

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Spratt offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

Section 1. Paragraph (a) of subsection (6) of section 253.025, Florida Statutes, is amended to read:

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

(6) Prior to negotiations with the parcel owner to purchase land pursuant to this section, title to which will vest in the board of trustees, an appraisal of the parcel shall be required as follows:

(a) Each parcel to be acquired shall have at least one appraisal. Two appraisals are required when the estimated value of the parcel ~~first appraisal~~ exceeds \$1 million ~~\$500,000~~.

~~However, when the values of both appraisals exceed \$500,000 and differ significantly, a third appraisal may be obtained. When a~~

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28 parcel is estimated to be worth \$100,000 or less and the
29 director of the Division of State Lands finds that the cost of
30 obtaining an ~~outside~~ appraisal is not justified, a comparable
31 sales analysis or other reasonably prudent procedures an
32 appraisal prepared by the division may be used by the division
33 to estimate the value of the parcel, provided the public's
34 interest is reasonably protected. The state is not required to
35 appraise the value of lands and appurtenances that are being
36 donated to the state.

37 Section 2. Subsection (11) of section 253.03, Florida
38 Statutes, is amended to read:

39 253.03 Board of trustees to administer state lands; lands
40 enumerated.--

41 (11) The Board of Trustees of the Internal Improvement
42 Trust Fund, in order to ensure that the public may continue to
43 enjoy traditional uses of navigable waters and riparian access,
44 is authorized to may adopt rules pursuant to ss. 120.536(1) and
45 120.54 to provide for the assessment and collection of
46 reasonable fees, commensurate with the actual cost to the board,
47 for disclaimers, easements, exchanges, gifts, leases, releases,
48 or sales of any interest in lands or any applications therefor
49 and for reproduction of documents. The annual fee for all leases
50 of sovereign submerged lands shall be as follows:

51 (a) For leases under which wet slips are offered to the
52 general public at any time of vacancy and an interest is
53 ultimately conveyed to a member of the general public for a term
54 of more than 1 year, the fee for that area shall be computed at
55 a rate of \$0.2000 per square foot per annum, increased or
56 decreased on March 1 of each year based on the average change in

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57 the Consumer Price Index, or the minimum annual fee, whichever
58 is greater. The average change in the Consumer Price Index is
59 calculated annually by averaging the Consumer Price Index over
60 the previous 5-year period. There shall be a 10-percent cap on
61 any annual increase.

62 (b) For leases under which wet slips are offered to the
63 general public at any time of vacancy and an interest is
64 ultimately conveyed to a member of the general public for a term
65 of 1 year or less, the fee shall be computed at a rate of
66 \$0.1278 per square foot per annum, increased or decreased on
67 March 1 of each year based on the average change in the Consumer
68 Price Index, or the minimum annual fee, whichever is greater.
69 The average change in the Consumer Price Index is calculated
70 annually by averaging the Consumer Price Index over the previous
71 5-year period. There shall be a 10-percent cap on any annual
72 increase.

73 (c) The minimum annual lease fee for sovereign submerged
74 lands shall be \$383.50 effective March 1, 2003. The minimum
75 annual fee shall be adjusted annually in the same manner as the
76 annual fees specified in paragraphs (a) and (b).

77 (d) The Board of Trustees of the Internal Improvement
78 Trust Fund may adopt rules to increase or decrease the per-
79 square-foot fees provided in paragraphs (a) and (b) for the
80 following special activities: leases in aquatic preserves;
81 leases for restaurants and other non-water dependent facilities;
82 leases to government, research, education, or charitable
83 entities; extended term leases with a term of greater than 25
84 years; Class III and IV special event authorizations;

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85 aquaculture leases; and leases for facilities not open to the
86 public.

87
88 All revenues received from the application fees charged by a
89 water management district to process applications that include a
90 request to use state lands are to be retained by the water
91 management district.

92 Section 3. Subsections (2), (5), and (6) of section
93 253.034, Florida Statutes, are amended, subsections (8), (9),
94 (10), and (11) are renumbered as subsections (9), (10), (11),
95 and (12), respectively, and a new subsection (8) is added to
96 said section, to read:

97 253.034 State-owned lands; uses.--

98 (2) As used in this section, the following phrases have
99 the following meanings:

100 (a) "Multiple use" means the harmonious and coordinated
101 management of timber, recreation, conservation of fish and
102 wildlife, forage, archaeological and historic sites, habitat and
103 other biological resources, or water resources so that they are
104 utilized in the combination that will best serve the people of
105 the state, making the most judicious use of the land for some or
106 all of these resources and giving consideration to the relative
107 values of the various resources. Where necessary and appropriate
108 for all state-owned lands that are larger than 1,000 acres in
109 project size and are managed for multiple uses, buffers may be
110 formed around any areas that require special protection or have
111 special management needs. Such buffers shall not exceed more
112 than one-half of the total acreage. Multiple uses within a
113 buffer area may be restricted to provide the necessary buffering

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114 effect desired. Multiple use in this context includes both uses
115 of land or resources by more than one management entity, which
116 may include private sector land managers. In any case, lands
117 identified as multiple-use lands in the land management plan
118 shall be managed to enhance and conserve the lands and resources
119 for the enjoyment of the people of the state.

120 (b) "Single use" means management for one particular
121 purpose to the exclusion of all other purposes, except that the
122 using entity shall have the option of including in its
123 management program compatible secondary purposes which will not
124 detract from or interfere with the primary management purpose.
125 Such single uses may include, but are not necessarily restricted
126 to, the use of agricultural lands for production of food and
127 livestock, the use of improved sites and grounds for
128 institutional purposes, and the use of lands for parks,
129 preserves, wildlife management, archaeological or historic
130 sites, or wilderness areas where the maintenance of essentially
131 natural conditions is important. All submerged lands shall be
132 considered single-use lands and shall be managed primarily for
133 the maintenance of essentially natural conditions, the
134 propagation of fish and wildlife, and public recreation,
135 including hunting and fishing where deemed appropriate by the
136 managing entity.

