

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~~

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

38 Section 2. Subsections (2), (5), and (6) of section
39 253.034, Florida Statutes, are amended, subsections (8), (9),
40 (10), and (11) are renumbered as subsections (9), (10), (11),
41 and (12), respectively, and a new subsection (8) is added to
42 said section, to read:

43 253.034 State-owned lands; uses.--

44 (2) As used in this section, the following phrases have
45 the following meanings:

46 (a) "Multiple use" means the harmonious and coordinated
47 management of timber, recreation, conservation of fish and
48 wildlife, forage, archaeological and historic sites, habitat and
49 other biological resources, or water resources so that they are
50 utilized in the combination that will best serve the people of
51 the state, making the most judicious use of the land for some or
52 all of these resources and giving consideration to the relative
53 values of the various resources. Where necessary and appropriate
54 for all state-owned lands that are larger than 1,000 acres in
55 project size and are managed for multiple uses, buffers may be
56 formed around any areas that require special protection or have

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57 special management needs. Such buffers shall not exceed more
58 than one-half of the total acreage. Multiple uses within a
59 buffer area may be restricted to provide the necessary buffering
60 effect desired. Multiple use in this context includes both uses
61 of land or resources by more than one management entity, which
62 may include private sector land managers. In any case, lands
63 identified as multiple-use lands in the land management plan
64 shall be managed to enhance and conserve the lands and resources
65 for the enjoyment of the people of the state.

66 (b) "Single use" means management for one particular
67 purpose to the exclusion of all other purposes, except that the
68 using entity shall have the option of including in its
69 management program compatible secondary purposes which will not
70 detract from or interfere with the primary management purpose.
71 Such single uses may include, but are not necessarily restricted
72 to, the use of agricultural lands for production of food and
73 livestock, the use of improved sites and grounds for
74 institutional purposes, and the use of lands for parks,
75 preserves, wildlife management, archaeological or historic
76 sites, or wilderness areas where the maintenance of essentially
77 natural conditions is important. All submerged lands shall be
78 considered single-use lands and shall be managed primarily for
79 the maintenance of essentially natural conditions, the
80 propagation of fish and wildlife, and public recreation,
81 including hunting and fishing where deemed appropriate by the
82 managing entity.

83 (c) "Conservation lands" means lands that are currently
84 managed for conservation, outdoor resource-based recreation, or
85 archaeological or historic preservation, except those lands that

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86 were acquired solely to facilitate the acquisition of other
87 conservation lands. Lands acquired for uses other than
88 conservation, outdoor resource-based recreation, or
89 archaeological or historic preservation shall not be designated
90 conservation lands except as otherwise authorized under this
91 section. These lands shall include, but not be limited to, the
92 following: correction and detention facilities, military
93 installations and facilities, state office buildings,
94 maintenance yards, state university or state community college
95 campuses, agricultural field stations or offices, tower sites,
96 law enforcement and license facilities, laboratories, hospitals,
97 clinics, and other sites that possess no significant natural or
98 historical resources. However, lands acquired solely to
99 facilitate the acquisition of other conservation lands, and for
100 which the land management plan has not yet been completed or
101 updated, may be evaluated by the Board of Trustees of the
102 Internal Improvement Trust Fund on a case-by-case basis to
103 determine if they will be designated conservation lands. Lands
104 acquired by the state as a gift, through donation, or by any
105 other conveyance for which no consideration was paid, and that
106 are not managed for conservation, outdoor resource-based
107 recreation, or archaeological or historic preservation under a
108 land management plan approved by the board of trustees, are not
109 conservation lands.

110 (5) Each manager of entity-managing conservation lands
111 shall submit to the Division of State Lands a land management
112 plan at least every 10 5 years in a form and manner prescribed
113 by rule by the board and in accordance with the provisions of s.
114 259.032. Each manager of nonconservation lands shall submit to

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115 the Division of State Lands a land use plan at least every 10
116 years in a form and manner prescribed by rule by the board. The
117 division shall review each plan for compliance with the
118 requirements of this subsection and the requirements of the
119 rules established by the board pursuant to this section. All
120 land use management plans, whether for single-use or multiple-
121 use properties, shall include an analysis of the property to
122 determine if any significant natural or cultural resources are
123 located on the property. ~~specifically describe how the managing~~
124 entity plans to identify, locate, protect and preserve, or
125 otherwise use fragile nonrenewable resources, Such resources
126 include as archaeological and historic sites, state and
127 federally listed as well as other fragile resources, including
128 endangered plant and animal species, and imperiled natural
129 communities and unique natural features. If such resources occur
130 on the property, then the manager shall consult with the
131 Division of State Lands and other appropriate agencies to
132 develop management strategies to protect such resources. Land
133 use plans shall also provide for the control of invasive
134 nonnative plants and conservation of soil and water resources,
135 including a description of how the manager plans to ~~and for the~~
136 control and prevent prevention of soil erosion and soil or water
137 contamination. Land use management plans submitted by a manager
138 an entity shall include reference to appropriate statutory
139 authority for such use or uses and shall conform to the
140 appropriate policies and guidelines of the state land management
141 plan. All land management Plans for managed areas ~~pareels~~ larger
142 than 1,000 acres shall contain an analysis of the multiple-use
143 potential of the property ~~pareel~~, which analysis shall include

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144 the potential of the property parcel to generate revenues to
145 enhance the management of the property parcel. Additionally, the
146 ~~land management~~ plan shall contain an analysis of the potential
147 use of private land managers to facilitate the restoration or
148 management of these lands. In those cases where a newly acquired
149 property has a valid conservation plan that was developed by a
150 soil and conservation district, such ~~the~~ plan shall be used to
151 guide management of the property until a formal land use
152 ~~management~~ plan is completed.

