

By the Committee on Banking and Insurance

311-640B-03

1 A bill to be entitled
2 An act relating to governmental reorganization;
3 revising various statutory provisions relating
4 to the Cabinet and to members of the Cabinet,
5 which provisions were affected by the amendment
6 of Article IV, Section 4 of the State
7 Constitution; amending s. 13.05, F.S.;
8 providing membership of the Governor's
9 Committee on Interstate Cooperation; amending
10 s. 14.055, F.S.; conforming provisions relating
11 to order of succession to the office of
12 Governor; creating s. 14.2001, F.S.; providing
13 that, in a tie vote of the Governor and
14 Cabinet, the side on which the Governor voted
15 will be considered the prevailing side in the
16 absence of contrary statutory intent; amending
17 s. 14.202, F.S.; conforming provisions relating
18 to meetings of and voting by the Administration
19 Commission; amending s. 14.24, F.S.; providing
20 for selection of members of the Florida
21 Commission on the Status of Women; amending s.
22 114.03, F.S.; conforming provisions relating to
23 executive officers not absenting themselves
24 from the capital without permission; amending
25 ss. 121.0312, 121.055, F.S.; conforming
26 provisions relating to the State Board of
27 Administration; amending s. 121.4501, F.S.;
28 deleting provisions that create the Public
29 Employee Optional Retirement Program Advisory
30 Committee; amending s. 215.44, F.S.; conforming
31 provisions relating to duties of the State

1 Board of Administration; amending s. 215.62,
2 F.S.; conforming provisions relating to the
3 Division of Bond Finance; amending s. 215.95,
4 F.S.; conforming provisions relating to
5 composition of the Financial Management
6 Information Board; amending s. 215.96, F.S.;
7 revising the membership of the coordinating
8 council of the State Board of Administration;
9 amending ss. 253.02, 253.034, F.S.; conforming
10 provisions relating to the Board of Trustees of
11 the Internal Improvement Trust Fund; reenacting
12 s. 259.032, F.S., to incorporate the amendment
13 of a statute referred to therein; amending s.
14 259.041, F.S.; conforming provisions relating
15 to the Board of Trustees of the Internal
16 Improvement Trust Fund; reenacting s. 260.016,
17 F.S., to incorporate the amendment of a statute
18 referred to therein; amending ss. 940.01,
19 940.03, F.S.; conforming provisions relating to
20 executive clemency; amending s. 985.417, F.S.;
21 conforming provisions relating to probation for
22 certain juvenile offenders; providing an
23 effective date.

24

25 Be It Enacted by the Legislature of the State of Florida:

26

27 Section 1. Subsection (1) of section 13.05, Florida
28 Statutes, is amended to read:

29

30

13.05 Governor's Committee on Interstate
Cooperation.--

31

1 (1) There is ~~hereby~~ established a committee of
2 administrative officials of this state to be officially known
3 as the Governor's Committee on Interstate Cooperation, and to
4 consist of four ~~seven~~ members. Its members shall be the
5 Governor, ~~Secretary of State~~, Attorney General, Chief
6 Financial Officer ~~Comptroller~~, Treasurer, ~~Commissioner of~~
7 ~~Education~~, and Commissioner of Agriculture. Any member of the
8 Governor's committee may designate an alternate to serve in
9 the member's place upon any occasion; such alternate shall be
10 an administrative official or employee of the state.