137 (c) "Conservation lands" means lands that are currently
138 managed for conservation, outdoor resource-based recreation, or
139 archaeological or historic preservation, except those lands that
140 were acquired solely to facilitate the acquisition of other
141 conservation lands. Lands acquired for uses other than
142 conservation, outdoor resource-based recreation, or

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143 archaeological or historic preservation shall not be designated
144 conservation lands except as otherwise authorized under this
145 section. These lands shall include, but not be limited to, the
146 following: correction and detention facilities, military
147 installations and facilities, state office buildings,
148 maintenance yards, state university or state community college
149 campuses, agricultural field stations or offices, tower sites,
150 law enforcement and license facilities, laboratories, hospitals,
151 clinics, and other sites that possess no significant natural or
152 historical resources. However, lands acquired solely to
153 facilitate the acquisition of other conservation lands, and for
154 which the land management plan has not yet been completed or
155 updated, may be evaluated by the Board of Trustees of the
156 Internal Improvement Trust Fund on a case-by-case basis to
157 determine if they will be designated conservation lands. Lands
158 acquired by the state as a gift, through donation, or by any
159 other conveyance for which no consideration was paid, and that
160 are not managed for conservation, outdoor resource-based
161 recreation, or archaeological or historic preservation under a
162 land management plan approved by the board of trustees, are not
163 conservation lands.

164 (5) Each manager of entity managing conservation lands
165 shall submit to the Division of State Lands a land management
166 plan at least every 10 5 years in a form and manner prescribed
167 by rule by the board and in accordance with the provisions of s.
168 259.032. Each manager of nonconservation lands shall submit to
169 the Division of State Lands a land use plan at least every 10
170 years in a form and manner prescribed by rule by the board. The
171 division shall review each plan for compliance with the

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172 requirements of this subsection and the requirements of the
173 rules established by the board pursuant to this section. All
174 land use management plans, whether for single-use or multiple-
175 use properties, shall include an analysis of the property to
176 determine if any significant natural or cultural resources are
177 located on the property. ~~specifically describe how the managing~~
178 entity plans to identify, locate, protect and preserve, or
179 otherwise use fragile nonrenewable resources, Such resources
180 include as archaeological and historic sites, state and
181 federally listed as well as other fragile resources, including
182 endangered plant and animal species, and imperiled natural
183 communities and unique natural features. If such resources occur
184 on the property, then the manager shall consult with the
185 Division of State Lands and other appropriate agencies to
186 develop management strategies to protect such resources. Land
187 use plans shall also provide for the control of invasive
188 nonnative plants and conservation of soil and water resources,
189 including a description of how the manager plans to ~~and for the~~
190 control and prevent prevention of soil erosion and soil or water
191 contamination. Land use management plans submitted by a manager
192 an entity shall include reference to appropriate statutory
193 authority for such use or uses and shall conform to the
194 appropriate policies and guidelines of the state land management
195 plan. All land management Plans for managed areas ~~parcels~~ larger
196 than 1,000 acres shall contain an analysis of the multiple-use
197 potential of the property ~~parcel~~, which analysis shall include
198 the potential of the property ~~parcel~~ to generate revenues to
199 enhance the management of the property ~~parcel~~. Additionally, the
200 land management plan shall contain an analysis of the potential

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201 use of private land managers to facilitate the restoration or
202 management of these lands. In those cases where a newly acquired
203 property has a valid conservation plan that was developed by a
204 soil and conservation district, such ~~the~~ plan shall be used to
205 guide management of the property until a formal land use
206 ~~management~~ plan is completed.

207 (a) The Division of State Lands shall make available to
208 the public a copy of each land management plan for parcels that
209 exceed 160 acres in size. The council shall review each plan for
210 compliance with the requirements of this subsection, the
211 requirements of chapter 259, and the requirements of the rules
212 established by the board pursuant to this section. The council
213 shall also consider the propriety of the recommendations of the
214 managing entity with regard to the future use of the property,
215 the protection of fragile or nonrenewable resources, the
216 potential for alternative or multiple uses not recognized by the
217 managing entity, and the possibility of disposal of the property
218 by the board. After its review, the council shall submit the
219 plan, along with its recommendations and comments, to the board.
220 The council shall specifically recommend to the board whether to
221 approve the plan as submitted, approve the plan with
222 modifications, or reject the plan.

223 (b) The Board of Trustees of the Internal Improvement
224 Trust Fund shall consider the land management plan submitted by
225 each entity and the recommendations of the council and the
226 Division of State Lands and shall approve the plan with or
227 without modification or reject such plan. The use or possession
228 of any such lands that is not in accordance with an approved
229 land management plan is subject to termination by the board.

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230 (6) The Board of Trustees of the Internal Improvement
231 Trust Fund shall determine which lands, the title to which is
232 vested in the board, may be surplus. For conservation lands,
233 the board shall make a determination that the lands are no
234 longer needed for conservation purposes and may dispose of them
235 by a two-thirds vote. In the case of a land exchange involving
236 the disposition of conservation lands, the board must determine
237 by at least a two-thirds vote that the exchange will result in a
238 net positive conservation benefit. For all other lands, the
239 board shall make a determination that the lands are no longer
240 needed and may dispose of them by majority vote.

241 (a) For the purposes of this subsection, all lands
242 acquired by the state prior to July 1, 1999, using proceeds from
243 the Preservation 2000 bonds, the Conservation and Recreation
244 Lands Trust Fund, the Water Management Lands Trust Fund,
245 Environmentally Endangered Lands Program, and the Save Our Coast
246 Program and titled to the board, which lands are identified as
247 core parcels or within original project boundaries, shall be
248 deemed to have been acquired for conservation purposes.

249 (b) For any lands purchased by the state on or after July
250 1, 1999, a determination shall be made by the board prior to
251 acquisition as to those parcels that shall be designated as
252 having been acquired for conservation purposes. No lands
253 acquired for use by the Department of Corrections, the
254 Department of Management Services for use as state offices, the
255 Department of Transportation, except those specifically managed
256 for conservation or recreation purposes, or the State University
257 System or the Florida Community College System shall be
258 designated as having been purchased for conservation purposes.

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259 (c) At least every 5 years, as a component of each land
260 management plan or land use plan and in a form and manner
261 prescribed by rule by the board, each management entity shall
262 evaluate and indicate to the board those lands that the entity
263 manages which are not being used for the purpose for which they
264 were originally leased. Such lands shall be reviewed by the
265 council for its recommendation as to whether such lands should
266 be disposed of by the board.

267 (d) Lands owned by the board which are not actively
268 managed by any state agency or for which a land management plan
269 has not been completed pursuant to subsection (5) shall be
270 reviewed by the council or its successor for its recommendation
271 as to whether such lands should be disposed of by the board.

