

1 A bill to be entitled
2 An act relating to state lands; amending s.
3 253.002, F.S.; providing for certain duties of
4 the Department of Agriculture and Consumer
5 Services; amending s. 253.01, F.S.; revising
6 the use of funds deposited into the Internal
7 Improvement Trust Fund; deleting obsolete
8 language; amending s. 253.02, F.S.; effective
9 January 7, 2003, revising the membership of the
10 Board of Trustees of the Internal Improvement
11 Trust Fund to conform to the requirements of
12 the State Constitution; amending s. 253.03,
13 F.S.; revising conditions under which the Board
14 of Trustees of the Internal Improvement trust
15 Fund is vested and charged with certain
16 responsibilities for current and future
17 state-owned lands to delete duplicative
18 language; amending s. 201.15, F.S; providing an
19 appropriation to the Conservation and
20 Recreation Lands Program Trust Fund beginning
21 in fiscal year 2003-2004; amending s. 570.207,
22 F.S. authorizing the department's use of funds
23 deposited into the Conservation and Recreation
24 Lands Program Trust Fund; amending s. 570.70,
25 F.S.; providing conclusions of a study
26 conducted by the department; providing
27 effective dates.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 253.002, Florida Statutes, is
2 amended to read:

3 253.002 Department of Environmental Protection, water
4 management districts, and Department of Agriculture and
5 Consumer Services; duties with respect to state lands.--

6 (1) The Department of Environmental Protection shall
7 perform all staff duties and functions related to the
8 acquisition, administration, and disposition of state lands,
9 title to which is or will be vested in the Board of Trustees
10 of the Internal Improvement Trust Fund. However, upon the
11 effective date of rules adopted pursuant to s. 373.427, a
12 water management district created under s. 373.069 shall
13 perform the staff duties and functions related to the review
14 of any application for authorization to use board of
15 trustees-owned submerged lands necessary for an activity
16 regulated under part IV of chapter 373 for which the water
17 management district has permitting responsibility as set forth
18 in an operating agreement adopted pursuant to s. 373.046(4).†
19 ~~and effective July 1, 2000, the Department of Agriculture and~~
20 ~~Consumer Services shall perform the staff duties and functions~~
21 ~~related to the review of applications and compliance with~~
22 ~~lease conditions for use of board of trustees-owned submerged~~
23 ~~lands under leases issued pursuant to ss. 253.67-253.75 and~~
24 ~~597.010. Unless expressly prohibited by law, the board of~~
25 ~~trustees may delegate to the department any statutory duty or~~
26 ~~obligation relating to the acquisition, administration, or~~
27 ~~disposition of lands, title to which is or will be vested in~~
28 ~~the board of trustees.~~The board of trustees may also delegate
29 to any water management district created under s. 373.069 the
30 authority to take final agency action, without any action on
31 behalf of the board, on applications for authorization to use

1 board of trustees-owned submerged lands for any activity
 2 regulated under part IV of chapter 373 for which the water
 3 management district has permitting responsibility as set forth
 4 in an operating agreement adopted pursuant to s. 373.046(4).
 5 This water management district responsibility under this
 6 subsection shall be subject to the department's general
 7 supervisory authority pursuant to s. 373.026(7).

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

13 The board of trustees may also delegate to the Department of
 14 Agriculture and Consumer Services the authority to take final
 15 agency action on behalf of the board on applications to use
 16 board of trustees-owned submerged lands for any activity for
 17 which that department has responsibility pursuant to ss.
 18 253.67-253.75 and 597.010. However, the board of trustees
 19 shall retain the authority to take final agency action on
 20 establishing any areas for leasing, new leases, expanding
 21 existing lease areas, or changing the type of lease activity
 22 in existing leases. Upon issuance of an aquaculture lease or
 23 other real property transaction relating to aquaculture, the
 24 Department of Agriculture and Consumer Services must send a
 25 copy of the document and the accompanying survey to the
 26 Department of Environmental Protection.

27 (3)~~(2)~~ Delegations to the department, or a water
 28 management district, or the Department of Agriculture and
 29 Consumer Services of authority to take final agency action on
 30 applications for authorization to use submerged lands owned by
 31 the board of trustees, without any action on behalf of the

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

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

21 253.01 Internal Improvement Trust Fund established.--

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

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

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

4 253.02 Board of trustees; powers and duties.--

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

30 (2) The board of trustees shall not sell, transfer,
31 exchange, or otherwise dispose of any lands the title to which

1 is vested in the board of trustees except by vote of at least
2 three ~~five~~ of the four ~~seven~~ trustees.

