

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; creating  
10          s. 14.2001, F.S.; providing that, in a tie vote  
11          of the Governor and Cabinet, the side on which  
12          the Governor voted will be considered the  
13          prevailing side in the absence of contrary  
14          statutory intent; amending s. 14.202, F.S.;  
15          conforming provisions relating to meetings of  
16          and voting by the Administration Commission;  
17          amending s. 14.24, F.S.; providing for  
18          selection of members of the Florida Commission  
19          on the Status of Women; amending s. 114.03,  
20          F.S.; conforming provisions relating to  
21          executive officers not absenting themselves  
22          from the capital without permission; amending  
23          ss. 121.0312, 121.055, F.S.; conforming  
24          provisions relating to the State Board of  
25          Administration; amending s. 121.4501, F.S.;  
26          deleting provisions that create the Public  
27          Employee Optional Retirement Program Advisory  
28          Committee; amending s. 215.44, F.S.; conforming  
29          provisions relating to duties of the State  
30          Board of Administration; amending s. 215.62,  
31          F.S.; conforming provisions relating to the

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

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

24  
25 Section 1. Subsection (1) of section 13.05, Florida  
26 Statutes, is amended to read:

27 13.05 Governor's Committee on Interstate  
28 Cooperation.--

29 (1) There is ~~hereby~~ established a committee of  
30 administrative officials of this state to be officially known  
31 as the Governor's Committee on Interstate Cooperation, and to

1 consist of four ~~seven~~ members. Its members shall be the  
2 Governor, ~~Secretary of State~~, Attorney General, Chief  
3 Financial Officer ~~Comptroller~~, ~~Treasurer~~, ~~Commissioner of~~  
4 ~~Education~~, and Commissioner of Agriculture. Any member of the  
5 Governor's committee may designate an alternate to serve in  
6 the member's place upon any occasion; such alternate shall be  
7 an administrative official or employee of the state.

8 Section 2. Section 14.2001, Florida Statutes, is  
9 created to read:

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

18 Section 3. Section 14.202, Florida Statutes, is  
19 amended to read:

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

31

1           Section 4. Subsection (1) of section 14.24, Florida  
2 Statutes, is amended to read:

3           14.24 Florida Commission on the Status of Women.--

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

21           Section 5. Section 114.03, Florida Statutes, is  
22 amended to read:

23           114.03 Certain executive officers not to absent  
24 themselves from the state.--~~The Secretary of State, Attorney~~  
25 ~~General, Chief Financial Officer Comptroller, Treasurer,~~  
26 ~~Commissioner of Education,~~ and Commissioner of Agriculture  
27 shall reside at the capital, and no member of the Cabinet  
28 shall absent himself or herself from the state for a period of  
29 60 consecutive days or more without the consent of the  
30 Governor and a majority of the Cabinet. If a Cabinet officer  
31 should refuse or fail to comply with and observe the

1 requirements of this section, his or her office may be deemed  
2 vacant pursuant to paragraph (f) or paragraph (g) of s.  
3 114.01(1), as appropriate.

4 Section 6. Section 121.0312, Florida Statutes, is  
5 amended to read:

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

15 Section 7. Paragraph (e) of subsection (1) of section  
16 121.055, Florida Statutes, is amended to read:

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

22 (1)

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

1 Senior Management Service Class. Such election shall be made  
2 in writing and filed with the division and the personnel  
3 officer of the State Board of Administration within 90 days  
4 after becoming eligible for membership in the Senior  
5 Management Service Class.

6 Section 8. Subsection (12) of section 121.4501,  
7 Florida Statutes, is amended to read:

8 121.4501 Public Employee Optional Retirement  
9 Program.--

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

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

25 (b)1. ~~The Public Employee Optional Retirement Program~~  
26 ~~Advisory Committee shall be composed of seven members. The~~  
27 ~~President of the Senate shall appoint two members, the Speaker~~  
28 ~~of the House of Representatives shall appoint two members, the~~  
29 ~~Governor shall appoint one member, the Treasurer shall appoint~~  
30 ~~one member, and the Comptroller shall appoint one member. The~~  
31 ~~members of the advisory committee shall elect a member as~~

1 ~~chair. The appointments shall be made by September 1, 2000,~~  
2 ~~and the committee shall meet to organize by October 1, 2000.~~  
3 ~~The initial appointments shall be for a term of 24 months.~~  
4 ~~Each appointing authority shall fill any vacancy occurring~~  
5 ~~among its appointees for the remainder of the original term.~~