11 Section 2. Section 14.055, Florida Statutes, is
12 amended to read:

13 14.055 Succession to office of Governor.--Upon vacancy
14 in the office of Governor, the Lieutenant Governor shall
15 become Governor. Upon vacancy in the office of Governor and in
16 the office of Lieutenant Governor, the ~~Secretary of State~~
17 ~~shall become Governor; or if the office of Secretary of State~~
18 ~~be vacant, then the~~ Attorney General shall become Governor; or
19 if the office of Attorney General be vacant, then the Chief
20 Financial Officer ~~Comptroller~~ shall become Governor; ~~or if the~~
21 ~~office of Comptroller be vacant, then the Treasurer shall~~
22 ~~become Governor; or if the office of Treasurer be vacant, then~~
23 ~~the Commissioner of Education shall become Governor~~ or if the
24 office of Chief Financial Officer ~~Commissioner of Education~~ be
25 vacant, then the Commissioner of Agriculture shall become
26 Governor. A successor under this section shall serve for the
27 remainder of the term and shall receive all the rights,
28 privileges and emoluments of the Governor. In case a vacancy
29 shall occur in the office of Governor and provision is not
30 made herein for filling such vacancy, then the Speaker of the
31 House and the President of the Senate shall convene the

1 Legislature by joint proclamation within 15 days for the
2 purpose of choosing a person to serve as Governor for the
3 remainder of the term. A successor shall be elected by a
4 majority vote in a joint session of both houses.

5 Section 3. Section 14.2001, Florida Statutes, is
6 created to read:

7 14.2001 Votes by Governor and Cabinet.--Unless
8 otherwise provided by law, in the event of a tie vote of the
9 Governor and Cabinet acting in any capacity, the side on which
10 the Governor voted shall be deemed to prevail. For purposes of
11 any vote of the Governor and Cabinet acting in any capacity,
12 action taken pursuant to that side of a tie vote on which the
13 Governor voted satisfies the requirement that action be taken
14 by a "majority" vote or a "simple majority" vote.

15 Section 4. Section 14.202, Florida Statutes, is
16 amended to read:

17 14.202 Administration Commission.--There is created as
18 part of the Executive Office of the Governor an Administration
19 Commission composed of the Governor and Cabinet. The Governor
20 is chair of the commission. The Governor or Chief Financial
21 Officer ~~Comptroller~~ may call a meeting of the commission
22 promptly each time the need therefor arises. Unless otherwise
23 provided herein, affirmative action by the commission shall
24 require the approval of the Governor and at least two ~~three~~
25 other members of the commission. The commission shall adopt
26 rules pursuant to ss. 120.536(1) and 120.54 to implement
27 provisions of law conferring duties upon it.

28 Section 5. Subsection (1) of section 14.24, Florida
29 Statutes, is amended to read:

30 14.24 Florida Commission on the Status of Women.--
31

1 (1) There is established in the Office of the Attorney
2 General the Florida Commission on the Status of Women,
3 consisting of 22 members. The Speaker of the House of
4 Representatives, the President of the Senate, the Attorney
5 General, and the Governor shall each appoint four ~~three~~
6 members, and the Chief Financial Officer and Insurance
7 ~~Commissioner, the Comptroller, the Secretary of State, the~~
8 ~~Commissioner of Agriculture, and the Commissioner of Education~~
9 shall each appoint three ~~two~~ members, for a term of 4 years,
10 ~~except that of the initial appointments, one half shall be for~~
11 ~~a 2-year term and one half shall be for a 4-year term.~~ The
12 members appointed shall include persons who represent rural
13 and urban interests and the ethnic and cultural diversity of
14 the state's population. No member shall serve more than 8
15 consecutive years on the commission. A vacancy shall be filled
16 for the remainder of the unexpired term in the same manner as
17 the original appointment.

18 Section 6. Section 114.03, Florida Statutes, is
19 amended to read:

20 114.03 Certain executive officers not to absent
21 themselves from the state.--The ~~Secretary of State, Attorney~~
22 ~~General, Chief Financial Officer Comptroller, Treasurer,~~
23 ~~Commissioner of Education,~~ and Commissioner of Agriculture
24 shall reside at the capital, and no member of the Cabinet
25 shall absent himself or herself from the state for a period of
26 60 consecutive days or more without the consent of the
27 Governor and a majority of the Cabinet. If a Cabinet officer
28 should refuse or fail to comply with and observe the
29 requirements of this section, his or her office may be deemed
30 vacant pursuant to paragraph (f) or paragraph (g) of s.
31 114.01(1), as appropriate.

