

By Senator Pruitt

27-1254-02

See HB 749

1 A bill to be entitled
 2 An act relating to state lands; amending s.
 3 253.002, F.S.; providing for duties and
 4 functions of the Department of Environmental
 5 Protection relating to state-owned lands;
 6 providing reference to land exchanges;
 7 providing for certain duties of the Department
 8 of Agriculture and Consumer Services; amending
 9 s. 253.01, F.S.; revising the use of funds
 10 deposited into the Internal Improvement Trust
 11 Fund; eliminating obsolete provisions; amending
 12 s. 253.02, F.S.; revising certain powers and
 13 duties of the Board of Trustees of the Internal
 14 Improvement Trust Fund to include reference to
 15 land exchanges; effective January 7, 2003,
 16 revising the membership of the Board of
 17 Trustees of the Internal Improvement Trust Fund
 18 to conform to the requirements of the State
 19 Constitution; amending s. 253.03, F.S.;
 20 revising conditions under which the Board of
 21 Trustees of the Internal Improvement Trust Fund
 22 is vested and charged with certain
 23 responsibilities for current and future
 24 state-owned lands; prohibiting certain
 25 restriction on land exchanges; amending s.
 26 253.034, F.S.; providing definitions; effective
 27 January 7, 2003, conforming conditions under
 28 which the Board of Trustees of the Internal
 29 Improvement Trust Fund may dispose of surplus
 30 lands to the provisions of the State
 31 Constitution; amending s. 253.42, F.S.;

1 revising requirements for the exchange of lands
2 owned by or vested in the Board of Trustees of
3 the Internal Improvement Trust Fund; providing
4 for the lease of the management of certain
5 exchanged lands; providing effective dates.

6
7 Be It Enacted by the Legislature of the State of Florida:

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9 Section 1. Section 253.002, Florida Statutes, is
10 amended to read:

11 253.002 Department of Environmental Protection, water
12 management districts, and Department of Agriculture and
13 Consumer Services; duties with respect to state lands.--

14 (1) The Department of Environmental Protection shall
15 perform all staff duties and functions related to the
16 acquisition, administration, and disposition of state lands,
17 including land exchanges as provided for in s. 253.42, title
18 to which is or will be vested in the Board of Trustees of the
19 Internal Improvement Trust Fund. However, upon the effective
20 date of rules adopted pursuant to s. 373.427, a water
21 management district created under s. 373.069 shall perform the
22 staff duties and functions related to the review of any
23 application for authorization to use board of trustees-owned
24 submerged lands necessary for an activity regulated under part
25 IV of chapter 373 for which the water management district has
26 permitting responsibility as set forth in an operating
27 agreement adopted pursuant to s. 373.046(4). ~~and effective~~
28 ~~July 1, 2000, the Department of Agriculture and Consumer~~
29 ~~Services shall perform the staff duties and functions related~~
30 ~~to the review of applications and compliance with lease~~
31 ~~conditions for use of board of trustees-owned submerged lands~~

1 ~~under leases issued pursuant to ss. 253.67-253.75 and 597.010.~~
2 ~~Unless expressly prohibited by law, the board of trustees may~~
3 ~~delegate to the department any statutory duty or obligation~~
4 ~~relating to the acquisition, administration, or disposition of~~
5 ~~lands, title to which is or will be vested in the board of~~
6 ~~trustees.~~The board of trustees may also delegate to any water
7 management district created under s. 373.069 the authority to
8 take final agency action, without any action on behalf of the
9 board, on applications for authorization to use board of
10 trustees-owned submerged lands for any activity regulated
11 under part IV of chapter 373 for which the water management
12 district has permitting responsibility as set forth in an
13 operating agreement adopted pursuant to s. 373.046(4). This
14 water management district responsibility under this subsection
15 shall be subject to the department's general supervisory
16 authority pursuant to s. 373.026(7).