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

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

19       4. ~~The staff of the state board and the department~~  
20 ~~shall assist the advisory committee.~~

21       Section 9. Subsection (1) of section 215.44, Florida  
22 Statutes, is amended to read:

23       215.44 Board of Administration; powers and duties in  
24 relation to investment of trust funds.--

25       (1) Except when otherwise specifically provided by the  
26 State Constitution and subject to any limitations of the trust  
27 agreement relating to a trust fund, the Board of  
28 Administration, hereinafter sometimes referred to as "board,"  
29 composed of the Governor as chair, the Chief Financial Officer  
30 Treasurer, and the Attorney General ~~Comptroller~~, shall invest  
31 all the funds in the System Trust Fund, as defined in s.

1 121.021(36), and all other funds specifically required by law  
2 to be invested by the board pursuant to ss. 215.44-215.53 to  
3 the fullest extent that is consistent with the cash  
4 requirements, trust agreement, and investment objectives of  
5 the fund. Notwithstanding any other law to the contrary, the  
6 State Board of Administration may invest any funds of any  
7 state agency or any unit of local government pursuant to the  
8 terms of a trust agreement with the head of the state agency  
9 or the governing body of the unit of local government, which  
10 trust agreement shall govern the investment of such funds,  
11 provided that the board shall approve the undertaking of such  
12 investment before execution of the trust agreement by the  
13 State Board of Administration. The funds and the earnings  
14 therefrom are exempt from the service charge imposed by s.  
15 215.20. As used in this subsection, the term "state agency"  
16 has the same meaning as that provided in s. 216.001, and the  
17 terms "governing body" and "unit of local government" have the  
18 same meaning as that provided in s. 218.403.

19 Section 10. Subsection (1) of section 215.62, Florida  
20 Statutes, is amended to read:

21 215.62 Division of Bond Finance.--

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

30 Section 11. Subsection (1) of section 215.95, Florida  
31 Statutes, is amended to read:



1           215.95 Financial Management Information Board.--

2           (1) There is created, as part of the Administration  
3 Commission, the Financial Management Information Board. The  
4 board shall be composed of the Governor, the Chief Financial  
5 Officer ~~Comptroller~~, and the Attorney General ~~Treasurer~~. The  
6 Governor shall be chair of the board. The Governor or the  
7 Chief Financial Officer ~~Comptroller~~ may call a meeting of the  
8 board at any time the need arises.

9           Section 12. Subsections (1) and (2) of section 215.96,  
10 Florida Statutes, are amended to read:

11           215.96 Coordinating council and design and  
12 coordination staff.--

13           (1) The Chief Financial Officer ~~Comptroller~~, as chief  
14 fiscal officer of the state, shall establish a coordinating  
15 council to function on a continuing basis. The coordinating  
16 council shall review and recommend to the board solutions and  
17 policy alternatives to ensure coordination between functional  
18 owners of the various information subsystems described in ss.  
19 215.90-215.96 to the extent necessary to unify all the  
20 subsystems into a financial management information system.

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

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

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

17 253.02 Board of trustees; powers and duties.--

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

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

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

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

19 253.034 State-owned lands; uses.--

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

1 and may dispose of them by an affirmative vote of at least  
2 three members ~~majority vote~~.

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

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

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

31

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

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

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

1 in which governmental agencies have expressed no interest  
2 shall then be available for sale on the private market.

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

18 (h) Where a unit of government acquired land by gift,  
19 donation, grant, quit-claim deed, or other such conveyance  
20 where no monetary consideration was exchanged, the price of  
21 land sold as surplus may be based on one appraisal. In the  
22 event that a single appraisal yields a value equal to or  
23 greater than \$1 million, a second appraisal is required. The  
24 individual or entity requesting the surplus shall select and  
25 use appraisers from the list of approved appraisers maintained  
26 by the Division of State Lands in accordance with s.  
27 253.025(6)(b). The individual or entity requesting the surplus  
28 is to incur all costs of the appraisals.

