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1 A bill to be entitled

2 An act relating to governmental reorganization; revising  
3 various statutory provisions relating to the Cabinet and  
4 to members of the Cabinet, which provisions were affected  
5 by the amendment of Article IV, Section 4 of the State  
6 Constitution; amending s. 13.05, F.S.; providing  
7 membership of the Governor's Committee on Interstate  
8 Cooperation; creating s. 14.2001, F.S.; providing that, in  
9 a tie vote of the Governor and Cabinet, the side on which  
10 the Governor voted will be considered the prevailing side  
11 in the absence of contrary statutory intent; amending s.  
12 14.202, F.S.; conforming provisions relating to meetings  
13 of and voting by the Administration Commission; amending  
14 s. 14.24, F.S.; providing for selection of members of the  
15 Florida Commission on the Status of Women; amending s.  
16 114.03, F.S.; conforming provisions relating to executive  
17 officers not absenting themselves from the capital without  
18 permission; amending ss. 121.0312, 121.055, F.S.;  
19 conforming provisions relating to the State Board of  
20 Administration; amending s. 121.4501, F.S.; deleting  
21 provisions that create the Public Employee Optional  
22 Retirement Program Advisory Committee; amending s. 215.44,  
23 F.S.; conforming provisions relating to duties of the  
24 State Board of Administration; amending s. 215.62, F.S.;  
25 conforming provisions relating to the Division of Bond  
26 Finance; amending s. 215.95, F.S.; conforming provisions  
27 relating to composition of the Financial Management  
28 Information Board; amending s. 215.96, F.S.; revising the  
29 membership of the coordinating council of the State Board



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30 of Administration; amending ss. 253.02, 253.034, F.S.;

31 conforming provisions relating to the Board of Trustees of

32 the Internal Improvement Trust Fund; reenacting s.

33 259.032, F.S., to incorporate the amendment of a statute

34 referred to therein; amending s. 259.041, F.S.; conforming

35 provisions relating to the Board of Trustees of the

36 Internal Improvement Trust Fund; reenacting s. 260.016,

37 F.S., to incorporate the amendment of a statute referred

38 to therein; amending ss. 940.01, 940.03, F.S.; conforming

39 provisions relating to executive clemency; amending s.

40 985.417, F.S.; conforming provisions relating to probation

41 for certain juvenile offenders; providing an effective

42 date.

43

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

45

46 Section 1. Subsection (1) of section 13.05, Florida

47 Statutes, is amended to read:

48 13.05 Governor's Committee on Interstate Cooperation.--

49 (1) There is ~~hereby~~ established a committee of

50 administrative officials of this state to be officially known as

51 the Governor's Committee on Interstate Cooperation, and to

52 consist of four ~~seven~~ members. Its members shall be the

53 Governor, ~~Secretary of State~~, Attorney General, Chief Financial

54 Officer ~~Comptroller, Treasurer, Commissioner of Education~~, and

55 Commissioner of Agriculture. Any member of the Governor's

56 committee may designate an alternate to serve in the member's

57 place upon any occasion; such alternate shall be an

58 administrative official or employee of the state.



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59 Section 2. Section 14.2001, Florida Statutes, is created  
60 to read:

61 14.2001 Votes by Governor and Cabinet.--Unless otherwise  
62 provided by law, in the event of a tie vote of the Governor and  
63 Cabinet acting in any capacity, the side on which the Governor  
64 voted shall be deemed to prevail. For purposes of any vote of  
65 the Governor and Cabinet acting in any capacity, action taken  
66 pursuant to that side of a tie vote on which the Governor voted  
67 satisfies the requirement that action be taken by a "majority"  
68 vote or a "simple majority" vote.

69 Section 3. Section 14.202, Florida Statutes, is amended to  
70 read:

71 14.202 Administration Commission.--There is created as  
72 part of the Executive Office of the Governor an Administration  
73 Commission composed of the Governor and Cabinet. The Governor is  
74 chair of the commission. The Governor or Chief Financial Officer  
75 ~~Comptroller~~ may call a meeting of the commission promptly each  
76 time the need therefor arises. Unless otherwise provided herein,  
77 affirmative action by the commission shall require the approval  
78 of the Governor and at least two ~~three~~ other members of the  
79 commission. The commission shall adopt rules pursuant to ss.  
80 120.536(1) and 120.54 to implement provisions of law conferring  
81 duties upon it.

