

1
2 An act relating to natural resource management;
3 providing that lands acquired by the state and
4 its political subdivisions may contain cattle
5 dipping vats; amending s. 253.03, F.S.;
6 extending the submerged lands lease for certain
7 properties; amending s. 253.034, F.S.;
8 specifying objectives of the management of the
9 state's lands and natural resources; providing
10 requirements for multiple-use land management
11 strategies; providing for transportation uses
12 of certain recreational trails; providing
13 references to the Land Acquisition and
14 Management Council; revising land-management
15 plan adoption processes; correcting a
16 cross-reference; amending s. 253.68, F.S.;
17 modifying authority of local government to
18 object to state aquaculture leases; amending s.
19 253.7825, F.S.; correcting a cross-reference;
20 amending s. 259.032, F.S.; providing that a
21 soil and water conservation district shall be
22 considered first as the managing agency with
23 respect to fee-simple acquisitions or
24 acquisitions of less-than-fee interest in
25 certain lands through the Conservation and
26 Recreation Lands (CARL) Trust Fund; directing
27 managing agencies to enter into certain
28 contracts or agreements; requiring notice and
29 public hearing on individual management plans;
30 providing for withholding of Preservation 2000
31 acquisition funds from certain agencies;

1 providing management objectives for lands
2 acquired under ch. 259, F.S.; increasing the
3 percentage of funds deposited in the Florida
4 Preservation 2000 Trust Fund available for land
5 management and capital improvements; allowing
6 agencies to keep revenues generated from
7 activities on lands they manage; revising
8 provisions relating to payments in lieu of
9 taxes; amending s. 259.035; creating the Land
10 Acquisition and Management Advisory Council;
11 providing responsibility for review of plans
12 for state-owned lands; creating s. 259.036,
13 F.S.; providing for management review teams for
14 certain lands; amending s. 259.101, F.S.;
15 authorizing the Board of Trustees of the
16 Internal Improvement Trust Fund to permit any
17 incidental public or private use of lands
18 acquired with Preservation 2000 funds if the
19 use is compatible or will not interfere with
20 the purposes for which the lands were acquired;
21 providing for preexisting leases, easements,
22 and licenses not to be considered as
23 incompatible uses; adding historical or
24 archeological sites to Preservation 2000
25 project criteria; commencing process to close
26 out the Florida Preservation 2000 Program;
27 clarifying language pertaining to Preservation
28 2000 funds; amending s. 260.015, F.S.; changing
29 certain land acquisition procedures for the
30 Florida Greenways and Trails Program; creating
31 s. 369.255, F.S.; authorizing certain counties

1 and municipalities to create green utilities
2 and adopt fees for certain purposes; amending
3 s. 373.139, F.S.; providing that lands acquired
4 for specified purposes by water management
5 districts shall receive multiple-use
6 management, except under certain conditions;
7 directing the district governing boards to
8 consult with or enter into a memorandum of
9 agreement with specified state agencies with
10 respect to such management; amending s. 373.59,
11 F.S.; deleting a limitation on the use of funds
12 for land management and capital improvements;
13 deleting a limitation on the use of funds for
14 land management and capital improvements;
15 providing that a soil and water conservation
16 district shall be considered first as the
17 managing agency with respect to fee-simple
18 acquisitions or acquisitions of less-than-fee
19 interest in certain land through the Water
20 Management Lands Trust Fund; providing for use
21 of land management volunteers; requiring
22 appraisals in specified circumstances;
23 authorizing land management agreements;
24 creating s. 373.591, F.S.; creating management
25 review teams for water management district
26 lands; amending s. 704.06, F.S.; clarifying
27 linear facilities ability to cross conservation
28 easements; repealing s. 253.022, F.S., relating
29 to the Land Management Advisory Council;
30 amending s. 373.250, F.S.; revising a date with
31 respect to certain reports by water management

1 districts; amending s. 370.06, F.S.;

2 authorizing the department to issue special

3 activity licenses for aquacultural activities

4 involving sturgeon; amending s. 370.092, F.S.;

5 providing for the transport of mullet harvested

6 in Alabama waters; providing for penalties for

7 fishing during periods of license suspension or

8 revocation; creating s. 370.093, F.S.;

9 prohibiting the harvest of marine life with

10 nets inconsistent with s. 16, Art. X of the

11 State Constitution; providing for penalties;

12 providing a definition of the terms "net" and

13 "netting"; authorizing the Marine Fisheries

14 Commission to adopt certain rules; amending s.

15 370.14, F.S.; providing the Marine Patrol

16 discretion to be present at the closed-season

17 weighing of crawfish; creating s. 370.1405,

18 F.S.; providing for the sale of crawfish during

19 a closed season under specified reporting

20 requirements; providing penalties; establishing

21 an experimental program to assess the utility

22 and effects of using "tarp" nets to harvest

23 baitfish; creating s. 403.075, F.S.; providing

24 legislative findings; creating s. 403.0752,

25 F.S.; authorizing ecosystem management

26 agreements between the Department of

27 Environmental Protection and regulated

28 entities; providing conditions and

29 requirements; providing for amendment or

30 termination of such agreements; providing

31 incentives; authorizing ecosystem management

1 advisory teams; providing for binding and
2 nonbinding ecosystem management agreements;
3 requiring application procedures; requiring
4 certain notice; providing that the agreements
5 are subject to ss. 120.569 and 120.57, F.S.;
6 providing an effective date.

7

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

9

10 Section 1. Acquisition of lands by the state.--Lands
11 acquired or sought to be acquired by the state and its
12 political subdivisions may contain cattle-dipping vats as
13 defined in section 376.301, Florida Statutes. The Legislature
14 determines that it is in the public interest for the state and
15 its political subdivisions to acquire cattle-dipping vats from
16 willing sellers, where such vats are located on or within the
17 boundaries of parcels or tracts acquired or being acquired by
18 the state and its political subdivisions or on lands managed
19 by a public interest organization for environmental mitigation
20 purposes. Notwithstanding any other provision of law, the
21 state and special taxing districts as defined in section
22 189.403(6), Florida Statutes, shall not exclude such
23 cattle-dipping vats from any such individual acquisition or
24 sequence of acquisitions using state funds in whole or in part
25 or otherwise acquired pursuant to any permitting program under
26 state law; and outparcels excluded from previous acquisitions
27 which contain such cattle-dipping vats shall be acquired under
28 existing state acquisition programs. The state and its
29 political subdivisions shall not become liable under state law
30 solely as an incident of such acquisition for any costs,
31 damages, or penalties associated with the discharge,

1 evaluation, contamination, assessment, or remediation for any
2 substances or derivatives thereof that were used in the vat
3 for the eradication of the cattle fever tick.

4 Section 2. Paragraph (c) is added to subsection (7) of
5 section 253.03, Florida Statutes, 1996 Supplement, to read:

6 253.03 Board of trustees to administer state lands;
7 lands enumerated.--

8 (7)
9 (c) Structures which are listed in or are eligible for
10 the National Register of Historic Places or the State
11 Inventory of Historic Places and which have a submerged land
12 lease, or have been grandfathered-in to use sovereignty
13 submerged lands until January 1, 1998, pursuant to chapter
14 18-21.00405, Florida Administrative Code, shall be allowed to
15 apply for an extension of such lease, regardless of the fact
16 that the present landholder is not an adjacent riparian
17 landowner.

