

By the Council for Ready Infrastructure and  
Representatives Dockery, Argenziano, Baxley and Ross

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; deleting obsolete language; amending s.  
12          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; amending  
27          s. 253.42, F.S.; revising requirements for the  
28          exchange of lands owned by or vested in the  
29          Board of Trustees of the Internal Improvement  
30          Trust Fund; providing for the lease of the  
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1 management of certain exchanged lands;  
2 providing effective dates.

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

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

8 253.002 Department of Environmental Protection, water  
9 management districts, and Department of Agriculture and  
10 Consumer Services; duties with respect to state lands.--

11 (1) The Department of Environmental Protection shall  
12 perform all staff duties and functions related to the  
13 acquisition, administration, and disposition of state lands,  
14 including land exchanges as provided for in s. 253.42, title  
15 to which is or will be vested in the Board of Trustees of the  
16 Internal Improvement Trust Fund. However, upon the effective  
17 date of rules adopted pursuant to s. 373.427, a water  
18 management district created under s. 373.069 shall perform the  
19 staff duties and functions related to the review of any  
20 application for authorization to use board of trustees-owned  
21 submerged lands necessary for an activity regulated under part  
22 IV of chapter 373 for which the water management district has  
23 permitting responsibility as set forth in an operating  
24 agreement adopted pursuant to s. 373.046(4). ~~and effective~~  
25 ~~July 1, 2000, the Department of Agriculture and Consumer~~  
26 ~~Services shall perform the staff duties and functions related~~  
27 ~~to the review of applications and compliance with lease~~  
28 ~~conditions for use of board of trustees-owned submerged lands~~  
29 ~~under leases issued pursuant to ss. 253.67-253.75 and 597.010.~~  
30 ~~Unless expressly prohibited by law, the board of trustees may~~  
31 ~~delegate to the department any statutory duty or obligation~~

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

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

19 The board of trustees may also delegate to the Department of  
20 Agriculture and Consumer Services the authority to take final  
21 agency action on behalf of the board on applications to use  
22 board of trustees-owned submerged lands for any activity for  
23 which that department has responsibility pursuant to ss.  
24 253.67-253.75 and 597.010. However, the board of trustees  
25 shall retain the authority to take final agency action on  
26 establishing any areas for leasing, new leases, expanding  
27 existing lease areas, or changing the type of lease activity  
28 in existing leases. Upon issuance of an aquaculture lease or  
29 other real property transaction relating to aquaculture, the  
30 Department of Agriculture and Consumer Services must send a  
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1 copy of the document and the accompanying survey to the  
2 Department of Environmental Protection.

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

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

28 253.01 Internal Improvement Trust Fund established.--

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

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

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

9 253.02 Board of trustees; powers and duties.--

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

1 pay, fulfill, perform, and discharge all debts, duties, and  
2 obligations of their trust, existing at the time of the  
3 enactment hereof or provided in this chapter.

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

8 Section 4. Effective January 7, 2003, subsections (1)  
9 and (2) of section 253.02, Florida Statutes, as amended by  
10 this act, 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 four ~~seven~~  
19 trustees, to wit: The Governor, the Chief Financial Officer  
20 ~~the Secretary of State~~, the Attorney General, ~~the Comptroller,~~  
21 ~~the State Treasurer, the Commissioner of Education,~~ and the  
22 Commissioner of Agriculture and their successors in office, to  
23 hold the same in trust for the uses and purposes provided in  
24 this chapter, with the power to sell, transfer, or exchange  
25 said lands 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 three ~~five~~ of the four ~~seven~~ trustees.

10 Section 5. Paragraphs (e), (f), and (g) of subsection  
11 (1) and paragraph (a) of subsection (7) of section 253.03,  
12 Florida Statutes, are amended to read:

13 253.03 Board of trustees to administer state lands;  
14 lands enumerated.--

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

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

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

10 (f) All parks, reservations, or lands or bottoms set  
11 aside in the name of the state, excluding lands held for  
12 transportation facilities and transportation corridors and  
13 canal rights-of-way.†

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

22 (7)(a) The Board of Trustees of the Internal  
23 Improvement Trust Fund is hereby authorized and directed to  
24 administer all state-owned lands and shall be responsible for  
25 the creation of an overall and comprehensive plan of  
26 development concerning the acquisition, management, and  
27 disposition of state-owned lands so as to ensure maximum  
28 benefit and use. The Board of Trustees of the Internal  
29 Improvement Trust Fund has authority to adopt rules pursuant  
30 to ss. 120.536(1) and 120.54 to implement the provisions of  
31 this act, provided that the disposition of state lands may not



1 be limited by any rule that requires that the state receive  
2 twice the amount of acreage being conveyed out of state  
3 ownership, unless that is the only means of achieving a net  
4 positive conservation benefit as defined in s. 253.034. Any  
5 rule governing the disposition of state lands must be revised  
6 to conform to the provisions of this subsection.