153 (a) The Division of State Lands shall make available to
154 the public a copy of each land management plan for parcels that
155 exceed 160 acres in size. The council shall review each plan for
156 compliance with the requirements of this subsection, the
157 requirements of chapter 259, and the requirements of the rules
158 established by the board pursuant to this section. The council
159 shall also consider the propriety of the recommendations of the
160 managing entity with regard to the future use of the property,
161 the protection of fragile or nonrenewable resources, the
162 potential for alternative or multiple uses not recognized by the
163 managing entity, and the possibility of disposal of the property
164 by the board. After its review, the council shall submit the
165 plan, along with its recommendations and comments, to the board.
166 The council shall specifically recommend to the board whether to
167 approve the plan as submitted, approve the plan with
168 modifications, or reject the plan.

169 (b) The Board of Trustees of the Internal Improvement
170 Trust Fund shall consider the land management plan submitted by
171 each entity and the recommendations of the council and the
172 Division of State Lands and shall approve the plan with or

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173 without modification or reject such plan. The use or possession
174 of any such lands that is not in accordance with an approved
175 land management plan is subject to termination by the board.

176 (6) The Board of Trustees of the Internal Improvement
177 Trust Fund shall determine which lands, the title to which is
178 vested in the board, may be surplused. For conservation lands,
179 the board shall make a determination that the lands are no
180 longer needed for conservation purposes and may dispose of them
181 by a two-thirds vote. In the case of a land exchange involving
182 the disposition of conservation lands, the board must determine
183 by at least a two-thirds vote that the exchange will result in a
184 net positive conservation benefit. For all other lands, the
185 board shall make a determination that the lands are no longer
186 needed and may dispose of them by majority vote.

187 (a) For the purposes of this subsection, all lands
188 acquired by the state prior to July 1, 1999, using proceeds from
189 the Preservation 2000 bonds, the Conservation and Recreation
190 Lands Trust Fund, the Water Management Lands Trust Fund,
191 Environmentally Endangered Lands Program, and the Save Our Coast
192 Program and titled to the board, which lands are identified as
193 core parcels or within original project boundaries, shall be
194 deemed to have been acquired for conservation purposes.

195 (b) For any lands purchased by the state on or after July
196 1, 1999, a determination shall be made by the board prior to
197 acquisition as to those parcels that shall be designated as
198 having been acquired for conservation purposes. No lands
199 acquired for use by the Department of Corrections, the
200 Department of Management Services for use as state offices, the
201 Department of Transportation, except those specifically managed

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202 for conservation or recreation purposes, or the State University
203 System or the Florida Community College System shall be
204 designated as having been purchased for conservation purposes.

205 (c) At least every 5 years, as a component of each land
206 management plan or land use plan and in a form and manner
207 prescribed by rule by the board, each management entity shall
208 evaluate and indicate to the board those lands that the entity
209 manages which are not being used for the purpose for which they
210 were originally leased. Such lands shall be reviewed by the
211 council for its recommendation as to whether such lands should
212 be disposed of by the board.

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

218 (e) Prior to any decision by the board to surplus lands,
219 the Acquisition and Restoration Council shall review and make
220 recommendations to the board concerning the request for
221 surplusings. The council shall determine whether the request for
222 surplusings is compatible with the resource values of and
223 management objectives for such lands.

224 (f) In reviewing lands owned by the board, the council
225 shall consider whether such lands would be more appropriately
226 owned or managed by the county or other unit of local government
227 in which the land is located. The council shall recommend to the
228 board whether a sale, lease, or other conveyance to a local
229 government would be in the best interests of the state and local
230 government. The provisions of this paragraph in no way limit the

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231 provisions of ss. 253.111 and 253.115. Such lands shall be
232 offered to the state, county, or local government for a period
233 of 30 days. Permittable uses for such surplus lands may include
234 public schools; public libraries; fire or law enforcement
235 substations; and governmental, judicial, or recreational
236 centers. County or local government requests for surplus lands
237 shall be expedited throughout the surplusing process. If the
238 county or local government does not elect to purchase such lands
239 in accordance with s. 253.111, then any surplusing determination
240 involving other governmental agencies shall be made upon the
241 board deciding the best public use of the lands. Surplus
242 properties in which governmental agencies have expressed no
243 interest shall then be available for sale on the private market.

244 (g) The sale price of lands determined to be surplus
245 pursuant to this subsection shall be determined by the division
246 and shall take into consideration an appraisal of the property,
247 or when the estimated value of the land is less than \$100,000, a
248 comparable sales analysis or a broker's opinion of value, and
249 ~~sold for appraised value or the price paid by the state or a~~
250 ~~water management district to originally acquire the lands,~~
251 ~~whichever is greater, except when the board or its designee~~
252 ~~determines a different sale price is in the public interest.~~
253 ~~However, for those lands sold as surplus to any unit of~~
254 ~~government, the price shall not exceed the price paid by the~~
255 ~~state or a water management district to originally acquire the~~
256 ~~lands.~~ A unit of government that ~~which~~ acquires title to lands
257 hereunder for less than appraised value may not sell or transfer
258 title to all or any portion of the lands to any private owner
259 for a period of 10 years. Any unit of government seeking to

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260 transfer or sell lands pursuant to this paragraph shall first
261 allow the board of trustees to reacquire such lands for the
262 price at which the board ~~they~~ sold such lands.

