

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Dockery offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

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

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

(1) The Department of Environmental Protection shall perform all staff duties and functions related to the acquisition, administration, and disposition of state lands, title to which is or will be vested in the Board of Trustees of the Internal Improvement Trust Fund. However, upon the effective date of rules adopted pursuant to s. 373.427, a water management district created under s. 373.069 shall perform the staff duties and functions related to the review of any application for authorization to use board of trustees-owned submerged lands necessary for an activity

Amendment No. 1 (for drafter's use only)

1 regulated under part IV of chapter 373 for which the water
2 management district has permitting responsibility as set forth
3 in an operating agreement adopted pursuant to s. 373.046(4).~~+~~
4 ~~and effective July 1, 2000, the Department of Agriculture and~~
5 ~~Consumer Services shall perform the staff duties and functions~~
6 ~~related to the review of applications and compliance with~~
7 ~~lease conditions for use of board of trustees-owned submerged~~
8 ~~lands under leases issued pursuant to ss. 253.67-253.75 and~~
9 ~~597.010. Unless expressly prohibited by law, the board of~~
10 ~~trustees may delegate to the department any statutory duty or~~
11 ~~obligation relating to the acquisition, administration, or~~
12 ~~disposition of lands, title to which is or will be vested in~~
13 ~~the board of trustees.~~The board of trustees may also delegate
14 to any water management district created under s. 373.069 the
15 authority to take final agency action, without any action on
16 behalf of the board, on applications for authorization to use
17 board of trustees-owned submerged lands for any activity
18 regulated under part IV of chapter 373 for which the water
19 management district has permitting responsibility as set forth
20 in an operating agreement adopted pursuant to s. 373.046(4).
21 This water management district responsibility under this
22 subsection shall be subject to the department's general
23 supervisory authority pursuant to s. 373.026(7).

24 (2) The Department of Agriculture and Consumer
25 Services shall perform the staff duties and functions related
26 to the review of applications and compliance with lease
27 conditions for use of board of trustees-owned submerged lands
28 under leases issued pursuant to ss. 253.67-253.75 and 597.010.
29 The board of trustees may also delegate to the Department of
30 Agriculture and Consumer Services the authority to take final
31 agency action on behalf of the board on applications to use

Amendment No. 1 (for drafter's use only)

1 board of trustees-owned submerged lands for any activity for
2 which that department has responsibility pursuant to ss.
3 253.67-253.75 and 597.010. However, the board of trustees
4 shall retain the authority to take final agency action on
5 establishing any areas for leasing, new leases, expanding
6 existing lease areas, or changing the type of lease activity
7 in existing leases. Upon issuance of an aquaculture lease or
8 other real property transaction relating to aquaculture, the
9 Department of Agriculture and Consumer Services must send a
10 copy of the document and the accompanying survey to the
11 Department of Environmental Protection.

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

Amendment No. 1 (for drafter's use only)

1 Department of Legal Affairs, and the department retain the
2 concurrent authority to assert or defend title to submerged
3 lands owned by the board of trustees.

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

6 253.01 Internal Improvement Trust Fund established.--

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

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

15 Section 3. Effective January 7, 2003, subsections (1)
16 and (2) of section 253.02, Florida Statutes, are amended to
17 read:

18 253.02 Board of trustees; powers and duties.--

19 (1) For the purpose of assuring the proper application
20 of the Internal Improvement Trust Fund and the Land
21 Acquisition Trust Fund for the purposes of this chapter, the
22 land provided for in ss. 253.01 and 253.03, and all the funds
23 arising from the sale, transfer, or exchange thereof, after
24 paying the necessary expense of selection, management, and
25 sale, are irrevocably vested in a board of four ~~seven~~
26 trustees, to wit: The Governor, the Chief Financial Officer
27 ~~the Secretary of State~~, the Attorney General, ~~the Comptroller,~~
28 ~~the State Treasurer, the Commissioner of Education,~~ and the
29 Commissioner of Agriculture and their successors in office, to
30 hold the same in trust for the uses and purposes provided in
31 this chapter, with the power to sell, transfer, or exchange

Amendment No. 1 (for drafter's use only)

1 said lands and receive payment for the same, and invest the
2 surplus moneys arising therefrom, from time to time, in stocks
3 of the United States, stocks of the several states, or the
4 internal improvement bonds issued under the provisions of law;
5 also, the surplus interest accruing from such investments.
6 Said board of trustees have all the rights, powers, property,
7 claims, remedies, actions, suits, and things whatsoever
8 belonging to them, or appertaining before and at the time of
9 the enactment hereof, and they shall remain subject to and
10 pay, fulfill, perform, and discharge all debts, duties, and
11 obligations of their trust, existing at the time of the
12 enactment hereof or provided in this chapter.

