

By Senator Dockery

15-1601A-03

1 A bill to be entitled
2 An act relating to state lands; amending s.
3 250.42, F.S.; requiring the approval of the
4 Board of Trustees of the Internal Improvement
5 Trust Fund for the Armory Board to acquire,
6 lease, or dispose of lands used by the Florida
7 National Guard; amending s. 253.02, F.S.;
8 conforming the membership of the Board of
9 Trustees of the Internal Improvement Trust Fund
10 with the membership of the Cabinet; revising
11 requirements for the Board of Trustees to
12 dispose of lands titled in the name of the
13 board; amending section 253.025, F.S.; revising
14 procedures to streamline the land acquisition
15 process; providing criteria for acquisition;
16 requiring an audit by the Auditor General;
17 deleting obsolete provisions; amending s.
18 253.027, F.S.; revising requirements for the
19 emergency acquisition of archaeological
20 property; amending s. 253.03, F.S.; authorizing
21 the Board of Trustees of the Internal
22 Improvement Trust Fund to adopt rules providing
23 for equitable compensation for the
24 administration, management, or use of lands;
25 amending s. 253.034, F.S.; redefining the term
26 "conservation lands"; providing definitions;
27 revising requirements for management of
28 conservation and nonconservation lands;
29 authorizing the Board of Trustees of the
30 Internal Improvement Trust Fund to adopt rules
31 for review and approval of land use plans for

1 nonconservation lands; revising requirements
2 for selling or transferring state-owned
3 conservation and nonconservation lands;
4 relocating statutory provisions authorizing the
5 conveyance of state-owned lands to the
6 Department of Agriculture and Consumer Services
7 for the relocation and construction of forest
8 facilities; amending s. 253.111, F.S.;
9 increasing the period for counties to exercise
10 a right of first refusal when state-owned lands
11 are disposed of by the board; amending s.
12 253.42, F.S.; revising provisions for the
13 exchange of lands held, owned by, or vested in
14 the Board of Trustees of the Internal
15 Improvement Trust Fund; amending s. 253.7823,
16 F.S.; revising requirements governing the
17 disposition of former barge canal lands;
18 amending s. 259.03, F.S.; redefining the terms
19 "capital improvement" and "capital project
20 expenditure"; amending s. 259.032, F.S.;
21 revising requirements concerning the purchase
22 or management of lands funded by the
23 Conservation and Recreation Lands Trust Fund;
24 revising requirements for the funding of
25 interim management of acquired lands and
26 activities on those lands; amending s. 259.035,
27 F.S.; revising the responsibilities of the
28 Acquisition and Restoration Council over
29 state-owned conservation lands; authorizing the
30 council to accept applications for certain
31 projects; requiring that specific criteria be

1 included in project applications submitted to
2 the council; requiring the council to give
3 funding priority to projects that have matching
4 funds; creating s. 259.0355, F.S.; providing
5 for the management of conservation lands;
6 providing for the disposition of conservation
7 lands; providing for alternative uses of
8 conservation lands; amending s. 259.036, F.S.;
9 revising the membership of regional land
10 management review teams; amending s. 259.037,
11 F.S.; revising requirements for submission of
12 land management agency expenditure reports by
13 the Land Management Uniform Accounting Council;
14 requiring that the report be submitted to the
15 Board of Trustees of the Internal Improvement
16 Trust Fund; amending s. 259.04, F.S.; revising
17 the powers and duties of the Board of Trustees
18 of the Internal Improvement Trust Fund over
19 land acquisition projects and capital
20 improvements; amending s. 259.041, F.S.;
21 providing for alternatives to fee simple
22 acquisition of state-owned lands for
23 preservation, conservation, and recreation
24 purposes; amending s. 259.101, F.S.; removing
25 obsolete provisions; amending s. 259.105, F.S.;
26 revising requirements for the permanent public
27 use of lands purchased by nonprofit
28 organizations under the Florida Communities
29 Trust Program; amending s. 375.075, F.S.;
30 revising requirements relating to the
31 development and planning of the Florida

1 Recreational Development Assistance Program;
2 amending s. 380.0677, F.S.; revising the Green
3 Swamp Land Protection Initiative; authorizing
4 the Florida Communities Trust to acquire
5 properties within the Green Swamp Area of
6 Critical State Concern; amending s. 380.510,
7 F.S.; requiring that the Board of Trustees of
8 the Internal Improvement Trust Fund decide how
9 certain real property will be disposed of if
10 terms or conditions of grants or loans under
11 the Florida Communities Trust Program are
12 violated; providing conditions under which
13 title to certain property is conveyed to the
14 Board of Trustees of the Internal Improvement
15 Trust Fund; repealing s. 253.783, F.S.,
16 relating to the powers and duties of the
17 Department of Environmental Protection to
18 dispose of surplus lands; repealing s. 253.84,
19 F.S., relating to the state acquisition of
20 lands that may contain cattle-dipping vats;
21 repealing s. 259.0345, F.S., relating to the
22 Florida Forever Advisory Council; providing an
23 effective date.

24

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

26

27 Section 1. Section 250.42, Florida Statutes, is
28 amended to read:

29 250.42 Armory Board; authority to convey, lease, or
30 release certain lands or acquire, renovate, or construct
31 certain facilities.--

1 (1) The Armory Board, with the approval of the Board
2 of Trustees of the Internal Improvement Trust Fund and in
3 accordance with the provisions of chapter 253, may acquire
4 interests in lands needed for use by the Florida National
5 Guard and may convey, lease, or release any lands under its
6 ownership, supervision, or control which are in the opinion of
7 said board not required for military uses.

8 (2) The Armory Board may ~~acquire, renovate, or~~
9 construct facilities throughout the state to be used as
10 armories by the Florida National Guard. To that end, with the
11 approval of the Board of Trustees of the Internal Improvement
12 Trust Fund, the Armory Board may enter into a lease-purchase,
13 sale-leaseback, or tax-exempt leveraged lease contract or
14 other financing arrangement for the acquisition, renovation,
15 or construction of such a facility. The exercise of any such
16 financial option for these purposes shall be subject to
17 authorization by the appropriations act. Each capital outlay
18 project or other contract, agreement, or transaction under
19 this subsection shall also require specific legislative
20 approval.

21 Section 2. Subsections (1) and (2) of section 253.02,
22 Florida Statutes, are amended to read:

23 253.02 Board of trustees; powers and duties.--

24 (1) For the purpose of assuring the proper application
25 of the Internal Improvement Trust Fund and the Land
26 Acquisition Trust Fund for the purposes of this chapter, the
27 land provided for in ss. 253.01 and 253.03, and all the funds
28 arising from the sale thereof, after paying the necessary
29 expense of selection, management, and sale, are irrevocably
30 vested in a board of four ~~seven~~ trustees, to wit: The
31 Governor, ~~the Secretary of State,~~ the Attorney General, the

1 Chief Financial Officer ~~Comptroller, the State Treasurer, the~~
2 ~~Commissioner of Education~~, and the Commissioner of Agriculture
3 and their successors in office, to hold the same in trust for
4 the uses and purposes provided in this chapter, with the power
5 to sell and transfer said lands to the purchasers and receive
6 payment for the same, and invest the surplus moneys arising
7 therefrom, from time to time, in stocks of the United States,
8 stocks of the several states, or the internal improvement
9 bonds issued under the provisions of law; also, the surplus
10 interest accruing from such investments. Said board of
11 trustees have all the rights, powers, property, claims,
12 remedies, actions, suits, and things whatsoever belonging to
13 them, or appertaining before and at the time of the enactment
14 hereof, and they shall remain subject to and pay, fulfill,
15 perform, and discharge all debts, duties, and obligations of
16 their trust, existing at the time of the enactment hereof or
17 provided in this chapter.

18 (2) The board ~~of trustees~~ shall not sell, transfer, or
19 otherwise dispose of any lands the title to which is vested in
20 the board ~~of trustees~~ except in accordance with s. 253.034(7)
21 ~~by vote of at least five of the seven trustees.~~

22 Section 3. Section 253.025, Florida Statutes, is
23 amended to read:

24 (Substantial rewording of section. See
25 s. 253.025, F.S., for present text.)

26 253.025 Acquisition of state lands by the Board of
27 Trustees.--

28 (1) As used in this section, the term:

29 (a) "Board" means the Board of Trustees of the
30 Internal Improvement Trust Fund.

31

1 (b) "Division" means the Division of State Lands
2 within the Department of Environmental Protection.

3 (2) Land acquisition procedures provided for in this
4 section and related rules are for voluntary, negotiated
5 acquisitions of interests in real property which shall vest in
6 the board, and for nonnegotiated acquisitions of land, such as
7 tax deed sales and auctions. The board may adopt rules
8 pursuant to ss. 120.536(1) and 120.54 to administer this
9 section, including rules governing the terms and conditions of
10 acquiring interests in real property. Such rules must address,
11 but need not be limited to:

12 (a) The procedures to be followed in the voluntary,
13 negotiated acquisition process, including the procedures for
14 procuring real estate services and products;

15 (b) The determination of the value of parcels, or
16 interests therein, which the state wishes to acquire; and

17 (c) The requirements for obtaining written
18 acquisition-related agreements to fully protect the interests
19 of the state.

20 (3) The board or its authorized agent may not commit
21 the state to acquire an interest in real property with or
22 without appurtenances unless the provisions of this section
23 have been fully complied with. However, the board may waive
24 any requirement of this section, except the requirements of
25 subsections (4), (15), (16) and (17). Notwithstanding chapter
26 120, the board may waive any rules adopted pursuant to this
27 section, except rules adopted pursuant to subsections (4),
28 (15), (16) and (17), and the board may substitute other
29 reasonably prudent procedures, if the public's interest is
30 reasonably protected. Prior to any state agency initiating any
31 land acquisition, except the purchase of property for

1 transportation facilities and transportation corridors and
2 property for borrow pits for road building purposes, the
3 agency shall coordinate with the Division of State Lands to
4 determine the availability of existing, suitable state-owned
5 lands in the area and the public purpose for which the
6 acquisition is being proposed. If the state agency determines
7 that no suitable state-owned lands exist, the state agency may
8 proceed to acquire such lands by employing all available
9 statutory authority for acquisition.

10 (4) Notwithstanding any other law, an agreement to
11 acquire an interest in real property, title to which will vest
12 in the board, does not bind the state unless the agreement has
13 been reviewed and approved by the Division of State Lands as
14 complying with the requirements of this section, any rules
15 adopted pursuant to this section, or other prudent procedures
16 approved by the board to reasonably protect the public's
17 interest. If any of the following conditions exist, the
18 proposed acquisition shall be submitted to and approved by the
19 board:

20 (a) The purchase price exceeds the value as
21 established pursuant to the rules of the board;

22 (b) The purchase price exceeds \$1 million;

23 (c) The acquisition is the initial purchase in a
24 project selected pursuant to chapter 259;

25 (d) The division recommends acquiring the project
26 pursuant to subsection (15) or subsection (17); or

27 (e) Other conditions exist, which the board may adopt
28 by rule, including, but not limited to, projects where title
29 to the interest being acquired is considered nonmarketable or
30 is encumbered in such a way as to affect its management
31 significantly.

