserve the lands and
19 resources for the enjoyment of the people of the state.

20 (b) "Single use" means management for one particular
21 purpose to the exclusion of all other purposes, except that
22 the using agency shall have the option of including in its
23 management program compatible secondary purposes which will
24 not detract from or interfere with the primary management
25 purpose. Such single uses may include, but are not necessarily
26 restricted to, the use of agricultural lands for production of
27 food and livestock, the use of improved sites and grounds for
28 institutional purposes, and the use of lands for parks,
29 preserves, wildlife management, archaeological or historic
30 sites, or wilderness areas where the maintenance of
31 essentially natural conditions is important. All submerged

1 lands shall be considered single-use lands and shall be
2 managed primarily for the maintenance of essentially natural
3 conditions, the propagation of fish and wildlife, and public
4 recreation, including hunting and fishing where deemed
5 appropriate by the managing agency.

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

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

28 (4) Each state agency managing lands owned by the
29 Board of Trustees of the Internal Improvement Trust Fund shall
30 submit to the Division of State Lands a land-management plan
31 at least every 5 years in a form and manner prescribed by rule

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

24 (a) The Division of State Lands shall make available
25 to the public ~~submit~~ a copy of each land-management plan for
26 parcels which exceed 160 acres in size ~~to each member of the~~
27 ~~Land Management Advisory Council~~. The council shall, ~~within~~
28 ~~60 days after receiving a plan from the division,~~ review each
29 plan for compliance with the requirements of this subsection
30 and with the requirements of the rules established by the
31 board pursuant to this subsection. The council shall also

1 consider the propriety of the recommendations of the managing
2 agency with regard to the future use of the property, the
3 protection of fragile or nonrenewable resources, the potential
4 for alternative or multiple uses not recognized by the
5 managing agency, and the possibility of disposal of the
6 property by the board. After its review, the council shall
7 submit the plan, along with its recommendations and comments,
8 to the board. The council shall specifically recommend to the
9 board whether to approve the plan as submitted, approve the
10 plan with modifications, or reject the plan.

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

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

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

30 (b) Lands owned by the board which are not actively
31 managed by any state agency or for which a land-management

1 plan has not been completed pursuant to subsection (4) shall
2 be reviewed by the ~~Land Management Advisory~~ council for its
3 recommendation as to whether such lands should be disposed of
4 by the board.

5 (c) In reviewing lands owned by the board pursuant to
6 paragraphs (a) and (b), the ~~Land Management Advisory~~ council
7 shall consider whether such lands would be more appropriately
8 owned or managed by the county or other unit of local
9 government in which the land is located. The council shall
10 recommend to the board whether a sale, lease, or other
11 conveyance to a local government would be in the best
12 interests of the state and local government. The provisions of
13 this paragraph in no way limit the provisions of ss. 253.111
14 and 253.115.

15 (d) After reviewing the recommendations of the ~~Land~~
16 ~~Management Advisory~~ council, the board shall determine whether
17 lands identified in paragraphs (a) and (b) are to be held for
18 other public purposes or whether such lands are of no benefit
19 to the public. The board may require an agency to release its
20 interest in such lands. Lands determined to be of no benefit
21 to the public shall be disposed of pursuant to law. Each
22 fiscal year, up to \$500,000 of the proceeds from the disposal
23 of such lands shall be placed in the Internal Improvement
24 Trust Fund to be used to pay the costs of any administration,
25 appraisal, management, conservation, protection, sales, or
26 real estate sales services; any such proceeds in excess of
27 \$500,000 shall be placed in the Conservation and Recreation
28 Lands Trust Fund.

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

1 (6) This section shall not be construed so as to
2 affect:

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

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

8 (c) Sovereignty lands not leased for private uses and
9 purposes.

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

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

28 253.68 Authority to lease submerged land and water
29 column.--

30 (1) To the extent that it is not contrary to the
31 public interest, and subject to limitations contained in ss.