17 (2) The Department of Agriculture and Consumer
18 Services shall perform the staff duties and functions related
19 to the review of applications and compliance with lease
20 conditions for use of board of trustees-owned submerged lands
21 under leases issued pursuant to ss. 253.67-253.75 and 597.010.

22 The board of trustees may also delegate to the Department of
23 Agriculture and Consumer Services the authority to take final
24 agency action on behalf of the board on applications to use
25 board of trustees-owned submerged lands for any activity for
26 which that department has responsibility pursuant to ss.
27 253.67-253.75 and 597.010. However, the board of trustees
28 shall retain the authority to take final agency action on
29 establishing any areas for leasing, new leases, expanding
30 existing lease areas, or changing the type of lease activity
31 in existing leases. Upon issuance of an aquaculture lease or

1 other real property transaction relating to aquaculture, the
2 Department of Agriculture and Consumer Services must send a
3 copy of the document and the accompanying survey to the
4 Department of Environmental Protection.

5 (3)~~(2)~~ Delegations to the department, or a water
6 management district, or the Department of Agriculture and
7 Consumer Services of authority to take final agency action on
8 applications for authorization to use submerged lands owned by
9 the board of trustees, without any action on behalf of the
10 board of trustees, shall be by rule. Until rules adopted
11 pursuant to this subsection become effective, existing
12 delegations by the board of trustees shall remain in full
13 force and effect. However, the board of trustees is not
14 limited or prohibited from amending these delegations. ~~The~~
15 ~~board of trustees shall adopt by rule any delegations of its~~
16 ~~authority to take final agency action without action by the~~
17 ~~board of trustees on applications for authorization to use~~
18 ~~board of trustees-owned submerged lands.~~Any final agency
19 action, without action by the board of trustees, taken by the
20 department, or a water management district, or the Department
21 of Agriculture and Consumer Services on applications to use
22 board of trustees-owned submerged lands shall be subject to
23 the provisions of s. 373.4275. Notwithstanding any other
24 provision of this subsection, the board of trustees, the
25 Department of Legal Affairs, and the department retain the
26 concurrent authority to assert or defend title to submerged
27 lands owned by the board of trustees.

28 Section 2. Subsection (2) of section 253.01, Florida
29 Statutes, is amended to read:

30 253.01 Internal Improvement Trust Fund established.--
31

1 (2)~~(a)~~ All revenues accruing from sources designated
2 by law for deposit in the Internal Improvement Trust Fund
3 shall be used for the acquisition, management, administration,
4 protection, and conservation of state-owned lands.

5 ~~(b) For the 2001-2002 fiscal year only, the use of~~
6 ~~funds allocated to the Internal Improvement Trust Fund shall~~
7 ~~be as provided in the General Appropriations Act. This~~
8 ~~paragraph expires July 1, 2002.~~

9 Section 3. Subsections (1) and (2) of section 253.02,
10 Florida Statutes, are amended to read:

11 253.02 Board of trustees; powers and duties.--

12 (1) For the purpose of assuring the proper application
13 of the Internal Improvement Trust Fund and the Land
14 Acquisition Trust Fund for the purposes of this chapter, the
15 land provided for in ss. 253.01 and 253.03, and all the funds
16 arising from the sale, transfer, or exchange thereof, after
17 paying the necessary expense of selection, management, and
18 sale, are irrevocably vested in a board of seven trustees, to
19 wit: The Governor, the Secretary of State, the Attorney
20 General, the Comptroller, the State Treasurer, the
21 Commissioner of Education, and the Commissioner of Agriculture
22 and their successors in office, to hold the same in trust for
23 the uses and purposes provided in this chapter, with the power
24 to sell, and transfer, or exchange said lands ~~to the~~
25 ~~purchasers~~ and receive payment for the same, and invest the
26 surplus moneys arising therefrom, from time to time, in stocks
27 of the United States, stocks of the several states, or the
28 internal improvement bonds issued under the provisions of law;
29 also, the surplus interest accruing from such investments.
30 Said board of trustees have all the rights, powers, property,
31 claims, remedies, actions, suits, and things whatsoever

1 belonging to them, or appertaining before and at the time of
2 the enactment hereof, and they shall remain subject to and
3 pay, fulfill, perform, and discharge all debts, duties, and
4 obligations of their trust, existing at the time of the
5 enactment hereof or provided in this chapter.