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

84 14.24 Florida Commission on the Status of Women.--

85 (1) There is established in the Office of the Attorney  
86 General the Florida Commission on the Status of Women,  
87 consisting of 22 members. The Speaker of the House of



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88 Representatives, the President of the Senate, the Attorney  
 89 General, and the Governor shall each appoint four ~~three~~ members,  
 90 and the Chief Financial Officer and Insurance Commissioner, ~~the~~  
 91 ~~Comptroller, the Secretary of State~~, the Commissioner of  
 92 Agriculture, ~~and the Commissioner of Education~~ shall each  
 93 appoint three ~~two~~ members, for a term of 4 years, ~~except that of~~  
 94 ~~the initial appointments, one half shall be for a 2-year term~~  
 95 ~~and one half shall be for a 4-year term.~~ The members appointed  
 96 shall include persons who represent rural and urban interests  
 97 and the ethnic and cultural diversity of the state's population.  
 98 No member shall serve more than 8 consecutive years on the  
 99 commission. A vacancy shall be filled for the remainder of the  
 100 unexpired term in the same manner as the original appointment.

101 Section 5. Section 114.03, Florida Statutes, is amended to  
 102 read:

103 114.03 Certain executive officers not to absent themselves  
 104 from the state.--The ~~Secretary of State~~, Attorney General, Chief  
 105 Financial Officer ~~Comptroller, Treasurer, Commissioner of~~  
 106 ~~Education~~, and Commissioner of Agriculture shall reside at the  
 107 capital, and no member of the Cabinet shall absent himself or  
 108 herself from the state for a period of 60 consecutive days or  
 109 more without the consent of the Governor and a majority of the  
 110 Cabinet. If a Cabinet officer should refuse or fail to comply  
 111 with and observe the requirements of this section, his or her  
 112 office may be deemed vacant pursuant to paragraph (f) or  
 113 paragraph (g) of s. 114.01(1), as appropriate.

114 Section 6. Section 121.0312, Florida Statutes, is amended  
 115 to read:



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116 121.0312 Review; actuarial valuation report; contribution  
 117 rate determination process.--The Governor, Chief Financial  
 118 Officer ~~Comptroller~~, and Attorney General ~~Treasurer~~, sitting as  
 119 the Board of Trustees of the State Board of Administration,  
 120 shall review the actuarial valuation report prepared in  
 121 accordance with the provisions of this chapter. The board shall  
 122 review the process by which Florida Retirement System  
 123 contribution rates are determined and recommend and submit any  
 124 comments regarding the process to the Legislature.

125 Section 7. Paragraph (e) of subsection (1) of section  
 126 121.055, Florida Statutes, is amended to read:

127 121.055 Senior Management Service Class.--There is hereby  
 128 established a separate class of membership within the Florida  
 129 Retirement System to be known as the "Senior Management Service  
 130 Class," which shall become effective February 1, 1987.

131 (1)

132 (e) Effective January 1, 1991, participation in the Senior  
 133 Management Service Class shall be compulsory for the number of  
 134 senior managers who have policymaking authority with the State  
 135 Board of Administration, as determined by the Governor, Chief  
 136 Financial Officer ~~Treasurer~~, and Attorney General ~~Comptroller~~  
 137 acting as the State Board of Administration, unless such member  
 138 elects to participate in the Senior Management Service Optional  
 139 Annuity Program as established in subsection (6) in lieu of  
 140 participation in the Senior Management Service Class. Such  
 141 election shall be made in writing and filed with the division  
 142 and the personnel officer of the State Board of Administration  
 143 within 90 days after becoming eligible for membership in the  
 144 Senior Management Service Class.