1 Section 7. Section 121.0312, Florida Statutes, is
2 amended to read:

3 121.0312 Review; actuarial valuation report;
4 contribution rate determination process.--The Governor, Chief
5 Financial Officer ~~Comptroller~~, and Attorney General ~~Treasurer~~,
6 sitting as the Board of Trustees of the State Board of
7 Administration, shall review the actuarial valuation report
8 prepared in accordance with the provisions of this chapter.
9 The board shall review the process by which Florida Retirement
10 System contribution rates are determined and recommend and
11 submit any comments regarding the process to the Legislature.

12 Section 8. Paragraph (e) of subsection (1) of section
13 121.055, Florida Statutes, is amended to read:

14 121.055 Senior Management Service Class.--There is
15 hereby established a separate class of membership within the
16 Florida Retirement System to be known as the "Senior
17 Management Service Class," which shall become effective
18 February 1, 1987.

19 (1)

20 (e) Effective January 1, 1991, participation in the
21 Senior Management Service Class shall be compulsory for the
22 number of senior managers who have policymaking authority with
23 the State Board of Administration, as determined by the
24 Governor, Chief Financial Officer ~~Treasurer~~, and Attorney
25 General ~~Comptroller~~ acting as the State Board of
26 Administration, unless such member elects to participate in
27 the Senior Management Service Optional Annuity Program as
28 established in subsection (6) in lieu of participation in the
29 Senior Management Service Class. Such election shall be made
30 in writing and filed with the division and the personnel
31 officer of the State Board of Administration within 90 days

1 after becoming eligible for membership in the Senior
2 Management Service Class.

3 Section 9. Subsection (12) of section 121.4501,
4 Florida Statutes, is amended to read:

5 121.4501 Public Employee Optional Retirement
6 Program.--

7 (12) ADVISORY COMMITTEES TO PROVIDE ADVICE AND
8 ASSISTANCE.--The Investment Advisory Council ~~and the Public~~
9 ~~Employee Optional Retirement Program Advisory Committee~~ shall
10 assist the board in implementing and administering the Public
11 Employee Optional Retirement Program.

12 ~~(a)~~ The Investment Advisory Council, created pursuant
13 to s. 215.444, shall review the board's initial
14 recommendations regarding the criteria to be used in selecting
15 and evaluating approved providers and investment products. The
16 council may provide comments on the recommendations to the
17 board within 45 days after receiving the initial
18 recommendations. The board shall make the final determination
19 as to whether any investment provider or product, any
20 contractor, or any and all contract provisions shall be
21 approved for the program.

22 ~~(b)1. The Public Employee Optional Retirement Program~~
23 ~~Advisory Committee shall be composed of seven members. The~~
24 ~~President of the Senate shall appoint two members, the Speaker~~
25 ~~of the House of Representatives shall appoint two members, the~~
26 ~~Governor shall appoint one member, the Treasurer shall appoint~~
27 ~~one member, and the Comptroller shall appoint one member. The~~
28 ~~members of the advisory committee shall elect a member as~~
29 ~~chair. The appointments shall be made by September 1, 2000,~~
30 ~~and the committee shall meet to organize by October 1, 2000.~~
31 ~~The initial appointments shall be for a term of 24 months.~~

1 ~~Each appointing authority shall fill any vacancy occurring~~
2 ~~among its appointees for the remainder of the original term.~~

3 ~~2. The advisory committee shall make recommendations~~
4 ~~on the selection of the third-party administrator, the~~
5 ~~education providers, and the investment products and~~
6 ~~providers. The committee's recommendations on the third-party~~
7 ~~administrator must be forwarded to the Trustees of the State~~
8 ~~Board of Administration by January 1, 2001. The~~
9 ~~recommendations on the education providers must be forwarded~~
10 ~~to the trustees by April 1, 2001.~~