1 253.67-253.75, the board of trustees may lease submerged lands
2 to which it has title for the conduct of aquaculture
3 activities and grant exclusive use of the bottom and the water
4 column to the extent required by such activities. Such leases
5 may authorize use of the submerged land and water column for
6 either commercial or experimental purposes. However ~~no lease~~
7 ~~shall be granted by the board when there is filed with it a~~
8 resolution of objection adopted by a majority of the county
9 commission of a county within whose boundaries the proposed
10 leased area would lie, if the boundaries same were extended to
11 the extent of the interest of the state, may ~~the proposed~~
12 ~~lease area would lie~~. Said resolution shall be filed with the
13 board of trustees within 30 days of the date of the first
14 publication of notice as required by s. 253.70. Prior to the
15 granting of any such leases, the board shall establish and
16 publish a list of guidelines to be followed when considering
17 applications for lease. Such guidelines shall be designed to
18 protect the public's interest in submerged lands and the
19 publicly owned water column.

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

22 253.7825 Recreational uses.--

23 (1) The Cross Florida Greenways State Recreation and
24 Conservation Area must be managed as a multiple-use area
25 pursuant to s. 253.034(2)~~(1)~~(a), and as further provided
26 herein. The University of Florida Management Plan provides a
27 conceptual recreational plan that may ultimately be developed
28 at various locations throughout the greenways corridor. The
29 plan proposes to locate a number of the larger, more
30 comprehensive and complex recreational facilities in
31 sensitive, natural resource areas. Future site-specific

1 studies and investigations must be conducted by the department
2 to determine compatibility with, and potential for adverse
3 impact to, existing natural resources, need for the facility,
4 the availability of other alternative locations with reduced
5 adverse impacts to existing natural resources, and the proper
6 specific sites and locations for the more comprehensive and
7 complex facilities. Furthermore, it is appropriate, with the
8 approval of the department, to allow more fishing docks, boat
9 launches, and other user-oriented facilities to be developed
10 and maintained by local governments.

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

14 259.032 Conservation and Recreation Lands Trust Fund;
15 purpose.--

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

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

28 1. Managed in a manner that will provide the greatest
29 combination of benefits to the public and to the resources.
30
31

1 2. Managed for public outdoor recreation which is
2 compatible with the conservation and protection of public
3 lands.

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

6
7 Management may include the following public uses: fishing,
8 hunting, camping, bicycling, hiking, nature study, swimming,
9 boating, canoeing, horseback riding, diving, birding, sailing,
10 jogging, and other related outdoor activities.

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

29 2. Concurrent with the approval of the acquisition
30 contract pursuant to s. 259.041(3)(c) for any interest in
31 lands, the board of trustees shall designate an agency or

1 agencies to manage such lands and shall evaluate and amend, as
2 appropriate, the management policy statement for the project
3 as provided by s. 259.035, consistent with the purposes for
4 which the lands are acquired. For any fee-simple acquisition
5 of a parcel which is or will be leased back for agricultural
6 purposes, or any acquisition of a less-than-fee interest in
7 land that is or will be used for agricultural purposes, the
8 Board of Trustees of the Internal Improvement Trust Fund shall
9 first consider having a soil and water conservation district,
10 created pursuant to chapter 582, manage and monitor such
11 interests.

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

25 ~~4.3.~~ Immediately following the acquisition of any
26 interest in lands under this chapter ~~section~~, the Department
27 of Environmental Protection, acting on behalf of the board of
28 trustees, may issue to the lead managing entity an interim
29 assignment letter to be effective until the execution of a
30 formal lease.

31

1 (10) State, regional, or local governmental agencies
2 or ~~private nonstate~~ entities designated to manage lands under
3 this section shall develop and adopt, with the approval of the
4 board of trustees, an individual management plan for each
5 project designed to conserve and protect such lands and their
6 associated natural resources. Private-sector involvement in
7 management plan development may be used to expedite the
8 planning process. Individual management plans required by s.
9 253.034(4) shall be developed with input from an advisory
10 group. Members of this advisory group shall include, at a
11 minimum, representatives of the lead land managing agency,
12 co-managing entities, local private property owners, the
13 appropriate soil and water conservation district, a local
14 conservation organization, and a local elected official. The
15 advisory group shall conduct at least one public hearing
16 within the county in which the parcel or project is located.
17 Notice of such public hearing shall be posted on the parcel or
18 project designated for management, advertised in a paper of
19 general circulation, and announced at a scheduled meeting of
20 the local governing body before the actual public hearing.
21 The management prospectus required pursuant to paragraph
22 (9)(b) shall be available to the public for a period of 30
23 days prior to the public hearing. Once a plan is adopted, the
24 managing agency or entity shall update the plan at least every
25 5 years in a form and manner prescribed by rule of the board
26 of trustees. Such plans may include transfers of leasehold
27 interests to appropriate conservation organizations designated
28 by the Land Management Advisory Council for uses consistent
29 with the purposes of the organizations and the protection,
30 preservation, and proper management of the lands and their
31 resources. Volunteer management assistance is encouraged,