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

147 121.4501 Public Employee Optional Retirement Program.--

148 (12) ADVISORY COMMITTEES TO PROVIDE ADVICE AND  
149 ASSISTANCE.--The Investment Advisory Council ~~and the Public~~  
150 ~~Employee Optional Retirement Program Advisory Committee~~ shall  
151 assist the board in implementing and administering the Public  
152 Employee Optional Retirement Program.

153 (a) The Investment Advisory Council, created pursuant to  
154 s. 215.444, shall review the board's initial recommendations  
155 regarding the criteria to be used in selecting and evaluating  
156 approved providers and investment products. The council may  
157 provide comments on the recommendations to the board within 45  
158 days after receiving the initial recommendations. The board  
159 shall make the final determination as to whether any investment  
160 provider or product, any contractor, or any and all contract  
161 provisions shall be approved for the program.

162 (b)1. ~~The Public Employee Optional Retirement Program~~  
163 ~~Advisory Committee shall be composed of seven members. The~~  
164 ~~President of the Senate shall appoint two members, the Speaker~~  
165 ~~of the House of Representatives shall appoint two members, the~~  
166 ~~Governor shall appoint one member, the Treasurer shall appoint~~  
167 ~~one member, and the Comptroller shall appoint one member. The~~  
168 ~~members of the advisory committee shall elect a member as chair.~~  
169 ~~The appointments shall be made by September 1, 2000, and the~~  
170 ~~committee shall meet to organize by October 1, 2000. The initial~~  
171 ~~appointments shall be for a term of 24 months. Each appointing~~  
172 ~~authority shall fill any vacancy occurring among its appointees~~  
173 ~~for the remainder of the original term.~~



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174       ~~2. The advisory committee shall make recommendations on~~  
175 ~~the selection of the third party administrator, the education~~  
176 ~~providers, and the investment products and providers. The~~  
177 ~~committee's recommendations on the third party administrator~~  
178 ~~must be forwarded to the Trustees of the State Board of~~  
179 ~~Administration by January 1, 2001. The recommendations on the~~  
180 ~~education providers must be forwarded to the trustees by April~~  
181 ~~1, 2001.~~

182       ~~3. The advisory committee's recommendations and activities~~  
183 ~~shall be guided by the best interests of the employees,~~  
184 ~~considering the interests of employers, and the intent of the~~  
185 ~~Legislature in establishing the Public Employee Optional~~  
186 ~~Retirement Program.~~

187       ~~4. The staff of the state board and the department shall~~  
188 ~~assist the advisory committee.~~

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

191       215.44 Board of Administration; powers and duties in  
192 relation to investment of trust funds.--

193       (1) Except when otherwise specifically provided by the  
194 State Constitution and subject to any limitations of the trust  
195 agreement relating to a trust fund, the Board of Administration,  
196 hereinafter sometimes referred to as "board," composed of the  
197 Governor as chair, the Chief Financial Officer ~~Treasurer~~, and  
198 the Attorney General ~~Comptroller~~, shall invest all the funds in  
199 the System Trust Fund, as defined in s. 121.021(36), and all  
200 other funds specifically required by law to be invested by the  
201 board pursuant to ss. 215.44-215.53 to the fullest extent that  
202 is consistent with the cash requirements, trust agreement, and



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203 investment objectives of the fund. Notwithstanding any other law  
 204 to the contrary, the State Board of Administration may invest  
 205 any funds of any state agency or any unit of local government  
 206 pursuant to the terms of a trust agreement with the head of the  
 207 state agency or the governing body of the unit of local  
 208 government, which trust agreement shall govern the investment of  
 209 such funds, provided that the board shall approve the  
 210 undertaking of such investment before execution of the trust  
 211 agreement by the State Board of Administration. The funds and  
 212 the earnings therefrom are exempt from the service charge  
 213 imposed by s. 215.20. As used in this subsection, the term  
 214 "state agency" has the same meaning as that provided in s.  
 215 216.001, and the terms "governing body" and "unit of local  
 216 government" have the same meaning as that provided in s.  
 217 218.403.