11 ~~3. The advisory committee's recommendations and~~
12 ~~activities shall be guided by the best interests of the~~
13 ~~employees, considering the interests of employers, and the~~
14 ~~intent of the Legislature in establishing the Public Employee~~
15 ~~Optional Retirement Program.~~

16 ~~4. The staff of the state board and the department~~
17 ~~shall assist the advisory committee.~~

18 Section 10. Subsection (1) of section 215.44, Florida
19 Statutes, is amended to read:

20 215.44 Board of Administration; powers and duties in
21 relation to investment of trust funds.--

22 (1) Except when otherwise specifically provided by the
23 State Constitution and subject to any limitations of the trust
24 agreement relating to a trust fund, the Board of
25 Administration, hereinafter sometimes referred to as "board,"
26 composed of the Governor as chair, the Chief Financial Officer
27 Treasurer, and the Attorney General ~~Comptroller~~, shall invest
28 all the funds in the System Trust Fund, as defined in s.
29 121.021(36), and all other funds specifically required by law
30 to be invested by the board pursuant to ss. 215.44-215.53 to
31 the fullest extent that is consistent with the cash

1 requirements, trust agreement, and investment objectives of
2 the fund. Notwithstanding any other law to the contrary, the
3 State Board of Administration may invest any funds of any
4 state agency or any unit of local government pursuant to the
5 terms of a trust agreement with the head of the state agency
6 or the governing body of the unit of local government, which
7 trust agreement shall govern the investment of such funds,
8 provided that the board shall approve the undertaking of such
9 investment before execution of the trust agreement by the
10 State Board of Administration. The funds and the earnings
11 therefrom are exempt from the service charge imposed by s.
12 215.20. As used in this subsection, the term "state agency"
13 has the same meaning as that provided in s. 216.001, and the
14 terms "governing body" and "unit of local government" have the
15 same meaning as that provided in s. 218.403.

16 Section 11. Subsection (1) of section 215.62, Florida
17 Statutes, is amended to read:

18 215.62 Division of Bond Finance.--

19 (1) There is ~~hereby~~ created a division of the State
20 Board of Administration of the state to be known as the
21 Division of Bond Finance. The Governor shall be the chair of
22 the governing board of the division, the Attorney General
23 ~~Comptroller~~ shall be the secretary of the board, and the Chief
24 Financial Officer ~~Treasurer~~ shall be the treasurer of the
25 board for the purposes of this act. The division shall be a
26 public body corporate for the purposes of this act.

27 Section 12. Subsection (1) of section 215.95, Florida
28 Statutes, is amended to read:

29 215.95 Financial Management Information Board.--

30 (1) There is created, as part of the Administration
31 Commission, the Financial Management Information Board. The

1 board shall be composed of the Governor, the Chief Financial
2 Officer ~~Comptroller~~, and the Attorney General ~~Treasurer~~. The
3 Governor shall be chair of the board. The Governor or the
4 Chief Financial Officer ~~Comptroller~~ may call a meeting of the
5 board at any time the need arises.

6 Section 13. Subsections (1) and (2) of section 215.96,
7 Florida Statutes, are amended to read:

8 215.96 Coordinating council and design and
9 coordination staff.--

10 (1) The Chief Financial Officer ~~Comptroller~~, as chief
11 fiscal officer of the state, shall establish a coordinating
12 council to function on a continuing basis. The coordinating
13 council shall review and recommend to the board solutions and
14 policy alternatives to ensure coordination between functional
15 owners of the various information subsystems described in ss.
16 215.90-215.96 to the extent necessary to unify all the
17 subsystems into a financial management information system.