6 (2) The board of trustees shall not sell, transfer,
7 exchange, or otherwise dispose of any lands the title to which
8 is vested in the board of trustees except by vote of at least
9 five of the seven trustees.

10 Section 4. Effective January 7, 2003, subsections (1)
11 and (2) of section 253.02, Florida Statutes, as amended by
12 this act, are amended to read:

13 253.02 Board of trustees; powers and duties.--

14 (1) For the purpose of assuring the proper application
15 of the Internal Improvement Trust Fund and the Land
16 Acquisition Trust Fund for the purposes of this chapter, the
17 land provided for in ss. 253.01 and 253.03, and all the funds
18 arising from the sale, transfer, or exchange thereof, after
19 paying the necessary expense of selection, management, and
20 sale, are irrevocably vested in a board of four ~~seven~~
21 trustees, to wit: The Governor, the Chief Financial Officer
22 ~~the Secretary of State~~, the Attorney General, ~~the Comptroller,~~
23 ~~the State Treasurer, the Commissioner of Education,~~ and the
24 Commissioner of Agriculture and their successors in office, to
25 hold the same in trust for the uses and purposes provided in
26 this chapter, with the power to sell, transfer, or exchange
27 said lands and receive payment for the same, and invest the
28 surplus moneys arising therefrom, from time to time, in stocks
29 of the United States, stocks of the several states, or the
30 internal improvement bonds issued under the provisions of law;
31 also, the surplus interest accruing from such investments.

1 Said board of trustees have all the rights, powers, property,
2 claims, remedies, actions, suits, and things whatsoever
3 belonging to them, or appertaining before and at the time of
4 the enactment hereof, and they shall remain subject to and
5 pay, fulfill, perform, and discharge all debts, duties, and
6 obligations of their trust, existing at the time of the
7 enactment hereof or provided in this chapter.

8 (2) The board of trustees shall not sell, transfer,
9 exchange, or otherwise dispose of any lands the title to which
10 is vested in the board of trustees except by vote of at least
11 three ~~five~~ of the four ~~seven~~ trustees.

12 Section 5. Subsections (1) and (7) of section 253.03,
13 Florida Statutes, are amended to read:

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

16 (1) The Board of Trustees of the Internal Improvement
17 Trust Fund of the state is vested and charged with the
18 acquisition, administration, management, control, supervision,
19 conservation, protection, and disposition of all lands owned
20 by, or which may hereafter inure to, the state or any of its
21 agencies, departments, boards, or commissions, excluding lands
22 held for transportation facilities and transportation
23 corridors and canal rights-of-way, spoil areas and lands
24 required for disposal of materials, or borrow pits; any land,
25 title to which is vested or may become vested in any port
26 authority, flood control district, water management district,
27 or navigation district or agency created by any general or
28 special act; and any lands, including the Camp Blanding
29 Military Reservation, which have been conveyed to the state
30 for military purposes only, and which are subject to reversion
31 if conveyed by the original grantee or if the conveyance to

1 the Board of Trustees of the Internal Improvement Trust Fund
2 under this act would work a reversion from any other cause, or
3 where any conveyance of lands held by a state agency which are
4 encumbered by or subject to liens, trust agreements, or any
5 form of contract which encumbers state lands for the repayment
6 of funded debt. Lands vested in the Board of Trustees of the
7 Internal Improvement Trust Fund shall be deemed to be:

8 (a) All swamp and overflowed lands held by the state
9 or which may hereafter inure to the state;

10 (b) All lands owned by the state by right of its
11 sovereignty;

12 (c) All internal improvement lands proper;