263 (h) Where a unit of government acquired land by gift,
264 donation, grant, quit-claim deed, or other such conveyance where
265 no monetary consideration was exchanged, the price of land sold
266 as surplus may be based on one appraisal. In the event that a
267 single appraisal yields a value equal to or greater than \$1
268 million, a second appraisal is required. The individual or
269 entity requesting the surplus shall select and use appraisers
270 from the list of approved appraisers maintained by the Division
271 of State Lands in accordance with s. 253.025(6)(b). The
272 individual or entity requesting the surplus is to incur all
273 costs of the appraisals.

274 (i) After reviewing the recommendations of the council,
275 the board shall determine whether lands identified for surplus
276 are to be held for other public purposes or whether such lands
277 are no longer needed. The board may require an agency to release
278 its interest in such lands. For an agency that has requested the
279 use of a property that was to be declared as surplus, said
280 agency must have the property under lease within 6 months of the
281 date of expiration of the notice provisions required under ss.
282 253.034(6) and 253.111.

283 (j) Requests for surplus may be made by any public or
284 private entity or person. All requests shall be submitted to the
285 lead managing agency for review and recommendation to the
286 council or its successor. Lead managing agencies shall have 90
287 days to review such requests and make recommendations. Any
288 surplus requests that have not been acted upon within the 90-

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289 day time period shall be immediately scheduled for hearing at
290 the next regularly scheduled meeting of the council or its
291 successor. Requests for surplus pursuant to this paragraph
292 shall not be required to be offered to local or state
293 governments as provided in paragraph (f).

294 (k) Proceeds from any sale of surplus lands pursuant to
295 this subsection shall be deposited into the fund from which such
296 lands were acquired. However, if the fund from which the lands
297 were originally acquired no longer exists, such proceeds shall
298 be deposited into an appropriate account to be used for land
299 management by the lead managing agency assigned the lands prior
300 to the lands being declared surplus. Funds received from the
301 sale of surplus nonconservation lands, or lands that were
302 acquired by gift, by donation, or for no consideration, shall be
303 deposited into the Internal Improvement Trust Fund.

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

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

312 (n) The board may adopt rules to implement the provisions
313 of this section, which may include procedures for administering
314 surplus land requests and criteria for when the division may
315 approve requests to surplus nonconservation lands on behalf of
316 the board.

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317 (8)(a) Notwithstanding other provisions of this section,
318 the Division of State Lands is directed to prepare a state
319 inventory of all federal lands and all lands titled in the name
320 of the state, a state agency, a water management district, or a
321 local government on a county-by-county basis, with the exception
322 of rights-of-way for existing, proposed, or anticipated
323 transportation facilities. The division must identify state or
324 water management district lands purchased with funds distributed
325 according to the Florida Forever Program, the Preservation 2000
326 Program, the Conservation and Recreation Lands Program, the
327 Environmentally Endangered Lands Program, the Save Our Rivers
328 Program, or the Save Our Coast Program. To facilitate the
329 development of the state inventory, each county shall direct the
330 appropriate county office with authority over the information to
331 provide the division with a county inventory of all lands
332 identified as federal lands and lands titled in the name of the
333 state, a state agency, a water management district, or a local
334 government.

335 (b) The state inventory must distinguish between lands
336 purchased by the state or a water management district as part of
337 a core parcel or within original project boundaries, as those
338 terms are used to meet the surplus requirements of subsection
339 (6), and lands purchased by the state, a state agency, or a
340 water management district which were not essential or necessary
341 to meet the conservation purposes of the programs which funded
342 the acquisition.

343 (c) In any county in which more than 50 percent of the
344 lands within the county boundary are federal lands or lands
345 titled in the name of the state, a state agency, a water

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346 management district, or a local government, those lands titled
347 in the name of the state or a state agency that were purchased
348 using funds from any program identified in paragraph (a) and
349 that are not essential or necessary to meet the original
350 purposes of the program under which they were acquired must be
351 made available for purchase to public or private entities
352 through the state's surplusing process. Priority consideration
353 must be given to buyers, public or private, willing to return
354 the property to productive use so long as the property can be
355 reentered onto the county ad valorem tax roll. Property acquired
356 with matching funds from a local government shall not be made
357 available for purchase without the consent of said local
358 government.

359 Section 3. Section 253.0341, Florida Statutes, is created
360 to read:

361 253.0341 Surplus of state-owned lands to counties or local
362 governments.--Counties and local governments may submit
363 surplusing requests for state-owned lands directly to the Board
364 of Trustees, and the decision to surplus state-owned lands to a
365 county or local government may be made by the board without a
366 review of or a recommendation on the request from the
367 Acquisition and Restoration Council or the Division of State
368 Lands. County or local government requests for the state to
369 surplus conservation or nonconservation lands, whether for
370 purchase or exchange, shall be expedited throughout the
371 surplusing process. Surplusing requests made by a county or
372 local government shall be considered by the board at the first
373 board meeting scheduled within 60 days after the board's receipt
374 of the request.

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375 Section 4. Section 253.42, Florida Statutes, is amended to
376 read:

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

379 253.42 Board of Trustees may exchange lands.--The
380 provisions of this section apply to all lands owned by, vested
381 in, or titled in the name of the board, whether the lands were
382 acquired by the state as a purchase or through gift, donation,
383 or any other conveyance for which no consideration was paid.

384 (1) The Board of Trustees may exchange any lands owned by,
385 vested in, or titled in the name of the board for other lands in
386 the state owned by counties, local governments, individuals, or
387 private or public corporations and may fix the terms and
388 conditions of any such exchange. Any nonconservation lands that
389 were acquired by the state through gift, donation, or any other
390 conveyance for which no consideration was paid must first be
391 offered at no cost to a county or local government unless
392 otherwise provided in a deed restriction of record and so long
393 as the use proposed by the county or local government is for a
394 public purpose. For conservation lands acquired by the state
395 through gift, donation, or any other conveyance for which no
396 consideration was paid, the state may request land of equal
397 conservation value from the county or local government but no
398 other consideration.