18 (2) The coordinating council shall consist of the
19 Chief Financial Officer ~~Comptroller~~; ~~the Treasurer~~; the
20 secretary of the Department of Management Services; the
21 Attorney General; and the Director of Planning and Budgeting,
22 Executive Office of the Governor, or their designees. The
23 Chief Financial Officer ~~Comptroller~~, or his or her designee,
24 shall be chair of the coordinating council, and the design and
25 coordination staff shall provide administrative and clerical
26 support to the council and the board. The design and
27 coordination staff shall maintain the minutes of each meeting
28 and shall make such minutes available to any interested
29 person. The Auditor General, the State Courts Administrator,
30 an executive officer of the Florida Association of State
31 Agency Administrative Services Directors, and an executive

1 officer of the Florida Association of State Budget Officers,
2 or their designees, shall serve without voting rights as ex
3 officio members on the coordinating council. The chair may
4 call meetings of the coordinating council as often as
5 necessary to transact business; however, the coordinating
6 council shall meet at least once a year. Action of the
7 coordinating council shall be by motion, duly made, seconded
8 and passed by a majority of the coordinating council voting in
9 the affirmative for approval of items that are to be
10 recommended for approval to the Financial Management
11 Information Board.

12 Section 14. Subsections (1) and (2) of section 253.02,
13 Florida Statutes, are amended to read:

14 253.02 Board of trustees; powers and duties.--

15 (1) For the purpose of assuring the proper application
16 of the Internal Improvement Trust Fund and the Land
17 Acquisition Trust Fund for the purposes of this chapter, the
18 land provided for in ss. 253.01 and 253.03, and all the funds
19 arising from the sale thereof, after paying the necessary
20 expense of selection, management, and sale, are irrevocably
21 vested in a board of four ~~seven~~ trustees, to wit: The
22 Governor, ~~the Secretary of State,~~ the Attorney General, the
23 Chief Financial Officer ~~Comptroller, the State Treasurer, the~~
24 ~~Commissioner of Education,~~ and the Commissioner of Agriculture
25 and their successors in office, to hold the same in trust for
26 the uses and purposes provided in this chapter, with the power
27 to sell and transfer said lands to the purchasers and receive
28 the power to sell and transfer said lands to the purchasers
29 and receive payment for the same, and invest the surplus
30 moneys arising therefrom, from time to time, in stocks of the
31 United States, stocks of the several states, or the internal

1 improvement bonds issued under the provisions of law; also,
2 the surplus interest accruing from such investments. Said
3 board of trustees have all the rights, powers, property,
4 claims, remedies, actions, suits, and things whatsoever
5 belonging to them, or appertaining before and at the time of
6 the enactment hereof, and they shall remain subject to and
7 pay, fulfill, perform, and discharge all debts, duties, and
8 obligations of their trust, existing at the time of the
9 enactment hereof or provided in this chapter.

10 (2) The board of trustees shall not sell, transfer, or
11 otherwise dispose of any lands the title to which is vested in
12 the board of trustees except by vote of at least three ~~five~~ of
13 the four ~~seven~~ trustees.

14 Section 15. Subsection (6) of section 253.034, Florida
15 Statutes, is amended to read:

16 253.034 State-owned lands; uses.--

17 (6) The Board of Trustees of the Internal Improvement
18 Trust Fund shall determine which lands, the title to which is
19 vested in the board, may be surplused. For conservation lands,
20 the board shall make a determination that the lands are no
21 longer needed for conservation purposes and may dispose of
22 them by an affirmative vote of at least three members ~~a~~
23 ~~two-thirds vote~~. In the case of a land exchange involving the
24 disposition of conservation lands, the board must determine by
25 an affirmative vote of at least three members ~~at least a~~
26 ~~two-thirds vote~~ that the exchange will result in a net
27 positive conservation benefit. For all other lands, the board
28 shall make a determination that the lands are no longer needed
29 and may dispose of them by an affirmative vote of at least
30 three members ~~majority vote~~.