18 Section 3. Section 253.034, Florida Statutes, is
19 amended to read:

20 253.034 State-owned lands; uses.--

21 (1) All lands acquired pursuant to chapter 259 shall
22 be managed to serve the public interest by protecting and
23 conserving land, air, water, and the state's natural
24 resources, which contribute to the public health, welfare, and
25 economy of the state. These lands shall be managed to provide
26 for areas of natural-resource-based recreation, and to ensure
27 the survival of plant and animal species and the conservation
28 of finite and renewable natural resources. The state's lands
29 and natural resources shall be managed using a stewardship
30 ethic that assures these resources will be available for the
31 benefit and enjoyment of all people of the state, both present

1 and future. It is the intent of the Legislature that, where
2 feasible and consistent with the goals of protection and
3 conservation of natural resources associated with lands held
4 in the public trust by the Board of Trustees of the Internal
5 Improvement Trust Fund, public land not designated for
6 single-use purposes pursuant to paragraph (2)(b) be managed
7 for multiple-use purposes. All multiple-use land management
8 strategies shall address public access and enjoyment, resource
9 conservation and protection, ecosystem maintenance and
10 protection, and protection of threatened and endangered
11 species, and the degree to which public-private partnerships
12 or endowments may allow the agency with management
13 responsibility to enhance its ability to manage these lands.

14 (2)~~(1)~~ As used in this section, the following phrases
15 have the following meanings:

16 (a) "Multiple use" means the harmonious and
17 coordinated management of timber, recreation, conservation of
18 fish and wildlife, forage, archaeological and historic sites,
19 habitat and other biological resources, or water resources so
20 that they are utilized in the combination that will best serve
21 the people of the state, making the most judicious use of the
22 land for some or all of these resources and giving
23 consideration to the relative values of the various resources.
24 Where necessary and appropriate for all state-owned lands that
25 are larger than 1,000 acres in project size and are managed
26 for multiple uses, buffers may be formed around any areas
27 which require special protection or have special management
28 needs. Such buffers shall not exceed more than one-half of
29 the total acreage. Multiple uses within a buffer area may be
30 restricted to provide the necessary buffering effect desired.
31 Multiple use in this context includes both uses of land or

1 resources by more than one state agency, or by one or more
2 state agencies and private sector land managers. In any case,
3 lands identified as multiple-use lands in the land-management
4 plan shall be managed to enhance and conserve the lands and
5 resources for the enjoyment of the people of the state.

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

23 (3) In recognition that recreational trails purchased
24 with rails-to-trails funds pursuant to s. 259.101(3)(g) have
25 had historic transportation uses and that their linear
26 character may extend many miles, the Legislature intends that
27 when the necessity arises to serve public needs, after
28 balancing the need to protect trail users from collisions with
29 automobiles and a preference for the use of overpasses and
30 underpasses to the greatest extent feasible and practical,
31 transportation uses shall be allowed to cross recreational

1 trails purchased pursuant to s. 259.101(3)(g). When these
2 crossings are needed, the location and design should consider
3 and mitigate the impact on humans and environmental resources,
4 and the value of the land shall be paid based on fair market
5 value.

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 (4)(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 (5)(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 (6)~~(5)~~ The Board of Trustees of the Internal
20 Improvement Trust Fund shall determine which lands, the title
21 to which is vested in the board, are of no benefit to the
22 public and shall 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 ~~(7)(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 (8) 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 (5). 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 4. 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 5. 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

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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 6. 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.

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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. Beginning fiscal year 1998-1999, individual
9 management plans required by s. 253.034(4) shall be developed
10 with input from an advisory group. Members of this advisory
11 group shall include, at a minimum, representatives of the lead
12 land managing agency, co-managing entities, local private
13 property owners, the appropriate soil and water conservation
14 district, a local conservation organization, and a local
15 elected official. The advisory group shall conduct at least
16 one public hearing within the county in which the parcel or
17 project is located. Notice of such public hearing shall be
18 posted on the parcel or project designated for management,
19 advertised in a paper of general circulation, and announced at
20 a scheduled meeting of the local governing body before the
21 actual public hearing. The management prospectus required
22 pursuant to paragraph (9)(b) shall be available to the public
23 for a period of 30 days prior to the public hearing. Once a
24 plan is adopted, the managing agency or entity shall update
25 the plan at least every 5 years in a form and manner
26 prescribed by rule of the board of trustees. Such plans may
27 include transfers of leasehold interests to appropriate
28 conservation organizations designated by the Land Management
29 Advisory Council for uses consistent with the purposes of the
30 organizations and the protection, preservation, and proper
31 management of the lands and their resources. Volunteer

1 management assistance is encouraged, including, but not
2 limited to, assistance by youths participating in programs
3 sponsored by state or local agencies, by volunteers sponsored
4 by environmental or civic organizations, and by individuals
5 participating in programs for committed delinquents and
6 adults. For each project for which lands are acquired after
7 July 1, 1995, an individual management plan shall be adopted
8 and in place no later than 1 year after the essential parcel
9 or parcels identified in the annual Conservation and
10 Recreation Lands report prepared pursuant to s. 259.035(2)(a)
11 have been acquired. Beginning in fiscal year 1998-1999, the
12 Department of Environmental Protection shall distribute only
13 75 percent of the acquisition funds to which a budget entity
14 or water management district would otherwise be entitled from
15 the Preservation 2000 Trust Fund to any budget entity or any
16 water management district that has more than one-third of its
17 management plans overdue.

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

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

24 2. Key management activities necessary to preserve and
25 protect natural resources and restore habitat, and for
26 controlling the spread of nonnative plants and animals, and
27 for prescribed fire and other appropriate resource management
28 activities.

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

1 4. A priority schedule for conducting management
2 activities, based on the purposes for which the lands were
3 acquired.

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

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

12 7. A determination of the public uses that would be
13 consistent with the purposes for which the lands were
14 acquired.

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

30 (c) The board of trustees shall consider the
31 individual management plan submitted by each state agency and

1 the recommendations of the Land Management Advisory Council
2 and the Division of State Lands and shall approve the plan
3 with or without modification or reject such plan. The use or
4 possession of any lands owned by the board of trustees which
5 is not in accordance with an approved individual management
6 plan is subject to termination by the board of trustees.

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

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

25 (b) An amount up ~~equal~~ to 1.5 ~~±~~ percent of the
26 cumulative total of funds ever deposited into the Florida
27 Preservation 2000 Trust Fund shall be made available for the
28 purposes of management, maintenance, and capital improvements,
29 and for associated contractual services, for lands acquired
30 pursuant to this section and s. 259.101 to which title is
31 vested in the board of trustees. Each agency with management

1 responsibilities shall annually request from the Legislature
2 funds sufficient to fulfill such responsibilities. Capital
3 improvements shall include, but need not be limited to,
4 perimeter fencing, signs, firelanes, access roads and trails,
5 and minimal public accommodations, such as primitive
6 campsites, garbage receptacles, and toilets.

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

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

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

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

29
30 In evaluating the management funding needs of lands based on
31 the above categories, the lead land managing agencies shall

1 include in their considerations the impacts of, and needs
2 created or addressed by, multiple-use management strategies.