1 including, but not limited to, assistance by youths
2 participating in programs sponsored by state or local
3 agencies, by volunteers sponsored by environmental or civic
4 organizations, and by individuals participating in programs
5 for committed delinquents and adults. For each project for
6 which lands are acquired after July 1, 1995, an individual
7 management plan shall be adopted and in place no later than 1
8 year after the essential parcel or parcels identified in the
9 annual Conservation and Recreation Lands report prepared
10 pursuant to s. 259.035(2)(a) have been acquired. Beginning in
11 fiscal year 1998-1999, any state land managing agency with
12 more than one-third of its management plans overdue shall not
13 receive a release of an appropriation from the Conservation
14 and Recreation Lands Trust Fund for land management
15 activities. The agency, however, may use appropriated
16 management funds for the preparation of its overdue
17 land-management plans. That portion of the appropriation not
18 needed for management plan preparation shall be placed in
19 unbudgeted reserve in the trust fund. If at any time during
20 the fiscal year the agency comes into compliance with the
21 management plan requirement, the agency may request a release
22 of the appropriation, pursuant to the process provided in s.
23 216.177.

24 (a) Individual management plans shall conform to the
25 appropriate policies and guidelines of the state land
26 management plan and shall include, but not be limited to:
27 1. A statement of the purpose for which the lands were
28 acquired, the projected use or uses as defined in s. 253.034,
29 and the statutory authority for such use or uses.
30 2. Key management activities necessary to preserve and
31 protect natural resources and restore habitat, and for

1 controlling the spread of nonnative plants and animals, and
2 for prescribed fire and other appropriate resource management
3 activities.

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

7 4. A priority schedule for conducting management
8 activities, based on the purposes for which the lands were
9 acquired.

10 5. A cost estimate for conducting priority management
11 activities, to include recommendations for cost-effective
12 methods of accomplishing those activities.

13 6. A cost estimate for conducting other management
14 activities which would enhance the natural resource value or
15 public recreation value for which the lands were acquired. The
16 cost estimate shall include recommendations for cost-effective
17 methods of accomplishing those activities.

18 7. A determination of the public uses that would be
19 consistent with the purposes for which the lands were
20 acquired.

21 (b) The Division of State Lands shall submit a copy of
22 each individual management plan for parcels which exceed 160
23 acres in size to each member of the Land Management Advisory
24 Council. The council shall, within 60 days after receiving a
25 plan from the division, review each plan for compliance with
26 the requirements of this subsection and with the requirements
27 of the rules established by the board pursuant to this
28 subsection. The council shall also consider the propriety of
29 the recommendations of the managing agency with regard to the
30 future use or protection of the property. After its review,
31 the council shall submit the plan, along with its

1 recommendations and comments, to the board of trustees. The
2 council shall specifically recommend to the board of trustees
3 whether to approve the plan as submitted, approve the plan
4 with modifications, or reject the plan.

5 (c) The board of trustees shall consider the
6 individual management plan submitted by each state agency and
7 the recommendations of the Land Management Advisory Council
8 and the Division of State Lands and shall approve the plan
9 with or without modification or reject such plan. The use or
10 possession of any lands owned by the board of trustees which
11 is not in accordance with an approved individual management
12 plan is subject to termination by the board of trustees.

13
14 By July 1 of each year, each governmental agency, including
15 the water management districts, and each private nonstate
16 entity designated to manage lands shall report to the
17 Secretary of Environmental Protection on the progress of
18 funding, staffing, and resource management of every project
19 for which the agency or entity is responsible.

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

31

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

14 (c) In requesting funds provided for in paragraph (b)
15 for long-term management of all acquisitions pursuant to this
16 chapter and for associated contractual services, the managing
17 agencies shall recognize the following categories of land
18 management needs:

19 1. Lands which are low-need tracts, requiring basic
20 resource management and protection, such as state reserves,
21 state preserves, state forests, and wildlife management areas.
22 These lands generally are open to the public but have no more
23 than minimum facilities development.