272 (e) Prior to any decision by the board to surplus lands,
273 the Acquisition and Restoration Council shall review and make
274 recommendations to the board concerning the request for
275 surplusings. The council shall determine whether the request for
276 surplusings is compatible with the resource values of and
277 management objectives for such lands.

278 (f) In reviewing lands owned by the board, the council
279 shall consider whether such lands would be more appropriately
280 owned or managed by the county or other unit of local government
281 in which the land is located. The council shall recommend to the
282 board whether a sale, lease, or other conveyance to a local
283 government would be in the best interests of the state and local
284 government. The provisions of this paragraph in no way limit the
285 provisions of ss. 253.111 and 253.115. Such lands shall be
286 offered to the state, county, or local government for a period
287 of 30 days. Permittable uses for such surplus lands may include

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288 public schools; public libraries; fire or law enforcement
289 substations; and governmental, judicial, or recreational
290 centers. County or local government requests for surplus lands
291 shall be expedited throughout the surplusing process. If the
292 county or local government does not elect to purchase such lands
293 in accordance with s. 253.111, then any surplusing determination
294 involving other governmental agencies shall be made upon the
295 board deciding the best public use of the lands. Surplus
296 properties in which governmental agencies have expressed no
297 interest shall then be available for sale on the private market.

298 (g) The sale price of lands determined to be surplus
299 pursuant to this subsection shall be determined by the division
300 and shall take into consideration an appraisal of the property,
301 or when the estimated value of the land is less than \$100,000, a
302 comparable sales analysis or a broker's opinion of value, and
303 ~~sold for appraised value or the price paid by the state or a~~
304 ~~water management district to originally acquire the lands,~~
305 ~~whichever is greater, except when the board or its designee~~
306 ~~determines a different sale price is in the public interest.~~
307 ~~However, for those lands sold as surplus to any unit of~~
308 ~~government, the price shall not exceed the price paid by the~~
309 ~~state or a water management district to originally acquire the~~
310 ~~lands.~~ A unit of government that ~~which~~ acquires title to lands
311 hereunder for less than appraised value may not sell or transfer
312 title to all or any portion of the lands to any private owner
313 for a period of 10 years. Any unit of government seeking to
314 transfer or sell lands pursuant to this paragraph shall first
315 allow the board of trustees to reacquire such lands for the
316 price at which the board ~~they~~ sold such lands.

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317 (h) Where a unit of government acquired land by gift,
318 donation, grant, quit-claim deed, or other such conveyance where
319 no monetary consideration was exchanged, the price of land sold
320 as surplus may be based on one appraisal. In the event that a
321 single appraisal yields a value equal to or greater than \$1
322 million, a second appraisal is required. The individual or
323 entity requesting the surplus shall select and use appraisers
324 from the list of approved appraisers maintained by the Division
325 of State Lands in accordance with s. 253.025(6)(b). The
326 individual or entity requesting the surplus is to incur all
327 costs of the appraisals.

328 (i) After reviewing the recommendations of the council,
329 the board shall determine whether lands identified for surplus
330 are to be held for other public purposes or whether such lands
331 are no longer needed. The board may require an agency to release
332 its interest in such lands. For an agency that has requested the
333 use of a property that was to be declared as surplus, said
334 agency must have the property under lease within 6 months of the
335 date of expiration of the notice provisions required under ss.
336 253.034(6) and 253.111.

337 (j) Requests for surplusizing may be made by any public or
338 private entity or person. All requests shall be submitted to the
339 lead managing agency for review and recommendation to the
340 council or its successor. Lead managing agencies shall have 90
341 days to review such requests and make recommendations. Any
342 surplusizing requests that have not been acted upon within the 90-
343 day time period shall be immediately scheduled for hearing at
344 the next regularly scheduled meeting of the council or its
345 successor. Requests for surplusizing pursuant to this paragraph

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346 shall not be required to be offered to local or state
347 governments as provided in paragraph (f).

348 (k) Proceeds from any sale of surplus lands pursuant to
349 this subsection shall be deposited into the fund from which such
350 lands were acquired. However, if the fund from which the lands
351 were originally acquired no longer exists, such proceeds shall
352 be deposited into an appropriate account to be used for land
353 management by the lead managing agency assigned the lands prior
354 to the lands being declared surplus. Funds received from the
355 sale of surplus nonconservation lands, or lands that were
356 acquired by gift, by donation, or for no consideration, shall be
357 deposited into the Internal Improvement Trust Fund.

358 (l) Notwithstanding the provisions of this subsection, no
359 such disposition of land shall be made if such disposition would
360 have the effect of causing all or any portion of the interest on
361 any revenue bonds issued to lose the exclusion from gross income
362 for federal income tax purposes.

363 (m) The sale of filled, formerly submerged land that does
364 not exceed 5 acres in area is not subject to review by the
365 council or its successor.

366 (n) The board may adopt rules to implement the provisions
367 of this section, which may include procedures for administering
368 surplus land requests and criteria for when the division may
369 approve requests to surplus nonconservation lands on behalf of
370 the board.

371 (8)(a) Notwithstanding other provisions of this section,
372 the Division of State Lands is directed to prepare a state
373 inventory of all federal lands and all lands titled in the name
374 of the state, a state agency, a water management district, or a

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375 local government on a county-by-county basis, with the exception
376 of rights-of-way for existing, proposed, or anticipated
377 transportation facilities. The division must identify state or
378 water management district lands purchased with funds distributed
379 according to the Florida Forever Program, the Preservation 2000
380 Program, the Conservation and Recreation Lands Program, the
381 Environmentally Endangered Lands Program, the Save Our Rivers
382 Program, or the Save Our Coast Program. To facilitate the
383 development of the state inventory, each county shall direct the
384 appropriate county office with authority over the information to
385 provide the division with a county inventory of all lands
386 identified as federal lands and lands titled in the name of the
387 state, a state agency, a water management district, or a local
388 government.

389 (b) The state inventory must distinguish between lands
390 purchased by the state or a water management district as part of
391 a core parcel or within original project boundaries, as those
392 terms are used to meet the surplus requirements of subsection
393 (6), and lands purchased by the state, a state agency, or a
394 water management district which were not essential or necessary
395 to meet the conservation purposes of the programs which funded
396 the acquisition.

