

Bill No. HB 2403, 2nd Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	
5			
6			
7			
8			
9			
10			
11	Senator Latvala moved the following amendment to amendment		
12	(592890):		
13			
14	Senate Amendment (with title amendment)		
15	On page 8, line 3, through page 17, line 3, delete		
16	Section 5		
17			
18	and insert:		
19	Section 5. Subsections (1), (2), (3), (4), (5), (6),		
20	(8), and (10) of section 253.034, Florida Statutes, are		
21	amended to read:		
22	253.034 State-owned lands; uses.--		
23	(1) All lands acquired pursuant to chapter 259 shall		
24	be managed to serve the public interest by protecting and		
25	conserving land, air, water, and the state's natural		
26	resources, which contribute to the public health, welfare, and		
27	economy of the state. These lands shall be managed to provide		
28	for areas of natural resource based recreation, and to ensure		
29	the survival of plant and animal species and the conservation		
30	of finite and renewable natural resources. The state's lands		
31	and natural resources shall be managed using a stewardship		

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

1 ethic that assures these resources will be available for the
2 benefit and enjoyment of all people of the state, both present
3 and future. It is the intent of the Legislature that, where
4 feasible and consistent with the goals of protection and
5 conservation of natural resources associated with lands held
6 in the public trust by the Board of Trustees of the Internal
7 Improvement Trust Fund, public land not designated for
8 single-use purposes pursuant to paragraph (2)(b) be managed
9 for multiple-use purposes. All multiple-use land management
10 strategies shall address public access and enjoyment, resource
11 conservation and protection, ecosystem maintenance and
12 protection, and protection of threatened and endangered
13 species, and the degree to which public-private partnerships
14 or endowments may allow the entity ~~agency~~ with management
15 responsibility to enhance its ability to manage these lands.
16 The council created in s. 259.035 shall recommend rules to the
17 board of trustees, and the board shall adopt rules necessary
18 to carry out the purposes of this section.

19 (2) As used in this section, the following phrases
20 have the following meanings:

21 (a) "Multiple use" means the harmonious and
22 coordinated management of timber, recreation, conservation of
23 fish and wildlife, forage, archaeological and historic sites,
24 habitat and other biological resources, or water resources so
25 that they are utilized in the combination that will best serve
26 the people of the state, making the most judicious use of the
27 land for some or all of these resources and giving
28 consideration to the relative values of the various resources.
29 Where necessary and appropriate for all state-owned lands that
30 are larger than 1,000 acres in project size and are managed
31 for multiple uses, buffers may be formed around any areas that

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

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

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

29 (3) In recognition that recreational trails purchased
30 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
31 259.105(3)(h)(~~g~~) have had historic transportation uses and

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

1 that their linear character may extend many miles, the
 2 Legislature intends that when the necessity arises to serve
 3 public needs, after balancing the need to protect trail users
 4 from collisions with automobiles and a preference for the use
 5 of overpasses and underpasses to the greatest extent feasible
 6 and practical, transportation uses shall be allowed to cross
 7 recreational trails purchased pursuant to s. 259.101(3)(g) or
 8 s. 259.105(3)(~~h~~)(~~g~~). When these crossings are needed, the
 9 location and design should consider and mitigate the impact on
 10 humans and environmental resources, and the value of the land
 11 shall be paid based on fair market value.

12 (4) 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 entity ~~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, for conservation lands, by
 24 the Acquisition and Restoration Land Acquisition and
 25 ~~Management Advisory~~ Council created in s. 259.035. All
 26 management agreements, leases, or other instruments
 27 authorizing the use of lands owned by the board shall be
 28 reviewed for approval by the board or its designee ~~or its~~
 29 ~~successor and approval by the board.~~ The ~~Land Acquisition and~~
 30 ~~Management Advisory~~ council is not required to review
 31 subleases of parcels which are less than 160 acres in size.

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

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

28 (a) The Division of State Lands shall make available
29 to the public a copy of each land management plan for parcels
30 that ~~which~~ exceed 160 acres in size. The council ~~or its~~
31 ~~successor~~ shall review each plan for compliance with the

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

1 requirements of this subsection, the requirements of chapter
2 259, and ~~with~~ the requirements of the rules established by the
3 board pursuant to this section ~~subsection~~. The council ~~or its~~
4 ~~successor~~ shall also consider the propriety of the
5 recommendations of the managing entity ~~agency~~ with regard to
6 the future use of the property, the protection of fragile or
7 nonrenewable resources, the potential for alternative or
8 multiple uses not recognized by the managing entity ~~agency~~,
9 and the possibility of disposal of the property by the board.
10 After its review, the council ~~or its successor~~ shall submit
11 the plan, along with its recommendations and comments, to the
12 board. The council ~~or its successor~~ shall specifically
13 recommend to the board whether to approve the plan as
14 submitted, approve the plan with modifications, or reject the
15 plan.