1 (a) For the purposes of this subsection, all lands
2 acquired by the state prior to July 1, 1999, using proceeds
3 from the Preservation 2000 bonds, the Conservation and
4 Recreation Lands Trust Fund, the Water Management Lands Trust
5 Fund, Environmentally Endangered Lands Program, and the Save
6 Our Coast Program and titled to the board, which lands are
7 identified as core parcels or within original project
8 boundaries, shall be deemed to have been acquired for
9 conservation purposes.

10 (b) For any lands purchased by the state on or after
11 July 1, 1999, a determination shall be made by the board prior
12 to acquisition as to those parcels that shall be designated as
13 having been acquired for conservation purposes. No lands
14 acquired for use by the Department of Corrections, the
15 Department of Management Services for use as state offices,
16 the Department of Transportation, except those specifically
17 managed for conservation or recreation purposes, or the State
18 University System or the Florida Community College System
19 shall be designated as having been purchased for conservation
20 purposes.

21 (c) At least every 5 years, as a component of each
22 land management plan or land use plan and in a form and manner
23 prescribed by rule by the board, each management entity shall
24 evaluate and indicate to the board those lands that the entity
25 manages which are not being used for the purpose for which
26 they were originally leased. Such lands shall be reviewed by
27 the council for its recommendation as to whether such lands
28 should be disposed of by the board.

29 (d) Lands owned by the board which are not actively
30 managed by any state agency or for which a land management
31 plan has not been completed pursuant to subsection (5) shall

1 be reviewed by the council or its successor for its
2 recommendation as to whether such lands should be disposed of
3 by the board.

4 (e) Prior to any decision by the board to surplus
5 lands, the Acquisition and Restoration Council shall review
6 and make recommendations to the board concerning the request
7 for surplusings. The council shall determine whether the
8 request for surplusings is compatible with the resource values
9 of and management objectives for such lands.

10 (f) In reviewing lands owned by the board, the council
11 shall consider whether such lands would be more appropriately
12 owned or managed by the county or other unit of local
13 government in which the land is located. The council shall
14 recommend to the board whether a sale, lease, or other
15 conveyance to a local government would be in the best
16 interests of the state and local government. The provisions of
17 this paragraph in no way limit the provisions of ss. 253.111
18 and 253.115. Such lands shall be offered to the state, county,
19 or local government for a period of 30 days. Permittable uses
20 for such surplus lands may include public schools; public
21 libraries; fire or law enforcement substations; and
22 governmental, judicial, or recreational centers. County or
23 local government requests for surplus lands shall be expedited
24 throughout the surplusings process. If the county or local
25 government does not elect to purchase such lands in accordance
26 with s. 253.111, then any surplusings determination involving
27 other governmental agencies shall be made upon the board
28 deciding the best public use of the lands. Surplus properties
29 in which governmental agencies have expressed no interest
30 shall then be available for sale on the private market.

31

1 (g) Lands determined to be surplus pursuant to this
2 subsection shall be sold for appraised value or the price paid
3 by the state or a water management district to originally
4 acquire the lands, whichever is greater, except when the board
5 or its designee determines a different sale price is in the
6 public interest. However, for those lands sold as surplus to
7 any unit of government, the price shall not exceed the price
8 paid by the state or a water management district to originally
9 acquire the lands. A unit of government which acquires title
10 to lands hereunder for less than appraised value may not sell
11 or transfer title to all or any portion of the lands to any
12 private owner for a period of 10 years. Any unit of government
13 seeking to transfer or sell lands pursuant to this paragraph
14 shall first allow the board of trustees to reacquire such
15 lands for the price at which they sold such lands.

16 (h) Where a unit of government acquired land by gift,
17 donation, grant, quit-claim deed, or other such conveyance
18 where no monetary consideration was exchanged, the price of
19 land sold as surplus may be based on one appraisal. In the
20 event that a single appraisal yields a value equal to or
21 greater than \$1 million, a second appraisal is required. The
22 individual or entity requesting the surplus shall select and
23 use appraisers from the list of approved appraisers maintained
24 by the Division of State Lands in accordance with s.
25 253.025(6)(b). The individual or entity requesting the surplus
26 is to incur all costs of the appraisals.