1 (5) If approval of the board is required pursuant to
2 subsection (4) for an acquisition by or on behalf of another
3 public agency, the acquiring agency must provide a
4 justification as to why it is in the public's interest to
5 acquire the parcel or project.

6 (6) The board, or its authorized agent, may purchase
7 lands being sold at public or private auction, governmental
8 sales, tax sales, and other liquidation sales. The board, or
9 its authorized agent, may also purchase lands using other
10 acceptable procedures that require a quick response in order
11 for the board to compete with other potential buyers, if the
12 public's interest is reasonably protected.

13 (7) Funds appropriated for acquisition of property
14 interests may be used for acquisition and acquisition-related
15 costs for lands to be acquired, donated, or exchanged.
16 Acquisition-related costs for property interests by or on
17 behalf of another public agency shall be paid by the agency
18 proposing the acquisition. Notwithstanding other provisions
19 and requirements of law, the division may contract with
20 private or public vendors who provide acquisition-related
21 services to facilitate and expedite the acquisition of lands
22 for the benefit of both the board and the private landowner.

23 (8) To determine the value of parcels, or interests
24 therein, which the state seeks to acquire pursuant to this
25 section, the board and its authorized agents shall comply with
26 the following:

27 (a) Each parcel to be acquired shall have at least one
28 appraisal. Two appraisals are required if the estimated value
29 of the parcel exceeds \$1 million. If a parcel is estimated to
30 be worth \$100,000 or less and the director of the Division of
31 State Lands finds that the cost of obtaining an appraisal is

1 not justified, the division may use a comparable sales
2 analysis or other reasonably prudent procedures to estimate
3 the value of the parcel, if the public's interest is
4 reasonably protected. The state is not required to appraise
5 the value of lands and appurtenances that are being donated to
6 the state.

7 (b) A state-certified general appraiser who meets the
8 standards and criteria established in rule by the board shall
9 prepare all appraisals and appraisal reviews used for the
10 acquisition of interests in real property pursuant to this
11 section. Each fee appraiser selected to provide appraisal
12 services for a particular parcel or interest shall, prior to
13 contracting with the division, an acquiring agency, or a
14 participant in a multiparty agreement, submit to the party
15 with whom the appraiser is contracting an affidavit
16 substantiating that the appraiser has no vested or fiduciary
17 interest in the parcel.

18 (c) A fee appraiser or staff appraiser for the
19 division or the acquiring agency may not act in any way that
20 may be construed as negotiating with the owner. For the
21 purposes of this section, the terms "negotiating" and
22 "negotiations" do not include preliminary contacts with the
23 property owner to determine the availability of information
24 and data regarding valuation of the property.

25 (d) Appraisal reports are confidential and exempt from
26 the provisions of s. 119.07(1), for use by the agency and the
27 board until an option contract is executed or, if no option
28 contract is executed, until 2 weeks before a contract or
29 agreement for purchase is considered for approval by the
30 board. However, the division may disclose appraisal
31 information to public agencies or nonprofit organizations that

1 agree to maintain the confidentiality of the reports or the
2 information when joint acquisition of the property is
3 contemplated, or when a public agency or nonprofit
4 organization enters into a written agreement with the division
5 to purchase and hold property for subsequent resale to the
6 division. In addition, the division may use, as its own,
7 appraisals obtained by a public agency or nonprofit
8 organization if the appraiser is selected from the division's
9 list of appraisers and the appraisal is reviewed and approved
10 by the division. For the purposes of this paragraph, the term
11 "nonprofit organization" means an organization the purposes of
12 which include the preservation of natural resources and which
13 is exempt from federal income tax under s. 501(c)(3) of the
14 Internal Revenue Code. The agency may release an appraisal
15 report when the passage of time has rendered the conclusions
16 of value in the report invalid.

17 (e) Notwithstanding the provisions of this subsection,
18 the Secretary of Environmental Protection or the director of
19 the division, on behalf of the board and before the appraisal
20 of a parcel qualified for purchase, may enter into option
21 contracts to buy an interest in the parcel. Any such option
22 contract must state that the final purchase price is subject
23 to approval by the board or, when applicable, the secretary or
24 director, and that the final purchase price may not exceed the
25 maximum value established by an approved appraisal. Such
26 option contract may not state a specific purchase price prior
27 to obtaining an approved appraisal. The consideration for such
28 an option may not exceed \$1,000 or 0.01 percent of the
29 estimate by the division of the value of the interest,
30 whichever amount is greater.

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1 (f) Notwithstanding any other law, the value of an
2 interest to be purchased by the board, as determined under
3 rules of the board, may not be increased or decreased as a
4 result of a change of zoning, permitted land use, or change in
5 market forces or price that occurs within 1 year after the
6 date the division, the board, or an acquisition partner under
7 an agreement with the division pursuant to this section
8 approves a contract to purchase the interest.

9 (9) If an agent or broker represents the owner,
10 negotiations may not be initiated or continued until a written
11 statement verifying such agent's or broker's legal or
12 fiduciary relationship with the owner is on file with the
13 acquiring agency.

14 (10) Each offer or counteroffer must be documented in
15 writing and is confidential and exempt from s. 119.07(1) until
16 an option contract is executed, or if no option contract is
17 executed, until 2 weeks before a contract or agreement for
18 purchase is considered for approval by the board. A final
19 offer shall be in the form of an option contract or agreement
20 for purchase and must be signed by the owner and the
21 representative of the agency. Before the agency signs the
22 agreement for purchase or exercises the option contract, the
23 provisions of s. 286.23 shall be complied with. The acquiring
24 agency shall maintain complete and accurate records of all
25 offers and counteroffers for all projects.

26 (11)(a) Within 10 days after the signing of the option
27 contract or agreement for purchase by or on behalf of an
28 acquiring agency, the acquiring agency shall furnish the
29 division with the original of the agreement, along with copies
30 of the disclosure notice, the approved appraisal report, the
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1 fee appraiser's affidavit, and a statement of the public
2 purpose for which the acquisition is being made.

3 (b) Concurrent with the approval of the acquisition
4 contract pursuant to paragraph (4)(c) for any interest in
5 conservation land, the board shall designate a manager for
6 such lands and shall evaluate and amend, as appropriate, the
7 management policy statement and the management prospectus for
8 the project, which were submitted as provided by s. 259.035,
9 consistent with the purposes for which the lands are being
10 acquired.

11 (c) Interests in real property acquired under this
12 section shall be administered pursuant to s. 253.03. However,
13 if the federal government or a water management district will
14 use the property for substantially the same purposes for which
15 the board is acquiring the property, the board may determine
16 that it is in the best interest of the state for title
17 interests to vest in such other entity. In such cases, the
18 board shall retain a legally binding restriction on land use
19 or a reversionary interest in the property which requires the
20 property to be used for the purposes for which it was
21 acquired.

22 (d) Within 45 days after receipt by the Division of
23 State Lands of the properly executed agreement for purchase
24 and the required documentation, the board or the division
25 shall take action on the agreement. An approved agreement for
26 purchase is binding on both parties. Any agreement that has
27 been disapproved, deferred, or withdrawn shall be returned to
28 the acquiring agency, along with a statement of the
29 deficiencies of the agreement or the supporting documentation.
30 An agreement for purchase that has been disapproved, deferred,
31 or withdrawn by the board or the division may be resubmitted

1 by the acquiring agency when such deficiencies have been
2 corrected.

3 (12) Evidence of marketable title must be obtained in
4 the manner provided in the purchase agreement prior to the
5 conveyance of title. However, the board may accept a
6 dedication, gift, grant, or bequest of an interest in lands
7 and appurtenances without formal evidence of marketability or,
8 if the title is nonmarketable, if the board or the division
9 determines that such lands and appurtenances have value and
10 are reasonably manageable by the state, and that their
11 acceptance would serve the public interest. Notwithstanding
12 other provisions of law, a deed filed in the public records to
13 donate lands to the board does not transfer title to or vest
14 title in the board unless there also shall be filed in the
15 public records a document indicating that the board or the
16 division has agreed to accept the transfer of title to such
17 donated lands.

18 (13) Any conveyance to the board shall be made by no
19 less than a special warranty deed, unless the conveyance is
20 from the federal government, a water management district, a
21 county government, or another state agency or, if the
22 conveyance is a gift or donation, by quitclaim deed if the
23 board or the division determines that the acceptance of such
24 quitclaim deed is in the best interest of the public. A
25 quitclaim deed may also be accepted to aid in clearing title
26 or boundary questions.

27 (14) Title to lands to be held jointly by the board
28 and a water management district which is acquired pursuant to
29 the procedures set out in s. 373.139 is deemed to meet the
30 standards necessary for acquisition and ownership by the
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1 board, notwithstanding any other provisions of this section or
2 related rules.

3 (15) The board, by majority vote of all of its members
4 voting at a regularly scheduled and advertised meeting, may
5 direct the division to exercise the power of eminent domain
6 pursuant to chapters 73 and 74 to acquire an interest in any
7 of the properties on an approved acquisition list. The board
8 may only make such a vote, however, under the following
9 circumstances:

10 (a) The board or its authorized agent has made at
11 least two bona fide offers to purchase an interest in the land
12 and, notwithstanding those offers, an impasse between the
13 board or its agent and the landowner was reached; and

14 (b) For conservation lands, as defined in s. 253.034,
15 an interest in the land is of special importance to the state
16 because of one or more of the following:

17 1. The land involves an endangered or natural resource
18 and is in imminent danger of development;

19 2. The land is of unique value to the state, and the
20 failure to acquire an interest in it will result in
21 irreparable loss to the state; or

22 3. The failure of the state to acquire an interest in
23 the land will seriously impair the state's ability to manage
24 or protect other state-owned lands.

25 (16) Pursuant to subsection (15), the division may
26 exercise condemnation authority directly or by contracting
27 with the Department of Transportation or a water management
28 district to provide that service. If the Department of
29 Transportation or a water management district enters such a
30 contract with the division, the Department of Transportation
31 or a water management district may use statutorily approved

1 methods and procedures ordinarily used by such agency for
2 condemnation purposes.

3 (17) The board, by an affirmative vote of at least
4 three of its members, may direct the division to purchase on
5 an immediate basis lands that are not on an approved
6 acquisition list. In such case, the board may use up to 15
7 percent of the funds allocated to the department pursuant to
8 s. 259.105(3)(b) and may waive or modify all statutes, rules,
9 and procedures required for land acquisition pursuant to this
10 chapter and all competitive bid procedures required pursuant
11 to chapters 255 and 287. However, such property must, at the
12 time of purchase, meet one or more of the following criteria:

13 (a) Be essential for the protection of the state's
14 biodiversity because a significant portion of the property
15 contains natural communities or plant or animal species that
16 are listed by the Florida Natural Areas Inventory as
17 critically imperiled, imperiled, or rare, or as excellent
18 quality occurrences of natural communities;

19 (b) Be essential for water resource development,
20 protection, or restoration; or

21 (c) Be qualified as an emergency archaeological
22 property acquisition pursuant to s. 253.027.

23 (18) Any agency authorized to acquire lands on behalf
24 of the board is authorized to request disbursement of payments
25 for real estate closings in accordance with a written
26 authorization to the acquiring agency from an ultimate
27 beneficiary of the payment directing payment to a third party
28 authorized by law to receive such payment if the Chief
29 Financial Officer determines that such disbursement is
30 consistent with good business practices and can be completed
31 in a manner minimizing costs and risks to the state.