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

17 Section 4. Paragraphs (e), (f), and (g) of subsection
18 (1) of section 253.03, Florida Statutes, are amended to read:

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

21 (1) The Board of Trustees of the Internal Improvement
22 Trust Fund of the state is vested and charged with the
23 acquisition, administration, management, control, supervision,
24 conservation, protection, and disposition of all lands owned
25 by, or which may hereafter inure to, the state or any of its
26 agencies, departments, boards, or commissions, excluding lands
27 held for transportation facilities and transportation
28 corridors and canal rights-of-way, spoil areas and lands
29 required for disposal of materials, or borrow pits; any land,
30 title to which is vested or may become vested in any port
31 authority, flood control district, water management district,

Amendment No. 1 (for drafter's use only)

1 or navigation district or agency created by any general or
2 special act; and any lands, including the Camp Blanding
3 Military Reservation, which have been conveyed to the state
4 for military purposes only, and which are subject to reversion
5 if conveyed by the original grantee or if the conveyance to
6 the Board of Trustees of the Internal Improvement Trust Fund
7 under this act would work a reversion from any other cause, or
8 where any conveyance of lands held by a state agency which are
9 encumbered by or subject to liens, trust agreements, or any
10 form of contract which encumbers state lands for the repayment
11 of funded debt. Lands vested in the Board of Trustees of the
12 Internal Improvement Trust Fund shall be deemed to be:

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

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

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

28 Section 5. Effective July 1, 2003, subsections (12),
29 (13), and (14), of section 201.15, Florida Statutes, are
30 renumbered as subsections (13), (14), and (15), and a new
31 subsection (12) is added to said section, to read:

Amendment No. 1 (for drafter's use only)

1 201.15 Distribution of taxes collected.--All taxes
2 collected under this chapter shall be distributed as follows
3 and shall be subject to the service charge imposed in s.
4 215.20(1), except that such service charge shall not be levied
5 against any portion of taxes pledged to debt service on bonds
6 to the extent that the amount of the service charge is
7 required to pay any amounts relating to the bonds:

8 (12) From the moneys specified in paragraphs (1)(c)
9 and (2)(a) and prior to deposit of any moneys into the General
10 Revenue fund, \$25 million shall be paid into the State
11 Treasury to the credit of the Conservation and Recreation
12 Lands Program Trust Fund in fiscal year 2003-2004 and each
13 fiscal year thereafter, to be used for the acquisition of
14 conservation easements and rural land protection easements,
15 and for funding agricultural protection agreements and
16 resource conservation agreements as provided in s. 570.71.

17 Section 6. Subsection (1) of section 570.207, Florida
18 Statutes, is amended to read:

19 570.207 Conservation and Recreation Lands Program
20 Trust Fund of the Department of Agriculture and Consumer
21 Services.--

22 (1) There is created a Conservation and Recreation
23 Lands Program Trust Fund within the Department of Agriculture
24 and Consumer Services. The purpose of the trust fund is to
25 provide for the management of conservation and recreation
26 lands by the department. Funds may be appropriated to the
27 trust fund from the Conservation and Recreation Lands Trust
28 Fund in the Department of Environmental Protection, as created
29 by s. 259.032(2), or from such other sources as the
30 Legislature may determine for the management of conservation
31 and recreation lands by the department. For fiscal year

Amendment No. 1 (for drafter's use only)

1 2002-2003, the department may use funds deposited into the
2 Conservation and Recreation Lands Program Trust Fund pursuant
3 to the provisions of the General Appropriations Act, and funds
4 from such other sources as the Legislature determines for the
5 acquisition of conservation easements and rural land
6 protection easements, and for funding agricultural protection
7 agreements and resource conservation agreements pursuant to s.
8 570.71.