399 (2) In exchanging state-owned lands not acquired by the
400 state through gift, donation, or any other conveyance for which
401 no consideration was paid with counties or local governments,
402 the board may require an exchange of equal value. "Equal value"
403 is defined as the conservation value of the lands being offered

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404 for exchange by a county or local government being equal in
405 conservation value to the state-owned lands, or may be defined
406 as the appraised value of the lands being offered for exchange
407 by a county or local government and monetary compensation to
408 equal the appraised value of the state-owned land. Equal value
409 under this subsection shall be considered a net positive
410 conservation benefit.

411 (3) The board shall select and agree upon the state lands
412 to be exchanged and the lands to be conveyed to the state and
413 pay or receive any sum of money deemed necessary by the board
414 for the purpose of equalizing the value of the exchanged
415 property. The board is authorized to make and enter into
416 contracts or agreements for such purpose or purposes.

417 Section 5. Section 253.7823, Florida Statutes, is amended
418 to read:

419 253.7823 Disposition of surplus lands; compensation of
420 counties located within the Cross Florida Canal Navigation
421 District.--

422 (1) The department may ~~shall~~ identify parcels of former
423 barge canal lands that ~~which~~ may be sold or exchanged ~~as needed~~
424 ~~to repay the counties of the Cross Florida Canal Navigation~~
425 ~~District any sums due them pursuant to s. 253.783(2)(e).~~ In
426 identifying said surplus lands, the department shall give
427 ~~priority consideration to lands situated outside the greenways'~~
428 ~~boundaries,~~ to those lands not having high recreation or
429 conservation values, and those having the greatest assessed
430 valuations. Although the department shall immediately begin to
431 identify the parcels of surplus lands to be sold, the department

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432 shall offer the lands for sale in a manner designed to maximize
433 the amounts received over a reasonable period of time.

434 ~~(2) Disbursements of amounts due the counties shall be~~
435 ~~made on a semiannual basis and shall be completed before any~~
436 ~~additional lands or easements may be acquired within the~~
437 ~~boundaries of the greenways.~~

438 ~~(2)(3) In addition to lands identified for sale to~~
439 ~~generate funds for repayment of counties pursuant to s.~~
440 ~~253.783(2)(e),~~ The department is authorized to sell surplus
441 additional former canal lands if they are determined to be
442 unnecessary to the effective provision of the type of
443 recreational opportunities and conservation activities for which
444 the greenway was ~~greenways were~~ created.

445 ~~(4) Until repayment to the counties pursuant to s.~~
446 ~~253.783(2)(e) has been completed, any agency wishing to use~~
447 ~~former canal lands must pay the full assessed value of said~~
448 ~~lands.~~

449 Section 6. Paragraph (c) of subsection (10) and
450 subsections (12), (13), and (16) of section 259.032, Florida
451 Statutes, are amended to read:

452 259.032 Conservation and Recreation Lands Trust Fund;
453 purpose.--

454 (10)

455 (c) Once a plan is adopted, the managing agency or entity
456 shall update the plan at least every 10 5 years in a form and
457 manner prescribed by rule of the board of trustees. Such
458 updates, for parcels over 160 acres, shall be developed with
459 input from an advisory group. Such plans may include transfers
460 of leasehold interests to appropriate conservation organizations

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461 or governmental entities designated by the Land Acquisition and
462 Management Advisory Council or its successor, for uses
463 consistent with the purposes of the organizations and the
464 protection, preservation, conservation, restoration, and proper
465 management of the lands and their resources. Volunteer
466 management assistance is encouraged, including, but not limited
467 to, assistance by youths participating in programs sponsored by
468 state or local agencies, by volunteers sponsored by
469 environmental or civic organizations, and by individuals
470 participating in programs for committed delinquents and adults.

471

472 By July 1 of each year, each governmental agency and each
473 private entity designated to manage lands shall report to the
474 Secretary of Environmental Protection on the progress of
475 funding, staffing, and resource management of every project for
476 which the agency or entity is responsible.

477 (12)(a) Beginning July 1, 1999, the Legislature shall make
478 available sufficient funds annually from the Conservation and
479 Recreation Lands Trust Fund to the department for payment in
480 lieu of taxes to qualifying counties and local governments as
481 defined in paragraph (b) for all actual tax losses incurred as a
482 result of board of trustees acquisitions for state agencies
483 under the Florida Forever program or the Florida Preservation
484 2000 program during any year. ~~Reserved funds not used for~~
485 ~~payments in lieu of taxes in any year shall revert to the fund~~
486 ~~to be used for land acquisition in accordance with the~~
487 ~~provisions of this section.~~

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

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489 1. To all counties that have a population of 150,000 or
490 fewer. Population levels shall be determined pursuant to s.
491 11.031.

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

493 3. To Glades County, where a privately owned and operated
494 prison leased to the state has recently been opened and where
495 privately owned and operated juvenile justice facilities leased
496 to the state have recently been constructed and opened, a
497 payment in lieu of taxes, in an amount that offsets the loss of
498 property tax revenue, which funds have already been appropriated
499 and allocated from the Department of Correction's budget for the
500 purpose of reimbursing amounts equal to lost ad valorem taxes.