397 (c) In any county in which more than 50 percent of the
398 lands within the county boundary are federal lands or lands
399 titled in the name of the state, a state agency, a water
400 management district, or a local government, those lands titled
401 in the name of the state or a state agency that were purchased
402 using funds from any program identified in paragraph (a) and
403 that are not essential or necessary to meet the original

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404 purposes of the program under which they were acquired must be
405 made available for purchase to public or private entities
406 through the state's surplusing process. Priority consideration
407 must be given to buyers, public or private, willing to return
408 the property to productive use so long as the property can be
409 reentered onto the county ad valorem tax roll. Property acquired
410 with matching funds from a local government shall not be made
411 available for purchase without the consent of said local
412 government.

413 Section 4. Section 253.0341, Florida Statutes, is created
414 to read:

415 253.0341 Surplus of state-owned lands to counties or local
416 governments.--Counties and local governments may submit
417 surplusing requests for state-owned lands directly to the Board
418 of Trustees, and the decision to surplus state-owned lands to a
419 county or local government may be made by the board without a
420 review of or a recommendation on the request from the
421 Acquisition and Restoration Council or the Division of State
422 Lands. County or local government requests for the state to
423 surplus conservation or nonconservation lands, whether for
424 purchase or exchange, shall be expedited throughout the
425 surplusing process. Surplusing requests made by a county or
426 local government shall be considered by the board at the first
427 board meeting scheduled within 60 days after the board's receipt
428 of the request.

429 Section 5. Section 253.42, Florida Statutes, is amended to
430 read:

431 (Substantial rewording of section. See
432 s. 253.42, F.S., for present text.)

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433 253.42 Board of Trustees may exchange lands.--The
434 provisions of this section apply to all lands owned by, vested
435 in, or titled in the name of the board, whether the lands were
436 acquired by the state as a purchase or through gift, donation,
437 or any other conveyance for which no consideration was paid.

438 (1) The Board of Trustees may exchange any lands owned by,
439 vested in, or titled in the name of the board for other lands in
440 the state owned by counties, local governments, individuals, or
441 private or public corporations and may fix the terms and
442 conditions of any such exchange. Any nonconservation lands that
443 were acquired by the state through gift, donation, or any other
444 conveyance for which no consideration was paid must first be
445 offered at no cost to a county or local government unless
446 otherwise provided in a deed restriction of record and so long
447 as the use proposed by the county or local government is for a
448 public purpose. For conservation lands acquired by the state
449 through gift, donation, or any other conveyance for which no
450 consideration was paid, the state may request land of equal
451 conservation value from the county or local government but no
452 other consideration.

453 (2) In exchanging state-owned lands not acquired by the
454 state through gift, donation, or any other conveyance for which
455 no consideration was paid with counties or local governments,
456 the board may require an exchange of equal value. "Equal value"
457 is defined as the conservation value of the lands being offered
458 for exchange by a county or local government being equal in
459 conservation value to the state-owned lands, or may be defined
460 as the appraised value of the lands being offered for exchange
461 by a county or local government and monetary compensation to

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462 equal the appraised value of the state-owned land. Equal value
463 under this subsection shall be considered a net positive
464 conservation benefit.

465 (3) The board shall select and agree upon the state lands
466 to be exchanged and the lands to be conveyed to the state and
467 pay or receive any sum of money deemed necessary by the board
468 for the purpose of equalizing the value of the exchanged
469 property. The board is authorized to make and enter into
470 contracts or agreements for such purpose or purposes.

471 Section 6. Section 253.7823, Florida Statutes, is amended
472 to read:

473 253.7823 Disposition of surplus lands; compensation of
474 counties located within the Cross Florida Canal Navigation
475 District.--

476 (1) The department ~~may shall~~ identify parcels of former
477 barge canal lands ~~that which~~ may be sold or exchanged ~~as needed~~
478 ~~to repay the counties of the Cross Florida Canal Navigation~~
479 ~~District any sums due them pursuant to s. 253.783(2)(e).~~ In
480 identifying said surplus lands, the department shall give
481 ~~priority consideration to lands situated outside the greenways'~~
482 ~~boundaries,~~ to those lands not having high recreation or
483 conservation values, and those having the greatest assessed
484 valuations. Although the department shall immediately begin to
485 identify the parcels of surplus lands to be sold, the department
486 shall offer the lands for sale in a manner designed to maximize
487 the amounts received over a reasonable period of time.

488 ~~(2) Disbursements of amounts due the counties shall be~~
489 ~~made on a semiannual basis and shall be completed before any~~

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490 ~~additional lands or easements may be acquired within the~~
491 ~~boundaries of the greenways.~~

492 ~~(2)(3) In addition to lands identified for sale to~~
493 ~~generate funds for repayment of counties pursuant to s.~~
494 ~~253.783(2)(e),~~ The department is authorized to sell surplus
495 additional former canal lands if they are determined to be
496 unnecessary to the effective provision of the type of
497 recreational opportunities and conservation activities for which
498 the greenway was ~~greenways were~~ created.

499 ~~(4) Until repayment to the counties pursuant to s.~~
500 ~~253.783(2)(e) has been completed, any agency wishing to use~~
501 ~~former canal lands must pay the full assessed value of said~~
502 ~~lands.~~

503 Section 7. Paragraph (c) of subsection (10) and
504 subsections (12), (13), and (16) of section 259.032, Florida
505 Statutes, are amended to read:

506 259.032 Conservation and Recreation Lands Trust Fund;
507 purpose.--

508 (10)

509 (c) Once a plan is adopted, the managing agency or entity
510 shall update the plan at least every 10 ~~5~~ years in a form and
511 manner prescribed by rule of the board of trustees. Such
512 updates, for parcels over 160 acres, shall be developed with
513 input from an advisory group. Such plans may include transfers
514 of leasehold interests to appropriate conservation organizations
515 or governmental entities designated by the Land Acquisition and
516 Management Advisory Council or its successor, for uses
517 consistent with the purposes of the organizations and the
518 protection, preservation, conservation, restoration, and proper

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519 management of the lands and their resources. Volunteer
520 management assistance is encouraged, including, but not limited
521 to, assistance by youths participating in programs sponsored by
522 state or local agencies, by volunteers sponsored by
523 environmental or civic organizations, and by individuals
524 participating in programs for committed delinquents and adults.
525

526 By July 1 of each year, each governmental agency and each
527 private entity designated to manage lands shall report to the
528 Secretary of Environmental Protection on the progress of
529 funding, staffing, and resource management of every project for
530 which the agency or entity is responsible.