27 (i) After reviewing the recommendations of the
28 council, the board shall determine whether lands identified
29 for surplus are to be held for other public purposes or
30 whether such lands are no longer needed. The board may
31 require an agency to release its interest in such lands. For

1 an agency that has requested the use of a property that was to
2 be declared as surplus, said agency must have the property
3 under lease within 6 months of the date of expiration of the
4 notice provisions required under ss. 253.034(6) and 253.111.

5 (j) Requests for surplusizing may be made by any public
6 or private entity or person. All requests shall be submitted
7 to the lead managing agency for review and recommendation to
8 the council or its successor. Lead managing agencies shall
9 have 90 days to review such requests and make recommendations.
10 Any surplusizing requests that have not been acted upon within
11 the 90-day time period shall be immediately scheduled for
12 hearing at the next regularly scheduled meeting of the council
13 or its successor. Requests for surplusizing pursuant to this
14 paragraph shall not be required to be offered to local or
15 state governments as provided in paragraph (f).

16 (k) Proceeds from any sale of surplus lands pursuant
17 to this subsection shall be deposited into the fund from which
18 such lands were acquired. However, if the fund from which the
19 lands were originally acquired no longer exists, such proceeds
20 shall be deposited into an appropriate account to be used for
21 land management by the lead managing agency assigned the lands
22 prior to the lands being declared surplus. Funds received from
23 the sale of surplus nonconservation lands, or lands that were
24 acquired by gift, by donation, or for no consideration, shall
25 be deposited into the Internal Improvement Trust Fund.

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

31

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

4 Section 16. For the purpose of incorporating the
5 amendment made by this act to section 259.041, Florida
6 Statutes, in references thereto, subsection (8) of section
7 259.032, Florida Statutes, is reenacted to read:

8 259.032 Conservation and Recreation Lands Trust Fund;
9 purpose.--

10 (8) Lands to be considered for purchase under this
11 section are subject to the selection procedures of s. 259.035
12 and related rules and shall be acquired in accordance with
13 acquisition procedures for state lands provided for in s.
14 259.041, except as otherwise provided by the Legislature. An
15 inholding or an addition to a project selected for purchase
16 pursuant to this chapter is not subject to the selection
17 procedures of s. 259.035 if the estimated value of such
18 inholding or addition does not exceed \$500,000. When at least
19 90 percent of the acreage of a project has been purchased
20 pursuant to this chapter, the project may be removed from the
21 list and the remaining acreage may continue to be purchased.
22 Moneys from the fund may be used for title work, appraisal
23 fees, environmental audits, and survey costs related to
24 acquisition expenses for lands to be acquired, donated, or
25 exchanged which qualify under the categories of this section,
26 at the discretion of the board. When the Legislature has
27 authorized the Department of Environmental Protection to
28 condemn a specific parcel of land and such parcel has already
29 been approved for acquisition under this section, the land may
30 be acquired in accordance with the provisions of chapter 73 or
31 chapter 74, and the fund may be used to pay the condemnation

1 award and all costs, including a reasonable attorney's fee,
2 associated with condemnation.

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

5 259.041 Acquisition of state-owned lands for
6 preservation, conservation, and recreation purposes.--

7 (15) The board of trustees, by an affirmative vote of
8 at least three of its ~~five~~ members, may direct the department
9 to purchase lands on an immediate basis using up to 15 percent
10 of the funds allocated to the department pursuant to ss.