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

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

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

29 (f)(e) The department shall set long-range and annual
30 goals for the control and removal of nonnative, upland,
31 invasive plant species on public lands. Such goals shall

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

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

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

20 1. To counties which levy an ad valorem tax of at
21 least 8.25 ~~9~~ mills or the amount of the tax loss from all
22 completed Preservation 2000 acquisitions in the county exceeds
23 0.01 percent of the county's total taxable value, and have a
24 population of 75,000 or less; and

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

29
30 For the purposes of this paragraph, "local government"
31 includes municipalities, the county school board, mosquito

1 control districts, and any other local government entity which
2 levies ad valorem taxes, with the exception of a water
3 management district.

4 (c) Payment in lieu of taxes shall be available to any
5 city which has a population of 10,000 or less and which levies
6 an ad valorem tax of at least 8.25 ~~9~~ mills or the amount of
7 the tax loss from all completed Preservation 2000 acquisitions
8 in the city exceeds 0.01 percent of the city's total taxable
9 value.

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

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

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

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

14 Section 7. Subsection (1) and (2) of section 259.035,
15 Florida Statutes, 1996 Supplement, is amended to read:

16 259.035 Advisory council; powers and duties.--

17 (1) There is created a Land Acquisition and Management
18 Advisory Council to be composed of the secretary and a
19 designee of the department, the director of the Division of
20 Forestry of the Department of Agriculture and Consumer
21 Services, the executive director of the Game and Fresh Water
22 Fish Commission, the director of the Division of Historical
23 Resources of the Department of State, and the secretary of the
24 Department of Community Affairs, or their respective
25 designees. The chairmanship of the council shall rotate
26 annually in the foregoing order. The council shall hold
27 periodic meetings at the request of the chair. The department
28 shall provide primary staff support to the council and shall
29 ensure that council meetings are electronically recorded. Such
30 recordings shall be preserved pursuant to chapters 119 and
31

1 257. The department may adopt any rule or form necessary to
2 implement this section.

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

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

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

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

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

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

16 Section 8. Section 259.036, Florida Statutes, is
17 created to read:

18 259.036 Management review teams.--

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

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

29 1. One individual who is from the county or local
30 community in which the parcel or project is located and who is
31

1 selected by the county commission in the county which is most
2 impacted by the acquisition.

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

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

7 4. One individual from the Game and Fresh Water Fish
8 Commission.

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

11 6. A private land manager mutually agreeable to the
12 state agency representatives.

13 7. A member of the local soil and water conservation
14 district board of supervisors.

15 8. A member of a conservation organization.

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

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

31

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

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

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

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

1 Section 9. Subsections (4) and (7) of section 259.101,
2 Florida Statutes, 1996 Supplement, are amended to read:

3 259.101 Florida Preservation 2000 Act.--

4 (4) PROJECT CRITERIA.--

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

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

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

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

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

27 5. A significant portion of the land in the project
28 serves as habitat for endangered, threatened, or rare species
29 or serves to protect natural communities which are listed by
30 the Florida Natural Areas Inventory as critically imperiled,
31

1 imperiled, or rare, or as excellent quality occurrences of
2 natural communities; ~~or-~~

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

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

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

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

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

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

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

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

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

30 (f) The Legislature intends that, in the remaining
31 years of the Florida Preservation 2000 Program, emphasis be

1 given to the completion of projects in which one or more
2 parcels have already been acquired and to the acquisition of
3 lands containing ecological resources which are either not
4 represented or underrepresented on lands currently in public
5 ownership. The Legislature also intends that future
6 acquisitions under the Florida Preservation 2000 Program be
7 limited to projects on the current project lists, or any
8 additions to the list as determined and prioritized by the
9 study, or those projects that can reasonably be expected to be
10 acquired by the end of the Florida Preservation 2000 Program.

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

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

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

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

27 4. Projects with significant historical or
28 archeological importance.

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

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

12 (7) ALTERNATE USES ~~GOVERNMENTAL USE~~ OF ACQUIRED
13 LANDS.--

14 (a) The Board of Trustees of the Internal Improvement
15 Trust Fund, or, in the case of water management district
16 lands, the owning water management district, may authorize the
17 granting of a lease, easement, or license for the use of any
18 lands acquired pursuant to subsection (3), for any
19 governmental use permitted by s. 17, Art. IX of the State
20 Constitution of 1885, as adopted by s. 9(a), Art. XII of the
21 State Constitution, and any other incidental public or private
22 use that ~~which~~ is determined by the board or the owning water
23 management district to be compatible with the purposes for
24 which such lands were acquired.

25 (b) Any existing lease, easement, or license acquired
26 for incidental public or private use on, under, or across any
27 lands acquired pursuant to subsection (3) shall be presumed
28 not to be incompatible with the purposes for which such lands
29 were acquired.

30 (c) ~~(b)~~ Notwithstanding the provisions of paragraph
31 (a), no such lease, easement, or license shall be entered into

1 by the Department of Environmental Protection or other
2 appropriate state agency if the granting of such lease,
3 easement, or license would adversely affect the exclusion of
4 the interest on any revenue bonds issued to fund the
5 acquisition of the affected lands from gross income for
6 federal income tax purposes, as described in s. 375.045(4).

7 Section 10. Paragraph (f) of subsection (9) of section
8 259.101, Florida Statutes, 1996 Supplement, is amended to
9 read:

10 (f)1. Pursuant to subsection (3) and beginning in
11 fiscal year 1998-1999 ~~1997-1998~~, that portion of the
12 unencumbered balances of each program described in paragraphs
13 (3)(c), (d), (e), (f), and (g) which has been on deposit in
14 such program's Preservation 2000 account for more than two
15 fiscal years shall be redistributed equally to the
16 Conservation and Recreation Lands Trust Fund and the Water
17 Management Lands Trust Fund. For the purposes of this
18 subsection, the term "unencumbered balances" means the portion
19 of Preservation 2000 bond proceeds which is not obligated
20 through the signing of a purchase contract between a public
21 agency and a private landowner, except that the program
22 described in paragraph (3)(c) may not lose any portion of its
23 unencumbered funds which remain unobligated because of
24 extraordinary circumstances that hampered the affected local
25 governments' abilities to close on land acquisition projects
26 approved through the Florida Communities Trust program.
27 Extraordinary circumstances shall be determined by the Florida
28 Communities Trust governing body and may include such things
29 as death or bankruptcy of the owner of property; a change in
30 the land use designation of the property; natural disasters
31 that affected a local government's ability to consummate the

1 sales contract on such property; or any other condition that
2 the Florida Communities Trust governing board determined to be
3 extraordinary. The portion of the funds deposited in the Water
4 Management Lands Trust Fund shall be distributed to the water
5 management districts as provided in s. 373.59(7).

6 2. The department and the water management districts
7 may enter into joint acquisition agreements to jointly fund
8 the purchase of lands using alternatives to fee simple
9 techniques.

10 Section 11. Subsection (1) of section 260.015, Florida
11 Statutes, 1996 Supplement, is amended to read:

12 260.015 Acquisition of land.--

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

16 260.011-260.018 pursuant to the provisions of chapter 375,
17 except that:

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

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

24 (c) Projects acquired under this chapter shall not be
25 subject to the evaluation and selection procedures of s.
26 259.035, regardless of the estimated value of such projects.

