

1
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 surplus. 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 surplusing 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 surplusing 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 surplusing 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:

31

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

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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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