16 (b) The Board of Trustees of the Internal Improvement
17 Trust Fund shall consider the land management plan submitted
18 by each entity ~~state agency~~ and the recommendations of the
19 council ~~or its successor~~ and the Division of State Lands and
20 shall approve the plan with or without modification or reject
21 such plan. The use or possession of any such lands that ~~which~~
22 is not in accordance with an approved land management plan is
23 subject to termination by the board.

24 (6) The Board of Trustees of the Internal Improvement
25 Trust Fund shall determine which lands, the title to which is
26 vested in the board, may be surplus. Notwithstanding s.
27 253.111, for conservation ~~those lands designated as acquired~~
28 ~~for conservation purposes~~, the board shall make a
29 determination that the lands are no longer needed for
30 conservation purposes and may dispose of them by a two-thirds
31 vote. For all other lands, the board shall make a

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

1 determination that the lands are no longer needed and may
2 dispose of them by majority vote.

3 (a) For the purposes of this subsection, all lands
4 acquired by the state prior to July 1, 1999, using proceeds
5 from the Preservation 2000 bonds, the Conservation and
6 Recreation Lands Trust Fund, the Water Management Lands Trust
7 Fund, Environmentally Endangered Lands Program, and the Save
8 Our Coast Program and titled to the board, which lands are
9 identified as core parcels or within original project
10 boundaries, shall be deemed to have been acquired for
11 conservation purposes.

12 (b) For any lands purchased by the state on or after
13 July 1, 1999, a determination shall be made by the board prior
14 to acquisition as to those parcels that shall be designated as
15 having been acquired for conservation purposes. No lands
16 acquired for use by the Department of Corrections, the
17 Department of Management Services for use as state offices,
18 the Department of Transportation, except those specifically
19 managed for conservation or recreation purposes, or the State
20 University System or State Community College System shall be
21 designated as having been purchased for conservation purposes.

22 (c) At least every 3 years, as a component of each
23 land management plan or land use plan and in a form and manner
24 prescribed by rule by the board, each management entity ~~state~~
25 ~~agency~~ shall evaluate and indicate to the board those lands
26 that ~~which~~ the entity ~~agency~~ manages which are not being used
27 for the purpose for which they were originally leased. Such
28 lands shall be reviewed by the council ~~or its successor~~ for
29 its recommendation as to whether such lands should be disposed
30 of by the board.

31 (d) Lands owned by the board which are not actively

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

1 managed by any state agency or for which a land management
2 plan has not been completed pursuant to subsection (5) shall
3 be reviewed by the council or its successor for its
4 recommendation as to whether such lands should be disposed of
5 by the board.

6 (e) Prior to any decision by the board to surplus
7 lands, the Acquisition and Restoration Council shall review
8 and make recommendations to the board concerning the request
9 for surplusings. The council shall determine whether the
10 request for surplusings is compatible with the resource values
11 of and management objectives for such lands.

12 (f) In reviewing lands owned by the board, the council
13 or its successor shall consider whether such lands would be
14 more appropriately owned or managed by the county or other
15 unit of local government in which the land is located. The
16 council or its successor shall recommend to the board whether
17 a sale, lease, or other conveyance to a local government would
18 be in the best interests of the state and local government.
19 The provisions of this paragraph in no way limit the
20 provisions of ss. 253.111 and 253.115. Such lands shall be
21 offered to the county or local government for a period of 90
22 days. Permittable uses for such surplus lands may include
23 public schools; public libraries; fire or law enforcement
24 substations; and governmental, judicial, or recreational
25 centers. County or local government requests for surplus
26 lands shall be expedited throughout the surplusings process.
27 State agencies shall have the subsequent opportunity to
28 acquire the surplus lands for a period not to exceed 30 days
29 after the offer to a county or local government expires.
30 Surplus properties in which governmental agencies have
31 expressed no interest shall then be available for sale on the

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

1 private market.