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

30 3. Lands which are high-need tracts, with identified
31 needs requiring unique site-specific resource management and

1 protection. These lands generally are sites with historic
2 significance, unique natural features, or very high intensity
3 public use, or sites that require extra funds to stabilize or
4 protect resources.

5
6 In evaluating the management funding needs of lands based on
7 the above categories, the lead land managing agencies shall
8 include in their considerations the impacts of, and needs
9 created or addressed by, multiple-use management strategies.

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

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

30 ~~2. For the 1995-1996 fiscal year only, funds in the~~
31 ~~Conservation and Recreation Lands Trust Fund that are not~~

1 ~~specifically appropriated for the interim management of public~~
2 ~~lands pursuant to subparagraph 1. may be appropriated for the~~
3 ~~control and eradication of nuisance aquatic plants in public~~
4 ~~water bodies. This subparagraph is repealed on July 1, 1996.~~

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

15 (12)(a) Beginning in fiscal year 1994-1995, not more
16 than 3.75 percent of the Conservation and Recreation Lands
17 Trust Fund shall be made available annually to the department
18 for payment in lieu of taxes to qualifying counties, cities,
19 and local governments as defined in paragraph (b) for all
20 actual tax losses incurred as a result of board of trustees
21 acquisitions for state agencies under the Florida Preservation
22 2000 Program during any year. Reserved funds not used for
23 payments in lieu of taxes in any year shall revert to the fund
24 to be used for land acquisition in accordance with the
25 provisions of this section.

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

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

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

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

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

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

21 (e) The payment amount shall be based on the average
22 amount of actual taxes paid on the property for the 3 years
23 preceding acquisition. Applications for payment in lieu of
24 taxes shall be made no later than January 31 of the year
25 following acquisition. No payment in lieu of taxes shall be
26 made for properties which were exempt from ad valorem taxation
27 for the year immediately preceding acquisition. If property
28 which was subject to ad valorem taxation was acquired by a
29 tax-exempt entity for ultimate conveyance to the state under
30 this chapter, payment in lieu of taxes shall be made for such
31 property based upon the average amount of taxes paid on the

1 property for the 3 years prior to its being removed from the
2 tax rolls. The department shall certify to the Department of
3 Revenue those properties that may be eligible under this
4 provision. Payment in lieu of taxes shall be limited to a
5 total of 10 consecutive years of annual payments, beginning
6 the year a local government becomes eligible.

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

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

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

22 259.035 Advisory council; powers and duties.--

23 (1) There is created a Land Acquisition and Management
24 Advisory Council to be composed of the secretary and a
25 designee of the department, the director of the Division of
26 Forestry of the Department of Agriculture and Consumer
27 Services, the executive director of the Game and Fresh Water
28 Fish Commission, the director of the Division of Historical
29 Resources of the Department of State, and the secretary of the
30 Department of Community Affairs, or their respective
31 designees. The chairmanship of the council shall rotate

1 annually in the foregoing order. The council shall hold
2 periodic meetings at the request of the chair. The department
3 shall provide primary staff support to the council and shall
4 ensure that council meetings are electronically recorded. Such
5 recordings shall be preserved pursuant to chapters 119 and
6 257. The department may adopt any rule or form necessary to
7 implement this section.

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

1 brief description of the important natural and cultural
2 resources to be protected, preacquisition planning and
3 budgeting, coordination with other public and nonprofit
4 public-lands acquisition programs, a preliminary statement of
5 the extent and nature of public use, an interim management
6 budget, and designation of a management agency or agencies.
7 The Department of Environmental Protection shall prepare the
8 information required by this section for each acquisition
9 project selected for purchase pursuant to this chapter. In
10 addition, the department shall prepare, by July 1 of each
11 year, an acquisition work plan for each project on the
12 acquisition list for which funds will be available for
13 acquisition during the fiscal year. The work plan need not
14 disclose any information that is required by this chapter or
15 chapter 253 to remain confidential.

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

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

1 shall determine whether each acquisition project conforms with
2 the comprehensive plan developed pursuant to s. 259.04(1)(a),
3 the comprehensive outdoor recreation and conservation plan
4 developed pursuant to s. 375.021, and the state lands
5 management plan adopted pursuant to s. 253.03(7). Copies of a
6 written report describing each project proposed for
7 acquisition shall be submitted to the board of trustees. The
8 council shall consider and include in each project description
9 its assessment of a project's ecological value, vulnerability,
10 endangerment, ownership pattern, utilization, location, and
11 cost and other pertinent factors in determining whether to
12 recommend a project for state purchase.