501
502 ~~Counties and local governments that did not receive payments in~~
503 ~~lieu of taxes for lands purchased pursuant to s. 259.101 during~~
504 ~~fiscal year 1999-2000, if such counties and local governments~~
505 ~~would have received payments pursuant to this subsection as that~~
506 ~~section existed on June 30, 1999, shall receive retroactive~~
507 ~~payments for such tax losses.~~

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

512 (d) The payment amount shall be based on the average
513 amount of actual taxes paid on the property for the 3 years
514 preceding acquisition. Applications for payment in lieu of taxes
515 shall be made no later than January 31 of the year following
516 acquisition. No payment in lieu of taxes shall be made for

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517 properties which were exempt from ad valorem taxation for the
518 year immediately preceding acquisition.

519 (e) If property which was subject to ad valorem taxation
520 was acquired by a tax-exempt entity for ultimate conveyance to
521 the state under this chapter, payment in lieu of taxes shall be
522 made for such property based upon the average amount of taxes
523 paid on the property for the 3 years prior to its being removed
524 from the tax rolls. The department shall certify to the
525 Department of Revenue those properties that may be eligible
526 under this provision. Once eligibility has been established,
527 that county or local government shall receive 10 consecutive
528 annual payments for each tax loss, and no further eligibility
529 determination shall be made during that period.

530 (f)~~(e)~~ Payment in lieu of taxes pursuant to this
531 subsection shall be made annually to qualifying counties and
532 local governments after certification by the Department of
533 Revenue that the amounts applied for are reasonably appropriate,
534 based on the amount of actual taxes paid on the eligible
535 property, ~~and after the Department of Environmental Protection~~
536 ~~has provided supporting documents to the Comptroller and has~~
537 ~~requested that payment be made in accordance with the~~
538 ~~requirements of this section.~~ On behalf of any local government
539 requesting payment in lieu of taxes, the state agency that
540 acquired the land is responsible for preparing and submitting
541 application requests for payment to the Department of Revenue
542 for certification.

543 (g)~~(f)~~ If the board of trustees conveys to a local
544 government title to any land owned by the board, any payments in

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545 lieu of taxes on the land made to the local government shall be
546 discontinued as of the date of the conveyance.

547
548 For the purposes of this subsection, "local government" includes
549 municipalities, the county school board, mosquito control
550 districts, and any other local government entity which levies ad
551 valorem taxes, with the exception of a water management
552 district.

553 (13) Moneys credited to the fund each year which are not
554 used for management, maintenance, or capital improvements
555 pursuant to subsection (11); ~~for payment in lieu of taxes~~
556 ~~pursuant to subsection (12);~~ or for the purposes of subsection
557 (5) shall be available for the acquisition of land pursuant to
558 this section.

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

564 Section 7. Section 259.0322, Florida Statutes, is amended
565 to read:

566 259.0322 Reinstitution of payments in lieu of taxes;
567 duration.--If the Department of Environmental Protection ~~or a~~
568 ~~water management district~~ has made a payment in lieu of taxes to
569 a governmental entity and subsequently suspended such payment,
570 the department ~~or water management district~~ shall reinstitute
571 appropriate payments and continue the payments in consecutive
572 years until the governmental entity has received a total of 20
573 ~~10~~ payments for each tax loss.

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574 Section 8. Subsection (2) of section 259.036, Florida
575 Statutes, is amended to read:

576 259.036 Management review teams.--

577 (2) The land management review team shall review select
578 management areas ~~parcels of managed land~~ prior to the date the
579 manager ~~managing agency~~ is required to submit its 10-year ~~5-year~~
580 land management plan update. For management areas that exceed
581 1,000 acres in size, the Division of State Lands shall schedule
582 a land management review at least every 5 years. A copy of the
583 review shall be provided to the manager ~~managing agency~~, the
584 Division of State Lands, and the Acquisition and Restoration
585 Council ~~Land Acquisition and Management Advisory Council or its~~
586 ~~successor~~. The manager ~~managing agency~~ shall consider the
587 findings and recommendations of the land management review team
588 in finalizing the required 10-year ~~5-year~~ update of its
589 management plan.

590 Section 9. Subsections (1) and (3) of section 259.041,
591 Florida Statutes, are amended to read:

592 259.041 Acquisition of state-owned lands for preservation,
593 conservation, and recreation purposes.--

594 (1) Neither the Board of Trustees of the Internal
595 Improvement Trust Fund nor its duly authorized agent shall
596 commit the state, through any instrument of negotiated contract
597 or agreement for purchase, to the purchase of lands with or
598 without appurtenances unless the provisions of this section have
599 been fully complied with. Except for the requirements of
600 subsections (3), (14), and (15), the board of trustees may waive
601 any requirements of this section, or may waive any rules adopted
602 pursuant to this section, notwithstanding chapter 120, However,

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603 ~~the board of trustees may waive any requirement of this section,~~
604 ~~except the requirements of subsections (3), (14), and (15); or,~~
605 ~~notwithstanding chapter 120, may waive any rules adopted~~
606 ~~pursuant to this section, except rules adopted pursuant to~~
607 ~~subsections (3), (14), and (15); or may substitute other~~
608 reasonably prudent procedures, provided the public's interest is
609 reasonably protected. The title to lands acquired pursuant to
610 this section shall vest in the board of trustees as provided in
611 s. 253.03(1), unless otherwise provided by law, ~~and~~ all such
612 titled lands, ~~title to which is vested in the board of trustees~~
613 ~~pursuant to this section,~~ shall be administered pursuant to the
614 provisions of s. 253.03.