1 (19) The Auditor General shall conduct audits of
2 acquisitions and divestitures that he or she deems necessary,
3 according to his or her preliminary assessments of
4 board-approved acquisitions and divestitures. These
5 preliminary assessments shall be initiated not later than 60
6 days following the final approval by the board of land
7 acquisitions under this section. If an audit is conducted, the
8 Auditor General shall submit an audit report to the board, the
9 President of the Senate, the Speaker of the House of
10 Representatives, and their designees.

11 (20) Lands acquired or sought to be acquired by the
12 state and its political subdivisions may contain
13 cattle-dipping vats as defined in s. 376.301. The Legislature
14 determines that it is in the public interest for the state and
15 its political subdivisions to acquire cattle-dipping vats from
16 willing sellers where such vats are located on or within the
17 boundaries of parcels or tracts acquired or being acquired by
18 the state and its political subdivisions. Notwithstanding any
19 other law, the state and special taxing districts as defined
20 in s. 189.403(6) may not exclude lands containing
21 cattle-dipping vats solely by reason of the existence of such
22 vats on such lands. The state and its political subdivisions
23 are not liable under state law solely as an incident of such
24 acquisition for any costs, damages, or penalties associated
25 with the discharge, evaluation, contamination, assessment, or
26 remediation for any substances or derivatives thereof that
27 were used in the vat for the eradication of the cattle fever
28 tick.

29 (21) The Department of Corrections pursuant to s.
30 944.10, the Department of Juvenile Justice pursuant to s.
31 985.41, and the boards of trustees of the universities

1 pursuant to s. 1001.74 are responsible for obtaining
2 appraisals and entering into option agreements and agreements
3 for the purchase of state correctional facility sites, state
4 juvenile justice facility sites, and state university sites
5 and facilities. These agencies shall comply with all
6 procedures and provisions of this section and any rules of the
7 board adopted pursuant to this section. An option agreement or
8 agreement for purchase is not binding upon the state until it
9 is approved by the Board of Trustees of the Internal
10 Improvement Trust Fund. In accordance with paragraph (8)(d)
11 and subsection (10), all appraisals, offers, and counteroffers
12 made under this subsection are confidential and exempt from s.
13 119.07(1).

14 Section 4. Subsections (7), (8), (9), and (10) of
15 section 253.027, Florida Statutes, are amended to read:

16 253.027 Emergency archaeological property
17 acquisition.--

18 (7) ACQUISITION OF PROPERTY.--Lands shall be acquired
19 under this section in compliance with s. 253.025(16), which
20 allows the board to acquire property on an immediate basis
21 when necessary.Property may not be acquired under this
22 section until the disposition or settlement of any litigation
23 involving such property or involving the use of or
24 construction on such property or on adjacent property. Title
25 to property acquired pursuant to this section shall be held by
26 the Board of Trustees of the Internal Improvement Trust Fund
27 and managed pursuant to the provisions of ss. 253.034, s.
28 259.032, and 259.0355.

29 ~~(8) WAIVER OF APPRAISALS OR SURVEYS.--The Board of~~
30 ~~Trustees of the Internal Improvement Trust Fund may waive or~~
31 ~~limit any appraisal or survey requirements in s. 259.041, if~~

1 ~~necessary to effectuate the purposes of this section. Fee~~
2 ~~simple title is not required to be conveyed if some lesser~~
3 ~~interest will allow the preservation of the archaeological~~
4 ~~resource. Properties purchased pursuant to this section shall~~
5 ~~be considered archaeologically unique or significant~~
6 ~~properties and may be purchased under the provisions of s.~~
7 ~~253.025(7).~~

8 ~~(8)(9)~~ SEVERABILITY.--If any provision of this section
9 or the application thereof to any person or circumstance is
10 held invalid, it is the legislative intent that the invalidity
11 shall not affect other provisions or applications of the
12 section which can be given effect without the invalid
13 provision or application, and to this end the provisions of
14 this section are declared severable.

15 ~~(9)(10)~~ LIBERAL CONSTRUCTION.--It is intended that the
16 provisions of this section shall be liberally construed for
17 accomplishing the work authorized and provided for or intended
18 to be provided for by this section, and when strict
19 construction would result in the defeat of the accomplishment
20 of any part of the work authorized by this section and a
21 liberal construction would permit or assist in the
22 accomplishment thereof, the liberal construction shall be
23 chosen.

24 Section 5. Subsection (11) of section 253.03, Florida
25 Statutes, is amended to read:

26 253.03 Board of trustees to administer state lands;
27 lands enumerated.--

28 (11) The Board of Trustees of the Internal Improvement
29 Trust Fund may adopt rules to provide for the assessment and
30 collection of reasonable fees for processing applications in
31 an amount, commensurate with the actual cost to the board, for

1 consents, disclaimers, easements, exchanges, gifts, leases,
2 releases, or sales of any interest in lands; ~~or any~~
3 ~~applications therefor~~ and for the reproduction of documents;
4 and for the equitable compensation for the administration,
5 management, or use of lands. All revenues received from the
6 application fees charged by a water management district to
7 process applications that include a request to use state lands
8 are to be retained by the water management district.

9 Section 6. Section 253.034, Florida Statutes, is
10 amended to read:

11 253.034 State-owned lands; uses.--

12 (1) All lands defined as conservation lands ~~acquired~~
13 pursuant to this section ~~chapter 259~~ shall be managed to serve
14 the public interest by protecting and conserving land, air,
15 water, and the state's natural resources, which contribute to
16 the public health, welfare, and economy of the state. These
17 lands shall be managed to provide for areas of natural
18 resource based recreation, and to ensure the survival of plant
19 and animal species and the conservation of finite and
20 renewable natural resources. The state's lands and natural
21 resources shall be managed using a stewardship ethic that
22 assures these resources will be available for the benefit and
23 enjoyment of all people of the state, both present and future.
24 It is the intent of the Legislature that, where feasible and
25 consistent with the goals of protection and conservation of
26 natural resources associated with lands held in the public
27 trust by the Board of Trustees of the Internal Improvement
28 Trust Fund, public land not designated for single-use purposes
29 pursuant to paragraph (2)(b) be managed for multiple-use
30 purposes. All multiple-use land management strategies shall
31 address public access and enjoyment, resource conservation and

1 protection, ecosystem maintenance and protection, and
2 protection of threatened and endangered species, and the
3 degree to which public-private partnerships or endowments may
4 allow the entity with management responsibility to enhance its
5 ability to manage these lands. The council created in s.
6 259.035 shall recommend rules to the board of trustees, and
7 the board shall adopt rules necessary to carry out the
8 purposes of this section.

9 (2) As used in this section, the following phrases
10 have the following meanings:

11 (a) "Multiple use" means the harmonious and
12 coordinated management of timber, recreation, conservation of
13 fish and wildlife, forage, archaeological and historic sites,
14 habitat and other biological resources, or water resources so
15 that they are utilized in the combination that will best serve
16 the people of the state, making the most judicious use of the
17 land for some or all of these resources and giving
18 consideration to the relative values of the various resources.
19 Where necessary and appropriate for all state-owned lands that
20 are larger than 1,000 acres in project size and are managed
21 for multiple uses, buffers may be formed around any areas that
22 require special protection or have special management needs.
23 Such buffers shall not exceed more than one-half of the total
24 acreage. Multiple uses within a buffer area may be restricted
25 to provide the necessary buffering effect desired. Multiple
26 use in this context includes both uses of land or resources by
27 more than one management entity, which may include private
28 sector land managers. In any case, lands identified as
29 multiple-use lands in the land management plan shall be
30 managed to enhance and conserve the lands and resources for
31 the enjoyment of the people of the state.

1 (b) "Single use" means management for one particular
2 purpose to the exclusion of all other purposes, except that
3 the using entity shall have the option of including in its
4 management program compatible secondary purposes which will
5 not detract from or interfere with the primary management
6 purpose. Such single uses may include, but are not necessarily
7 restricted to, the use of agricultural lands for production of
8 food and livestock, the use of improved sites and grounds for
9 institutional purposes, and the use of lands for parks,
10 preserves, wildlife management, archaeological or historic
11 sites, or wilderness areas where the maintenance of
12 essentially natural conditions is important. All submerged
13 lands shall be considered single-use lands and shall be
14 managed primarily for the maintenance of essentially natural
15 conditions, the propagation of fish and wildlife, and public
16 recreation, including hunting and fishing where deemed
17 appropriate by the managing entity.

18 (c) "Conservation lands" means lands that are
19 currently managed for conservation, outdoor resource-based
20 recreation, or archaeological or historic preservation, except
21 those lands that were acquired solely to facilitate the
22 acquisition of other conservation lands. All lands acquired
23 under the following programs shall qualify as conservation
24 lands unless specifically identified as having no conservation
25 values by the board: the Florida Forever and the Florida
26 Preservation 2000 Program; the Conservation and Recreation
27 Lands Program; the water management lands, including the Save
28 Our Rivers Program; the Environmentally Endangered Lands
29 Program; the Land Acquisition Trust Fund, including such
30 programs under the Fish and Wildlife Conservation Commission
31 and its predecessors and such programs under the Department of

1 Environmental Protection and its predecessors, particularly
2 the Outdoor Recreation and Conservation Program and the Save
3 Our Coast Program; the Division of Forestry's Incidental Trust
4 Fund for state forests; federal land acquisition and grant
5 programs, including, but not limited to, the Land and Water
6 Conservation Fund, the Migratory Bird Conservation Fund, the
7 Pittman-Robertson Federal Aid in Wildlife Restoration Act, the
8 Comprehensive Everglades Restoration Program, and the Wetland
9 Reserve, Conservation Reserve, Conservation Reserve
10 Enhancement, and Comprehensive Conservation Enhancement
11 Programs; other federal, state, and local programs that have
12 been or may be established to acquire lands for conservation,
13 outdoor recreation, or environmental mitigation or restoration
14 purposes; and private or public donations for conservation,
15 outdoor recreation, or environmental mitigation purposes.
16 Lands acquired for uses other than conservation, outdoor
17 resource-based recreation, or archaeological or historic
18 preservation shall not be designated conservation lands except
19 as otherwise authorized under this section. These lands shall
20 include, but not be limited to, the following: correction and
21 detention facilities, military installations and facilities,
22 state office buildings, maintenance yards, state university or
23 state community college campuses, agricultural field stations
24 or offices, tower sites, law enforcement and license
25 facilities, laboratories, hospitals, clinics, and other sites
26 that possess no significant natural or historical resources.
27 However, lands acquired solely to facilitate the acquisition
28 of other conservation lands, and for which the land management
29 plan has not yet been completed or updated, may be evaluated
30 by the Board of Trustees of the Internal Improvement Trust
31

1 Fund on a case-by-case basis to determine if they will be
2 designated conservation lands.

3 (d) "Manager" means a public agency or a private
4 entity that is authorized under a lease, sublease, or other
5 legal instrument to manage lands titled to the Board of
6 Trustees of the Internal Improvement Trust Fund.