531 (12)(a) Beginning July 1, 1999, the Legislature shall make
532 available sufficient funds annually from the Conservation and
533 Recreation Lands Trust Fund to the department for payment in
534 lieu of taxes to qualifying counties and local governments as
535 defined in paragraph (b) for all actual tax losses incurred as a
536 result of board of trustees acquisitions for state agencies
537 under the Florida Forever program or the Florida Preservation
538 2000 program during any year. ~~Reserved funds not used for~~
539 ~~payments in lieu of taxes in any year shall revert to the fund~~
540 ~~to be used for land acquisition in accordance with the~~
541 ~~provisions of this section.~~

542 (b) Payment in lieu of taxes shall be available:

543 1. To all counties that have a population of 150,000 or
544 fewer. Population levels shall be determined pursuant to s.
545 11.031.

546 2. To all local governments located in eligible counties.

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547 3. To Glades County, where a privately owned and operated
548 prison leased to the state has recently been opened and where
549 privately owned and operated juvenile justice facilities leased
550 to the state have recently been constructed and opened, a
551 payment in lieu of taxes, in an amount that offsets the loss of
552 property tax revenue, which funds have already been appropriated
553 and allocated from the Department of Correction's budget for the
554 purpose of reimbursing amounts equal to lost ad valorem taxes.

555

556 ~~Counties and local governments that did not receive payments in~~
557 ~~lieu of taxes for lands purchased pursuant to s. 259.101 during~~
558 ~~fiscal year 1999-2000, if such counties and local governments~~
559 ~~would have received payments pursuant to this subsection as that~~
560 ~~section existed on June 30, 1999, shall receive retroactive~~
561 ~~payments for such tax losses.~~

562 (c) If insufficient funds are available in any year to
563 make full payments to all qualifying counties and local
564 governments, such counties and local governments shall receive a
565 pro rata share of the moneys available.

566 (d) The payment amount shall be based on the average
567 amount of actual taxes paid on the property for the 3 years
568 preceding acquisition. Applications for payment in lieu of taxes
569 shall be made no later than January 31 of the year following
570 acquisition. No payment in lieu of taxes shall be made for
571 properties which were exempt from ad valorem taxation for the
572 year immediately preceding acquisition.

573 (e) If property which was subject to ad valorem taxation
574 was acquired by a tax-exempt entity for ultimate conveyance to
575 the state under this chapter, payment in lieu of taxes shall be

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576 made for such property based upon the average amount of taxes
577 paid on the property for the 3 years prior to its being removed
578 from the tax rolls. The department shall certify to the
579 Department of Revenue those properties that may be eligible
580 under this provision. Once eligibility has been established,
581 that county or local government shall receive 10 consecutive
582 annual payments for each tax loss, and no further eligibility
583 determination shall be made during that period.

584 ~~(f)(e)~~ Payment in lieu of taxes pursuant to this
585 subsection shall be made annually to qualifying counties and
586 local governments after certification by the Department of
587 Revenue that the amounts applied for are reasonably appropriate,
588 based on the amount of actual taxes paid on the eligible
589 property, ~~and after the Department of Environmental Protection~~
590 ~~has provided supporting documents to the Comptroller and has~~
591 ~~requested that payment be made in accordance with the~~
592 ~~requirements of this section.~~ On behalf of any local government
593 requesting payment in lieu of taxes, the state agency that
594 acquired the land is responsible for preparing and submitting
595 application requests for payment to the Department of Revenue
596 for certification.

597 ~~(g)(f)~~ If the board of trustees conveys to a local
598 government title to any land owned by the board, any payments in
599 lieu of taxes on the land made to the local government shall be
600 discontinued as of the date of the conveyance.

601
602 For the purposes of this subsection, "local government" includes
603 municipalities, the county school board, mosquito control
604 districts, and any other local government entity which levies ad

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605 valorem taxes, with the exception of a water management
606 district.

607 (13) Moneys credited to the fund each year which are not
608 used for management, maintenance, or capital improvements
609 pursuant to subsection (11); ~~for payment in lieu of taxes~~
610 ~~pursuant to subsection (12);~~ or for the purposes of subsection
611 (5) shall be available for the acquisition of land pursuant to
612 this section.

613 ~~(16) Notwithstanding other provisions of law relating to~~
614 ~~the purpose of the Conservation and Recreation Lands Trust Fund,~~
615 ~~and for the 2002-2003 fiscal year only, the purposes of the~~
616 ~~trust fund shall include funding issues provided in the General~~
617 ~~Appropriations Act. This subsection expires July 1, 2003.~~

618 Section 8. Section 259.0322, Florida Statutes, is amended
619 to read:

620 259.0322 Reinstitution of payments in lieu of taxes;
621 duration.--If the Department of Environmental Protection ~~or a~~
622 ~~water management district~~ has made a payment in lieu of taxes to
623 a governmental entity and subsequently suspended such payment,
624 the department ~~or water management district~~ shall reinstitute
625 appropriate payments and continue the payments in consecutive
626 years until the governmental entity has received a total of 20
627 ~~10~~ payments for each tax loss.

628 Section 9. Subsection (2) of section 259.036, Florida
629 Statutes, is amended to read:

630 259.036 Management review teams.--

631 (2) The land management review team shall review select
632 management areas ~~parcels of managed land~~ prior to the date the
633 magager ~~managing agency~~ is required to submit its 10-year ~~5-year~~

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634 land management plan update. For management areas that exceed
635 1,000 acres in size, the Division of State Lands shall schedule
636 a land management review at least every 5 years. A copy of the
637 review shall be provided to the manager ~~managing agency~~, the
638 Division of State Lands, and the Acquisition and Restoration
639 Council ~~Land Acquisition and Management Advisory Council or its~~
640 ~~successor~~. The manager ~~managing agency~~ shall consider the
641 findings and recommendations of the land management review team
642 in finalizing the required 10-year ~~5-year~~ update of its
643 management plan.

