

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. 201.15,
13 F.S; providing an appropriation to the
14 Conservation and Recreation Lands Program Trust
15 Fund beginning in fiscal year 2003-2004;
16 amending s. 570.207, F.S. authorizing the
17 department's use of funds deposited into the
18 Conservation and Recreation Lands Program Trust
19 Fund; amending s. 570.70, F.S.; providing
20 conclusions of a study conducted by the
21 department; providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 253.002, Florida Statutes, is
26 amended to read:

27 253.002 Department of Environmental Protection, water
28 management districts, and Department of Agriculture and
29 Consumer Services; duties with respect to state lands.--

30 (1) The Department of Environmental Protection shall
31 perform all staff duties and functions related to the

1 acquisition, administration, and disposition of state lands,
2 title to which is or will be vested in the Board of Trustees
3 of the Internal Improvement Trust Fund. However, upon the
4 effective date of rules adopted pursuant to s. 373.427, a
5 water management district created under s. 373.069 shall
6 perform the staff duties and functions related to the review
7 of any application for authorization to use board of
8 trustees-owned submerged lands necessary for an activity
9 regulated under part IV of chapter 373 for which the water
10 management district has permitting responsibility as set forth
11 in an operating agreement adopted pursuant to s. 373.046(4).~~†~~
12 ~~and effective July 1, 2000, the Department of Agriculture and~~
13 ~~Consumer Services shall perform the staff duties and functions~~
14 ~~related to the review of applications and compliance with~~
15 ~~lease conditions for use of board of trustees-owned submerged~~
16 ~~lands under leases issued pursuant to ss. 253.67-253.75 and~~
17 ~~597.010. Unless expressly prohibited by law, the board of~~
18 ~~trustees may delegate to the department any statutory duty or~~
19 ~~obligation relating to the acquisition, administration, or~~
20 ~~disposition of lands, title to which is or will be vested in~~
21 ~~the board of trustees.~~The board of trustees may also delegate
22 to any water management district created under s. 373.069 the
23 authority to take final agency action, without any action on
24 behalf of the board, on applications for authorization to use
25 board of trustees-owned submerged lands for any activity
26 regulated under part IV of chapter 373 for which the water
27 management district has permitting responsibility as set forth
28 in an operating agreement adopted pursuant to s. 373.046(4).
29 This water management district responsibility under this
30 subsection shall be subject to the department's general
31 supervisory authority pursuant to s. 373.026(7).

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

6 The board of trustees may also delegate to the Department of
7 Agriculture and Consumer Services the authority to take final
8 agency action on behalf of the board on applications to use
9 board of trustees-owned submerged lands for any activity for
10 which that department has responsibility pursuant to ss.
11 253.67-253.75 and 597.010. However, the board of trustees
12 shall retain the authority to take final agency action on
13 establishing any areas for leasing, new leases, expanding
14 existing lease areas, or changing the type of lease activity
15 in existing leases. Upon issuance of an aquaculture lease or
16 other real property transaction relating to aquaculture, the
17 Department of Agriculture and Consumer Services must send a
18 copy of the document and the accompanying survey to the
19 Department of Environmental Protection.

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

1 ~~board of trustees on applications for authorization to use~~
2 ~~board of trustees-owned submerged lands.~~Any final agency
3 action, without action by the board of trustees, taken by the
4 department, or a water management district, or the Department
5 of Agriculture and Consumer Services on applications to use
6 board of trustees-owned submerged lands shall be subject to
7 the provisions of s. 373.4275. Notwithstanding any other
8 provision of this subsection, the board of trustees, the
9 Department of Legal Affairs, and the department retain the
10 concurrent authority to assert or defend title to submerged
11 lands owned by the board of trustees.

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

14 253.01 Internal Improvement Trust Fund established.--

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

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

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

26 253.02 Board of trustees; powers and duties.--

27 (1) For the purpose of assuring the proper application
28 of the Internal Improvement Trust Fund and the Land
29 Acquisition Trust Fund for the purposes of this chapter, the
30 land provided for in ss. 253.01 and 253.03, and all the funds
31 arising from the sale, transfer, or exchange thereof, after

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

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

25 Section 4. Effective July 1, 2003, subsections (12),
26 (13), and (14), of section 201.15, Florida Statutes, are
27 renumbered as subsections (13), (14), and (15), and a new
28 subsection (12) is added to said section, to read:

29 201.15 Distribution of taxes collected.--All taxes
30 collected under this chapter shall be distributed as follows
31 and shall be subject to the service charge imposed in s.

1 215.20(1), except that such service charge shall not be levied
2 against any portion of taxes pledged to debt service on bonds
3 to the extent that the amount of the service charge is
4 required to pay any amounts relating to the bonds:

5 (12) From the moneys specified in paragraphs (1)(c)
6 and (2)(a) and prior to deposit of any moneys into the General
7 Revenue fund, \$5 million shall be paid into the State Treasury
8 to the credit of the Conservation and Recreation Lands Program
9 Trust Fund in fiscal year 2003-2004 and each fiscal year
10 thereafter, to be used for the acquisition of conservation
11 easements and rural land protection easements, and for funding
12 agricultural protection agreements and resource conservation
13 agreements as provided in s. 570.71.

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

16 570.207 Conservation and Recreation Lands Program
17 Trust Fund of the Department of Agriculture and Consumer
18 Services.--

19 (1) There is created a Conservation and Recreation
20 Lands Program Trust Fund within the Department of Agriculture
21 and Consumer Services. The purpose of the trust fund is to
22 provide for the management of conservation and recreation
23 lands by the department. Funds may be appropriated to the
24 trust fund from the Conservation and Recreation Lands Trust
25 Fund in the Department of Environmental Protection, as created
26 by s. 259.032(2), or from such other sources as the
27 Legislature may determine for the management of conservation
28 and recreation lands by the department. For fiscal year
29 2002-2003, the department may use funds deposited into the
30 Conservation and Recreation Lands Program Trust Fund pursuant
31 to the provisions of the General Appropriations Act, and funds

1 from such other sources as the Legislature determines for the
2 acquisition of conservation easements and rural land
3 protection easements, and for funding agricultural protection
4 agreements and resource conservation agreements pursuant to s.
5 570.71.

6 Section 6. Section 570.70, Florida Statutes, is
7 amended to read:

8 570.70 Legislative findings; study.--

9 (1) The Legislature finds and declares that:

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

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

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

23 (d)(4) There is ~~The Legislature further recognizes~~ the
24 need for enhancing the ability of rural landowners to obtain
25 economic value from their property, protecting rural
26 character, controlling urban sprawl, ~~and~~ providing necessary
27 open space for agriculture and the natural environment, and
28 ~~the importance of~~ maintaining and protecting Florida's rural
29 economy through innovative planning and development strategies
30 in rural areas and the use of incentives that reward
31 landowners for good stewardship of land and natural resources.

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

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

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

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

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

24 Section 7. Except as otherwise provided herein, this
25 act shall take effect July 1, 2002.