7 (3) In recognition that recreational trails purchased
8 with rails-to-trails funds pursuant to s. 259.101(3)(g) or s.
9 259.105(3)(h) have had historic transportation uses and that
10 their linear character may extend many miles, the Legislature
11 intends that when the necessity arises to serve public needs,
12 after balancing the need to protect trail users from
13 collisions with automobiles and a preference for the use of
14 overpasses and underpasses to the greatest extent feasible and
15 practical, transportation uses shall be allowed to cross
16 recreational trails purchased pursuant to s. 259.101(3)(g) or
17 s. 259.105(3)(h). When these crossings are needed, the
18 location and design should consider and mitigate the impact on
19 humans and environmental resources, and the value of the land
20 shall be paid based on fair market value.

21 (4) No management agreement, lease, or other
22 instrument authorizing the use of lands owned by the Board of
23 Trustees of the Internal Improvement Trust Fund shall be
24 executed for a period greater than is necessary to provide for
25 the reasonable use of the land for the existing or planned
26 life cycle or amortization of the improvements, except that an
27 easement in perpetuity may be granted by the Board of Trustees
28 of the Internal Improvement Trust Fund if the improvement is a
29 transportation facility. An entity managing or leasing
30 state-owned lands from the board may not sublease such lands
31 without prior review by the division and, for conservation

1 lands, by the Acquisition and Restoration Council created in
2 s. 259.035. All management agreements, leases, or other
3 instruments authorizing the use of lands owned by the board
4 shall be reviewed for approval by the board or its designee.
5 The council is not required to review subleases of parcels
6 which are less than 160 acres in size.

7 (5) Each manager of ~~entity managing~~ conservation lands
8 shall submit to the Division of State Lands a land management
9 plan at least every 5 years in a form and manner prescribed by
10 rule by the board and in accordance with s. 259.0355.

11 (6) Each manager of nonconservation lands shall submit
12 to the Division of State Lands a land use plan at least every
13 10 years in a form and manner prescribed by rule by the board.
14 The division shall review each plan for compliance with this
15 subsection and the requirements of the rules established by
16 the Board of Trustees of the Internal Improvement Trust Fund
17 pursuant to this section. All ~~management~~ plans, whether for
18 single-use or multiple-use properties, shall include an
19 analysis of the property to determine if any significant
20 natural or cultural resources are located on the property.
21 Such resources include ~~specifically describe how the managing~~
22 ~~entity plans to identify, locate, protect and preserve, or~~
23 ~~otherwise use fragile nonrenewable resources, such as~~
24 archaeological and historic sites, state and federally listed
25 as well as other fragile resources, including endangered plant
26 and animal species, and imperiled natural communities and
27 unique natural features. If such resources occur on the
28 property, the manager shall consult with the Division of State
29 Lands and other appropriate agencies to develop management
30 strategies to protect such resources. Land use plans must also
31 provide for the control of invasive and nonnative plants and

1 the conservation of soil and water resources, including a
2 description of how the manager plans to ~~and for the control~~
3 and prevent ~~prevention of soil erosion and soil or water~~
4 contamination. Land use management plans submitted by a
5 manager must ~~an entity shall~~ include reference to appropriate
6 statutory authority for such use or uses and shall conform to
7 the appropriate policies and guidelines of the state land
8 management plan. ~~All land management~~ Plans for managed areas
9 ~~parcels~~ larger than 1,000 acres shall contain an analysis of
10 the multiple-use potential of the property parcel, which
11 analysis shall include the potential of the property parcel to
12 generate revenues to enhance the management of the property
13 ~~parcel~~. Additionally, the ~~land management~~ plan shall contain
14 an analysis of the potential use of private land managers to
15 facilitate the restoration or management of these lands. In
16 those cases where a newly acquired property has a valid
17 conservation plan that was developed by a soil and water
18 conservation district, the plan shall be used to guide
19 management of the property until a formal land use management
20 plan is completed.

21 (a) The manager ~~Division of State Lands~~ shall make
22 available to the public a copy of each land use management
23 plan that the division has determined to be in compliance with
24 applicable laws and rules of the Board of Trustees of the
25 Internal Improvement Trust Fund for parcels that exceed 160
26 acres in size. Plans for managed areas greater than 160 acres
27 in size which the division has determined to be in compliance
28 shall be made available to the public for a period of 90 days
29 at the manager's administrative offices for the property
30 affected by the land use plan and, if applicable, at the
31 Tallahassee office of the manager. The manager also shall

1 publish a public notice of such plan's availability and the
2 public's rights to comment on it in the Florida Administrative
3 Weekly and in one or more newspapers of general circulation in
4 the county or counties where the property is located. Any plan
5 not objected to during the public comment period shall be
6 deemed approved. Any plan for which an objection is filed
7 which the manager cannot resolve with the objecting party
8 shall be submitted to the division for consideration by board.
9 ~~The council shall review each plan for compliance with the~~
10 ~~requirements of this subsection, the requirements of chapter~~
11 ~~259, and the requirements of the rules established by the~~
12 ~~board pursuant to this section. The council shall also~~
13 ~~consider the propriety of the recommendations of the managing~~
14 ~~entity with regard to the future use of the property, the~~
15 ~~protection of fragile or nonrenewable resources, the potential~~
16 ~~for alternative or multiple uses not recognized by the~~
17 ~~managing entity, and the possibility of disposal of the~~
18 ~~property by the board. After its review, the council shall~~
19 ~~submit the plan, along with its recommendations and comments,~~
20 ~~to the board. The council shall specifically recommend to the~~
21 ~~board whether to approve the plan as submitted, approve the~~
22 ~~plan with modifications, or reject the plan.~~

23 (b) The Board of Trustees of the Internal Improvement
24 Trust Fund shall consider the land use management plan
25 submitted by each manager, the public comments received,
26 ~~entity~~ and the recommendations of ~~the council~~ and the Division
27 of State Lands and shall approve the plan with or without
28 modification or reject such plan. The use or possession of
29 any such lands which ~~that~~ is not in accordance with an
30 approved land use management plan is subject to termination by
31 the board. The board also may evaluate land uses and

1 characteristics of nonconservation lands to determine if all
2 or a portion of such lands should be declared conservation
3 lands. In such cases, the board may direct the Acquisition and
4 Restoration Council to prepare a conservation land management
5 plan, pursuant to s. 259.0355(5), for the property or a
6 portion that is declared to be conservation land.

7 (c) Previously approved land use plans, land
8 management plans, or applicable components of master plans
9 that were prepared for the state's universities, community
10 colleges, juvenile justice or correctional facilities, or
11 other nonconservation lands may be substituted for the
12 required land use plans if the Division of State Lands
13 determines that such plans comply with this subsection and
14 rules of the board adopted under this subsection.

15 (d) The Board of Trustees of the Internal Improvement
16 Trust Fund may adopt rules to define the process for reviewing
17 and approving land use plans, to describe the information
18 needed by the board to ensure that state lands are managed and
19 used appropriately, and to administer this subsection.

20 (7)(6) The Board of Trustees of the Internal
21 Improvement Trust Fund shall determine which lands, the title
22 to which is vested in the board, may be surplused. For
23 conservation lands, the board shall make a determination that
24 the lands are no longer needed for conservation purposes and
25 may dispose of them by an affirmative vote of at least three
26 of its members ~~a two-thirds vote~~. If such lands were acquired
27 using funds from the Florida Preservation 2000 Trust Fund or
28 the Florida Forever Trust Fund, the board also shall comply
29 with the provisions of s. 259.0355(6).In the case of a land
30 exchange involving the disposition of conservation lands, the
31 board must determine by an affirmative vote of at least three

1 of its members ~~a two-thirds vote~~ that the exchange will result
2 in a net positive conservation benefit. Net positive
3 conservation benefit shall not be limited to monetary
4 considerations. When determining if the exchange of lands will
5 result in a net positive conservation benefit to the state,
6 the board must assign value for any increased conservation
7 benefits accruing to the state by the land exchange and must
8 assign value for increased public benefits, including access
9 to the exchanged lands and the use of the exchanged lands for
10 outdoor-based recreational activities. This provision applies
11 to land exchanges being negotiated on the effective date of
12 this act between the state, the Fish and Wildlife Conservation
13 Commission, and the City of Lakeland for the exchange of state
14 lands in the Teneroc Tract. For all other lands, the board
15 shall make a determination that the lands are no longer needed
16 and may dispose of them by majority vote. If the board
17 accepted a parcel of land in order to acquire a larger parent
18 tract of land, the board may sell, transfer, or otherwise
19 dispose of such parcel, notwithstanding the provisions of this
20 section, if such parcel has unacceptable title, environmental,
21 management, or physical conditions that render the parcel
22 unsuitable for the purposes of acquisition, and if the owner
23 of the parent tract was not compensated for the parcel of
24 property at the time of acquisition of the parent tract by the
25 board.

26 ~~(a) For the purposes of this subsection, all lands~~
27 ~~acquired by the state prior to July 1, 1999, using proceeds~~
28 ~~from the Preservation 2000 bonds, the Conservation and~~
29 ~~Recreation Lands Trust Fund, the Water Management Lands Trust~~
30 ~~Fund, Environmentally Endangered Lands Program, and the Save~~
31 ~~Our Coast Program and titled to the board, which lands are~~

1 ~~identified as core parcels or within original project~~
2 ~~boundaries, shall be deemed to have been acquired for~~
3 ~~conservation purposes.~~

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

15 ~~(a)(c)~~ At least every 10 5 years, as a component of
16 each land management plan or land use plan and in a form and
17 manner prescribed by rule by the board, each manager
18 ~~management entity~~ shall evaluate and indicate to the board
19 those lands that ~~the entity manages which~~ are not being used
20 for the purpose for which they were originally leased. Such
21 lands shall be reviewed by the council for its recommendation
22 as to whether such lands should be leased to another entity or
23 disposed of by the board.

24 ~~(b)(d)~~ Lands owned by the board which are not actively
25 managed by any state agency or other entity, or for which a
26 land management plan or land use plan has not been completed
27 pursuant to subsection (5) or subsection (6) shall be reviewed
28 by the council ~~or its successor~~ for its recommendation as to
29 whether such lands should be leased to another entity or
30 disposed of by the board.

31

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

7 ~~(d)(f)~~ In reviewing conservation lands owned by the
8 board, the council shall consider whether such lands have any
9 significant natural, recreational, or historical value that
10 would render them important for retention in public ownership.
11 The council shall recommend to the board whether the board
12 should retain the land for conservation purposes.

13 ~~(e)~~ The Division of State Lands shall review ownership
14 and economic aspects of surplus land proposals to determine if
15 such lands would be more appropriately managed by another
16 state agency, owned or managed by the county or other unit of
17 local government in which the land is located, or leased to
18 another entity. The division council shall recommend to the
19 board whether the board should retain the land in its current
20 use or whether a sale, lease, or other conveyance ~~to a local~~
21 ~~government~~ would be in the best interests of the state and
22 local government. The provisions of this paragraph and
23 paragraph (c) in no way limit the provisions of ss. 253.111
24 and 253.115. Such lands shall be offered to the state, county,
25 or local government for a period of 45 ~~30~~ days. Permittable
26 uses for such surplus lands may include public schools; public
27 libraries; fire or law enforcement substations; and
28 governmental, judicial, or recreational centers. County or
29 local government requests for surplus lands shall be expedited
30 throughout the surplus process. If the county ~~or local~~
31 government does not elect to purchase such lands in accordance

1 with s. 253.111 and this subsection, or if the local
2 government does not elect to purchase such land in accordance
3 with this subsection, then any surplusing determination
4 involving other governmental agencies shall be made upon the
5 board deciding the best public use of the lands. Surplus
6 properties in which governmental agencies have expressed no
7 interest shall then be available for sale on the private
8 market.