644 Section 10. Subsections (1) and (3) of section 259.041,
645 Florida Statutes, are amended to read:

646 259.041 Acquisition of state-owned lands for preservation,
647 conservation, and recreation purposes.--

648 (1) Neither the Board of Trustees of the Internal
649 Improvement Trust Fund nor its duly authorized agent shall
650 commit the state, through any instrument of negotiated contract
651 or agreement for purchase, to the purchase of lands with or
652 without appurtenances unless the provisions of this section have
653 been fully complied with. Except for the requirements of
654 subsections (3), (14), and (15), the board of trustees may waive
655 any requirements of this section, or may waive any rules adopted
656 pursuant to this section, notwithstanding chapter 120, However,
657 ~~the board of trustees may waive any requirement of this section,~~
658 ~~except the requirements of subsections (3), (14), and (15); or,~~
659 ~~notwithstanding chapter 120, may waive any rules adopted~~
660 ~~pursuant to this section, except rules adopted pursuant to~~
661 ~~subsections (3), (14), and (15); or may substitute other~~
662 reasonably prudent procedures, provided the public's interest is

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663 reasonably protected. The title to lands acquired pursuant to
664 this section shall vest in the board of trustees as provided in
665 s. 253.03(1), unless otherwise provided by law, ~~and~~ all such
666 titled lands, ~~title to which is vested in the board of trustees~~
667 ~~pursuant to this section~~, shall be administered pursuant to the
668 provisions of s. 253.03.

669 (3) No agreement to acquire real property for the purposes
670 described in this chapter, chapter 260, or chapter 375, title to
671 which will vest in the board of trustees, may bind the state
672 unless and until the agreement has been reviewed and approved by
673 the Department of Environmental Protection as complying with the
674 requirements of this section and any rules adopted pursuant to
675 this section. Where any of the following conditions exist, the
676 agreement shall be submitted to and approved by the board of
677 trustees:

678 (a) The purchase price agreed to by the seller exceeds the
679 value as established pursuant to the rules of the board of
680 trustees;

681 (b) The contract price agreed to by the seller and
682 acquiring agency exceeds \$1 million;

683 (c) The acquisition is the initial purchase in a project;
684 ~~or~~

685 (d) Beginning in January 2004, the state's proposed
686 acquisition is within a county in which more than 50 percent of
687 the lands within the county boundary are, or will be, public
688 lands managed primarily for conservation purposes, as determined
689 pursuant to s. 253.034(8), and public ownership will reduce the
690 total ad valorem taxes collected in such county by more than
691 one-hundredth of 1 percent. In such case, the division shall

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692 contact the county administrator or county manager of the county
693 in which the proposed acquisition is located to request the
694 county's input regarding the proposed acquisition. The county
695 shall report their concerns to the board of trustees, or, at the
696 county's request, the division shall report the county's
697 concerns to the board. The board must approve, by an affirmative
698 vote of at least three of its members, the state's purchase of
699 the proposed acquisition; or

700 (e)~~(d)~~ Other conditions that the board of trustees may
701 adopt by rule. Such conditions may include, but not be limited
702 to, projects where title to the property being acquired is
703 considered nonmarketable or is encumbered in such a way as to
704 significantly affect its management.

705
706 Where approval of the board of trustees is required pursuant to
707 this subsection, the acquiring agency must provide a
708 justification as to why it is in the public's interest to
709 acquire the parcel or project. Approval of the board of trustees
710 also is required for projects the department recommends
711 acquiring pursuant to subsections (14) and (15). Review and
712 approval of agreements for acquisitions for Florida Greenways
713 and Trails Program properties pursuant to chapter 260 may be
714 waived by the department in any contract with nonprofit
715 corporations that have agreed to assist the department with this
716 program.

717 Section 11. Present subsection (5) of section 373.089,
718 Florida Statutes, is renumbered as subsection (6), and a new
719 subsection (5) is added to said section to read:

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720 373.089 Sale or exchange of lands, or interests or rights
721 in lands.--The governing board of the district may sell lands,
722 or interests or rights in lands, to which the district has
723 acquired title or to which it may hereafter acquire title in the
724 following manner:

725 (5) In any county where more than 50 percent of the lands
726 within the county boundary are federal lands or lands titled in
727 the name of the state, a state agency, a water management
728 district, or a local government, those lands titled in the name
729 of a water management district that were purchased using funds
730 distributed according to the Florida Forever Program, the
731 Preservation 2000 Program, the Conservation and Recreation Lands
732 Program, or the Save our Rivers Program, and which are not
733 essential or necessary to meet the original purposes of the
734 program under which they were acquired, must be made available
735 for purchase to public or private entities through the
736 surplusing process in subsection (6). Priority consideration
737 must be given to buyers, public or private, who are willing to
738 return the property to productive use so long as the property
739 can be reentered onto the county ad valorem tax roll. Property
740 acquired with matching funds from a local government shall not
741 be made available for purchase without the consent of the local
742 government.

743 Section 12. Subsection (3) of section 373.139, Florida
744 Statutes, is amended to read:

745 373.139 Acquisition of real property.--

746 (3) The initial 5-year work plan and any subsequent
747 modifications or additions thereto shall be adopted by each
748 water management district after a public hearing. Each water

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749 management district shall provide at least 14 days' advance
750 notice of the hearing date and shall separately notify each
751 county commission within which a proposed work plan project or
752 project modification or addition is located of the hearing date.

753 (a) Appraisal reports, offers, and counteroffers are
754 confidential and exempt from the provisions of s. 119.07(1)
755 until an option contract is executed or, if no option contract
756 is executed, until 30 days before a contract or agreement for
757 purchase is considered for approval by the governing board.
758 However, each district may, at its discretion, disclose
759 appraisal reports to private landowners during negotiations for
760 acquisitions using alternatives to fee simple techniques, if the
761 district determines that disclosure of such reports will bring
762 the proposed acquisition to closure. In the event that
763 negotiation is terminated by the district, the ~~title~~
764 ~~information~~, appraisal report, offers, and counteroffers shall
765 become available pursuant to s. 119.07(1). Notwithstanding the
766 provisions of this section and s. 259.041, a district and the
767 Division of State Lands may share and disclose ~~title~~
768 ~~information~~, appraisal reports, appraisal information, offers,
769 and counteroffers when joint acquisition of property is
770 contemplated. A district and the Division of State Lands shall
771 maintain the confidentiality of such ~~title information~~,
772 appraisal reports, appraisal information, offers, and
773 counteroffers in conformance with this section and s. 259.041,
774 except in those cases in which a district and the division have
775 exercised discretion to disclose such information. A district
776 may disclose appraisal information, offers, and counteroffers to
777 a third party who has entered into a contractual agreement with

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778 the district to work with or on the behalf of or to assist the
779 district in connection with land acquisitions. The third party
780 shall maintain the confidentiality of such information in
781 conformance with this section. In addition, a district may use,
782 as its own, appraisals obtained by a third party provided the
783 appraiser is selected from the district's list of approved
784 appraisers and the appraisal is reviewed and approved by the
785 district.