615 (3) No agreement to acquire real property for the purposes
616 described in this chapter, chapter 260, or chapter 375, title to
617 which will vest in the board of trustees, may bind the state
618 unless and until the agreement has been reviewed and approved by
619 the Department of Environmental Protection as complying with the
620 requirements of this section and any rules adopted pursuant to
621 this section. Where any of the following conditions exist, the
622 agreement shall be submitted to and approved by the board of
623 trustees:

624 (a) The purchase price agreed to by the seller exceeds the
625 value as established pursuant to the rules of the board of
626 trustees;

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

629 (c) The acquisition is the initial purchase in a project;

630 ~~or~~

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631 (d) Beginning in January 2004, the state's proposed
632 acquisition is within a county in which more than 50 percent of
633 the lands within the county boundary are, or will be, public
634 lands managed primarily for conservation purposes, as determined
635 pursuant to s. 253.034(8), and public ownership will reduce the
636 total ad valorem taxes collected in such county by more than
637 one-hundredth of 1 percent. In such case, the division shall
638 contact the county administrator or county manager of the county
639 in which the proposed acquisition is located to request the
640 county's input regarding the proposed acquisition. The county
641 shall report their concerns to the board of trustees, or, at the
642 county's request, the division shall report the county's
643 concerns to the board. The board must approve, by an affirmative
644 vote of at least three of its members, the state's purchase of
645 the proposed acquisition; or

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

651
652 Where approval of the board of trustees is required pursuant to
653 this subsection, the acquiring agency must provide a
654 justification as to why it is in the public's interest to
655 acquire the parcel or project. Approval of the board of trustees
656 also is required for projects the department recommends
657 acquiring pursuant to subsections (14) and (15). Review and
658 approval of agreements for acquisitions for Florida Greenways
659 and Trails Program properties pursuant to chapter 260 may be

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660 waived by the department in any contract with nonprofit
661 corporations that have agreed to assist the department with this
662 program.

663 Section 10. Present subsection (5) of section 373.089,
664 Florida Statutes, is renumbered as subsection (6), and a new
665 subsection (5) is added to said section to read:

666 373.089 Sale or exchange of lands, or interests or rights
667 in lands.--The governing board of the district may sell lands,
668 or interests or rights in lands, to which the district has
669 acquired title or to which it may hereafter acquire title in the
670 following manner:

671 (5) In any county where more than 50 percent of the lands
672 within the county boundary are federal lands or lands titled in
673 the name of the state, a state agency, a water management
674 district, or a local government, those lands titled in the name
675 of a water management district that were purchased using funds
676 distributed according to the Florida Forever Program, the
677 Preservation 2000 Program, the Conservation and Recreation Lands
678 Program, or the Save our Rivers Program, and which are not
679 essential or necessary to meet the original purposes of the
680 program under which they were acquired, must be made available
681 for purchase to public or private entities through the
682 surplusing process in subsection (6). Priority consideration
683 must be given to buyers, public or private, who are willing to
684 return the property to productive use so long as the property
685 can be reentered onto the county ad valorem tax roll. Property
686 acquired with matching funds from a local government shall not
687 be made available for purchase without the consent of the local
688 government.

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689 Section 11. Subsection (3) of section 373.139, Florida
690 Statutes, is amended to read:

691 373.139 Acquisition of real property.--

692 (3) The initial 5-year work plan and any subsequent
693 modifications or additions thereto shall be adopted by each
694 water management district after a public hearing. Each water
695 management district shall provide at least 14 days' advance
696 notice of the hearing date and shall separately notify each
697 county commission within which a proposed work plan project or
698 project modification or addition is located of the hearing date.

699 (a) Appraisal reports, offers, and counteroffers are
700 confidential and exempt from the provisions of s. 119.07(1)
701 until an option contract is executed or, if no option contract
702 is executed, until 30 days before a contract or agreement for
703 purchase is considered for approval by the governing board.
704 However, each district may, at its discretion, disclose
705 appraisal reports to private landowners during negotiations for
706 acquisitions using alternatives to fee simple techniques, if the
707 district determines that disclosure of such reports will bring
708 the proposed acquisition to closure. In the event that
709 negotiation is terminated by the district, the ~~title~~
710 ~~information~~, appraisal report, offers, and counteroffers shall
711 become available pursuant to s. 119.07(1). Notwithstanding the
712 provisions of this section and s. 259.041, a district and the
713 Division of State Lands may share and disclose ~~title~~
714 ~~information~~, appraisal reports, appraisal information, offers,
715 and counteroffers when joint acquisition of property is
716 contemplated. A district and the Division of State Lands shall
717 maintain the confidentiality of such ~~title information~~,

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718 appraisal reports, appraisal information, offers, and
719 counteroffers in conformance with this section and s. 259.041,
720 except in those cases in which a district and the division have
721 exercised discretion to disclose such information. A district
722 may disclose appraisal information, offers, and counteroffers to
723 a third party who has entered into a contractual agreement with
724 the district to work with or on the behalf of or to assist the
725 district in connection with land acquisitions. The third party
726 shall maintain the confidentiality of such information in
727 conformance with this section. In addition, a district may use,
728 as its own, appraisals obtained by a third party provided the
729 appraiser is selected from the district's list of approved
730 appraisers and the appraisal is reviewed and approved by the
731 district.

732 (b) The Secretary of Environmental Protection shall
733 release moneys from the appropriate account or trust fund to a
734 district for preacquisition costs within 30 days after receipt
735 of a resolution adopted by the district's governing board which
736 identifies and justifies any such preacquisition costs necessary
737 for the purchase of any lands listed in the district's 5-year
738 work plan. The district shall return to the department any funds
739 not used for the purposes stated in the resolution, and the
740 department shall deposit the unused funds into the appropriate
741 account or trust fund.