9 ~~(f)(g)~~ The sale price of lands found ~~determined~~ to be
10 surplus pursuant to this subsection shall be determined by the
11 division and shall take into consideration an appraisal of the
12 property or, if the estimated value of the land is less than
13 \$100,000, a comparable sales analysis or a broker's opinion of
14 value, and ~~sold for appraised value or the price paid by the~~
15 ~~state or a water management district to originally acquire the~~
16 ~~lands, whichever is greater, except when the board or its~~
17 ~~designee determines a different sale price is in the public~~
18 ~~interest. However, for those lands sold as surplus to any~~
19 ~~unit of government, the price shall not exceed the price paid~~
20 ~~by the state or a water management district to originally~~
21 ~~acquire the lands.~~ A unit of government which acquires title
22 to lands hereunder for less than appraised value may not sell
23 or transfer title to all or any portion of the lands to any
24 private owner for a period of 10 years. Any unit of government
25 seeking to transfer or sell lands pursuant to this paragraph
26 shall first allow the board of trustees to reacquire such
27 lands for the price at which the board ~~they~~ sold such lands.

28 ~~(g)(h)~~ ~~Where a unit of government acquired land by~~
29 ~~gift, donation, grant, quit-claim deed, or other such~~
30 ~~conveyance where no monetary consideration was exchanged, the~~
31 ~~price of land sold as surplus may be based on one appraisal.~~

1 In the event that a single appraisal yields a value equal to
2 or greater than \$1 million, a second appraisal is required.
3 The Division of State Lands ~~individual or entity~~ requesting
4 ~~the surplus~~ shall select and use appraisers it has under
5 contract ~~from the list of approved appraisers maintained by~~
6 ~~the Division of State Lands in accordance with s.~~
7 ~~253.025(6)(b).~~ The individual or entity requesting the surplus
8 is to incur all costs of the appraisals.

9 ~~(h)(i)~~ After reviewing the recommendations of the
10 division and, if appropriate, the council, the board shall
11 determine whether lands identified for surplus are to be held
12 for other public purposes or whether such lands are no longer
13 needed. The board may require a manager ~~an agency~~ to release
14 its interest in such lands. For an agency that has requested
15 the use of a property that was to be declared as surplus, the
16 ~~said~~ agency must have the property under lease within 6 months
17 of the date of expiration of the notice provisions required
18 under this subsection ~~ss. 253.034(6) and 253.111.~~

19 ~~(j)~~ ~~Requests for surplusings may be made by any public~~
20 ~~or private entity or person. All requests shall be submitted~~
21 ~~to the lead managing agency for review and recommendation to~~
22 ~~the council or its successor. Lead managing agencies shall~~
23 ~~have 90 days to review such requests and make recommendations.~~
24 ~~Any surplusings requests that have not been acted upon within~~
25 ~~the 90-day time period shall be immediately scheduled for~~
26 ~~hearing at the next regularly scheduled meeting of the council~~
27 ~~or its successor. Requests for surplusings pursuant to this~~
28 ~~paragraph shall not be required to be offered to local or~~
29 ~~state governments as provided in paragraph (f).~~

30 ~~(i)(k)~~ Proceeds from any sale of surplus conservation
31 lands pursuant to this subsection shall be deposited into the

1 fund from which such lands were acquired. However, if the fund
2 from which the conservation lands were originally acquired no
3 longer exists, such proceeds shall be deposited into an
4 appropriate account of a state agency to be used for land
5 management by the lead managing agency assigned the lands
6 prior to the lands being declared surplus. Funds received from
7 the sale of surplus nonconservation lands, or lands that were
8 acquired by gift, by donation, or for no consideration, shall
9 be deposited into the Internal Improvement Trust Fund.

10 (j)~~(l)~~ Notwithstanding the provisions of this
11 subsection, no such disposition of land shall be made if such
12 disposition would have the effect of causing all or any
13 portion of the interest on any revenue bonds issued to lose
14 the exclusion from gross income for federal income tax
15 purposes.

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

19 (8)(a) The board may deed property to the Department
20 of Agriculture and Consumer Services in order for the
21 department to sell, convey, transfer, exchange, trade, or
22 purchase land on which a forestry facility resides for money
23 or other more suitable property on which to relocate the
24 facility. Any sale or purchase of property by the Department
25 of Agriculture and Consumer Services shall follow the
26 requirements of s. 253.025(6)-(11). Any sale shall be at fair
27 market value, and any trade shall ensure that the state is
28 getting at least an equal value for the property. Except as
29 provided in s. 253.025(6)-(11), the Department of Agriculture
30 and Consumer Services is excluded from following the
31 provisions of this chapter and chapters 259 and 375. This

1 exclusion does not apply to conservation lands as defined in
2 this section.

3 (b) In the case of a sale by the Department of
4 Agriculture and Consumer Services of a forestry facility, the
5 proceeds of the sale shall go into the Department of
6 Agriculture and Consumer Services' Relocation and Construction
7 Trust Fund. The Legislature may, at the request of the
8 department, appropriate such money within the trust fund to
9 the department for purchase of land and construction of a
10 facility to replace the disposed facility. All proceeds, other
11 than land, from any sale, conveyance, exchange, trade, or
12 transfer conducted as provided for in this subsection shall be
13 placed within the department's Relocation and Construction
14 Trust Fund.

15 (c) Additional funds may be added from time to time by
16 the Legislature to further the relocation and construction of
17 forestry facilities. In the instance where an equal trade of
18 land occurs, money from the trust fund may be appropriated for
19 building construction regardless of whether money was received
20 from the trade.

21 (9)(7) This section shall not be construed so as to
22 affect:

23 (a) Other provisions of this chapter relating to oil,
24 gas, or mineral resources.

25 (b) The exclusive use of state-owned land subject to a
26 lease by the Board of Trustees of the Internal Improvement
27 Trust Fund of state-owned land for private uses and purposes.

28 (c) Sovereignty lands not leased for private uses and
29 purposes.

30 ~~(8) Land management plans required to be submitted by~~
31 ~~the Department of Corrections, the Department of Juvenile~~

1 ~~Justice, the Department of Children and Family Services, or~~
2 ~~the Department of Education are not subject to the provisions~~
3 ~~for review by the council or its successor described in~~
4 ~~subsection (5). Management plans filed by these agencies~~
5 ~~shall be made available to the public for a period of 90 days~~
6 ~~at the administrative offices of the parcel or project~~
7 ~~affected by the management plan and at the Tallahassee offices~~
8 ~~of each agency. Any plans not objected to during the public~~
9 ~~comment period shall be deemed approved. Any plans for which~~
10 ~~an objection is filed shall be submitted to the Board of~~
11 ~~Trustees of the Internal Improvement Trust Fund for~~
12 ~~consideration. The Board of Trustees of the Internal~~
13 ~~Improvement Trust Fund shall approve the plan with or without~~
14 ~~modification, or reject the plan. The use or possession of~~
15 ~~any such lands which is not in accordance with an approved~~
16 ~~land management plan is subject to termination by the board.~~

17 ~~(9) The following additional uses of conservation~~
18 ~~lands acquired pursuant to the Florida Forever program and~~
19 ~~other state-funded conservation land purchase programs shall~~
20 ~~be authorized, upon a finding by the board of trustees, if~~
21 ~~they meet the criteria specified in paragraphs (a)-(e): water~~
22 ~~resource development projects, water supply development~~
23 ~~projects, stormwater management projects, linear facilities,~~
24 ~~and sustainable agriculture and forestry. Such additional~~
25 ~~uses are authorized where:~~

26 ~~(a) Not inconsistent with the management plan for such~~
27 ~~lands;~~

28 ~~(b) Compatible with the natural ecosystem and resource~~
29 ~~values of such lands;~~

30
31

1 ~~(c) The proposed use is appropriately located on such~~
2 ~~lands and where due consideration is given to the use of other~~
3 ~~available lands;~~

4 ~~(d) The using entity reasonably compensates the~~
5 ~~titleholder for such use based upon an appropriate measure of~~
6 ~~value; and~~

7 ~~(e) The use is consistent with the public interest.~~

8
9 ~~A decision by the board of trustees pursuant to this section~~
10 ~~shall be given a presumption of correctness. Moneys received~~
11 ~~from the use of state lands pursuant to this section shall be~~
12 ~~returned to the lead managing entity in accordance with the~~
13 ~~provisions of s. 259.032(11)(d).~~

14 ~~(10) Lands listed as projects for acquisition may be~~
15 ~~managed for conservation pursuant to s. 259.032, on an interim~~
16 ~~basis by a private party in anticipation of a state purchase~~
17 ~~in accordance with a contractual arrangement between the~~
18 ~~acquiring agency and the private party that may include~~
19 ~~management service contracts, leases, cost-share arrangements~~
20 ~~or resource conservation agreements. Lands designated as~~
21 ~~eligible under this subsection shall be managed to maintain or~~
22 ~~enhance the resources the state is seeking to protect by~~
23 ~~acquiring the land. Funding for these contractual~~
24 ~~arrangements may originate from the documentary stamp tax~~
25 ~~revenue deposited into the Conservation and Recreation Lands~~
26 ~~Trust Fund and Water Management Lands Trust Fund. No more~~
27 ~~than 5 percent of funds allocated under the trust funds shall~~
28 ~~be expended for this purpose.~~

29 (10)~~(11)~~ Any lands available to governmental
30 employees, including water management district employees, for
31

1 hunting or other recreational purposes shall also be made
2 available to the general public for such purposes.

3 Section 7. Subsection (3) of section 253.111, Florida
4 Statutes, is amended to read:

5 253.111 Notice to board of county commissioners before
6 sale.--The Board of Trustees of the Internal Improvement Trust
7 Fund of the state may not sell any land to which they hold
8 title unless and until they afford an opportunity to the
9 county in which such land is situated to receive such land on
10 the following terms and conditions:

11 (3) If the board receives a certified copy of the
12 resolution from the board of county commissioners, within 45
13 ~~30~~ days after the board of trustees provided its notice ~~is~~
14 ~~given~~ to the board of county commissioners pursuant to
15 subsection (1), ~~the certified copy of the resolution provided~~
16 ~~for in subsection (2)~~, the board shall forthwith convey to the
17 county such land at a price that is ~~equal to its appraised~~
18 ~~market value established by generally accepted professional~~
19 ~~standards for real estate appraisal and subject to s.~~
20 253.034(7) and on such other terms and conditions as the board
21 determines to be appropriate.

22 Section 8. Section 253.42, Florida Statutes, is
23 amended to read:

24 253.42 Board of trustees may exchange lands.--The
25 Board of Trustees of the Internal Improvement Trust Fund of
26 the state may exchange lands held or owned by, or vested in,
27 said board for other lands in the state ~~owned by private~~
28 ~~individuals or corporations~~; and fix the terms and conditions
29 of any such exchange, and select and agree upon the lands to
30 be so conveyed by said board; and the lands to be conveyed to
31 said board in exchange therefor; and agree upon and pay or

1 receive, as the case may in the judgment of said board
2 require, any sum or sums of money deemed necessary by said
3 board for the purpose of equalizing the values of such
4 exchanged property, and make and enter into contracts or
5 agreements for such purpose or purposes.