11 259.101(3)(a) and 259.105 for the acquisition of lands that:

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

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

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

22
23 For such acquisitions, the board of trustees may waive or
24 modify all procedures required for land acquisition pursuant
25 to this chapter and all competitive bid procedures required
26 pursuant to chapters 255 and 287. Lands acquired pursuant to
27 this subsection must, at the time of purchase, be on one of
28 the acquisition lists established pursuant to this chapter, or
29 be essential for water resource development, protection, or
30 restoration, or a significant portion of the lands must
31 contain natural communities or plant or animal species which

1 are listed by the Florida Natural Areas Inventory as
2 critically imperiled, imperiled, or rare, or as excellent
3 quality occurrences of natural communities.

4 Section 18. For the purpose of incorporating the
5 amendment made by this act to section 259.041, Florida
6 Statutes, in references thereto, paragraph (b) of subsection
7 (3) of section 260.016, Florida Statutes, is reenacted to
8 read:

9 260.016 General powers of the department.--

10 (3) The department or its designee is authorized to
11 negotiate with potentially affected private landowners as to
12 the terms under which such landowners would consent to the
13 public use of their lands as part of the greenways and trails
14 system. The department shall be authorized to agree to
15 incentives for a private landowner who consents to this public
16 use of his or her lands for conservation or recreational
17 purposes, including, but not limited to, the following:

18 (b) Agreement to exchange, subject to the approval of
19 the Board of Trustees of the Internal Improvement Trust Fund
20 or other applicable unit of government, ownership or other
21 rights of use of public lands for the ownership or other
22 rights of use of privately owned lands. Any exchange of
23 state-owned lands, title to which is vested in the Board of
24 Trustees of the Internal Improvement Trust Fund, for privately
25 owned lands shall be subject to the requirements of s.
26 259.041.

27 Section 19. Subsection (1) of section 940.01, Florida
28 Statutes, is amended to read:

29 940.01 Clemency; suspension or remission of fines and
30 forfeitures, reprieves, pardons, restoration of civil rights,
31 and commutations.--

1 (1) Except in cases of treason and in cases when
2 impeachment results in conviction, the Governor may, by
3 executive order filed with the Secretary of State, suspend
4 collection of fines and forfeitures, grant reprieves not
5 exceeding 60 days, and, with the approval of two ~~three~~ members
6 of the Cabinet, grant full or conditional pardons, restore
7 civil rights, commute punishment, and remit fines and
8 forfeitures for offenses.

9 Section 20. Section 940.03, Florida Statutes, is
10 amended to read:

11 940.03 Application for executive clemency.--When any
12 person intends to apply for remission of any fine or
13 forfeiture or the commutation of any punishment, or for pardon
14 or restoration of civil rights, he or she shall request an
15 application form from the Parole Commission in compliance with
16 such rules regarding application for executive clemency as are
17 adopted by the Governor with the approval of two ~~three~~ members
18 of the Cabinet. Such application may require the submission of
19 a certified copy of the applicant's indictment or information,
20 the judgment adjudicating the applicant to be guilty, and the
21 sentence, if sentence has been imposed, and may also require
22 the applicant to send a copy of the application to the judge
23 and prosecuting attorney of the court in which the applicant
24 was convicted, notifying them of the applicant's intent to
25 apply for executive clemency. An application for executive
26 clemency for a person who is sentenced to death must be filed
27 within 1 year after the date the Supreme Court issues a
28 mandate on a direct appeal or the United States Supreme Court
29 denies a petition for certiorari, whichever is later.

30 Section 21. Subsection (5) of section 985.417, Florida
31 Statutes, is amended to read:

1 985.417 Transfer of children from the Department of
2 Corrections to the Department of Juvenile Justice.--

3 (5) Any child who has been convicted of a capital
4 felony while under the age of 18 years may not be released on
5 probation without the consent of the Governor and two ~~three~~
6 members of the Cabinet.

7 Section 22. This act shall take effect upon becoming a
8 law.

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SENATE SUMMARY

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Makes changes in various sections of the Florida Statutes
13 in response to the restructuring of the Florida Cabinet
14 as a result of the amendment of Article IV, Section 4 of
the State Constitution. (See bill for details.)

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