742 (c) The Secretary of Environmental Protection shall
743 release acquisition moneys from the appropriate account or trust
744 fund to a district following receipt of a resolution adopted by
745 the governing board identifying the lands being acquired and
746 certifying that such acquisition is consistent with the 5-year

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747 work plan of acquisition and other provisions of this section.
748 The governing board also shall provide to the Secretary of
749 Environmental Protection a copy of all certified appraisals used
750 to determine the value of the land to be purchased. Each parcel
751 to be acquired must have at least one appraisal. Two appraisals
752 are required when the estimated value of the parcel exceeds \$1
753 million ~~\$500,000~~. However, when both appraisals exceed \$1
754 million ~~\$500,000~~ and differ significantly, a third appraisal may
755 be obtained. If the purchase price is greater than the appraisal
756 price, the governing board shall submit written justification
757 for the increased price. The Secretary of Environmental
758 Protection may withhold moneys for any purchase that is not
759 consistent with the 5-year plan or the intent of this section or
760 that is in excess of appraised value. The governing board may
761 appeal any denial to the Land and Water Adjudicatory Commission
762 pursuant to s. 373.114.

763 Section 12. Subsection (10) of section 373.59, Florida
764 Statutes, is amended to read:

765 373.59 Water Management Lands Trust Fund.--

766 (10)(a) Beginning July 1, 1999, not more than one-fourth
767 of the ~~land management~~ funds provided for in subsections (1) and
768 (8) in any year shall be reserved annually by a governing board,
769 during the development of its annual operating budget, for
770 payments in lieu of taxes for all actual tax losses incurred as
771 a result of governing board acquisitions for water management
772 districts pursuant to ss. 259.101, 259.105, and 373.470 and this
773 section during any year. Reserved funds not used for payments in
774 lieu of taxes in any year shall revert to the Water Management

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775 Lands Trust Fund to be used in accordance with the provisions of
776 this section.

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

778 1. To all counties that have a population of 150,000 or
779 fewer. Population levels shall be determined pursuant to s.
780 11.031.

781 2. To all local governments located in eligible counties
782 and whose lands are bought and taken off the tax rolls.

783

784 For properties acquired after January 1, 2000, in the event that
785 such properties otherwise eligible for payment in lieu of taxes
786 under this subsection are leased or reserved and remain subject
787 to ad valorem taxes, payments in lieu of taxes shall commence or
788 recommence upon the expiration or termination of the lease or
789 reservation, but in no event shall there be more than a total of
790 20 ~~ten~~ annual payments in lieu of taxes for each tax loss. If
791 the lease is terminated for only a portion of the lands at any
792 time, the 20 ~~ten~~ annual payments shall be made for that portion
793 only commencing the year after such termination, without
794 limiting the requirement that 20 ~~ten~~ annual payments shall be
795 made on the remaining portion or portions of the land as the
796 lease on each expires. For the purposes of this subsection,
797 "local government" includes municipalities, the county school
798 board, mosquito control districts, and any other local
799 government entity which levies ad valorem taxes.

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

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804 (d) The payment amount shall be based on the average
805 amount of actual taxes paid on the property for the 3 years
806 preceding acquisition. Applications for payment in lieu of taxes
807 shall be made no later than January 31 of the year following
808 acquisition. No payment in lieu of taxes shall be made for
809 properties which were exempt from ad valorem taxation for the
810 year immediately preceding acquisition.

811 (e) If property that was subject to ad valorem taxation
812 was acquired by a tax-exempt entity for ultimate conveyance to
813 the state under this chapter, payment in lieu of taxes shall be
814 made for such property based upon the average amount of taxes
815 paid on the property for the 3 years prior to its being removed
816 from the tax rolls. The water management districts shall certify
817 to the Department of Revenue those properties that may be
818 eligible under this provision. Once eligibility has been
819 established, that governmental entity shall receive 10
820 consecutive annual payments for each tax loss, and no further
821 eligibility determination shall be made during that period.

822 (f)(e) Payment in lieu of taxes pursuant to this
823 subsection shall be made annually to qualifying counties and
824 local governments after certification by the Department of
825 Revenue that the amounts applied for are reasonably appropriate,
826 based on the amount of actual taxes paid on the eligible
827 property, and after the water management districts have provided
828 supporting documents to the Comptroller and have requested that
829 payment be made in accordance with the requirements of this
830 section. On behalf of any local government requesting payment in
831 lieu of taxes, the water management district that acquired the
832 land is responsible for preparing and submitting application

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833 requests for payment to the Department of Revenue for
834 certification.

835 ~~(g)(f)~~ If a water management district conveys to a county
836 or local government title to any land owned by the district, any
837 payments in lieu of taxes on the land made to the county or
838 local government shall be discontinued as of the date of the
839 conveyance.

840 ~~(g) The districts may make retroactive payments to~~
841 ~~counties and local governments that did not receive payments in~~
842 ~~lieu of taxes for lands purchased under s. 259.101 and this~~
843 ~~section during fiscal year 1999-2000 if the counties and local~~
844 ~~governments would have received those payments under ss.~~
845 ~~259.032(12) and 373.59(14).~~

846 Section 13. Section 373.5905, Florida Statutes, is amended
847 to read:

848 373.5905 Reinstitution of payments in lieu of taxes;
849 duration.--~~If the Department of Environmental Protection or a~~
850 ~~water management district has made a payment in lieu of taxes to~~
851 ~~a governmental entity and subsequently suspended such payment,~~
852 ~~the department or water management district shall reinstitute~~
853 ~~appropriate payments and continue the payments in consecutive~~
854 ~~years until the governmental entity has received a total of 20~~
855 ~~10 payments for each tax loss.~~