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

220 215.62 Division of Bond Finance.--

221 (1) There is ~~hereby~~ created a division of the State Board  
 222 of Administration of the state to be known as the Division of  
 223 Bond Finance. The Governor shall be the chair of the governing  
 224 board of the division, the Attorney General ~~Comptroller~~ shall be  
 225 the secretary of the board, and the Chief Financial Officer  
 226 ~~Treasurer~~ shall be the treasurer of the board for the purposes  
 227 of this act. The division shall be a public body corporate for  
 228 the purposes of this act.

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

231 215.95 Financial Management Information Board.--





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232 (1) There is created, as part of the Administration  
 233 Commission, the Financial Management Information Board. The  
 234 board shall be composed of the Governor, the Chief Financial  
 235 Officer ~~Comptroller~~, and the Attorney General ~~Treasurer~~. The  
 236 Governor shall be chair of the board. The Governor or the Chief  
 237 Financial Officer ~~Comptroller~~ may call a meeting of the board at  
 238 any time the need arises.

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

241 215.96 Coordinating council and design and coordination  
 242 staff.--

243 (1) The Chief Financial Officer ~~Comptroller~~, as chief  
 244 fiscal officer of the state, shall establish a coordinating  
 245 council to function on a continuing basis. The coordinating  
 246 council shall review and recommend to the board solutions and  
 247 policy alternatives to ensure coordination between functional  
 248 owners of the various information subsystems described in ss.  
 249 215.90-215.96 to the extent necessary to unify all the  
 250 subsystems into a financial management information system.

251 (2) The coordinating council shall consist of the Chief  
 252 Financial Officer ~~Comptroller~~; ~~the Treasurer~~; the secretary of  
 253 the Department of Management Services; the Attorney General; and  
 254 the Director of Planning and Budgeting, Executive Office of the  
 255 Governor, or their designees. The Chief Financial Officer  
 256 ~~Comptroller~~, or his or her designee, shall be chair of the  
 257 coordinating council, and the design and coordination staff  
 258 shall provide administrative and clerical support to the council  
 259 and the board. The design and coordination staff shall maintain  
 260 the minutes of each meeting and shall make such minutes



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261 available to any interested person. The Auditor General, the  
262 State Courts Administrator, an executive officer of the Florida  
263 Association of State Agency Administrative Services Directors,  
264 and an executive officer of the Florida Association of State  
265 Budget Officers, or their designees, shall serve without voting  
266 rights as ex officio members on the coordinating council. The  
267 chair may call meetings of the coordinating council as often as  
268 necessary to transact business; however, the coordinating  
269 council shall meet at least once a year. Action of the  
270 coordinating council shall be by motion, duly made, seconded and  
271 passed by a majority of the coordinating council voting in the  
272 affirmative for approval of items that are to be recommended for  
273 approval to the Financial Management Information Board.

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

276 253.02 Board of trustees; powers and duties.--

277 (1) For the purpose of assuring the proper application of  
278 the Internal Improvement Trust Fund and the Land Acquisition  
279 Trust Fund for the purposes of this chapter, the land provided  
280 for in ss. 253.01 and 253.03, and all the funds arising from the  
281 sale thereof, after paying the necessary expense of selection,  
282 management, and sale, are irrevocably vested in a board of four  
283 ~~seven~~ trustees, to wit: The Governor, ~~the Secretary of State,~~  
284 the Attorney General, the Chief Financial Officer ~~Comptroller,~~  
285 ~~the State Treasurer, the Commissioner of Education,~~ and the  
286 Commissioner of Agriculture and their successors in office, to  
287 hold the same in trust for the uses and purposes provided in  
288 this chapter, with the power to sell and transfer said lands to  
289 the purchasers and receive payment for the same, and invest the



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290 surplus moneys arising therefrom, from time to time, in stocks  
 291 of the United States, stocks of the several states, or the  
 292 internal improvement bonds issued under the provisions of law;  
 293 also, the surplus interest accruing from such investments. Said  
 294 board of trustees have all the rights, powers, property, claims,  
 295 remedies, actions, suits, and things whatsoever belonging to  
 296 them, or appertaining before and at the time of the enactment  
 297 hereof, and they shall remain subject to and pay, fulfill,  
 298 perform, and discharge all debts, duties, and obligations of  
 299 their trust, existing at the time of the enactment hereof or  
 300 provided in this chapter.