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

5 253.03 Board of trustees to administer state lands;
6 lands enumerated.--

7 (1) The Board of Trustees of the Internal Improvement
8 Trust Fund of the state is vested and charged with the
9 acquisition, administration, management, control, supervision,
10 conservation, protection, and disposition of all lands owned
11 by, or which may hereafter inure to, the state or any of its
12 agencies, departments, boards, or commissions, excluding lands
13 held for transportation facilities and transportation
14 corridors and canal rights-of-way, spoil areas and lands
15 required for disposal of materials, or borrow pits; any land,
16 title to which is vested or may become vested in any port
17 authority, flood control district, water management district,
18 or navigation district or agency created by any general or
19 special act; and any lands, including the Camp Blanding
20 Military Reservation, which have been conveyed to the state
21 for military purposes only, and which are subject to reversion
22 if conveyed by the original grantee or if the conveyance to
23 the Board of Trustees of the Internal Improvement Trust Fund
24 under this act would work a reversion from any other cause, or
25 where any conveyance of lands held by a state agency which are
26 encumbered by or subject to liens, trust agreements, or any
27 form of contract which encumbers state lands for the repayment
28 of funded debt. Lands vested in the Board of Trustees of the
29 Internal Improvement Trust Fund shall be deemed to be:

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

4 (f) All parks, reservations, or lands or bottoms set
5 aside in the name of the state, excluding lands held for
6 transportation facilities and transportation corridors and
7 canal rights-of-way.†

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

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

20 201.15 Distribution of taxes collected.--All taxes
21 collected under this chapter shall be distributed as follows
22 and shall be subject to the service charge imposed in s.
23 215.20(1), except that such service charge shall not be levied
24 against any portion of taxes pledged to debt service on bonds
25 to the extent that the amount of the service charge is
26 required to pay any amounts relating to the bonds:

27 (12) From the moneys specified in paragraphs (1)(c)
28 and (2)(a) and prior to deposit of any moneys into the General
29 Revenue fund, \$5 million shall be paid into the State Treasury
30 to the credit of the Conservation and Recreation Lands Program
31 Trust Fund in fiscal year 2003-2004 and each fiscal year

1 thereafter, to be used for the acquisition of conservation
2 easements and rural land protection easements, and for funding
3 agricultural protection agreements and resource conservation
4 agreements as provided in s. 570.71.

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

7 570.207 Conservation and Recreation Lands Program
8 Trust Fund of the Department of Agriculture and Consumer
9 Services.--

10 (1) There is created a Conservation and Recreation
11 Lands Program Trust Fund within the Department of Agriculture
12 and Consumer Services. The purpose of the trust fund is to
13 provide for the management of conservation and recreation
14 lands by the department. Funds may be appropriated to the
15 trust fund from the Conservation and Recreation Lands Trust
16 Fund in the Department of Environmental Protection, as created
17 by s. 259.032(2), or from such other sources as the
18 Legislature may determine for the management of conservation
19 and recreation lands by the department. For fiscal year
20 2002-2003, the department may use funds deposited into the
21 Conservation and Recreation Lands Program Trust Fund pursuant
22 to the provisions of the General Appropriations Act, and funds
23 from such other sources as the Legislature determines for the
24 acquisition of conservation easements and rural land
25 protection easements, and for funding agricultural protection
26 agreements and resource conservation agreements pursuant to s.
27 570.71.

28 Section 7. Section 570.70, Florida Statutes, is
29 amended to read:

30 570.70 Legislative findings; study.--

31 (1) The Legislature finds and declares that:

1 (a)~~(1)~~ A thriving rural economy with a strong
2 agricultural base, healthy natural environment, and viable
3 rural communities is an essential part of Florida. Rural areas
4 also include the largest remaining intact ecosystems and best
5 examples of remaining wildlife habitats as well as a majority
6 of privately owned land targeted by local, state, and federal
7 agencies for natural resource protection.

8 (b)~~(2)~~ The growth of Florida's population can result
9 in agricultural and rural lands being converted into
10 residential or commercial development.

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

14 (d)~~(4)~~ There is ~~The Legislature further recognizes~~ the
15 need for enhancing the ability of rural landowners to obtain
16 economic value from their property, protecting rural
17 character, controlling urban sprawl, ~~and~~ providing necessary
18 open space for agriculture and the natural environment, and
19 ~~the importance of~~ maintaining and protecting Florida's rural
20 economy through innovative planning and development strategies
21 in rural areas and the use of incentives that reward
22 landowners for good stewardship of land and natural resources.

23 (e)~~(5)~~ The purpose of this act is to bring under
24 public protection lands that serve to limit subdivision and
25 conversion of agricultural and natural areas that provide
26 economic, open space, water, and wildlife benefits by
27 acquiring land or related interests in land such as perpetual,
28 less-than-fee acquisitions, agricultural protection
29 agreements, and resource conservation agreements and
30 innovative planning and development strategies in rural areas.

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

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

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

12 (c) The objective of a program to protect agricultural
13 land with natural resource value through conservation
14 easements and other tools should be protection of 1 acre for
15 every acre lost.

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