9 Section 7. Section 570.70, Florida Statutes, is
10 amended to read:

11 570.70 Legislative findings; study.--

12 (1) The Legislature finds and declares that:

13 (a)(1) A thriving rural economy with a strong
14 agricultural base, healthy natural environment, and viable
15 rural communities is an essential part of Florida. Rural areas
16 also include the largest remaining intact ecosystems and best
17 examples of remaining wildlife habitats as well as a majority
18 of privately owned land targeted by local, state, and federal
19 agencies for natural resource protection.

20 (b)(2) The growth of Florida's population can result
21 in agricultural and rural lands being converted into
22 residential or commercial development.

23 (c)(3) The agricultural, rural, natural resource, and
24 commodity values of rural lands are vital to the state's
25 economy, productivity, rural heritage, and quality of life.

26 (d)(4) There is ~~The Legislature further recognizes~~ the
27 need for enhancing the ability of rural landowners to obtain
28 economic value from their property, protecting rural
29 character, controlling urban sprawl, ~~and~~ providing necessary
30 open space for agriculture and the natural environment, and
31 ~~the importance of~~ maintaining and protecting Florida's rural

Amendment No. 1 (for drafter's use only)

1 economy through innovative planning and development strategies
2 in rural areas and the use of incentives that reward
3 landowners for good stewardship of land and natural resources.

4 (e)(5) The purpose of this act is to bring under
5 public protection lands that serve to limit subdivision and
6 conversion of agricultural and natural areas that provide
7 economic, open space, water, and wildlife benefits by
8 acquiring land or related interests in land such as perpetual,
9 less-than-fee acquisitions, agricultural protection
10 agreements, and resource conservation agreements and
11 innovative planning and development strategies in rural areas.

12 (2) A study conducted by the department to determine
13 and prioritize needs for implementing the provisions of this
14 section and s. 570.71 concluded the following:

15 (a) Between 1964 and 1997, Florida lost nearly 5
16 million acres of valuable agricultural land, with most of the
17 loss involving ranch and forest lands.

18 (b) Florida currently has 9,114,000 acres of
19 agricultural land with natural resource attributes, including
20 groundwater recharge, natural floodplain, and significant
21 species habitat, and more than 900,000 acres of this land will
22 be converted to other uses within a decade.

23 (c) The objective of a program to protect agricultural
24 land with natural resource value through conservation
25 easements and other tools should be protection of 1 acre for
26 every acre lost.

27 Section 8. Except as otherwise provided herein, this
28 act shall take effect July 1, 2002.
29
30
31

Amendment No. 1 (for drafter's use only)

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

2 And the title is amended as follows:

3 On page 1, line 2 thru page 2, line 2

4 remove: all of said lines

5

6 and insert:

7 An act relating to state lands; amending s.
8 253.002, F.S.; providing for certain duties of
9 the Department of Agriculture and Consumer
10 Services; amending s. 253.01, F.S.; revising
11 the use of funds deposited into the Internal
12 Improvement Trust Fund; deleting obsolete
13 language; amending s. 253.02, F.S.; effective
14 January 7, 2003, revising the membership of the
15 Board of Trustees of the Internal Improvement
16 Trust Fund to conform to the requirements of
17 the State Constitution; amending s. 253.03,
18 F.S.; revising conditions under which the Board
19 of Trustees of the Internal Improvement trust
20 Fund is vested and charged with certain
21 responsibilities for current and future
22 state-owned lands to delete duplicative
23 language; amending s. 201.15, F.S; providing an
24 appropriation to the Conservation and
25 Recreation Lands Program Trust Fund beginning
26 in fiscal year 2003-2004; amending s. 570.207,
27 F.S. authorizing the department's use of funds
28 deposited into the Conservation and Recreation
29 Lands Program Trust Fund; amending s. 570.70,
30 F.S.; providing conclusions of a study
31 conducted by the department; providing

Amendment No. 1 (for drafter's use only)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31

effective dates.