27 All projects shall be acquired in accordance with the
28 acquisition procedures of chapter 259 ~~253~~, except that the
29 department may use the appraisal procedure used by the
30 Department of Transportation to acquire transportation
31 rights-of-way. When a parcel is estimated to be valued at

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1 \$100,000 or less and the department finds that the costs of
2 obtaining an outside appraisal are not justified, an appraisal
3 prepared by the department may be used.

4 Section 12. Section 369.255, Florida Statutes, is
5 created to read:

6 369.255 Green utility ordinances for funding
7 greenspace management and exotic plant control.--

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

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

1 greenspace management districts to fund the planning,
2 management, operation, and administration of a greenspace
3 management program. The fees shall be collected on a
4 voluntary basis as set forth by the county and calculated to
5 generate sufficient funds to plan, manage, operate, and
6 administer a greenspace management program. Private natural
7 areas assessed according to s. 193.501 would qualify for
8 stewardship grants.

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

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

14 Section 13. Subsection (5) of section 373.139, Florida
15 Statutes, 1996 Supplement, is amended to read:

16 373.139 Acquisition of real property.--

17 (5) Lands acquired for the purposes enumerated in
18 subsection (2) may also be used for recreational purposes, and
19 whenever practicable such lands shall be open to the general
20 public for recreational uses. Except when prohibited by a
21 covenant or condition described in s. 373.056(2), lands owned,
22 managed, and controlled by the district may be used for
23 multiple purposes, including, but not limited to, agriculture,
24 silviculture, and water supply, as well as boating and other
25 recreational uses.

26 Section 14. Subsection (1), paragraph (c) of
27 subsection (4), subsection (9), subsection (11) and paragraphs
28 (a) and (b) of subsection (14) of section 373.59, Florida
29 Statutes, 1996 Supplement, are amended and new subsections
30 (16) and (17) are added to that section to read:

31 373.59 Water Management Lands Trust Fund.--

1 (1) There is established within the Department of
2 Environmental Protection the Water Management Lands Trust Fund
3 to be used as a nonlapsing fund for the purposes of this
4 section. The moneys in this fund are hereby continually
5 appropriated for the purposes of land acquisition, management,
6 maintenance, capital improvements, payments in lieu of taxes,
7 and administration of the fund in accordance with the
8 provisions of this section. ~~In addition, for fiscal year~~
9 ~~1995-1996, moneys in the fund that are not revenues from the~~
10 ~~sale of any bonds and that are not required for debt service~~
11 ~~for any bond issue may be used to fund activities authorized~~
12 ~~under the Surface Water Improvement and Management Act,~~
13 ~~pursuant to ss. 373.451-373.4595, and for the control of~~
14 ~~aquatic weeds pursuant to part II of chapter 369. Up to 25~~
15 ~~percent of the moneys in the fund may be allocated annually to~~
16 ~~the districts for management, maintenance, and capital~~
17 ~~improvements pursuant to subsection (7).~~

18 (4)

19 (c) The Secretary of Environmental Protection shall
20 release acquisition moneys from the Water Management Lands
21 Trust Fund to a district following receipt of a resolution
22 adopted by the governing board identifying the lands being
23 acquired and certifying that such acquisition is consistent
24 with the plan of acquisition and other provisions of this act.
25 The governing board shall also provide to the Secretary of
26 Environmental Protection a copy of all certified appraisals
27 used to determine the value of the land to be purchased. Each
28 parcel to be acquired must have at least one appraisal. Two
29 appraisals are required when the estimated value of the parcel
30 exceeds \$500,000. However, when both appraisals exceed
31 \$500,000 and differ significantly, a third appraisal may be

1 obtained.If the purchase price is greater than the appraisal
2 price, the governing board shall submit written justification
3 for the increased price. The Secretary of Environmental
4 Protection may withhold moneys for any purchase that is not
5 consistent with the 5-year plan or the intent of this act or
6 that is in excess of appraised value. The governing board may
7 appeal any denial to the Land and Water Adjudicatory
8 Commission pursuant to s. 373.114.

9 (9) Each district may use ~~up to 15 percent~~ of its
10 allocation under subsection (8)~~(7)~~ for management,
11 maintenance, and capital improvements. Capital improvements
12 shall include, but need not be limited to, perimeter fencing,
13 signs, firelanes, control of invasive exotic species,
14 controlled burning, habitat inventory and restoration, law
15 enforcement, access roads and trails, and minimal public
16 accommodations, such as primitive campsites, garbage
17 receptacles, and toilets.

18 (11) Lands acquired for the purposes enumerated in
19 this section shall also be used for general public
20 recreational purposes. General public recreational purposes
21 shall include, but not be limited to, fishing, hunting,
22 horseback riding, swimming, camping, hiking, canoeing,
23 boating, diving, birding, sailing, jogging, and other related
24 outdoor activities to the maximum extent possible considering
25 the environmental sensitivity and suitability of those lands.
26 These public lands shall be evaluated for their resource value
27 for the purpose of establishing which parcels, in whole or in
28 part, annually or seasonally, would be conducive to general
29 public recreational purposes. Such findings shall be included
30 in management plans which are developed for such public lands.
31 These lands shall be made available to the public for these

1 purposes, unless the district governing board can demonstrate
2 that such activities would be incompatible with the purposes
3 for which these lands were acquired. For any fee simple
4 acquisition of a parcel which is or will be leased back for
5 agricultural purposes, or for any acquisition of a
6 less-than-fee interest in land that is or will be used for
7 agricultural purposes, the district governing board shall
8 first consider having a soil and water conservation district,
9 created pursuant to chapter 582, manage and monitor such
10 interest.

11 (14)(a) Beginning in fiscal year 1992-1993, not more
12 than one-fourth of the land management funds provided for in
13 subsections (1) and (9)~~(8)~~ in any year shall be reserved
14 annually by a governing board, during the development of its
15 annual operating budget, for payment in lieu of taxes to
16 qualifying counties for actual ad valorem tax losses incurred
17 as a result of lands purchased with funds allocated pursuant
18 to s. 259.101(3)(b). In addition, the Northwest Florida Water
19 Management District, the South Florida Water Management
20 District, the Southwest Florida Water Management District, the
21 St. Johns River Water Management District, and the Suwannee
22 River Water Management District shall pay to qualifying
23 counties payments in lieu of taxes for district lands acquired
24 with funds allocated pursuant to subsection (8)~~(7)~~. Reserved
25 funds that are not used for payment in lieu of taxes in any
26 year shall revert to the fund to be used for management
27 purposes or land acquisition in accordance with this section.

28 (b) Payment in lieu of taxes shall be available to
29 counties for each year in which the levy of ad valorem tax is
30 at least 8.25 ~~9~~ mills or the amount of the tax loss from all
31 completed Preservation 2000 acquisitions in the county exceeds

1 0.01 percent of the county's total taxable value, and the
2 population is 75,000 or less and to counties with a population
3 of less than 100,000 which contain all or a portion of an area
4 of critical state concern designated pursuant to chapter 380.