6 Section 9. Section 253.7823, Florida Statutes, is
7 amended to read:

8 253.7823 Disposition of former barge canal lands
9 ~~surplus lands; compensation of counties located within the~~
10 ~~Cross Florida Canal Navigation District.--~~

11 (1) The department may ~~shall~~ identify parcels of
12 former barge canal lands that ~~which~~ may be sold or exchanged
13 as surplus lands ~~needed to repay the counties of the Cross~~
14 ~~Florida Canal Navigation District any sums due them pursuant~~
15 ~~to s. 253.783(2)(e). In identifying the said surplus lands,~~
16 the department shall give priority ~~consideration to lands~~
17 ~~situated outside the greenways' boundaries, those~~ former barge
18 canal lands not having high recreation or conservation values,
19 and those having the greatest assessed valuations. Although
20 the department shall immediately begin to identify the parcels
21 of ~~surplus~~ lands to be sold or exchanged, the department shall
22 offer the lands for sale in a manner designed to maximize the
23 amounts received over a reasonable period of time.

24 ~~(2) Disbursements of amounts due the counties shall be~~
25 ~~made on a semiannual basis and shall be completed before any~~
26 ~~additional lands or easements may be acquired within the~~
27 ~~boundaries of the greenways.~~

28 ~~(2)(3) In addition to lands identified for sale to~~
29 ~~generate funds for repayment of counties pursuant to s.~~
30 ~~253.783(2)(e),~~ The department may ~~is~~ authorized to sell
31 surplus additional former barge canal lands if they are

1 determined to be unnecessary to the effective provision of the
2 type of recreational opportunities and conservation activities
3 for which the greenways were created.

4 ~~(4) Until repayment to the counties pursuant to s.~~
5 ~~253.783(2)(e) has been completed, any agency wishing to use~~
6 ~~former canal lands must pay the full assessed value of said~~
7 ~~lands.~~

8 Section 10. Subsection (3) of section 259.03, Florida
9 Statutes, is amended to read:

10 259.03 Definitions.--The following terms and phrases
11 when used in this chapter shall have the meanings ascribed to
12 them in this section, except where the context clearly
13 indicates a different meaning:

14 (3) "Capital improvement" or "capital project
15 expenditure" means those activities relating to the
16 acquisition, restoration, public access, and recreational uses
17 of such lands, water areas, and related resources deemed
18 necessary to accomplish the purposes of this chapter. Eligible
19 activities include, but are not limited to: the initial
20 removal of invasive plants; the construction, improvement,
21 enlargement or extension of facilities, signs, firelanes,
22 access roads, and trails; or any other activities that serve
23 to restore, conserve, protect, or provide public access,
24 resource-based recreational opportunities, or necessary
25 services for land or water areas. Funds from the Florida
26 Forever Program, as established under ss. 259.105 and
27 259.1051, may not be used for routine and recurring
28 maintenance activities. ~~Such activities shall be identified~~
29 ~~prior to the acquisition of a parcel or the approval of a~~
30 ~~project. The continued expenditures necessary for a capital~~

1 ~~improvement approved under this subsection shall not be~~
2 ~~eligible for funding provided in this chapter.~~

3 Section 11. Subsections (9) and (10) of section
4 259.032, Florida Statutes, are repealed, present subsections
5 (11) through (16) of that section are redesignated as
6 subsections (9) through (14), respectively, and present
7 subsections (1) and (8) and present subsection (11) of that
8 section are amended, to read:

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

11 (1) It is the policy of the state that the citizens of
12 this state shall be assured public ownership of natural areas
13 for purposes of maintaining this state's unique natural
14 resources; protecting air, land, and water quality; promoting
15 water resource development to meet the needs of natural
16 systems and citizens of this state; promoting restoration
17 activities on public lands; and providing lands for natural
18 resource based recreation. In recognition of this policy, it
19 is the intent of the Legislature to provide such public lands
20 for the people residing in urban and metropolitan areas of the
21 state, as well as those residing in less populated, rural
22 areas. It is the further intent of the Legislature, with
23 regard to the lands described in paragraph(3)(i)~~(3)(c)~~, that
24 a high priority be given to the acquisition of such lands in
25 or near counties exhibiting the greatest concentration of
26 population and, with regard to the lands described in
27 subsection (3), that a high priority be given to acquiring
28 lands or rights or interests in lands within any area
29 designated as an area of critical state concern under s.
30 380.05 which, in the judgment of the advisory council
31 established pursuant to s. 259.035, ~~or its successor~~, cannot

1 be adequately protected by application of land development
2 regulations adopted pursuant to s. 380.05. Finally, it is the
3 Legislature's intent that lands acquired through this program
4 and any successor programs be managed in such a way as to
5 protect or restore their natural resource values, and provide
6 the greatest benefit, including public access, to the citizens
7 of this state.

8 (8) Lands to be considered for purchase under this
9 section are subject to the selection procedures of s. 259.035
10 and related rules and shall be acquired in accordance with
11 acquisition procedures for state lands provided for in s.
12 253.025 ~~s. 259.041~~, except as otherwise provided by the
13 Legislature. ~~An inholding or an addition to a project selected~~
14 ~~for purchase pursuant to this chapter is not subject to the~~
15 ~~selection procedures of s. 259.035 if the estimated value of~~
16 ~~such inholding or addition does not exceed \$500,000. When at~~
17 ~~least 90 percent of the acreage of a project has been~~
18 ~~purchased pursuant to this chapter, the project may be removed~~
19 ~~from the list and the remaining acreage may continue to be~~
20 ~~purchased. Moneys from the fund may be used for title work,~~
21 ~~appraisal fees, environmental audits, and survey costs related~~
22 ~~to acquisition expenses for lands to be acquired, donated, or~~
23 ~~exchanged which qualify under the categories of this section,~~
24 ~~at the discretion of the board. When the Legislature has~~
25 ~~authorized the Department of Environmental Protection to~~
26 ~~condemn a specific parcel of land and such parcel has already~~
27 ~~been approved for acquisition under this section, the land may~~
28 ~~be acquired in accordance with the provisions of chapter 73 or~~
29 ~~chapter 74, and the fund may be used to pay the condemnation~~
30 ~~award and all costs, including a reasonable attorney's fee,~~
31 ~~associated with condemnation.~~

1 ~~(9) All lands managed under this chapter and s.~~
2 ~~253.034 shall be:~~

3 ~~(a) Managed in a manner that will provide the greatest~~
4 ~~combination of benefits to the public and to the resources.~~

5 ~~(b) Managed for public outdoor recreation which is~~
6 ~~compatible with the conservation and protection of public~~
7 ~~lands. Such management may include, but not be limited to, the~~
8 ~~following public recreational uses: fishing, hunting,~~
9 ~~camping, bicycling, hiking, nature study, swimming, boating,~~
10 ~~canoeing, horseback riding, diving, model hobbyist activities,~~
11 ~~birding, sailing, jogging, and other related outdoor~~
12 ~~activities compatible with the purposes for which the lands~~
13 ~~were acquired.~~

14 ~~(c) Managed for the purposes for which the lands were~~
15 ~~acquired, consistent with paragraph (11)(a).~~

16 ~~(d) Concurrent with its adoption of the annual~~
17 ~~Conservation and Recreation Lands list of acquisition projects~~
18 ~~pursuant to s. 259.035, the board of trustees shall adopt a~~
19 ~~management prospectus for each project. The management~~
20 ~~prospectus shall delineate:~~

21 ~~1. The management goals for the property;~~

22 ~~2. The conditions that will affect the intensity of~~
23 ~~management;~~

24 ~~3. An estimate of the revenue-generating potential of~~
25 ~~the property, if appropriate;~~

26 ~~4. A timetable for implementing the various stages of~~
27 ~~management and for providing access to the public, if~~
28 ~~applicable;~~

29 ~~5. A description of potential multiple-use activities~~
30 ~~as described in this section and s. 253.034;~~

31

1 ~~6. Provisions for protecting existing infrastructure~~
2 ~~and for ensuring the security of the project upon acquisition;~~

3 ~~7. The anticipated costs of management and projected~~
4 ~~sources of revenue, including legislative appropriations, to~~
5 ~~fund management needs; and~~

6 ~~8. Recommendations as to how many employees will be~~
7 ~~needed to manage the property, and recommendations as to~~
8 ~~whether local governments, volunteer groups, the former~~
9 ~~landowner, or other interested parties can be involved in the~~
10 ~~management.~~

11 ~~(e) Concurrent with the approval of the acquisition~~
12 ~~contract pursuant to s. 259.041(3)(c) for any interest in~~
13 ~~lands, the board of trustees shall designate an agency or~~
14 ~~agencies to manage such lands and shall evaluate and amend, as~~
15 ~~appropriate, the management policy statement for the project~~
16 ~~as provided by s. 259.035, consistent with the purposes for~~
17 ~~which the lands are acquired. For any fee simple acquisition~~
18 ~~of a parcel which is or will be leased back for agricultural~~
19 ~~purposes, or any acquisition of a less-than-fee interest in~~
20 ~~land that is or will be used for agricultural purposes, the~~
21 ~~Board of Trustees of the Internal Improvement Trust Fund shall~~
22 ~~first consider having a soil and water conservation district,~~
23 ~~created pursuant to chapter 582, manage and monitor such~~
24 ~~interests.~~

25 ~~(f) State agencies designated to manage lands acquired~~
26 ~~under this chapter may contract with local governments and~~
27 ~~soil and water conservation districts to assist in management~~
28 ~~activities, including the responsibility of being the lead~~
29 ~~land manager. Such land management contracts may include a~~
30 ~~provision for the transfer of management funding to the local~~
31 ~~government or soil and water conservation district from the~~

1 ~~Conservation and Recreation Lands Trust Fund in an amount~~
2 ~~adequate for the local government or soil and water~~
3 ~~conservation district to perform its contractual land~~
4 ~~management responsibilities and proportionate to its~~
5 ~~responsibilities, and which otherwise would have been expended~~
6 ~~by the state agency to manage the property.~~

7 ~~(g) Immediately following the acquisition of any~~
8 ~~interest in lands under this chapter, the Department of~~
9 ~~Environmental Protection, acting on behalf of the board of~~
10 ~~trustees, may issue to the lead managing entity an interim~~
11 ~~assignment letter to be effective until the execution of a~~
12 ~~formal lease.~~

13 ~~(10)(a) State, regional, or local governmental~~
14 ~~agencies or private entities designated to manage lands under~~
15 ~~this section shall develop and adopt, with the approval of the~~
16 ~~board of trustees, an individual management plan for each~~
17 ~~project designed to conserve and protect such lands and their~~
18 ~~associated natural resources. Private sector involvement in~~
19 ~~management plan development may be used to expedite the~~
20 ~~planning process.~~

21 ~~(b) Individual management plans required by s.~~
22 ~~253.034(5), for parcels over 160 acres, shall be developed~~
23 ~~with input from an advisory group. Members of this advisory~~
24 ~~group shall include, at a minimum, representatives of the lead~~
25 ~~land managing agency, comanaging entities, local private~~
26 ~~property owners, the appropriate soil and water conservation~~
27 ~~district, a local conservation organization, and a local~~
28 ~~elected official. The advisory group shall conduct at least~~
29 ~~one public hearing within the county in which the parcel or~~
30 ~~project is located. For those parcels or projects that are~~
31 ~~within more than one county, at least one areawide public~~