856 Section 14. In an exchange of lands contemplated between
857 the Board of Trustees and a local government for donated state
858 lands no longer needed for conservation purposes, lands proposed
859 for exchange by the state and the local government shall be
860 considered of equal value, and no further consideration shall be
861 required, provided that the donated land being offered for

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862 exchange by the state is not greater than 200 acres, and
863 provided that the local government has been negotiating the
864 exchange of lands with the Division of State Lands for a period
865 of not less than 1 year. Notwithstanding the exchange and
866 surplusing requirements of chapters 253 and 259, Florida
867 Statutes, and the notice requirements of chapter 270, Florida
868 Statutes, the Board of Trustees shall exchange lands with a
869 local government under these provisions no later than August 15,
870 2003. Lands conveyed to a local government under these
871 provisions must be used for a public purpose. Deeds of
872 conveyance conveyed to a local government under these provisions
873 shall contain a reverter clause that automatically reverts title
874 to the Board of Trustees if the local government fails to use
875 the property for a public purpose.

876 Section 15. Notwithstanding any requirements of chapters
877 253 and 259, Florida Statutes, and the noticing requirements of
878 chapter 270, Florida Statutes, an exchange of lands between the
879 Board of Trustees and a private entity involving state-owned
880 lands that are formerly submerged sovereignty lands and which
881 are located in Section 23, Township 40 South, Range 32 East
882 shall be exchanged by August 31, 2003. Provided the land to be
883 exchanged by the state is not greater than 200 acres, is within
884 a rural county of critical economic concern, and is adjacent to
885 lands sold by the state to private interests, the exchange is
886 hereby mandated. Further, the private entity receiving title to
887 the lands described above must have been negotiating with the
888 state for a period of not less than 1 year, must have acquired
889 lands within a Florida Forever conservation project for exchange
890 to the state, and must own land adjacent to the subject state

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891 parcel. This exchange must be value for value for the state;
892 therefore, the private party will pay to the state any funds
893 necessary to equalize value for the state.

894 Section 16. Section 253.84, Florida Statutes, is repealed.
895 Section 17. This act shall take effect July 1, 2003.

896
897

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

899 Remove the entire title, and insert:

900
901

901 A bill to be entitled
902 An act relating to the acquisition and conservation of
903 lands; amending s. 253.025, F.S.; revising
904 requirements for appraisals when acquiring state
905 lands; amending s. 253.034, F.S.; providing conditions
906 under which state-owned lands may be considered
907 nonconservation lands; revising requirements for land
908 management plans for conservation lands to be
909 submitted to the Division of State Lands; providing
910 that land use plans for nonconservation lands be
911 submitted to the Division of State Lands at least
912 every 10 years; revising requirements for the sale of
913 surplus lands; authorizing the Division of State Lands
914 to determine the sale price of surplus lands;
915 providing the Board of Trustees with the authority to
916 adopt rules; directing the Division of State Lands to
917 prepare a state inventory of all federal lands and all
918 lands titled in the name of the state, a state agency,
919 a water management district, or a local government;

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920 requiring the participation of counties in developing
921 a county inventory; providing conditions under which
922 certain lands must be made available for purchasing
923 under the state's land surplus process; creating s.
924 253.0341, F.S.; authorizing counties and local
925 governments to submit requests to surplus state lands
926 directly to the Board of Trustees; providing for an
927 expedited surplus process; amending s. 253.42,
928 F.S.; revising the circumstances under which the Board
929 of Trustees may directly exchange state-owned lands;
930 providing requirements for the exchange of donated
931 conservation lands; providing requirements for the
932 conveyance of donated nonconservation lands; providing
933 requirements for the exchange of other state-owned
934 lands; amending s. 253.7823, F.S.; revising
935 requirements for the disposition of former barge canal
936 surplus lands; amending s. 259.032, F.S.; revising
937 requirements for updating land management plans;
938 eliminating the reversion of specified funds for use
939 in acquiring lands; requiring that state agencies
940 prepare and submit to the Department of Revenue
941 requests for certification of payment in lieu of taxes
942 applications from local governments; revising
943 requirements for payment in lieu of taxes; amending s.
944 259.0322, F.S.; providing that payment in lieu of
945 taxes payments shall be made for 20 consecutive years;
946 amending s. 259.036, F.S.; providing that land
947 management review teams shall submit a 10-year land
948 management plan update to the Acquisition and

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949 Restoration Council; amending s. 259.041, F.S.;

950 clarifying certain requirements regarding the

951 acquisition of state-owned lands; providing

952 circumstances under which the state may purchase lands

953 in certain counties beginning in 2004; providing the

954 Board of Trustees with the authority to adopt rules;

955 amending s. 373.089, F.S.; providing conditions under

956 which the water management districts must make

957 district-owned lands available for purchase; amending

958 s. 373.139, F.S.; repealing obsolete requirements;

959 revising appraisal requirements based on estimated

960 value of the parcel; amending s. 373.59, F.S.;

961 revising provisions requiring that the water

962 management districts may make payments in lieu of

963 taxes from funds deposited into the Water Management

964 Lands Trust Fund; providing for 20 annual payments in

965 lieu of taxes; amending s. 373.5905, F.S.; revising

966 provisions requiring reinstatement of payments in lieu

967 of taxes; authorizing the exchange of lands between

968 the Board of Trustees of the Internal Improvement

969 Trust Fund and a local government under certain

970 conditions; providing purposes for which exchanged

971 lands may be used; authorizing the exchange of lands

972 between the Board of Trustees and a private entity

973 under certain conditions; providing value for value

974 exchange; repealing s. 253.84, F.S., providing for the

975 acquisition of lands by the state of property

976 containing cattle-dipping vats; providing an effective

977 date.

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