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

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

307 253.034 State-owned lands; uses.--

308 (6) The Board of Trustees of the Internal Improvement  
 309 Trust Fund shall determine which lands, the title to which is  
 310 vested in the board, may be surplusd. For conservation lands,  
 311 the board shall make a determination that the lands are no  
 312 longer needed for conservation purposes and may dispose of them  
 313 by an affirmative vote of at least three members ~~a two-thirds~~  
 314 ~~vote~~. In the case of a land exchange involving the disposition  
 315 of conservation lands, the board must determine by an  
 316 affirmative vote of at least three members ~~at least a two-thirds~~  
 317 ~~vote~~ that the exchange will result in a net positive  
 318 conservation benefit. For all other lands, the board shall make



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319 a determination that the lands are no longer needed and may  
320 dispose of them by an affirmative vote of at least three members  
321 ~~majority vote.~~

322 (a) For the purposes of this subsection, all lands  
323 acquired by the state prior to July 1, 1999, using proceeds from  
324 the Preservation 2000 bonds, the Conservation and Recreation  
325 Lands Trust Fund, the Water Management Lands Trust Fund,  
326 Environmentally Endangered Lands Program, and the Save Our Coast  
327 Program and titled to the board, which lands are identified as  
328 core parcels or within original project boundaries, shall be  
329 deemed to have been acquired for conservation purposes.

330 (b) For any lands purchased by the state on or after July  
331 1, 1999, a determination shall be made by the board prior to  
332 acquisition as to those parcels that shall be designated as  
333 having been acquired for conservation purposes. No lands  
334 acquired for use by the Department of Corrections, the  
335 Department of Management Services for use as state offices, the  
336 Department of Transportation, except those specifically managed  
337 for conservation or recreation purposes, or the State University  
338 System or the Florida Community College System shall be  
339 designated as having been purchased for conservation purposes.

340 (c) At least every 5 years, as a component of each land  
341 management plan or land use plan and in a form and manner  
342 prescribed by rule by the board, each management entity shall  
343 evaluate and indicate to the board those lands that the entity  
344 manages which are not being used for the purpose for which they  
345 were originally leased. Such lands shall be reviewed by the  
346 council for its recommendation as to whether such lands should  
347 be disposed of by the board.



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

353 (e) Prior to any decision by the board to surplus lands,  
354 the Acquisition and Restoration Council shall review and make  
355 recommendations to the board concerning the request for  
356 surplusings. The council shall determine whether the request for  
357 surplusings is compatible with the resource values of and  
358 management objectives for such lands.

359 (f) In reviewing lands owned by the board, the council  
360 shall consider whether such lands would be more appropriately  
361 owned or managed by the county or other unit of local government  
362 in which the land is located. The council shall recommend to the  
363 board whether a sale, lease, or other conveyance to a local  
364 government would be in the best interests of the state and local  
365 government. The provisions of this paragraph in no way limit the  
366 provisions of ss. 253.111 and 253.115. Such lands shall be  
367 offered to the state, county, or local government for a period  
368 of 30 days. Permittable uses for such surplus lands may include  
369 public schools; public libraries; fire or law enforcement  
370 substations; and governmental, judicial, or recreational  
371 centers. County or local government requests for surplus lands  
372 shall be expedited throughout the surplusings process. If the  
373 county or local government does not elect to purchase such lands  
374 in accordance with s. 253.111, then any surplusings determination  
375 involving other governmental agencies shall be made upon the  
376 board deciding the best public use of the lands. Surplus



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377 properties in which governmental agencies have expressed no  
378 interest shall then be available for sale on the private market.