1 ~~hearing shall be acceptable and the lead managing agency shall~~
2 ~~invite a local elected official from each county. The areawide~~
3 ~~public hearing shall be held in the county in which the core~~
4 ~~parcels are located. Notice of such public hearing shall be~~
5 ~~posted on the parcel or project designated for management,~~
6 ~~advertised in a paper of general circulation, and announced at~~
7 ~~a scheduled meeting of the local governing body before the~~
8 ~~actual public hearing. The management prospectus required~~
9 ~~pursuant to paragraph (9)(d) shall be available to the public~~
10 ~~for a period of 30 days prior to the public hearing.~~

11 ~~(c) Once a plan is adopted, the managing agency or~~
12 ~~entity shall update the plan at least every 5 years in a form~~
13 ~~and manner prescribed by rule of the board of trustees. Such~~
14 ~~updates, for parcels over 160 acres, shall be developed with~~
15 ~~input from an advisory group. Such plans may include transfers~~
16 ~~of leasehold interests to appropriate conservation~~
17 ~~organizations or governmental entities designated by the Land~~
18 ~~Acquisition and Management Advisory Council or its successor,~~
19 ~~for uses consistent with the purposes of the organizations and~~
20 ~~the protection, preservation, conservation, restoration, and~~
21 ~~proper management of the lands and their resources. Volunteer~~
22 ~~management assistance is encouraged, including, but not~~
23 ~~limited to, assistance by youths participating in programs~~
24 ~~sponsored by state or local agencies, by volunteers sponsored~~
25 ~~by environmental or civic organizations, and by individuals~~
26 ~~participating in programs for committed delinquents and~~
27 ~~adults.~~

28 ~~(d) For each project for which lands are acquired~~
29 ~~after July 1, 1995, an individual management plan shall be~~
30 ~~adopted and in place no later than 1 year after the essential~~
31 ~~parcel or parcels identified in the annual Conservation and~~

1 ~~Recreation Lands report prepared pursuant to s. 259.035(2)(a)~~
2 ~~have been acquired. Beginning in fiscal year 1998-1999, the~~
3 ~~Department of Environmental Protection shall distribute only~~
4 ~~75 percent of the acquisition funds to which a budget entity~~
5 ~~or water management district would otherwise be entitled from~~
6 ~~the Preservation 2000 Trust Fund to any budget entity or any~~
7 ~~water management district that has more than one-third of its~~
8 ~~management plans overdue.~~

9 ~~(e) Individual management plans shall conform to the~~
10 ~~appropriate policies and guidelines of the state land~~
11 ~~management plan and shall include, but not be limited to:~~

12 ~~1. A statement of the purpose for which the lands were~~
13 ~~acquired, the projected use or uses as defined in s. 253.034,~~
14 ~~and the statutory authority for such use or uses.~~

15 ~~2. Key management activities necessary to preserve and~~
16 ~~protect natural resources and restore habitat, and for~~
17 ~~controlling the spread of nonnative plants and animals, and~~
18 ~~for prescribed fire and other appropriate resource management~~
19 ~~activities.~~

20 ~~3. A specific description of how the managing agency~~
21 ~~plans to identify, locate, protect, and preserve, or otherwise~~
22 ~~use fragile, nonrenewable natural and cultural resources.~~

23 ~~4. A priority schedule for conducting management~~
24 ~~activities, based on the purposes for which the lands were~~
25 ~~acquired.~~

26 ~~5. A cost estimate for conducting priority management~~
27 ~~activities, to include recommendations for cost-effective~~
28 ~~methods of accomplishing those activities.~~

29 ~~6. A cost estimate for conducting other management~~
30 ~~activities which would enhance the natural resource value or~~
31 ~~public recreation value for which the lands were acquired. The~~

1 ~~cost estimate shall include recommendations for cost-effective~~
2 ~~methods of accomplishing those activities.~~

3 ~~7. A determination of the public uses and public~~
4 ~~access that would be consistent with the purposes for which~~
5 ~~the lands were acquired.~~

6 ~~(f) The Division of State Lands shall submit a copy of~~
7 ~~each individual management plan for parcels which exceed 160~~
8 ~~acres in size to each member of the Land Acquisition and~~
9 ~~Management Advisory Council or its successor, which shall:~~

10 ~~1. Within 60 days after receiving a plan from the~~
11 ~~division, review each plan for compliance with the~~
12 ~~requirements of this subsection and with the requirements of~~
13 ~~the rules established by the board pursuant to this~~
14 ~~subsection.~~

15 ~~2. Consider the propriety of the recommendations of~~
16 ~~the managing agency with regard to the future use or~~
17 ~~protection of the property.~~

18 ~~3. After its review, submit the plan, along with its~~
19 ~~recommendations and comments, to the board of trustees, with~~
20 ~~recommendations as to whether to approve the plan as~~
21 ~~submitted, approve the plan with modifications, or reject the~~
22 ~~plan.~~

23 ~~(g) The board of trustees shall consider the~~
24 ~~individual management plan submitted by each state agency and~~
25 ~~the recommendations of the Land Acquisition and Management~~
26 ~~Advisory Council, or its successor, and the Division of State~~
27 ~~Lands and shall approve the plan with or without modification~~
28 ~~or reject such plan. The use or possession of any lands owned~~
29 ~~by the board of trustees which is not in accordance with an~~
30 ~~approved individual management plan is subject to termination~~
31 ~~by the board of trustees.~~

1
2 ~~By July 1 of each year, each governmental agency and each~~
3 ~~private entity designated to manage lands shall report to the~~
4 ~~Secretary of Environmental Protection on the progress of~~
5 ~~funding, staffing, and resource management of every project~~
6 ~~for which the agency or entity is responsible.~~

7 (9)~~(11)~~(a) The Legislature recognizes that acquiring
8 lands pursuant to this chapter serves the public interest by
9 protecting land, air, and water resources that ~~which~~
10 contribute to the public health and welfare, providing areas
11 for natural resource based recreation, and ensuring the
12 survival of unique and irreplaceable plant and animal species.
13 The Legislature intends for these lands to be managed and
14 maintained for the purposes for which they were acquired and
15 for the public to have access to and use of these lands where
16 it is consistent with acquisition purposes and would not harm
17 the resources the state is seeking to protect on the public's
18 behalf.

19 (b) An amount up to 1.5 percent of the cumulative
20 total of funds ever deposited into the Florida Preservation
21 2000 Trust Fund and the Florida Forever Trust Fund shall be
22 made available for the purposes of management, maintenance,
23 and capital improvements ~~not eligible for funding pursuant to~~
24 ~~s. 11(e), Art. VII of the State Constitution, and for~~
25 associated contractual services, for lands acquired pursuant
26 to this section, s. 259.101, s. 259.105, or previous programs
27 for the acquisition of lands for conservation and recreation,
28 including state forests, to which title is vested in the board
29 of trustees and other conservation and recreation lands
30 managed by a state agency. Of this amount, \$250,000 shall be
31 transferred annually to the Plant Industry Trust Fund within

1 the Department of Agriculture and Consumer Services for the
2 purpose of implementing the Endangered or Threatened Native
3 Flora Conservation Grants Program pursuant to s. 581.185(11).
4 Each agency with management responsibilities shall annually
5 request from the Legislature funds sufficient to fulfill such
6 responsibilities. For the purposes of this paragraph, capital
7 improvements shall include, but need not be limited to,
8 perimeter fencing, signs, firelanes, access roads and trails,
9 and minimal public accommodations, such as primitive
10 campsites, garbage receptacles, and toilets. Any equipment
11 purchased with funds provided pursuant to this paragraph may
12 be used for the purposes described in this paragraph on any
13 conservation and recreation lands managed by a state agency.

14 (c) In requesting funds provided for in paragraph (b)
15 for long-term management of all acquisitions pursuant to this
16 chapter and for associated contractual services, the managing
17 agencies shall recognize the following categories of land
18 management needs:

19 1. Lands that ~~which~~ are low-need tracts, requiring
20 basic resource management and protection, such as state
21 reserves, state preserves, state forests, and wildlife
22 management areas. These lands generally are open to the
23 public but have no more than minimum facilities development.

24 2. Lands that ~~which~~ are moderate-need tracts,
25 requiring more than basic resource management and protection,
26 such as state parks and state recreation areas. These lands
27 generally have extra restoration or protection needs, higher
28 concentrations of public use, or more highly developed
29 facilities.

30 3. Lands that ~~which~~ are high-need tracts, with
31 identified needs requiring unique site-specific resource

1 management and protection. These lands generally are sites
2 with historic significance, unique natural features, or very
3 high intensity public use, or sites that require extra funds
4 to stabilize or protect resources, such as lands with heavy
5 infestations of nonnative, invasive plants.

6
7 In evaluating the management funding needs of lands based on
8 the above categories, the lead land managing agencies shall
9 include in their considerations the impacts of, and needs
10 created or addressed by, multiple-use management strategies.

11 (d) All revenues generated through multiple-use
12 management or compatible secondary-use management shall be
13 returned to the lead manager ~~agency~~ responsible for such
14 management and shall be used to pay for management activities
15 on all conservation, preservation, and recreation lands under
16 the lead manager's ~~agency's~~ jurisdiction. In addition, such
17 revenues shall be segregated in an agency trust fund and shall
18 remain available to the agency in subsequent fiscal years to
19 support land management appropriations. For the purposes of
20 this paragraph, compatible secondary-use management shall be
21 those activities described in ss. 253.034 and 259.0355 which
22 are ~~subsection (9)~~ undertaken on parcels designated as single
23 use pursuant to s. 253.034(2)(b).

24 (e) From ~~Up to one-fifth of~~ the funds provided for in
25 paragraph (b), up to \$4,500,000 shall be reserved by the board
26 of trustees for interim management of acquisitions and for
27 associated contractual services, to ensure the conservation
28 and protection of natural resources on project sites and to
29 allow limited public recreational use of lands. Interim
30 management activities may include, but not be limited to,
31 resource assessments, control of invasive, nonnative species,

1 habitat restoration, fencing, law enforcement, controlled
2 burning, and public access consistent with preliminary
3 determinations made pursuant to s. 259.0355(4)(a) ~~paragraph~~
4 ~~(9)(g)~~. The board of trustees shall make these interim funds
5 available immediately upon purchase.

6 (f) The department shall set long-range and annual
7 goals for the control and removal of nonnative, invasive plant
8 species on public lands. Such goals shall differentiate
9 between aquatic plant species and upland plant species. In
10 setting such goals, the department may rank, in order of
11 adverse impact, species that impede or destroy the functioning
12 of natural systems. Notwithstanding paragraph (a), up to
13 one-fourth of the funds provided for in paragraph (b) may be
14 used by the agencies receiving those funds for control and
15 removal of nonnative, invasive species on public lands.