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 (17) Each water management district is authorized and
12 encouraged to enter into cooperative land management
13 agreements with state agencies or local governments to provide
14 for the coordinated and cost-effective management of lands to
15 which the water management districts, the Board of Trustees of
16 the Internal Improvement Trust Fund, or local governments hold
17 title. Any such cooperative land management agreement must be
18 consistent with any applicable laws governing land use,
19 management duties, and responsibilities and procedures of each
20 cooperating entity. Each cooperating entity is authorized to
21 expend such funds as are made available to it for land
22 management on any such lands included in a cooperative land
23 management agreement.

24 Section 15. Section 373.591, Florida Statutes, is
25 created to read:

26 373.591 Management review teams.--

27 (1) To determine whether conservation, preservation,
28 and recreation lands titled in the named of the water
29 management districts are being managed for the purposes for
30 which they were acquired and in accordance with land
31 management objectives, the water management districts shall

1 establish land management review teams to conduct periodic
2 management reviews. The land management review teams shall be
3 composed of the following members:

- 4 1. One individual from the county or local community
5 in which the parcel is located.
- 6 2. One employee of the water management district.
- 7 3. A private land manager mutually agreeable to the
8 governmental agency representatives.
- 9 4. A member of the local soil and water conservation
10 district board of supervisors.
- 11 5. One individual from the Game and Fresh Water Fish
12 Commission.
- 13 6. One individual from the Department of Environmental
14 Protection.
- 15 7. One individual representing a conservation
16 organization.
- 17 8. One individual from the Department of Agriculture
18 and Consumer Services' Division of Forestry.

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

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

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

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

1 Section 16. Section 253.022, Florida Statutes, is
2 hereby repealed.

3 Section 17. A new subsection (11) is added to section
4 704.06, Florida Statutes, to read:

5 704.06 Conservation easements; creation; acquisition;
6 enforcement.--

7 (11) Nothing in this section or other provisions of
8 law shall be construed to prohibit or limit the owner of land,
9 or the owner of a conservation easement over land, to
10 voluntarily negotiate the sale or utilization of such lands or
11 easement for the construction and operation of linear
12 facilities, including electric transmission and distribution
13 facilities, telecommunications transmission and distribution
14 facilities, pipeline transmission and distribution facilities,
15 public transportation corridors, and related appurtenances,
16 nor shall this section prohibit the use of eminent domain for
17 said purposes as established by law. In any legal proceeding
18 to condemn land for the purpose of construction and operation
19 of a linear facility as described above, the court shall
20 consider the public benefit provided by the conservation
21 easement and linear facilities in determining which lands may
22 be taken and the compensation paid.

23 Section 18. Subsection (6) of section 373.250, Florida
24 Statutes, 1996 Supplement, is amended to read:

25 373.250 Reuse of reclaimed water.--

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

31

1 (a) The number of permits issued during the year which
2 required reuse of reclaimed water and, by categories, the
3 percentages of reuse required.

4 (b) The number of permits issued during the year which
5 did not require the reuse of reclaimed water and, of those
6 permits, the number which reasonably could have required
7 reuse.

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

11 (d) A comparison of the volume of reclaimed water
12 available in the district to the volume of reclaimed water
13 required to be reused through consumptive use permits.

14 (e) A comparison of the volume of reuse of reclaimed
15 water required in water resource caution areas through
16 consumptive use permitting to the volume required in other
17 areas in the district through consumptive use permitting.

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

21 (g) A description of the district's efforts to work in
22 cooperation with local government and private domestic
23 wastewater treatment facilities to increase the reuse of
24 reclaimed water. The districts, in consultation with the
25 department, shall devise a uniform format for the report
26 required by this subsection and for presenting the information
27 provided in the report.

28 Section 19. Paragraph (b) of subsection (4) of section
29 370.06, Florida Statutes, 1996 Supplement is added to read:

30 (4) SPECIAL ACTIVITY LICENSES.--

31

1 (a) Any person who seeks to use special gear or
2 equipment in harvesting saltwater species must purchase a
3 special activity license as specified by law to engage in such
4 activities. The department may issue special activity
5 licenses, in accordance with s. 370.071, to permit the
6 cultivation of oysters, clams, mussels, and crabs when such
7 aquaculture activities relate to quality control, sanitation,
8 and public health regulations. The department may prescribe
9 by rule special terms, conditions, and restrictions for any
10 special activity license.

11 (b) The department is authorized to issue special
12 activity licenses in accordance with s. 370.06 and s. 370.31,
13 to permit the importation, possession, and aquaculture of
14 anadromous sturgeon. The special activity license shall
15 provide for best management practices to prevent the release
16 and escape of cultured anadromous sturgeon and to protect
17 indigenous populations of saltwater species from
18 sturgeon-borne disease.

19 Section 20. Subsections (3) and (4) of section
20 370.092, Florida Statutes, 1996 Supplement, are amended to
21 read:

22 370.092 Carriage of proscribed nets across Florida
23 waters.--

24 (3)(a) It shall be a major violation pursuant to this
25 section and shall be punished as provided in subsection (4)
26 for any person, firm, or corporation to be simultaneously in
27 possession of any species of mullet in excess of the
28 recreational daily bag limit and any gill or other entangling
29 net as defined in s. 16(c), Art. X of the State Constitution.
30 Simultaneous possession under this provision shall include
31 possession of mullet and gill or other entangling nets on

1 separate vessels or vehicles where such vessels or vehicles
2 are operated in coordination with one another including
3 vessels towed behind a main vessel. This subsection does not
4 prohibit a resident of this state from transporting on land,
5 from Alabama to this state, a commercial quantity of mullet
6 together with a gill net if:

7 1. The person possesses a valid commercial fishing
8 license that is issued by the State of Alabama and that allows
9 the person to use a gill net to legally harvest mullet in
10 commercial quantities from Alabama waters.

11 2. The person possesses a trip ticket issued in
12 Alabama and filled out to match the quantity of mullet being
13 transported, and the person is able to present such trip
14 ticket immediately upon entering this state.

15 3. The mullet are to be sold to a wholesale saltwater
16 products dealer located in Escambia County or Santa Rosa
17 County, which dealer also possesses a valid seafood dealer's
18 license issued by the State of Alabama. The dealer's name
19 must be clearly indicated on the trip ticket.

20 4. The mullet being transported are totally removed
21 from any net also being transported.

22 (b) It shall be a major violation pursuant to this
23 section for any person to be in possession of any species of
24 trout, snook, or redfish which is three fish in excess of the
25 recreational or commercial daily bag limit.

26 (4)(a) In addition to being subject to the other
27 penalties provided in this chapter, any violation of s. 16,
28 Art. X of the State Constitution, paragraph (3)(a), or any
29 rules of the Marine Fisheries Commission which implement the
30 gear prohibitions and restrictions specified therein shall be
31 considered a major violation; and any person, firm, or

1 corporation receiving any judicial disposition other than
2 acquittal or dismissal of such violation shall be subject to
3 the following additional penalties:

4 1. For a first major violation within a 7-year period,
5 a civil penalty of \$2,500 and suspension of all saltwater
6 products license privileges for 90 calendar days following
7 final disposition shall be imposed.

8 2. For a second major violation under this paragraph
9 charged within 7 years of a previous judicial disposition,
10 which results in a second judicial disposition other than
11 acquittal or dismissal, a civil penalty of \$5,000 and
12 suspension of all saltwater products license privileges for 12
13 months shall be imposed.