786 (b) The Secretary of Environmental Protection shall
787 release moneys from the appropriate account or trust fund to a
788 district for preacquisition costs within 30 days after receipt
789 of a resolution adopted by the district's governing board which
790 identifies and justifies any such preacquisition costs necessary
791 for the purchase of any lands listed in the district's 5-year
792 work plan. The district shall return to the department any funds
793 not used for the purposes stated in the resolution, and the
794 department shall deposit the unused funds into the appropriate
795 account or trust fund.

796 (c) The Secretary of Environmental Protection shall
797 release acquisition moneys from the appropriate account or trust
798 fund to a district following receipt of a resolution adopted by
799 the governing board identifying the lands being acquired and
800 certifying that such acquisition is consistent with the 5-year
801 work plan of acquisition and other provisions of this section.
802 The governing board also shall provide to the Secretary of
803 Environmental Protection a copy of all certified appraisals used
804 to determine the value of the land to be purchased. Each parcel
805 to be acquired must have at least one appraisal. Two appraisals
806 are required when the estimated value of the parcel exceeds \$1

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807 million \$500,000. However, when both appraisals exceed \$1
808 million \$500,000 and differ significantly, a third appraisal may
809 be obtained. If the purchase price is greater than the appraisal
810 price, the governing board shall submit written justification
811 for the increased price. The Secretary of Environmental
812 Protection may withhold moneys for any purchase that is not
813 consistent with the 5-year plan or the intent of this section or
814 that is in excess of appraised value. The governing board may
815 appeal any denial to the Land and Water Adjudicatory Commission
816 pursuant to s. 373.114.

817 Section 13. Subsection (10) of section 373.59, Florida
818 Statutes, is amended to read:

819 373.59 Water Management Lands Trust Fund.--

820 (10)(a) Beginning July 1, 1999, not more than one-fourth
821 of the ~~land management~~ funds provided for in subsections (1) and
822 (8) in any year shall be reserved annually by a governing board,
823 during the development of its annual operating budget, for
824 payments in lieu of taxes for all actual tax losses incurred as
825 a result of governing board acquisitions for water management
826 districts pursuant to ss. 259.101, 259.105, and 373.470 and this
827 section during any year. Reserved funds not used for payments in
828 lieu of taxes in any year shall revert to the Water Management
829 Lands Trust Fund to be used in accordance with the provisions of
830 this section.

831 (b) Payment in lieu of taxes shall be available:

832 1. To all counties that have a population of 150,000 or
833 fewer. Population levels shall be determined pursuant to s.
834 11.031.

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835 2. To all local governments located in eligible counties
836 and whose lands are bought and taken off the tax rolls.
837
838 For properties acquired after January 1, 2000, in the event that
839 such properties otherwise eligible for payment in lieu of taxes
840 under this subsection are leased or reserved and remain subject
841 to ad valorem taxes, payments in lieu of taxes shall commence or
842 recommence upon the expiration or termination of the lease or
843 reservation, but in no event shall there be more than a total of
844 20 ~~ten~~ annual payments in lieu of taxes for each tax loss. If
845 the lease is terminated for only a portion of the lands at any
846 time, the 20 ~~ten~~ annual payments shall be made for that portion
847 only commencing the year after such termination, without
848 limiting the requirement that 20 ~~ten~~ annual payments shall be
849 made on the remaining portion or portions of the land as the
850 lease on each expires. For the purposes of this subsection,
851 "local government" includes municipalities, the county school
852 board, mosquito control districts, and any other local
853 government entity which levies ad valorem taxes.

854 (c) If sufficient funds are unavailable in any year to
855 make full payments to all qualifying counties and local
856 governments, such counties and local governments shall receive a
857 pro rata share of the moneys available.

858 (d) The payment amount shall be based on the average
859 amount of actual taxes paid on the property for the 3 years
860 preceding acquisition. Applications for payment in lieu of taxes
861 shall be made no later than January 31 of the year following
862 acquisition. No payment in lieu of taxes shall be made for

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863 properties which were exempt from ad valorem taxation for the
864 year immediately preceding acquisition.

865 (e) If property that was subject to ad valorem taxation
866 was acquired by a tax-exempt entity for ultimate conveyance to
867 the state under this chapter, payment in lieu of taxes shall be
868 made for such property based upon the average amount of taxes
869 paid on the property for the 3 years prior to its being removed
870 from the tax rolls. The water management districts shall certify
871 to the Department of Revenue those properties that may be
872 eligible under this provision. Once eligibility has been
873 established, that governmental entity shall receive 10
874 consecutive annual payments for each tax loss, and no further
875 eligibility determination shall be made during that period.

876 (f)(e) Payment in lieu of taxes pursuant to this
877 subsection shall be made annually to qualifying counties and
878 local governments after certification by the Department of
879 Revenue that the amounts applied for are reasonably appropriate,
880 based on the amount of actual taxes paid on the eligible
881 property, and after the water management districts have provided
882 supporting documents to the Comptroller and have requested that
883 payment be made in accordance with the requirements of this
884 section. On behalf of any local government requesting payment in
885 lieu of taxes, the water management district that acquired the
886 land is responsible for preparing and submitting application
887 requests for payment to the Department of Revenue for
888 certification.

889 (g)(f) If a water management district conveys to a county
890 or local government title to any land owned by the district, any
891 payments in lieu of taxes on the land made to the county or

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892 local government shall be discontinued as of the date of the
893 conveyance.