29 (i) After reviewing the recommendations of the  
30 council, the board shall determine whether lands identified  
31 for surplus are to be held for other public purposes or

1 whether such lands are no longer needed. The board may  
2 require an agency to release its interest in such lands. For  
3 an agency that has requested the use of a property that was to  
4 be declared as surplus, said agency must have the property  
5 under lease within 6 months of the date of expiration of the  
6 notice provisions required under ss. 253.034(6) and 253.111.

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

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

28 (l) Notwithstanding the provisions of this subsection,  
29 no such disposition of land shall be made if such disposition  
30 would have the effect of causing all or any portion of the  
31

1 interest on any revenue bonds issued to lose the exclusion  
2 from gross income for federal income tax purposes.

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

6 Section 15. For the purpose of incorporating the  
7 amendment made by this act to section 259.041, Florida  
8 Statutes, in references thereto, subsection (8) of section  
9 259.032, Florida Statutes, is reenacted to read:

10 259.032 Conservation and Recreation Lands Trust Fund;  
11 purpose.--

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



1 be acquired in accordance with the provisions of chapter 73 or  
2 chapter 74, and the fund may be used to pay the condemnation  
3 award and all costs, including a reasonable attorney's fee,  
4 associated with condemnation.

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

7 259.041 Acquisition of state-owned lands for  
8 preservation, conservation, and recreation purposes.--

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

13 259.101(3)(a) and 259.105 for the acquisition of lands that:

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

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

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

24  
25 For such acquisitions, the board of trustees may waive or  
26 modify all procedures required for land acquisition pursuant  
27 to this chapter and all competitive bid procedures required  
28 pursuant to chapters 255 and 287. Lands acquired pursuant to  
29 this subsection must, at the time of purchase, be on one of  
30 the acquisition lists established pursuant to this chapter, or  
31 be essential for water resource development, protection, or

1 restoration, or a significant portion of the lands must  
2 contain natural communities or plant or animal species which  
3 are listed by the Florida Natural Areas Inventory as  
4 critically imperiled, imperiled, or rare, or as excellent  
5 quality occurrences of natural communities.

6 Section 17. For the purpose of incorporating the  
7 amendment made by this act to section 259.041, Florida  
8 Statutes, in references thereto, paragraph (b) of subsection  
9 (3) of section 260.016, Florida Statutes, is reenacted to  
10 read:

11 260.016 General powers of the department.--

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

20 (b) Agreement to exchange, subject to the approval of  
21 the Board of Trustees of the Internal Improvement Trust Fund  
22 or other applicable unit of government, ownership or other  
23 rights of use of public lands for the ownership or other  
24 rights of use of privately owned lands. Any exchange of  
25 state-owned lands, title to which is vested in the Board of  
26 Trustees of the Internal Improvement Trust Fund, for privately  
27 owned lands shall be subject to the requirements of s.  
28 259.041.

29 Section 18. Subsection (1) of section 940.01, Florida  
30 Statutes, is amended to read:

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1           940.01 Clemency; suspension or remission of fines and  
2 forfeitures, reprieves, pardons, restoration of civil rights,  
3 and commutations.--

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

12           Section 19. Section 940.03, Florida Statutes, is  
13 amended to read:

14           940.03 Application for executive clemency.--When any  
15 person intends to apply for remission of any fine or  
16 forfeiture or the commutation of any punishment, or for pardon  
17 or restoration of civil rights, he or she shall request an  
18 application form from the Parole Commission in compliance with  
19 such rules regarding application for executive clemency as are  
20 adopted by the Governor with the approval of two ~~three~~ members  
21 of the Cabinet. Such application may require the submission of  
22 a certified copy of the applicant's indictment or information,  
23 the judgment adjudicating the applicant to be guilty, and the  
24 sentence, if sentence has been imposed, and may also require  
25 the applicant to send a copy of the application to the judge  
26 and prosecuting attorney of the court in which the applicant  
27 was convicted, notifying them of the applicant's intent to  
28 apply for executive clemency. An application for executive  
29 clemency for a person who is sentenced to death must be filed  
30 within 1 year after the date the Supreme Court issues a  
31

1 mandate on a direct appeal or the United States Supreme Court  
2 denies a petition for certiorari, whichever is later.

3           Section 20. Subsection (5) of section 985.417, Florida  
4 Statutes, is amended to read:

5           985.417 Transfer of children from the Department of  
6 Corrections to the Department of Juvenile Justice.--

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

11           Section 21. This act shall take effect upon becoming a  
12 law.

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