14 3. For a third and subsequent major violation under
15 this paragraph, charged within a 7-year period, resulting in a
16 third or subsequent judicial disposition other than acquittal
17 or dismissal, a civil penalty of \$5,000, lifetime revocation
18 of the saltwater products license, and forfeiture of all gear
19 and equipment used in the violation shall be imposed.

20
21 A court may suspend, defer or withhold adjudication of guilt
22 or imposition of sentence only for any first violation of s.
23 16, Art. X of the State Constitution, or any rule or statute
24 implementing its restrictions, determined by a court only
25 after consideration of competent evidence of mitigating
26 circumstances to be a nonflagrant or minor violation of those
27 restrictions upon the use of nets. Any violation of s. 16,
28 Art. X of the State Constitution, or any rule or statute
29 implementing its restrictions, occurring within a 7-year
30 period commencing upon the conclusion of any judicial
31 proceeding resulting in any outcome other than acquittal shall

1 be punished as a second, third, or subsequent violation
2 accordingly.

3 (b) During the period of suspension or revocation of
4 saltwater license privileges under this section, the licensee
5 may not participate in the taking or harvesting or attempt the
6 taking or harvesting of saltwater products from any vessel
7 within the waters of the state, or any other activity
8 requiring a license, permit, or certificate issued pursuant to
9 this chapter. Any person who violates this paragraph is:

10 1. Upon a first or second conviction, to be punished
11 as provided by s. 370.021(2)(a) and (b).

12 2. Upon a third or subsequent conviction, guilty of a
13 felony of the third degree, punishable as provided in s.
14 775.082, s. 775.083, or s. 775.084.

15 (c) Upon reinstatement of saltwater license privileges
16 suspended pursuant to a violation of this section, a licensee
17 owning or operating a vessel containing or otherwise
18 transporting in or on Florida waters any gill net or other
19 entangling net, or containing or otherwise transporting in
20 nearshore and inshore Florida waters any net containing more
21 than 500 square feet of mesh area shall remain restricted for
22 a period of 12 months following reinstatement, to operation
23 under the following conditions:

24 1. Vessels subject to this reinstatement period shall
25 be restricted to the corridors established by department rule.

26 2. A violation of the reinstatement period provisions
27 shall be punishable pursuant to s. 370.021(2)(a) and (b).

28 (d) Rescission and revocation proceedings under this
29 section shall be governed by chapter 120.

30 Section 21. Section 370.093, Florida Statutes, is
31 created to read:

1 370.093 Illegal use of nets.--

2 (1) It is unlawful to take or harvest, or to attempt
3 to take or harvest, any marine life in Florida waters with any
4 net that is not consistent with the provisions of s. 16, Art.
5 X of the State Constitution.

6 (2)(a) Beginning July 1, 1998, it is also unlawful to
7 take or harvest, or to attempt to take or harvest, any marine
8 life in Florida waters with any net, as defined in subsection
9 (3) and any attachments to such net, that combined are larger
10 than 500 square feet and have not been expressly authorized
11 for such use by rule of the Marine Fisheries Commission under
12 s. 370.027. The use of currently legal shrimp trawls and
13 purse seines outside nearshore and inshore Florida waters
14 shall continue to be legal until the Commission implements
15 rules regulating those types of gear.

16 (b) The use of gill or entangling nets of any size is
17 prohibited, as such nets are defined in s. 16, Art. X of the
18 State Constitution. Any net constructed wholly or partially
19 of monofilament or multifilament material, other than a hand
20 thrown cast net, or a hand-held landing or dip net, shall be
21 considered to be an entangling net within the prohibition of
22 S. 16, Art. X of the state constitution unless specifically
23 authorized by rule of the commission. Multifilament material
24 shall not be defined to include nets constructed of braided or
25 twisted nylon, cotton, linen twine, or polypropylene twine.

26 (c) This subsection shall not be construed to apply to
27 aquaculture activities licenses issued pursuant to s. 370.26.

28 (3) As used in s. 16, Art. X of the State Constitution
29 and this subsection, the term "net" or "netting" must be
30 broadly construed to include all manner or combination of mesh
31 or webbing or any other solid or semi-solid fabric or other

1 material used to comprise a device that is used to take or
2 harvest marine life.

3 (4) Upon the arrest of any person for violation of
4 this subsection, the arresting officer shall seize the nets
5 illegally used. Upon conviction of the offender, the arresting
6 authority shall destroy the nets.

7 (5) Any person who violates this section shall be
8 punished as provided in s. 370.092(4).

9 (6) The Marine Fisheries Commission is granted
10 authority to adopt rules pursuant to ss. 370.025 and 370.027
11 implementing the prohibitions and restrictions of s. 16, Art.
12 X of the State Constitution.

13 Section 22. Subsection (8) of section 370.14, Florida
14 Statutes, 1996 Supplement, is amended to read:

15 370.14 Crawfish; regulation.--

16 (8)(a) By a special permit granted by the Division of
17 Law Enforcement, a Florida-licensed seafood dealer may
18 lawfully import, process, and package saltwater crawfish or
19 uncooked tails of the species *Panulirus argus* during the
20 closed season. However, crawfish landed under special permit
21 shall not be sold in the state.

22 (b) The licensed seafood dealer importing any such
23 crawfish under the permit shall, 12 hours prior to the time
24 the seagoing vessel or airplane delivering such imported
25 crawfish enters the state, notify the Division of Law
26 Enforcement as to the seagoing vessel's name or the airplane's
27 registration number and its captain, location, and point of
28 destination.

29 (c) At the time the crawfish cargo is delivered to the
30 permitholder's place of business, the crawfish cargo shall be
31 ~~weighed in the presence of the marine patrol officer, and~~

1 shall be available for inspection by the Department of
2 Environmental Protection.A signed receipt of such quantity in
3 pounds shall be forwarded ~~furnished to said officer,~~ which
4 ~~receipt shall be filed by the marine patrol officer with the~~
5 Division of Law Enforcement's local Florida Marine Patrol
6 office within 48 hours after shipment weigh-in completion. If
7 requested by the department, the weigh-in process will be
8 delayed up to 4 hours to allow for a department representative
9 to be present during the process ~~Enforcement.~~

10 (d) Within 48 hours after shipment weigh-in completion
11 ~~from the time the receipt is given to the marine patrol~~
12 ~~officer,~~ the permitholder shall submit to the Division of Law
13 Enforcement, on forms provided by the division, a sworn report
14 of the quantity in pounds of the saltwater crawfish received,
15 which report shall include the location of said crawfish and a
16 sworn statement that said crawfish were taken at least 50
17 miles from Florida's shoreline. The landing of crawfish or
18 crawfish tails from which the eggs, swimmerettes, or pleopods
19 have been removed; the falsification of information as to area
20 from which crawfish were obtained; or the failure to file the
21 report called for in this section shall be grounds to revoke
22 the permit.

23 (e) Each permitholder shall keep throughout the period
24 of the closed season copies of the bill of sale or invoices
25 covering each transaction involving crawfish imported under
26 this permit. Such invoices and bills shall be kept available
27 at all times for inspection by the division.

