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1 A bill to be entitled

2 An act relating to acquisition of public lands; amending  
3 s. 259.041, F.S.; decreasing the vote required for  
4 approval of acquisition of certain lands from five members  
5 to three members of the Board of Trustees of the Internal  
6 Improvement Trust Fund; reenacting s. 253.025(7)(e), F.S.,  
7 for the purpose of incorporating a reference; reenacting  
8 s. 259.02, F.S., for the purpose of incorporating a  
9 reference; reenacting s. 259.032(8), F.S., for the purpose  
10 of incorporating a reference; reenacting s. 260.016(3)(b),  
11 F.S., for the purpose of incorporating a reference;  
12 providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Subsection (15) of section 259.041, Florida  
17 Statutes, is amended to read:

18 259.041 Acquisition of state-owned lands for preservation,  
19 conservation, and recreation purposes.--

20 (15) The board of trustees, by an affirmative vote of  
21 three ~~five~~ members, may direct the department to purchase lands  
22 on an immediate basis using up to 15 percent of the funds  
23 allocated to the department pursuant to ss. 259.101(3)(a) and  
24 259.105 for the acquisition of lands that:

25 (a) Are listed or placed at auction by the Federal  
26 Government as part of the Resolution Trust Corporation sale of  
27 lands from failed savings and loan associations;

28 (b) Are listed or placed at auction by the Federal  
29 Government as part of the Federal Deposit Insurance Corporation  
30 sale of lands from failed banks; or



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31 (c) Will be developed or otherwise lost to potential  
32 public ownership, or for which federal matching funds will be  
33 lost, by the time the land can be purchased under the program  
34 within which the land is listed for acquisition.

35  
36 For such acquisitions, the board of trustees may waive or modify  
37 all procedures required for land acquisition pursuant to this  
38 chapter and all competitive bid procedures required pursuant to  
39 chapters 255 and 287. Lands acquired pursuant to this subsection  
40 must, at the time of purchase, be on one of the acquisition  
41 lists established pursuant to this chapter, or be essential for  
42 water resource development, protection, or restoration, or a  
43 significant portion of the lands must contain natural  
44 communities or plant or animal species which are listed by the  
45 Florida Natural Areas Inventory as critically imperiled,  
46 imperiled, or rare, or as excellent quality occurrences of  
47 natural communities.

48 Section 2. For the purpose of incorporating the amendment  
49 to section 259.041, Florida Statutes, in a reference thereto,  
50 paragraph (e) of subsection (7) of section 253.025, Florida  
51 Statutes, is reenacted to read:

52 253.025 Acquisition of state lands for purposes other than  
53 preservation, conservation, and recreation.--

54 (7)

55 (e)1. The board of trustees shall adopt by rule the method  
56 for determining the value of parcels sought to be acquired by  
57 state agencies pursuant to this section. No offer by a state  
58 agency, except an offer by an agency acquiring lands pursuant to  
59 s. 259.041, may exceed the value for that parcel as determined  
60 pursuant to the highest approved appraisal or the value



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61 determined pursuant to the rules of the board of trustees,  
62 whichever value is less.

63 2. In the case of a joint acquisition by a state agency  
64 and a local government or other entity apart from the state, the  
65 joint purchase price may not exceed 150 percent of the value for  
66 a parcel as determined in accordance with the limits prescribed  
67 in subparagraph 1. The state agency share of a joint purchase  
68 offer may not exceed what the agency may offer singly as  
69 prescribed by subparagraph 1.

70 3. The provisions of this paragraph do not apply to the  
71 acquisition of historically unique or significant property as  
72 determined by the Division of Historical Resources of the  
73 Department of State.

74 Section 3. For the purpose of incorporating the amendment  
75 to section 259.041, Florida Statutes, in a reference thereto,  
76 section 259.02, Florida Statutes, is reenacted to read:

77 259.02 Authority; full faith and credit bonds.-- Pursuant  
78 to the provisions of s. 11(a), Art. VII of the State  
79 Constitution and s. 215.59, the issuance of state bonds pledging  
80 the full faith and credit of the state in the principal amount,  
81 including any refinancing, not to exceed \$200 million for state  
82 capital projects for environmentally endangered lands and \$40  
83 million for state capital projects for outdoor recreation lands  
84 is hereby authorized, subject to the provisions of ss. 259.01-  
85 259.06.

86 Section 4. For the purpose of incorporating the amendment  
87 to section 259.041, Florida Statutes, in a reference thereto,  
88 subsection (8) of section 259.032, Florida Statutes, is  
89 reenacted to read:



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90 259.032 Conservation and Recreation Lands Trust Fund;  
 91 purpose.--

92 (8) Lands to be considered for purchase under this section  
 93 are subject to the selection procedures of s. 259.035 and  
 94 related rules and shall be acquired in accordance with  
 95 acquisition procedures for state lands provided for in s.  
 96 259.041, except as otherwise provided by the Legislature. An  
 97 inholding or an addition to a project selected for purchase  
 98 pursuant to this chapter is not subject to the selection  
 99 procedures of s. 259.035 if the estimated value of such  
 100 inholding or addition does not exceed \$500,000. When at least 90  
 101 percent of the acreage of a project has been purchased pursuant  
 102 to this chapter, the project may be removed from the list and  
 103 the remaining acreage may continue to be purchased. Moneys from  
 104 the fund may be used for title work, appraisal fees,  
 105 environmental audits, and survey costs related to acquisition  
 106 expenses for lands to be acquired, donated, or exchanged which  
 107 qualify under the categories of this section, at the discretion  
 108 of the board. When the Legislature has authorized the Department  
 109 of Environmental Protection to condemn a specific parcel of land  
 110 and such parcel has already been approved for acquisition under  
 111 this section, the land may be acquired in accordance with the  
 112 provisions of chapter 73 or chapter 74, and the fund may be used  
 113 to pay the condemnation award and all costs, including a  
 114 reasonable attorney's fee, associated with condemnation.

115 Section 5. For the purpose of incorporating the amendment  
 116 to section 259.041, Florida Statutes, in a reference thereto,  
 117 paragraph (b) of subsection (3) of section 260.016, Florida  
 118 Statutes, is reenacted to read:

119 260.016 General powers of the department.--



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120 (3) The department or its designee is authorized to  
121 negotiate with potentially affected private landowners as to the  
122 terms under which such landowners would consent to the public  
123 use of their lands as part of the greenways and trails system.  
124 The department shall be authorized to agree to incentives for a  
125 private landowner who consents to this public use of his or her  
126 lands for conservation or recreational purposes, including, but  
127 not limited to, the following:

128 (b) Agreement to exchange, subject to the approval of the  
129 Board of Trustees of the Internal Improvement Trust Fund or  
130 other applicable unit of government, ownership or other rights  
131 of use of public lands for the ownership or other rights of use  
132 of privately owned lands. Any exchange of state-owned lands,  
133 title to which is vested in the Board of Trustees of the  
134 Internal Improvement Trust Fund, for privately owned lands shall  
135 be subject to the requirements of s. 259.041.

136 Section 6. This act shall take effect upon becoming a law.