13 (d) All tidal lands;

14 (e) All lands covered by shallow waters of the ocean
15 or gulf, or bays or lagoons thereof, and all lands owned by
16 the state covered by fresh water; and

17 (f) All parks, reservations, or lands or bottoms set
18 aside in the name of the state, excluding lands held for
19 transportation facilities and transportation corridors and
20 canal rights-of-way.†

21 ~~(g) All lands which have accrued, or which may~~
22 ~~hereafter accrue, to the state from any source whatsoever,~~
23 ~~excluding lands held for transportation facilities and~~
24 ~~transportation corridors and canal rights-of-way, spoil areas,~~
25 ~~or borrow pits or any land, the title to which is vested or~~
26 ~~may become vested in any port authority, flood control~~
27 ~~district, water management district, or navigation district or~~
28 ~~agency created by any general or special act.~~

29 (7)(a) The Board of Trustees of the Internal
30 Improvement Trust Fund is hereby authorized and directed to
31 administer all state-owned lands and shall be responsible for

1 the creation of an overall and comprehensive plan of
2 development concerning the acquisition, management, and
3 disposition of state-owned lands so as to ensure maximum
4 benefit and use. The Board of Trustees of the Internal
5 Improvement Trust Fund has authority to adopt rules pursuant
6 to ss. 120.536(1) and 120.54 to implement the provisions of
7 this act, provided that the disposition of state lands may not
8 be limited by any rule that requires that the state receive
9 twice the amount of acreage being conveyed out of state
10 ownership, unless that is the only means of achieving a net
11 positive conservation benefit as defined in s. 253.034. Any
12 rule governing the disposition of state lands must be revised
13 to conform to the provisions of this subsection.

14 Section 6. Subsections (1) and (2) of section 253.034,
15 Florida Statutes, are amended to read:

16 253.034 State-owned lands; uses.--

17 (1) All lands acquired pursuant to chapter 259 shall
18 be managed to serve the public interest by protecting and
19 conserving land, air, water, and the state's natural
20 resources, which contribute to the public health, welfare, and
21 economy of the state. These lands shall be managed to provide
22 for areas of natural resource based recreation, and to ensure
23 the survival of plant and animal species and the conservation
24 of finite and renewable natural resources. The state's lands
25 and natural resources shall be managed using a stewardship
26 ethic that assures these resources will be available for the
27 benefit and enjoyment of all people of the state, both present
28 and future. It is the intent of the Legislature that, where
29 feasible and consistent with the goals of protection and
30 conservation of natural resources associated with lands held
31 in the public trust by the Board of Trustees of the Internal

1 Improvement Trust Fund, public land not designated for
2 single-use purposes pursuant to paragraph (2)(b) be managed
3 for multiple-use purposes. All multiple-use land management
4 strategies shall address public access and enjoyment, resource
5 conservation and protection, ecosystem maintenance and
6 protection, and protection of threatened and endangered
7 species, and the degree to which public-private partnerships
8 or endowments may allow the entity with management
9 responsibility to enhance its ability to manage these lands.
10 The Acquisition and Restoration Council created in s. 259.035
11 shall recommend rules to the board of trustees, and the board
12 shall adopt rules necessary to carry out the purposes of this
13 section.

14 (2) 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 that
27 require special protection or have special management needs.
28 Such buffers shall not exceed more than one-half of the total
29 acreage. Multiple uses within a buffer area may be restricted
30 to provide the necessary buffering effect desired. Multiple
31 use in this context includes both uses of land or resources by

1 more than one management entity, which may include private
2 sector land managers. In any case, lands identified as
3 multiple-use lands in the land management plan shall be
4 managed to enhance and conserve the lands and resources for
5 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 entity 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 entity.