379 (g) Lands determined to be surplus pursuant to this  
380 subsection shall be sold for appraised value or the price paid  
381 by the state or a water management district to originally  
382 acquire the lands, whichever is greater, except when the board  
383 or its designee determines a different sale price is in the  
384 public interest. However, for those lands sold as surplus to  
385 any unit of government, the price shall not exceed the price  
386 paid by the state or a water management district to originally  
387 acquire the lands. A unit of government which acquires title to  
388 lands hereunder for less than appraised value may not sell or  
389 transfer title to all or any portion of the lands to any private  
390 owner for a period of 10 years. Any unit of government seeking  
391 to transfer or sell lands pursuant to this paragraph shall first  
392 allow the board of trustees to reacquire such lands for the  
393 price at which they sold such lands.

394 (h) Where a unit of government acquired land by gift,  
395 donation, grant, quit-claim deed, or other such conveyance where  
396 no monetary consideration was exchanged, the price of land sold  
397 as surplus may be based on one appraisal. In the event that a  
398 single appraisal yields a value equal to or greater than \$1  
399 million, a second appraisal is required. The individual or  
400 entity requesting the surplus shall select and use appraisers  
401 from the list of approved appraisers maintained by the Division  
402 of State Lands in accordance with s. 253.025(6)(b). The  
403 individual or entity requesting the surplus is to incur all  
404 costs of the appraisals.



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405 (i) After reviewing the recommendations of the council,  
406 the board shall determine whether lands identified for surplus  
407 are to be held for other public purposes or whether such lands  
408 are no longer needed. The board may require an agency to  
409 release its interest in such lands. For an agency that has  
410 requested the use of a property that was to be declared as  
411 surplus, said agency must have the property under lease within 6  
412 months of the date of expiration of the notice provisions  
413 required under ss. 253.034(6) and 253.111.

414 (j) Requests for surplusing may be made by any public or  
415 private entity or person. All requests shall be submitted to  
416 the lead managing agency for review and recommendation to the  
417 council or its successor. Lead managing agencies shall have 90  
418 days to review such requests and make recommendations. Any  
419 surplusing requests that have not been acted upon within the 90-  
420 day time period shall be immediately scheduled for hearing at  
421 the next regularly scheduled meeting of the council or its  
422 successor. Requests for surplusing pursuant to this paragraph  
423 shall not be required to be offered to local or state  
424 governments as provided in paragraph (f).

425 (k) Proceeds from any sale of surplus lands pursuant to  
426 this subsection shall be deposited into the fund from which such  
427 lands were acquired. However, if the fund from which the lands  
428 were originally acquired no longer exists, such proceeds shall  
429 be deposited into an appropriate account to be used for land  
430 management by the lead managing agency assigned the lands prior  
431 to the lands being declared surplus. Funds received from the  
432 sale of surplus nonconservation lands, or lands that were



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433 acquired by gift, by donation, or for no consideration, shall be  
434 deposited into the Internal Improvement Trust Fund.

435 (1) Notwithstanding the provisions of this subsection, no  
436 such disposition of land shall be made if such disposition would  
437 have the effect of causing all or any portion of the interest on  
438 any revenue bonds issued to lose the exclusion from gross income  
439 for federal income tax purposes.

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

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

447 259.032 Conservation and Recreation Lands Trust Fund;  
448 purpose.--

449 (8) Lands to be considered for purchase under this section  
450 are subject to the selection procedures of s. 259.035 and  
451 related rules and shall be acquired in accordance with  
452 acquisition procedures for state lands provided for in s.  
453 259.041, except as otherwise provided by the Legislature. An  
454 inholding or an addition to a project selected for purchase  
455 pursuant to this chapter is not subject to the selection  
456 procedures of s. 259.035 if the estimated value of such  
457 inholding or addition does not exceed \$500,000. When at least 90  
458 percent of the acreage of a project has been purchased pursuant  
459 to this chapter, the project may be removed from the list and  
460 the remaining acreage may continue to be purchased. Moneys from  
461 the fund may be used for title work, appraisal fees,





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462 environmental audits, and survey costs related to acquisition  
463 expenses for lands to be acquired, donated, or exchanged which  
464 qualify under the categories of this section, at the discretion  
465 of the board. When the Legislature has authorized the Department  
466 of Environmental Protection to condemn a specific parcel of land  
467 and such parcel has already been approved for acquisition under  
468 this section, the land may be acquired in accordance with the  
469 provisions of chapter 73 or chapter 74, and the fund may be used  
470 to pay the condemnation award and all costs, including a  
471 reasonable attorney's fee, associated with condemnation.

