

By Senator Geller

31-901-03

See HB

1 A bill to be entitled

2 An act relating to acquisition of public lands;

3 amending s. 259.041, F.S.; decreasing the vote

4 required for approval of acquisition of certain

5 lands from five members to three members of the

6 Board of Trustees of the Internal Improvement

7 Trust Fund; reenacting s. 253.025(7)(e), F.S.,

8 for the purpose of incorporating a reference;

9 reenacting s. 259.02, F.S., for the purpose of

10 incorporating a reference; reenacting s.

11 259.032(8), F.S., for the purpose of

12 incorporating a reference; reenacting s.

13 260.016(3)(b), F.S., for the purpose of

14 incorporating a reference; providing an

15 effective date.

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

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19 Section 1. Subsection (15) of section 259.041, Florida

20 Statutes, is amended to read:

21 259.041 Acquisition of state-owned lands for

22 preservation, conservation, and recreation purposes.--

23 (15) The board of trustees, by an affirmative vote of

24 three ~~five~~ members, may direct the department to purchase

25 lands on an immediate basis using up to 15 percent of the

26 funds allocated to the department pursuant to ss.

27 259.101(3)(a) and 259.105 for the acquisition of lands that:

28 (a) Are listed or placed at auction by the Federal

29 Government as part of the Resolution Trust Corporation sale of

30 lands from failed savings and loan associations;

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

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

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9 For such acquisitions, the board of trustees may waive or
10 modify all procedures required for land acquisition pursuant
11 to this chapter and all competitive bid procedures required
12 pursuant to chapters 255 and 287. Lands acquired pursuant to
13 this subsection must, at the time of purchase, be on one of
14 the acquisition lists established pursuant to this chapter, or
15 be essential for water resource development, protection, or
16 restoration, or a significant portion of the lands must
17 contain natural communities or plant or animal species which
18 are listed by the Florida Natural Areas Inventory as
19 critically imperiled, imperiled, or rare, or as excellent
20 quality occurrences of natural communities.

21 Section 2. For the purpose of incorporating the
22 amendment to section 259.041, Florida Statutes, in a reference
23 thereto, paragraph (e) of subsection (7) of section 253.025,
24 Florida Statutes, is reenacted to read:

25 253.025 Acquisition of state lands for purposes other
26 than preservation, conservation, and recreation.--

27 (7)

28 (e)1. The board of trustees shall adopt by rule the
29 method for determining the value of parcels sought to be
30 acquired by state agencies pursuant to this section. No offer
31 by a state agency, except an offer by an agency acquiring

1 lands pursuant to s. 259.041, may exceed the value for that
2 parcel as determined pursuant to the highest approved
3 appraisal or the value determined pursuant to the rules of the
4 board of trustees, whichever value is less.

5 2. In the case of a joint acquisition by a state
6 agency and a local government or other entity apart from the
7 state, the joint purchase price may not exceed 150 percent of
8 the value for a parcel as determined in accordance with the
9 limits prescribed in subparagraph 1. The state agency share of
10 a joint purchase offer may not exceed what the agency may
11 offer singly as prescribed by subparagraph 1.

12 3. The provisions of this paragraph do not apply to
13 the acquisition of historically unique or significant property
14 as determined by the Division of Historical Resources of the
15 Department of State.

16 Section 3. For the purpose of incorporating the
17 amendment to section 259.041, Florida Statutes, in a reference
18 thereto, section 259.02, Florida Statutes, is reenacted to
19 read:

20 259.02 Authority; full faith and credit
21 bonds.--Pursuant to the provisions of s. 11(a), Art. VII of
22 the State Constitution and s. 215.59, the issuance of state
23 bonds pledging the full faith and credit of the state in the
24 principal amount, including any refinancing, not to exceed
25 \$200 million for state capital projects for environmentally
26 endangered lands and \$40 million for state capital projects
27 for outdoor recreation lands is hereby authorized, subject to
28 the provisions of ss. 259.01-259.06.

29 Section 4. For the purpose of incorporating the
30 amendment to section 259.041, Florida Statutes, in a reference
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1 thereto, subsection (8) of section 259.032, Florida Statutes,
2 is reenacted to read:

3 259.032 Conservation and Recreation Lands Trust Fund;
4 purpose.--

5 (8) Lands to be considered for purchase under this
6 section are subject to the selection procedures of s. 259.035
7 and related rules and shall be acquired in accordance with
8 acquisition procedures for state lands provided for in s.
9 259.041, except as otherwise provided by the Legislature. An
10 inholding or an addition to a project selected for purchase
11 pursuant to this chapter is not subject to the selection
12 procedures of s. 259.035 if the estimated value of such
13 inholding or addition does not exceed \$500,000. When at least
14 90 percent of the acreage of a project has been purchased
15 pursuant to this chapter, the project may be removed from the
16 list and the remaining acreage may continue to be purchased.
17 Moneys from the fund may be used for title work, appraisal
18 fees, environmental audits, and survey costs related to
19 acquisition expenses for lands to be acquired, donated, or
20 exchanged which qualify under the categories of this section,
21 at the discretion of the board. When the Legislature has
22 authorized the Department of Environmental Protection to
23 condemn a specific parcel of land and such parcel has already
24 been approved for acquisition under this section, the land may
25 be acquired in accordance with the provisions of chapter 73 or
26 chapter 74, and the fund may be used to pay the condemnation
27 award and all costs, including a reasonable attorney's fee,
28 associated with condemnation.

29 Section 5. For the purpose of incorporating the
30 amendment to section 259.041, Florida Statutes, in a reference
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1 thereto, paragraph (b) of subsection (3) of section 260.016,
2 Florida Statutes, is reenacted to read:

3 260.016 General powers of the department.--

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

12 (b) Agreement to exchange, subject to the approval of
13 the Board of Trustees of the Internal Improvement Trust Fund
14 or other applicable unit of government, ownership or other
15 rights of use of public lands for the ownership or other
16 rights of use of privately owned lands. Any exchange of
17 state-owned lands, title to which is vested in the Board of
18 Trustees of the Internal Improvement Trust Fund, for privately
19 owned lands shall be subject to the requirements of s.
20 259.041.

21 Section 6. This act shall take effect upon becoming a
22 law.

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