23 (c) "Conservation lands" means lands that are
24 currently managed for conservation, outdoor resource-based
25 recreation, or archaeological or historic preservation, except
26 those lands that were acquired solely to facilitate the
27 acquisition of other conservation lands. Lands acquired for
28 uses other than conservation, outdoor resource-based
29 recreation, or archaeological or historic preservation shall
30 not be designated conservation lands except as otherwise
31 authorized under this section. These lands shall include, but

1 not be limited to, the following: correction and detention
2 facilities, military installations and facilities, state
3 office buildings, maintenance yards, state university or state
4 community college campuses, agricultural field stations or
5 offices, tower sites, law enforcement and license facilities,
6 laboratories, hospitals, clinics, and other sites that possess
7 no significant natural or historical resources. However,
8 lands acquired solely to facilitate the acquisition of other
9 conservation lands, and for which the land management plan has
10 not yet been completed or updated, may be evaluated by the
11 Board of Trustees of the Internal Improvement Trust Fund on a
12 case-by-case basis to determine if they will be designated
13 conservation lands.

14 (d) "Council" means the Acquisition and Restoration
15 Council created in s. 259.035.

16 (e) "Net positive conservation benefit" means
17 compensation over and above the market value for or the
18 replacement value of state conservation lands. Compensation
19 may include, but shall not be limited to, monetary or other
20 considerations and the state's receipt of conservation lands
21 with similar characteristics or higher conservation value.
22 When a net positive conservation benefit can be achieved only
23 by the receipt of conservation lands, the state shall not
24 require receipt of more than twice the acreage than is being
25 conveyed out of state ownership.

26 (f) "Surplus lands" means conservation or
27 nonconservation lands, the title to which is vested in the
28 board and which are declared available for disposition
29 pursuant to this section.

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1 Section 7. Effective January 7, 2003, the introductory
2 paragraph of subsection (6) of section 253.034, Florida
3 Statutes, is amended to read:

4 253.034 State-owned lands; uses.--

5 (6) The Board of Trustees of the Internal Improvement
6 Trust Fund shall determine which lands, the title to which is
7 vested in the board, may be surplus. For conservation lands,
8 the board shall make a determination that the lands are no
9 longer needed for conservation purposes and may dispose of
10 them by a three-fourths ~~two-thirds~~ vote. In the case of a land
11 exchange involving the disposition of conservation lands, the
12 board must determine by at least a three-fourths ~~two-thirds~~
13 vote that the exchange will result in a net positive
14 conservation benefit. For all other lands, the board shall
15 make a determination that the lands are no longer needed and
16 may dispose of them by majority vote.

17 Section 8. Section 253.42, Florida Statutes, is
18 amended to read:

19 253.42 Board of trustees may exchange lands.--The
20 Board of Trustees of the Internal Improvement Trust Fund of
21 the state may exchange lands held or owned by, or vested in,
22 said board for other lands in the state owned by local
23 governments, private individuals, or corporations; and fix the
24 terms and conditions of any such exchange, and select and
25 agree upon the lands to be so conveyed by said board; and the
26 lands to be conveyed to said board in exchange therefor; and
27 agree upon and pay or receive, as the case may in the judgment
28 of said board require, any sum or sums of money deemed
29 necessary by said board for the purpose of equalizing the
30 values of such exchanged property, and make and enter into
31 contracts or agreements for such purpose or purposes. The

1 management of lands conveyed to the board of trustees under
2 the provisions of this section may be leased to the Department
3 of Environmental Protection, the Department of Agriculture and
4 Consumer Services, the Fish and Wildlife Conservation
5 Commission, or a water management district.

6 Section 9. Except as otherwise provided in this act,
7 this act shall take effect July 1, 2002.

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10 LEGISLATIVE SUMMARY

11 Revises provisions of law with respect to state lands to
12 include reference to land exchanges. Provides for duties
13 and functions of the Department of Environmental
14 Protection and the Board of Trustees of the Internal
15 Improvement Trust Fund with respect to land exchanges.
16 Revises the membership of the Board of Trustees of the
17 Internal Improvement Trust Fund to conform with the
18 requirements of the State Constitution. (See bill for
19 details.)
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