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

474 259.041 Acquisition of state-owned lands for preservation,  
475 conservation, and recreation purposes.--

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

480 259.101(3)(a) and 259.105 for the acquisition of lands that:

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

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

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



491  
 492 For such acquisitions, the board of trustees may waive or modify  
 493 all procedures required for land acquisition pursuant to this  
 494 chapter and all competitive bid procedures required pursuant to  
 495 chapters 255 and 287. Lands acquired pursuant to this subsection  
 496 must, at the time of purchase, be on one of the acquisition  
 497 lists established pursuant to this chapter, or be essential for  
 498 water resource development, protection, or restoration, or a  
 499 significant portion of the lands must contain natural  
 500 communities or plant or animal species which are listed by the  
 501 Florida Natural Areas Inventory as critically imperiled,  
 502 imperiled, or rare, or as excellent quality occurrences of  
 503 natural communities.

504 Section 17. For the purpose of incorporating the amendment  
 505 made by this act to section 259.041, Florida Statutes, in  
 506 references thereto, paragraph (b) of subsection(3) of section  
 507 260.016, Florida Statutes, is reenacted to read:

508 260.016 General powers of the department.--

509 (3) The department or its designee is authorized to  
 510 negotiate with potentially affected private landowners as to the  
 511 terms under which such landowners would consent to the public  
 512 use of their lands as part of the greenways and trails system.  
 513 The department shall be authorized to agree to incentives for a  
 514 private landowner who consents to this public use of his or her  
 515 lands for conservation or recreational purposes, including, but  
 516 not limited to, the following:

517 (b) Agreement to exchange, subject to the approval of the  
 518 Board of Trustees of the Internal Improvement Trust Fund or  
 519 other applicable unit of government, ownership or other rights



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520 of use of public lands for the ownership or other rights of use  
521 of privately owned lands. Any exchange of state-owned lands,  
522 title to which is vested in the Board of Trustees of the  
523 Internal Improvement Trust Fund, for privately owned lands shall  
524 be subject to the requirements of s. 259.041.

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

527 940.01 Clemency; suspension or remission of fines and  
528 forfeitures, reprieves, pardons, restoration of civil rights,  
529 and commutations.--

530 (1) Except in cases of treason and in cases when  
531 impeachment results in conviction, the Governor may, by  
532 executive order filed with the Secretary of State, suspend  
533 collection of fines and forfeitures, grant reprieves not  
534 exceeding 60 days, and, with the approval of two ~~three~~ members  
535 of the Cabinet, grant full or conditional pardons, restore civil  
536 rights, commute punishment, and remit fines and forfeitures for  
537 offenses.

538 Section 19. Section 940.03, Florida Statutes, is amended  
539 to read:

540 940.03 Application for executive clemency.--When any  
541 person intends to apply for remission of any fine or forfeiture  
542 or the commutation of any punishment, or for pardon or  
543 restoration of civil rights, he or she shall request an  
544 application form from the Parole Commission in compliance with  
545 such rules regarding application for executive clemency as are  
546 adopted by the Governor with the approval of two ~~three~~ members  
547 of the Cabinet. Such application may require the submission of a  
548 certified copy of the applicant's indictment or information, the



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549 judgment adjudicating the applicant to be guilty, and the  
550 sentence, if sentence has been imposed, and may also require the  
551 applicant to send a copy of the application to the judge and  
552 prosecuting attorney of the court in which the applicant was  
553 convicted, notifying them of the applicant's intent to apply for  
554 executive clemency. An application for executive clemency for a  
555 person who is sentenced to death must be filed within 1 year  
556 after the date the Supreme Court issues a mandate on a direct  
557 appeal or the United States Supreme Court denies a petition for  
558 certiorari, whichever is later.

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

561 985.417 Transfer of children from the Department of  
562 Corrections to the Department of Juvenile Justice.--

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

567 Section 21. This act shall take effect upon becoming a  
568 law.