13 (d) Additionally, the council shall provide assistance
14 to the Board of Trustees of the Internal Improvement Trust
15 Fund in reviewing the recommendations and plans for
16 state-owned lands required by s. 253.034. The council shall,
17 in reviewing the recommendations and plans for state-owned
18 lands required by s. 253.034, consider the optimization of
19 multiple-use strategies to accomplish the provisions of s.
20 253.034.

21 Section 7. Section 259.036, Florida Statutes, is
22 created to read:

23 259.036 Management review teams.--

24 (1) To determine whether conservation, preservation,
25 and recreation lands titled in the name of the Board of
26 Trustees of the Internal Improvement Trust Fund are being
27 managed for the purposes for which they were acquired and in
28 accordance with a land-management plan adopted pursuant to s.
29 259.032, the board of trustees, acting through the Department
30 of Environmental Protection, shall cause periodic management
31 reviews to be conducted, as follows:

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

3 1. One individual who is from the county or local
4 community in which the parcel or project is located and who is
5 selected by the county commission in the county which is most
6 impacted by the acquisition.

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

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

11 4. One individual from the Game and Fresh Water Fish
12 Commission.

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

15 6. A private land manager mutually agreeable to the
16 state agency representatives.

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

19 8. A member of a conservation organization.

20
21 The staff of the Division of State Lands shall act as the
22 review team coordinator for the purposes of establishing
23 schedules for the reviews and other staff functions. The
24 Legislature shall appropriate funds necessary to implement
25 land management review team functions.

26 (2) The land management review team shall review
27 select parcels of managed land prior to the date the managing
28 agency is required to submit its 5-year land-management plan
29 update. A copy of the review shall be provided to the
30 managing agency, the Division of State Lands, and the Land
31 Acquisition and Management Advisory Council. The managing

1 agency shall consider the findings and recommendations of the
2 land management review team in finalizing the required 5-year
3 update of its management plan.

4 (3) In conducting a review, the land management review
5 team shall evaluate the extent to which the existing
6 management plan provides sufficient protection to threatened
7 or endangered species, unique or important natural or physical
8 features, geological or hydrological functions, or
9 archaeological features. The review shall also evaluate the
10 extent to which the land is being managed for the purposes for
11 which it was acquired and the degree to which actual
12 management practices, including public access, are in
13 compliance with the adopted management plan.

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

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

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

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

6 259.101 Florida Preservation 2000 Act.--

7 (4) PROJECT CRITERIA.--

8 (a) Proceeds of bonds issued pursuant to this act and
9 distributed pursuant to paragraphs (3)(a) and (b) shall be
10 spent only on projects which meet at least one of the
11 following criteria, as determined pursuant to paragraphs (b)
12 and (c):

13 1. A significant portion of the land in the project is
14 in imminent danger of development, in imminent danger of loss
15 of its significant natural attributes, or in imminent danger
16 of subdivision which will result in multiple ownership and may
17 make acquisition of the project more costly or less likely to
18 be accomplished;

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

24 3. A significant portion of the land in the project
25 serves to protect or recharge groundwater and to protect other
26 valuable natural resources or provide space for natural
27 resource based recreation;

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

30 5. A significant portion of the land in the project
31 serves as habitat for endangered, threatened, or rare species

1 or serves to protect natural communities which are listed by
2 the Florida Natural Areas Inventory as critically imperiled,
3 imperiled, or rare, or as excellent quality occurrences of
4 natural communities; ~~or~~.

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

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

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

23 (d) In the acquisition of coastal lands pursuant to
24 paragraph (3)(a), the following additional criteria shall also
25 be considered:

26 1. The value of acquiring coastal high-hazard parcels,
27 consistent with hazard mitigation and postdisaster
28 redevelopment policies, in order to minimize the risk to life
29 and property and to reduce the need for future disaster
30 assistance.