2 (g) Lands determined to be surplus pursuant to this
3 subsection shall be sold for fair market value or the price
4 paid by the state or a water management district to originally
5 acquire the lands, whichever is greater, except that the price
6 of lands sold as surplus to any unit of government shall not
7 exceed the price paid by the state or a water management
8 district to originally acquire the lands. A unit of government
9 which acquires title to lands hereunder for less than fair
10 market value may not sell or transfer title to all or any
11 portion of the lands to any private owner for a period of 10
12 years. Any unit of government seeking to transfer or sell
13 lands pursuant to this paragraph shall first allow the board
14 of trustees to reacquire such lands. The board of trustees
15 may reacquire such lands for the price at which they sold such
16 lands.

17 (h) Where a unit of government acquired land by gift,
18 donation, grant, quit-claim deed, or other such conveyance
19 where no monetary consideration was exchanged, the price of
20 land sold as surplus shall not exceed the fair market value of
21 the lands. Fair market value shall be determined by the
22 average of two separate appraisals. The individual or entity
23 requesting the surplus shall select and use appraisers from
24 the list of approved appraisers maintained by the Division of
25 State Lands in accordance with s. 253.025(6)(b). The
26 individual or entity requesting the surplus is to incur all
27 costs of the appraisals.

28 (i)~~(h)~~ After reviewing the recommendations of the
29 council or its successor, the board shall determine whether
30 lands identified for surplus are to be held for other public
31 purposes or whether such lands are no longer needed. The

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

1 board may require an agency to release its interest in such
2 lands.

3 ~~(j)(i)~~ Requests for surplusing may be made by any
4 public or private entity or person. All requests shall be
5 submitted to the lead managing agency for review and
6 recommendation to the council or its successor. Lead managing
7 agencies shall have 90 days to review such requests and make
8 recommendations. Any surplusing requests that have not been
9 acted upon within the 90-day time period shall be immediately
10 scheduled for hearing at the next regularly scheduled meeting
11 of the council or its successor. Requests for surplusing
12 pursuant to this paragraph shall not be required to be offered
13 to local or state governments as provided in paragraph (f).

14 ~~(k)(j)~~ Proceeds from any sale of surplus lands
15 pursuant to this subsection shall be deposited into the fund
16 from which such lands were acquired. However, if the fund from
17 which the lands were originally acquired no longer exists,
18 such proceeds shall be deposited into an appropriate account
19 to be used for land management by the lead managing agency
20 assigned the lands prior to the lands being declared surplus
21 ~~for use by the lead managing agency for land management.~~

22 ~~(l)(k)~~ Notwithstanding the provisions of this
23 subsection, no such disposition of land shall be made if such
24 disposition would have the effect of causing all or any
25 portion of the interest on any revenue bonds issued to lose
26 the exclusion from gross income for federal income tax
27 purposes.

28 ~~(m)(l)~~ The sale of filled, formerly submerged land
29 that does not exceed 5 acres in area is not subject to review
30 by the council or its successor.

31 (8) Land management plans required to be submitted by

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

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

18 (10) The following additional uses of conservation
 19 lands acquired pursuant to the Florida Forever program and
 20 other state-funded conservation land purchase programs shall
 21 be authorized, upon a finding by the board of trustees, if
 22 they meet the criteria specified in paragraphs (a)-(e): water
 23 resource development projects, water supply development
 24 projects, stormwater management projects, linear facilities,
 25 and sustainable agriculture and forestry. Such additional
 26 uses are authorized where:

27 (a) Not inconsistent with the management plan for such
 28 lands;

29 (b) Compatible with the natural ecosystem and resource
 30 values of such lands;

31 (c) The proposed use is appropriately located on such

Bill No. HB 2403, 2nd Eng.

Amendment No. ____

1 lands and where due consideration is given to the use of other
2 available lands;

3 (d) The using entity reasonably compensates the
4 titleholder for such use based upon an appropriate measure of
5 value; and

6 (e) The use is consistent with the public interest.
7

8 A decision by the board of trustees pursuant to this section
9 ~~subsection~~ shall be given a presumption of correctness. Moneys
10 received from the use of state lands pursuant to this section
11 ~~subsection~~ shall be returned to the lead managing entity
12 ~~agency~~ in accordance with the provisions of s. 259.032(11)(d).
13
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 56, line 30, before the word "amending"

18
19 insert:

20 clarifying that the private sector and
21 nonprofit organizations may manage state lands;
22
23
24
25
26
27
28
29
30
31