894 ~~(g) The districts may make retroactive payments to~~
895 ~~counties and local governments that did not receive payments in~~
896 ~~lieu of taxes for lands purchased under s. 259.101 and this~~
897 ~~section during fiscal year 1999-2000 if the counties and local~~
898 ~~governments would have received those payments under ss.~~
899 ~~259.032(12) and 373.59(14).~~

900 Section 14. Section 373.5905, Florida Statutes, is amended
901 to read:

902 373.5905 Reinstitution of payments in lieu of taxes;
903 duration.--~~If the Department of Environmental Protection or a~~
904 ~~water management district has made a payment in lieu of taxes to~~
905 ~~a governmental entity and subsequently suspended such payment,~~
906 ~~the department or water management district shall reinstitute~~
907 ~~appropriate payments and continue the payments in consecutive~~
908 ~~years until the governmental entity has received a total of 20~~
909 ~~10 payments for each tax loss.~~

910 Section 15. In an exchange of lands contemplated between
911 the Board of Trustees and a local government for donated state
912 lands no longer needed for conservation purposes, lands proposed
913 for exchange by the state and the local government shall be
914 considered of equal value, and no further consideration shall be
915 required, provided that the donated land being offered for
916 exchange by the state is not greater than 200 acres, and
917 provided that the local government has been negotiating the
918 exchange of lands with the Division of State Lands for a period
919 of not less than 1 year. Notwithstanding the exchange and
920 surplusing requirements of chapters 253 and 259, Florida

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921 Statutes, and the notice requirements of chapter 270, Florida
922 Statutes, the Board of Trustees shall exchange lands with a
923 local government under these provisions no later than August 15,
924 2003. Lands conveyed to a local government under these
925 provisions must be used for a public purpose. Deeds of
926 conveyance conveyed to a local government under these provisions
927 shall contain a reverter clause that automatically reverts title
928 to the Board of Trustees if the local government fails to use
929 the property for a public purpose.

930 Section 16. Notwithstanding any requirements of chapters
931 253 and 259, Florida Statutes, and the noticing requirements of
932 chapter 270, Florida Statutes, an exchange of lands between the
933 Board of Trustees and a private entity involving state-owned
934 lands that are formerly submerged sovereignty lands and which
935 are located in Section 23, Township 40 South, Range 32 East
936 shall be exchanged by August 31, 2003. Provided the land to be
937 exchanged by the state is not greater than 200 acres, is within
938 a rural county of critical economic concern, and is adjacent to
939 lands sold by the state to private interests, the exchange is
940 hereby mandated. Further, the private entity receiving title to
941 the lands described above must have been negotiating with the
942 state for a period of not less than 1 year, must have acquired
943 lands within a Florida Forever conservation project for exchange
944 to the state, and must own land adjacent to the subject state
945 parcel. This exchange must be value for value for the state;
946 therefore, the private party will pay to the state any funds
947 necessary to equalize value for the state.

948 Section 17. Sections 253.783 and 253.84, Florida Statutes,
949 are repealed.

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950 Section 18. This act shall take effect July 1, 2003.

951

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

953 Remove the entire title, and insert:

954 A bill to be entitled

955 An act relating to the acquisition and conservation of
956 lands; amending s. 253.025, F.S.; revising requirements
957 for appraisals when acquiring state lands; amending s.
958 253.03, F.S.; clarifying Department of Environmental
959 Protection authority regarding submerged land lease fees;
960 specifying lease fees; consolidating lease fee structure;
961 amending s. 253.034, F.S.; providing conditions under
962 which state-owned lands may be considered nonconservation
963 lands; revising requirements for land management plans for
964 conservation lands to be submitted to the Division of
965 State Lands; providing that land use plans for
966 nonconservation lands be submitted to the Division of
967 State Lands at least every 10 years; revising requirements
968 for the sale of surplus lands; authorizing the Division of
969 State Lands to determine the sale price of surplus lands;
970 providing the Board of Trustees with the authority to
971 adopt rules; directing the Division of State Lands to
972 prepare a state inventory of all federal lands and all
973 lands titled in the name of the state, a state agency, a
974 water management district, or a local government;
975 requiring the participation of counties in developing a
976 county inventory; providing conditions under which certain
977 lands must be made available for purchasing under the
978 state's land surplusing process; creating s. 253.0341,

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979 F.S.; authorizing counties and local governments to submit
980 requests to surplus state lands directly to the Board of
981 Trustees; providing for an expedited surplus process;
982 amending s. 253.42, F.S.; revising the circumstances under
983 which the Board of Trustees may directly exchange state-
984 owned lands; providing requirements for the exchange of
985 donated conservation lands; providing requirements for the
986 conveyance of donated nonconservation lands; providing
987 requirements for the exchange of other state-owned lands;
988 amending s. 253.7823, F.S.; revising requirements for the
989 disposition of former barge canal surplus lands; amending
990 s. 259.032, F.S.; revising requirements for updating land
991 management plans; eliminating the reversion of specified
992 funds for use in acquiring lands; requiring that state
993 agencies prepare and submit to the Department of Revenue
994 requests for certification of payment in lieu of taxes
995 applications from local governments; revising requirements
996 for payment in lieu of taxes; amending s. 259.0322, F.S.;
997 providing that payment in lieu of taxes payments shall be
998 made for 20 consecutive years; amending s. 259.036, F.S.;
999 providing that land management review teams shall submit a
1000 10-year land management plan update to the Acquisition and
1001 Restoration Council; amending s. 259.041, F.S.; clarifying
1002 certain requirements regarding the acquisition of state-
1003 owned lands; providing circumstances under which the state
1004 may purchase lands in certain counties beginning in 2004;
1005 providing the Board of Trustees with the authority to
1006 adopt rules; amending s. 373.089, F.S.; providing
1007 conditions under which the water management districts must

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1008 make district-owned lands available for purchase; amending
1009 s. 373.139, F.S.; repealing obsolete requirements;
1010 revising appraisal requirements based on estimated value
1011 of the parcel; amending s. 373.59, F.S.; revising
1012 provisions requiring that the water management districts
1013 may make payments in lieu of taxes from funds deposited
1014 into the Water Management Lands Trust Fund; providing for
1015 20 annual payments in lieu of taxes; amending s. 373.5905,
1016 F.S.; revising provisions requiring reinstatement of
1017 payments in lieu of taxes; authorizing the exchange of
1018 lands between the Board of Trustees of the Internal
1019 Improvement Trust Fund and a local government under
1020 certain conditions; providing purposes for which exchanged
1021 lands may be used; authorizing the exchange of lands
1022 between the Board of Trustees and a private entity under
1023 certain conditions; providing value for value exchange;
1024 repealing s. 253.783, F.S., providing for powers and
1025 duties of the department to acquire lands for the former
1026 barge canal project; repealing s. 253.84, F.S., providing
1027 for the acquisition of lands by the state of property
1028 containing cattle-dipping vats; providing an effective
1029 date.