31

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

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

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

22 (e) The Legislature finds that the Florida
23 Preservation 2000 Program has provided financial resources
24 that have enabled the acquisition of significant amounts of
25 land for public ownership in the first 7 years of the
26 program's existence. In the remaining years of the Florida
27 Preservation 2000 Program, agencies that receive funds are
28 encouraged to better coordinate their expenditures so that
29 future acquisitions, when combined with previous acquisitions,
30 will form more complete patterns of protection for natural
31

1 areas and functioning ecosystems, to better accomplish the
2 intent of paragraph (2)(c).

3 (f) The Legislature intends that, in the remaining
4 years of the Florida Preservation 2000 Program, emphasis be
5 given to the acquisition of lands containing ecological
6 resources which are either not represented or underrepresented
7 on lands currently in public ownership. The Legislature also
8 intends that future acquisitions under the Florida
9 Preservation 2000 Program be limited to projects on the
10 current project lists, or any additions to the list as
11 determined and prioritized by the study, or those projects
12 that can reasonably be expected to be acquired by the end of
13 the Florida Preservation 2000 Program.

14 (g) In determining the remaining needs and priorities
15 for the Florida Preservation 2000 Program and to ensure that
16 future acquisitions preserve those resources in the greatest
17 need of protection, the Land Acquisition and Management
18 Advisory Council and each water management district governing
19 board shall commission a study to determine:

20 1. What ecological resources are inadequately
21 represented in the state's and each district's public land
22 inventory and which approved projects can best fill the needs
23 identified.

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

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

30 4. Projects with significant historical or
31 archeological importance.

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

4
5 These studies shall be completed by October 1, 1997. No
6 acquisition shall be initiated for any project on a current
7 acquisition list which has not had an initial acquisition
8 until the study is complete, unless a significant portion of
9 the land in the project is in imminent danger of development
10 and a significant portion of the land in the project serves as
11 habitat for endangered, threatened or rare plant species or
12 serves to protect natural plant communities which are listed
13 by the Florida Natural Areas Inventory as critically
14 imperiled, imperiled, or rare.

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

17 260.015 Acquisition of land.--

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

21 260.011-260.018 pursuant to the provisions of chapter 375,
22 except that:

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

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

29 (c) Projects acquired under this chapter shall not be
30 subject to the evaluation and selection procedures of s.
31 259.035, regardless of the estimated value of such projects.

1 All projects shall be acquired in accordance with the
2 acquisition procedures of chapter ~~259~~ 253, except that the
3 department may use the appraisal procedure used by the
4 Department of Transportation to acquire transportation
5 rights-of-way. When a parcel is estimated to be valued at
6 \$100,000 or less and the department finds that the costs of
7 obtaining an outside appraisal are not justified, an appraisal
8 prepared by the department may be used.

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

11 369.255 Green utility ordinances for funding
12 greenspace management and exotic plant control.--

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

27 (2) In addition to any other funding mechanisms
28 legally available to counties to control invasive,
29 nonindigenous aquatic or upland plants, and manage urban
30 forest resources, a county may create one or more green
31 utilities or adopt fees sufficient to plan, restore, and

1 manage urban forest resources, greenways, forest preserves,
2 wetlands, and other aquatic zones, and create a stewardship
3 grant program for private natural areas. Counties may create,
4 alone or in cooperation with other counties pursuant to the
5 Florida Interlocal Cooperation Act, s. 163.01, one or more
6 greenspace management districts to fund the planning,
7 management, operation, and administration of a greenspace
8 management program. The fees shall be calculated to generate
9 sufficient funds to plan, manage, operate, and administer a
10 greenspace management program. Private natural areas assessed
11 according to s. 193.501 would qualify for stewardship grants.

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

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

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

19 373.139 Acquisition of real property.--

20 (5) Lands acquired for the purposes enumerated in
21 subsection (2) shall receive multiple-use management and be
22 open to the general public unless such management and public
23 access is shown to be detrimental to the water resource or
24 water management function for which the lands were purchased.
25 The governing board of the district shall consult with the
26 Division of Recreation and Parks of the Department of
27 Environmental Protection, the Division of Forestry of the
28 Department of Agriculture and Consumer Services, the Game and
29 Fresh Water Fish Commission, the Division of Historical
30 Resources of the Department of State, and the local soil and
31 water conservation districts in their areas of expertise and

1 management experience when developing multiple-use strategy on
2 these lands. Alternatively, the governing board of the
3 district may enter into a memorandum of agreement with one or
4 more of those agencies to achieve the multiple-use management
5 of said lands ~~may also be used for recreational purposes, and~~
6 ~~whenever practicable such lands shall be open to the general~~
7 ~~public for recreational uses.~~

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

11 373.59 Water Management Lands Trust Fund.--

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

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

5 (16) Each district is encouraged to use volunteers to
6 provide land management and other services. Volunteers shall
7 be covered by liability protection and worker's compensation
8 in the same manner as district employees, unless waived in
9 writing by such volunteers or unless such volunteers otherwise
10 provide equivalent insurance.