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

9 253.034 State-owned lands; uses.--

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

1 or endowments may allow the entity with management  
2 responsibility to enhance its ability to manage these lands.  
3 The Acquisition and Restoration Council created in s. 259.035  
4 shall recommend rules to the board of trustees, and the board  
5 shall adopt rules necessary to carry out the purposes of this  
6 section.

7 (2) As used in this section, the following phrases  
8 have the following meanings:

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

30 (b) "Single use" means management for one particular  
31 purpose to the exclusion of all other purposes, except that

1 the using entity shall have the option of including in its  
2 management program compatible secondary purposes which will  
3 not detract from or interfere with the primary management  
4 purpose. Such single uses may include, but are not necessarily  
5 restricted to, the use of agricultural lands for production of  
6 food and livestock, the use of improved sites and grounds for  
7 institutional purposes, and the use of lands for parks,  
8 preserves, wildlife management, archaeological or historic  
9 sites, or wilderness areas where the maintenance of  
10 essentially natural conditions is important. All submerged  
11 lands shall be considered single-use lands and shall be  
12 managed primarily for the maintenance of essentially natural  
13 conditions, the propagation of fish and wildlife, and public  
14 recreation, including hunting and fishing where deemed  
15 appropriate by the managing entity.

16 (c) "Conservation lands" means lands that are  
17 currently managed for conservation, outdoor resource-based  
18 recreation, or archaeological or historic preservation, except  
19 those lands that were acquired solely to facilitate the  
20 acquisition of other conservation lands. Lands acquired for  
21 uses other than conservation, outdoor resource-based  
22 recreation, or archaeological or historic preservation shall  
23 not be designated conservation lands except as otherwise  
24 authorized under this section. These lands shall include, but  
25 not be limited to, the following: correction and detention  
26 facilities, military installations and facilities, state  
27 office buildings, maintenance yards, state university or state  
28 community college campuses, agricultural field stations or  
29 offices, tower sites, law enforcement and license facilities,  
30 laboratories, hospitals, clinics, and other sites that possess  
31 no significant natural or historical resources. However,

1 lands acquired solely to facilitate the acquisition of other  
2 conservation lands, and for which the land management plan has  
3 not yet been completed or updated, may be evaluated by the  
4 Board of Trustees of the Internal Improvement Trust Fund on a  
5 case-by-case basis to determine if they will be designated  
6 conservation lands.

7 (d) "Council" means the Acquisition and Restoration  
8 Council created in s. 259.035.

9 (e) "Net positive conservation benefit" means  
10 compensation over and above the conservation value for, or the  
11 replacement value of, state conservation lands. Any  
12 compensation shall include replacement lands with similar  
13 characteristics and equal or higher conservation value unless  
14 no such lands exist, in which case other lands with higher  
15 conservation value may be substituted. In any case, the  
16 acreage and economic value of the lands received by the state  
17 must equal or exceed the acreage and economic value of the  
18 lands being conveyed out of state ownership.

19 (f) "Surplus lands" means conservation or  
20 nonconservation lands, the title to which is vested in the  
21 board and which are declared available for disposition  
22 pursuant to this section.

23 Section 7. Section 253.42, Florida Statutes, is  
24 amended to read:

25 253.42 Board of trustees may exchange lands.--The  
26 Board of Trustees of the Internal Improvement Trust Fund of  
27 the state may exchange lands held or owned by, or vested in,  
28 said board for other lands in the state owned by local  
29 governments, private individuals, or corporations; and fix the  
30 terms and conditions of any such exchange, and select and  
31 agree upon the lands to be so conveyed by said board; and the

1 lands to be conveyed to said board in exchange therefor; and  
2 agree upon and pay or receive, as the case may in the judgment  
3 of said board require, any sum or sums of money deemed  
4 necessary by said board for the purpose of equalizing the  
5 values of such exchanged property, and make and enter into  
6 contracts or agreements for such purpose or purposes. The  
7 management of lands conveyed to the board of trustees under  
8 the provisions of this section may be leased to the Department  
9 of Environmental Protection, the Department of Agriculture and  
10 Consumer Services, the Fish and Wildlife Conservation  
11 Commission, or a water management district.

12 Section 8. Except as otherwise provided herein, this  
13 act shall take effect July 1, 2002.

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