28 Section 23. Effective October 1, 1997, section
29 370.1405, Florida Statutes, is created to read:

30 370.1405 Crawfish reports by dealers during closed
31 season required.--

1 (1) Within 3 days after the commencement of the closed
2 season for the taking of saltwater crawfish, each and every
3 seafood dealer, either retail or wholesale, intending to
4 possess crawfish, crawfish tails, or crawfish meat during
5 closed season shall submit to the Department of Environmental
6 Protection, on forms provided by the department, a sworn
7 report of the quantity, in pounds, of saltwater whole
8 crawfish, crawfish tails, and crawfish meat in the dealer's
9 name or possession as of the date the season closed. This
10 report shall state the location and number of pounds of whole
11 crawfish, crawfish tails, and crawfish meat. The department
12 shall not accept any reports not delivered or postmarked by
13 midnight of the 3rd calendar day after the commencement of the
14 closed season, and any stocks of crawfish reported therein are
15 declared a nuisance and may be seized by the department.

16 (2) Failure to submit a report as described in
17 subsection (1) or reporting a greater or lesser amount of
18 whole crawfish, crawfish tails, or crawfish meat than is
19 actually in the dealer's possession or name is a major
20 violation of this chapter, punishable as provided in s.
21 370.021(2), s. 370.07(6)(b), or both. The department shall
22 seize the entire supply of unreported or falsely reported
23 whole crawfish, crawfish tails, or crawfish meat, and shall
24 carry the same before the court for disposal. The dealer shall
25 post a cash bond in the amount of the fair value of the entire
26 quantity of unreported or falsely reported crawfish as
27 determined by the judge. After posting the cash bond, the
28 dealer shall have 24 hours to transport said products outside
29 the limits of Florida for sale as provided by s. 370.061.
30 Otherwise, the product shall be declared a nuisance and
31 disposed of by the department according to law.

1 (3) All dealers having reported stocks of crawfish may
2 sell or offer to sell such stocks of crawfish; however, such
3 dealers shall submit an additional report on the last day of
4 each month during the duration of the closed season. Reports
5 shall be made on forms supplied by the department. Each dealer
6 shall state on this report the number of pounds sold during
7 the report period and the pounds remaining on hand. In every
8 case, the amount of crawfish sold and the amount reported on
9 hand shall equal the amount remaining on hand in the last
10 submitted report. Reports postmarked later than midnight on
11 the 3rd calendar day of each month during the duration of the
12 closed season will not be accepted by the department. Dealers
13 for which late supplementary reports are not accepted by the
14 department, must show just cause why their entire stock of
15 whole crawfish, crawfish tails, or crawfish meat should not be
16 seized by the department. Whenever a dealer fails to make the
17 monthly supplementary report as described in this subsection,
18 the dealer may be subject to the following civil penalties as
19 follows:

20 (a) For a first violation, the department shall assess
21 a civil penalty of \$500.

22 (b) For a second violation within the same crawfish
23 closed season, the department shall assess a civil penalty of
24 \$1,000.

25 (c) For a third violation within the same crawfish
26 closed season, the department shall assess a civil penalty of
27 \$2,500 and may seize said dealer's entire stock of whole
28 crawfish, crawfish tails, or crawfish meat and carry the same
29 before the court for disposal. The dealer shall post a cash
30 bond in the amount of the fair value of the entire remaining
31 quantity of crawfish as determined by the judge. After posting

1 the cash bond, a dealer shall have 24 hours to transport said
2 products outside the limits of Florida for sale as provided by
3 s. 370.061. Otherwise, the product shall be declared a
4 nuisance and disposed of by the department according to law.

5 (4) All seafood dealers shall at all times during the
6 closed season make their stocks of whole crawfish, crawfish
7 tails, or crawfish meat available for inspection by the
8 department.

9 (5) Each dealer in whole crawfish, crawfish tails, or
10 crawfish meat shall keep throughout the period of the crawfish
11 closed season copies of the bill of sale or invoice covering
12 each transaction involving whole crawfish, crawfish tails, or
13 crawfish meat. Such invoices and bills shall be kept available
14 at all times for inspection by the department.

15 Section 24. (1) Notwithstanding the provisions of
16 section 370.093(3), Florida Statutes, there is hereby
17 established a 3-year pilot program that allows for
18 participation by Saltwater Products License holders with purse
19 seine endorsements during the years 1995 or 1996 located in
20 the counties of Wakulla, Franklin, Gulf, Bay, Walton, and
21 Okaloosa. Priority shall be given to such Saltwater Products
22 License holders with landings in 1996 as recorded on Florida
23 DEP trip tickets of one or more of the following baitfish
24 species: Spanish sardines, cigar minnows, thread herring, chub
25 mackerel, anchovy, little tunny, menhaden, blue runner, and
26 ladyfish. No more than 7 such licenses shall be issued which
27 allow for and shall be limited to the following:

28 (a) These licenses shall be issued only for the use of
29 baitfish purse seines, not exceeding 600 yards in length, to
30 be used in the nearshore and inshore waters, modified to
31 employ solid tarpaulin material in conjunction with 500 square

1 feet of traditional seine mesh netting in the State of Florida
2 in and south of the counties of Wakulla, Franklin, Gulf, Bay,
3 Walton, and Okaloosa. Only one purse seine per license shall
4 be allowed.

5 (b) Each licensee shall post a bond of \$50,000 payable
6 to the State of Florida as security to pay for any
7 environmental damage or cleanup of material caused by this
8 fishing gear of the licensee.

9 (2) The Marine Fisheries Commission shall establish
10 limits on annual harvest levels for the area, for each of the
11 baitfish species that are the subject of this section, based
12 on maintaining healthy scientific and biological levels of
13 stock abundance of those certain baitfish species by allowing
14 annual harvest of the baitfish species in the program area
15 limited by the Florida Marine Fisheries Commission not to
16 exceed 50 percent of the annual average of reported landings
17 which occurred over the 3 years prior to July 1, 1995.

18 Section 25. Section 253.022, Florida Statutes, is
19 repealed.

20 Section 26. Section 403.075, Florida Statutes, is
21 created to read:

22 403.075 Legislative findings.--In addition to the
23 declarations contained in s. 403.021, the Legislature finds
24 that:

25 (1) Ecosystem management is a concept that includes
26 coordinating the planning activities of state and other
27 governmental units, land management, environmental permitting
28 and regulatory programs, and voluntary programs, together with
29 the needs of the business community, private landowners, and
30 the public, as partners in a streamlined and effective program
31 for the protection of the environment. It is particularly in

1 the interest of persons residing and doing business within the
2 boundaries of a particular ecosystem to share in the
3 responsibility of ecosystem restoration or maintenance. The
4 proper stewardship of an ecosystem by its affected residents
5 will, in general, enhance the economic and social welfare of
6 all Floridians by maintaining the natural beauty and functions
7 of that ecosystem, which will, in turn, contribute to the
8 beauty and function of larger inclusive ecosystems and add
9 immeasurably to the quality of life and the economy of all
10 Florida counties dependent on those ecosystems, thus serving a
11 public purpose.

12 (2) Most ecosystems are subject to multiple
13 governmental jurisdictions. Therefore, there is a need for a
14 unified and stable mechanism to plan for restoration and
15 continued long-term maintenance of ecosystems.