11 Section 13. Section 373.591, Florida Statutes, is
12 created to read:

13 373.591 Management review teams.--

14 (1) To determine whether conservation, preservation,
15 and recreation lands titled in the named of the water
16 management districts are being managed for the purposes for
17 which they were acquired and in accordance with land
18 management objectives, the water management districts shall
19 establish land management review teams to conduct periodic
20 management reviews. The land management review teams shall be
21 composed of the following members:

22 1. One individual from the county or local community
23 in which the parcel is located.

24 2. One employee of the water management district.

25 3. A privateland manager mutually agreeable to the
26 governmental agency representatives.

27 4. A member of the local soil and water conservation
28 district board of supervisors.

29 5. One individual from the Game and Fresh Water Fish
30 Commission.

31

1 6. One individual from the Department of Environmental
2 Protection.

3 7. One individual representing a conservation
4 organization.

5 8. One individual from the Department of Agriculture
6 and Consumer Services' Division of Forestry.

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

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

12 (4) If the land management review team finds that the
13 lands reviewed are not being managed in accordance with their
14 land management plan, the land managing agency shall provide a
15 written explanation to the management review team.

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

20 Section 14. A new subsection (11) is added to section
21 704.06, Florida Statutes, to read:

22 704.06 Conservation easements; creation; acquisition;
23 enforcement.--

24 (11) Nothing in this section or other provisions of
25 law shall be construed to prohibit or limit the owner of land,
26 or the owner of a conservation easement over land, to
27 voluntarily negotiate the sale or utilization of such lands or
28 easement for the construction and operation of linear
29 facilities, including electric transmission and distribution
30 facilities, telecommunications transmission and distribution
31 facilities, pipeline transmission and distribution facilities,

1 public transportation corridors, and related appurtenances,
2 nor shall this section prohibit the use of eminent domain for
3 said purposes as established by law. In any legal proceeding
4 to condemn land for the purpose of construction and operation
5 of a linear facility as described above, the court shall
6 consider the public benefit provided by the conservation
7 easement and linear facilities in determining which lands may
8 be taken and the compensation paid.

9 Section 15. Section 253.022, Florida Statutes, is
10 hereby repealed.

11 Section 16. Subsection (6) of section 373.250, Florida
12 Statutes, 1996 Supplement, is amended to read:

13 373.250 Reuse of reclaimed water.--

14 (6) Each water management district shall submit to the
15 Legislature, by June 1 ~~January 30~~ of each year, an annual
16 report which describes the district's progress in promoting
17 the reuse of reclaimed water. The report shall include, but
18 not be limited to:

19 (a) The number of permits issued during the year which
20 required reuse of reclaimed water and, by categories, the
21 percentages of reuse required.

22 (b) The number of permits issued during the year which
23 did not require the reuse of reclaimed water and, of those
24 permits, the number which reasonably could have required
25 reuse.

26 (c) In the second and subsequent annual reports, a
27 statistical comparison of reuse required through consumptive
28 use permitting between the current and preceding years.

29 (d) A comparison of the volume of reclaimed water
30 available in the district to the volume of reclaimed water
31 required to be reused through consumptive use permits.

1 (e) A comparison of the volume of reuse of reclaimed
2 water required in water resource caution areas through
3 consumptive use permitting to the volume required in other
4 areas in the district through consumptive use permitting.

5 (f) An explanation of the factors the district
6 considered when determining how much, if any, reuse of
7 reclaimed water to require through consumptive use permitting.

8 (g) A description of the district's efforts to work in
9 cooperation with local government and private domestic
10 wastewater treatment facilities to increase the reuse of
11 reclaimed water. The districts, in consultation with the
12 department, shall devise a uniform format for the report
13 required by this subsection and for presenting the information
14 provided in the report.

15 Section 17. This act shall take effect upon becoming a
16 law.

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