16 (3) It is in the public interest and serves a public
17 purpose that the Department of Environmental Protection take a
18 leading role among the agencies of the state in developing and
19 implementing comprehensive ecosystem management solutions, in
20 cooperation with both public and private regulated entities,
21 which improves the integration between land use planning and
22 regulation, and which achieves positive environmental results
23 in an efficient and cost-effective manner.

24 Section 27. Section 403.0752, Florida Statutes, is
25 created to read:

26 403.0752 Ecosystem management agreements.--

27 (1) Upon the request of an applicant, the secretary of
28 the department is authorized to enter into an ecosystem
29 management agreement regarding any environmental impacts with
30 regulated entities to better coordinate the legal requirements
31 and timelines applicable to a regulated activity, which may

1 include permit processing, project construction, operations
2 monitoring, enforcement actions, proprietary approvals, and
3 compliance with development orders and regional and local
4 comprehensive plans. Entering into an ecosystem management
5 agreement shall be voluntary for both the regulated entity and
6 the department.

7 (2) An ecosystem management agreement may be entered
8 into by the department and regulated entities when the
9 department determines that:

10 (a) Implementation of such agreement meets all
11 applicable standards and criteria so that there is a net
12 ecosystem benefit to the subject ecosystem more favorable than
13 operation under applicable rules;

14 (b) Entry into such agreement will not interfere with
15 the department's obligations under any federally delegated or
16 approved program;

17 (c) Implementation of the agreement will result in a
18 reduction in overall risks to human health and the environment
19 compared to activities conducted in the absence of the
20 agreement; and

21 (d) Each regulated entity has certified to the
22 department that it has in place internal environmental
23 management systems or alternative internal controls sufficient
24 to implement the agreement.

25 (3)(a) An ecosystem management agreement shall include
26 provision for the department to terminate the agreement by
27 written notice to all other parties to the agreement when the
28 department demonstrates that:

29 1. There has been a material change in conditions from
30 the original agreement such that the intended net ecosystem
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1 benefit is not being, and may not reasonably be expected to
2 be, achieved through continuation of the agreement;
3 2. Continuation of the agreement will result in
4 economic hardship or competitive disadvantage; or
5 3. A party has violated the terms of the agreement.
6 (b) Termination of an ecosystem management agreement
7 by the department shall be subject to the requirements of ss.
8 120.569 and 120.57.
9 (c) The applicant for an ecosystem management
10 agreement may terminate such agreement at any time.
11 Governmental parties, other than the department, may withdraw
12 in accordance with the terms of the agreement at any time, but
13 may not terminate the agreement.
14 (4) An ecosystem management agreement may include
15 incentives for participation and implementation by a regulated
16 entity, including, but not limited to, any or all of the
17 following:
18 (a) Coordinated regulatory contact per facility.
19 (b) Permitting process flexibility.
20 (c) Expedited permit processing.
21 (d) Alternative monitoring and reporting requirements.
22 (e) Coordinated permitting and inspections.
23 (f) Cooperative inspections that provide opportunity
24 for informal resolution of compliance issues before
25 enforcement action is initiated.
26 (g) Alternative means of environmental protection
27 which provide for equivalent or reduced overall risk to human
28 health and the environment and which are available under
29 existing law such as variances, waivers, or other relief
30 mechanisms.
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1 (5) The Secretary of Community Affairs, the Secretary
2 of Transportation, the Commissioner of Agriculture, the
3 Executive Director of the Game and Fresh Water Fish
4 Commission, and the executive directors of the water
5 management districts are authorized to participate in the
6 development of ecosystem management agreements with regulated
7 entities and other governmental agencies as necessary to
8 effectuate the provisions of this section. Local governments
9 are encouraged to participate in ecosystem management
10 agreements.

11 (6) The secretary of the department may form ecosystem
12 management advisory teams for consultation and participation
13 in the preparation of an ecosystem management agreement. The
14 secretary shall request the participation of at least the
15 state and regional and local government entities having
16 regulatory authority over the activities to be subject to the
17 ecosystem management agreement. Such teams may also include
18 representatives of other participating or advisory government
19 agencies, which may include regional planning councils,
20 private landowners, public landowners and managers, public and
21 private utilities, corporations, and environmental interests.
22 Team members shall be selected in a manner that ensures
23 adequate representation of the diverse interests and
24 perspectives within the designated ecosystem. Participation
25 by any department of state government is at the discretion of
26 that agency.

27 (7) An application for a binding ecosystem management
28 agreement shall include:

29 (a) The name and address of the applicant;

30 (b) The location and a description of the project; and

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1 (c) All application materials required for any
2 requested permit, license, approval, variance, or waiver under
3 all applicable statutes and rules.

4 (8)(a) An applicant for a binding ecosystem management
5 agreement shall, at the applicant's own expense, publish a
6 notice of its request to enter into the agreement in a
7 newspaper of general circulation in the county in which the
8 activity that is the subject of the agreement will be located
9 or take place. Proof of publication shall be provided to the
10 department by the applicant. Actual mailed notice of the
11 application shall also be provided to owners of property
12 adjacent to the activity that is the subject of the agreement
13 and to any other person whose interest is known to the
14 department or the applicant.

15 (b) A binding ecosystem management agreement is
16 subject to the following requirements:

17 1. Notice of intent to enter into the agreement shall
18 be published by the regulated entity in a newspaper of general
19 circulation in each county where the ecosystem management area
20 is located. The notice shall specifically identify any
21 standards, rules, or other legal or regulatory requirements
22 proposed to be subject to variance or waiver under the
23 agreement, and any permit, license, or approval to be granted.
24 The notice shall include the opportunity to request a hearing
25 on the agreement under the provisions of ss. 120.569 and
26 120.57.

27 2. Substantially affected persons may challenge the
28 terms of the agreement and the proposed issuance of any
29 permit, license, approval, variance, or waiver contained in
30 the agreement pursuant to ss. 120.569 and 120.57.
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1 3. A substantially affected person may challenge the
2 subsequent issuance of any permit, license, approval,
3 variance, or waiver pursuant to the agreement, but which is
4 not contained in the agreement, pursuant to ss. 120.569 and
5 120.57. In any such proceeding, any relevant and material
6 elements of the agreement shall be admissible.

7 4. Any substantial modification or amendment to the
8 agreement shall be subject to the same processes as the
9 original agreement.

10 (c) The parties to an ecosystem management agreement
11 may elect to enter into a nonbinding agreement that does not
12 constitute agency action. Such agreements shall be considered
13 advisory in nature and are not binding on any party to the
14 agreement. If such election is made, any permit, license,
15 approval, waiver, or variance subsequently issued by an agency
16 shall be subject to the provisions of chapter 120.

17 (d) Waivers and variances available under applicable
18 statutes and rules may be granted as a part of a binding
19 ecosystem management agreement.

20 (e) A person who requests a binding ecosystem
21 management agreement and as a part of that request seeks a
22 permit, license, approval, variance, or waiver that is subject
23 to a statutory application review time limit waives his right
24 to a default permit, license, approval, variance, or waiver.

25 (9) Implementation of this section by the department
26 must be consistent with federally delegated programs and
27 federal law.

28 Section 28. This act shall take effect upon becoming a
29 law.

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