16 Section 12. Subsections (3), (4), (5), and (6) of
17 section 259.035, Florida Statutes, are amended to read:

18 259.035 Acquisition and Restoration Council.--

19 (3) The council shall provide assistance to the board
20 of trustees in reviewing the recommendations and plans for
21 state-owned conservation lands required under ss. 253.034, and
22 259.032, and 259.0355. The council shall, in reviewing such
23 recommendations and plans, consider the provisions of s.
24 259.0355 optimization of multiple-use and conservation
25 strategies to accomplish the provisions funded pursuant to ss.
26 259.101(3)(a) and 259.105(3)(b).

27 (a) The Division of State Lands shall submit a copy of
28 each management plan for properties that exceed 160 acres in
29 size to each member of the Acquisition and Restoration
30 Council, who shall:
31

1 1. Within 60 days after receiving a plan from the
2 division, review each plan for compliance with the
3 requirements of this section, s. 259.0355, and rules
4 established by the board pursuant to those sections.

5 2. Consider the propriety of the recommendations of
6 the manager, the management review team provided for in
7 259.036, and the advisory group provided for in s. 259.0355(5)
8 regarding the future use or protection of the property.

9 3. Consider the protection of fragile or nonrenewable
10 resources, the potential for alternative or multiple uses and
11 conservation strategies not recognized by the manager, and the
12 possibility of disposal of the property by the board.

13 4. After its review, submit the plan, along with its
14 recommendations and comments, to the board, with
15 recommendations as to whether to approve the plan as
16 submitted, approve the plan with modifications, or reject the
17 plan.

18 (b) The council shall consider the management plan
19 submitted by a manager and the recommendations of the Division
20 of State Lands, and shall recommend that the board approve the
21 plan with or without modification, or reject such plan. The
22 use or possession of any lands owned by the board which are
23 not managed in accordance with an approved management plan is
24 subject to termination by the board.

25 (c) The council may use existing rules adopted by the
26 board until it develops and recommends amendments to those
27 rules. Such rules must describe the process for developing
28 recommendations for the board on issues relating to the
29 disposal or management of lands or water areas, and the
30 process of reviewing and recommending for approval or
31

1 rejection the land management plans associated with publicly
2 owned properties.

3 (4) The council shall develop a list of projects that
4 qualify for funding under the Florida Forever Program pursuant
5 to s. 259.105(3)(b). As successor to the Land Acquisition and
6 Management Advisory Council, the council shall develop a list
7 of projects that qualify for funding under the Conservation
8 and Recreation Lands Program pursuant to s. 259.032(3) or
9 funding under the Florida Preservation 2000 Program pursuant
10 to s. 259.101(4)(a). The list of projects qualifying for
11 funding shall be reported to the board pursuant to subsection
12 (6).The council may recommend use existing rules to be
13 adopted by the board of trustees, until it develops and
14 recommends amendments to those rules, to competitively
15 evaluate, select, and rank projects eligible for such funding
16 the Conservation and Recreation Lands list pursuant to ss.
17 259.032(3) and 259.101(4) and, beginning no later than May 1,
18 2001, for Florida Forever funds pursuant to s. 259.105(3)(b).
19 In developing or amending the rules, the council shall give
20 weight to the criteria included in subsection (6)s.
21 259.105(10). The board of trustees shall review the
22 recommendations and shall adopt rules necessary to administer
23 this section.

24 (5) The council shall develop a project list that
25 represents those projects submitted pursuant to subsection
26 (6).An affirmative vote of five members of the council is
27 required in order to change a project boundary or to place a
28 proposed project on a list developed pursuant to subsections
29 subsection (4) and (6). Any member of the council who by
30 family or a business relationship has a connection with all or
31

1 a portion of any proposed project shall declare the interest
2 before voting on its inclusion on a list.

3 (6) The proposal for a project pursuant to this
4 section, s. 259.032(3), s. 259.101(4)(a), or s. 259.105(3)(b)
5 may be implemented only if adopted by the council and approved
6 by the board of trustees. The council shall consider and
7 evaluate in writing the merits and demerits of each project
8 that is proposed for Conservation and Recreation Lands,
9 Florida Preservation 2000, or Florida Forever funding and
10 shall ensure that each proposed project will meet a stated
11 public purpose for the restoration, conservation, or
12 preservation of environmentally sensitive lands and water
13 areas or for providing outdoor recreational opportunities.

14 (a) The council shall accept applications from state
15 agencies, local governments, nonprofit and for-profit
16 organizations, private land trusts, and individuals for
17 project proposals. The council shall evaluate the proposals
18 received pursuant to this subsection to ensure that a proposal
19 meets at least one of the criteria under paragraph (c).

20 (b) A project application must contain, at a minimum:

21 1. A description of how the proposal contributes to
22 the overall goals and performance measures of the Florida
23 Forever Program as provided in s. 259.105(4).

24 2. For land acquisition proposals, proof that the
25 property owners within any proposed acquisition have been
26 notified of their inclusion in the proposed project. Any
27 property owner may request the removal of such property from
28 further consideration by submitting a request to the project
29 sponsor or to the Acquisition and Restoration Council by
30 certified mail. Upon receiving this request, the council shall
31 delete the property from the proposed project. However, the

1 board of trustees, by an affirmative vote of at least three of
2 its members, may add the property back on to the project list
3 if it determines that such property is critical to achieve the
4 purposes of the project.

5 3. For fee simple acquisition proposals, a description
6 of the proposed recreational activities and other public uses
7 that can be accommodated. For less-than-fee acquisition
8 proposals, a description of activities or property rights to
9 be acquired by the state and those proposed to be retained by
10 the property owner. For capital improvement proposals, a
11 description of the proposed facilities or restoration
12 activities that would be developed or accomplished, the
13 impacts of such facilities or activities, and the impacts of
14 such facilities or activities on proposed recreational
15 activities and other public uses.

16 4. For land acquisition proposals, a description of
17 known threats or development plans that could harm or diminish
18 the values of the proposal, including the local government's
19 current designation on its land use and comprehensive plans.
20 For capital improvement proposals, an evaluation of the
21 expected longevity of the facility or activity, an estimate of
22 the recurring maintenance and upkeep costs for such capital
23 improvements, and an identification of anticipated revenue
24 sources for recurring maintenance and upkeep.

25 5. For capital improvement proposals, copies of the
26 county property appraiser's tax valuation cards and plat maps
27 of the proposed boundaries for each proposal. For capital
28 improvement proposals, an estimate of the cost of such capital
29 improvements, including design, construction, and related
30 costs for development of facilities or restoration activities.

31

1 6. Other information as required by rules of the board
2 adopted pursuant to this section.

3 (c) The council shall select from the pool of
4 applications received those that it will evaluate further.
5 Each proposed project selected for further evaluation shall be
6 examined to determine the degree to which the project:

7 1. Meets multiple goals of the Florida Forever Program
8 as provided in s. 259.105(4). Each project shall be evaluated
9 for its contribution to each of the numeric performance
10 measures provided in said section.

11 2. Is part of an ongoing governmental effort to
12 restore, protect, or develop land areas or water resources.

13 3. Enhances or facilitates management of properties
14 already under public ownership.

15 4. Has significant archaeological or historic value.

16 5. Has anticipated funding sources identified for
17 recurring operation, maintenance, and management of the
18 project.

19 6. Contributes to the solution of water resource
20 problems on a regional basis.

21 7. Has a significant portion of its land area in
22 imminent danger of development, in imminent danger of losing
23 its significant natural attributes or recreational open space,
24 or in imminent danger of subdivision, which would result in
25 multiple ownerships and make acquisition of the project more
26 costly or less likely to be accomplished.

27 8. Implements an element from a plan developed under
28 the watershed or ecosystem management initiative of the
29 Department of Environmental Protection.

30 9. Is one of the components of the Everglades
31 restoration effort.

1 10. May be purchased at 80 percent or less of
2 appraised value.

3 11. May be acquired, in whole or in part, using
4 alternatives to fee simple acquisition, including, but not
5 limited to, purchase of development rights, hunting rights,
6 agricultural or silvicultural rights, or mineral rights or
7 obtaining conservation easements or flowage easements, if such
8 rights or easements will adequately protect the resources
9 under consideration.

10 12. Is a cooperative acquisition among public
11 agencies, nonprofit organizations, private entities, or a
12 public-private partnership.

13 (d) Each proposal for fee simple land acquisition must
14 also include a management prospectus that delineates:

15 1. The management goals for the property;

16 2. The conditions that will affect the intensity of
17 management;

18 3. An estimate of the revenue-generating potential of
19 the property, if appropriate;

20 4. A timetable for implementing the various stages of
21 management and for providing access to the public, if
22 applicable;

23 5. A description of potential multiple-use activities
24 as described in ss. 253.034 and 259.0355;

25 6. Provisions for protecting existing infrastructure
26 and for ensuring the security of the project upon acquisition;

27 7. The anticipated costs of management and projected
28 sources of revenue, including legislative appropriations, to
29 fund management needs; and

30 8. Recommendations as to how many employees will be
31 needed to manage the property, and recommendations as to

1 whether local governments, volunteer groups, the former
2 landowner, or other interested parties can be involved in the
3 management.

4 (e) The council also shall determine whether the
5 project conforms, where applicable, with the comprehensive
6 plan developed pursuant to s. 259.04(1)(a), the comprehensive
7 multipurpose outdoor recreation plan developed pursuant to s.
8 375.021, the state lands management plan adopted pursuant to
9 s. 253.03(7), the water resources work plans developed
10 pursuant to s. 373.199, and the provisions of s. 259.032, s.
11 259.101, or s. 259.105, whichever is applicable.

12 (f) The council shall give increased priority to those
13 projects for which matching funds are available, and to
14 project elements previously identified on an acquisition list
15 pursuant to this section which can be acquired at 80 percent
16 or less of appraised value.

17 (g) Each year the bonds are to be issued pursuant to
18 s. 259.105, the council shall review the most current approved
19 project list and shall, by the first board meeting in
20 February, present to the board for approval a listing of
21 projects developed pursuant to this section. The council shall
22 submit to the board, with its list of projects, a report that
23 includes, but shall not be limited to, the following
24 information for each project listed:

- 25 1. The stated purpose for inclusion.
- 26 2. Project costs to achieve the project goals.
- 27 3. An interim management budget.
- 28 4. Specific performance measures.
- 29 5. Plans for public access.

30
31

1 6. An identification of the essential parcel or
2 parcels within the project without which the project cannot be
3 properly managed.

4 7. Where applicable, an identification of those
5 projects or parcels within projects which should be acquired
6 in fee simple or in less than fee simple title.

7 8. An identification of those lands being purchased
8 for conservation purposes.

9 9. The recommended management policy statement that
10 identifies the purposes for which the lands are being
11 acquired, and the recommended management prospectus that was
12 developed pursuant to paragraph (d).

13 10. An estimate of the land value, based on the county
14 tax assessed value.

15 11. A map delineating project boundaries.

16 12. An assessment of the project's ecological value,
17 outdoor recreational value, forest resources, wildlife
18 resources, ownership, use, and location.

19 13. A discussion of whether alternative uses are
20 proposed for the property and what those uses are.

21 14. The recommended manager or managers.

22 (h) The board may remove projects from the list
23 developed pursuant to this section, but may not add projects
24 or rearrange project rankings.

25 (i) The council may submit interim or supplemental
26 reports to the board to amend the list of projects. Such
27 interim or supplemental reports shall include, at a minimum,
28 the information required under paragraph (g) for each new
29 project added to the list.

30 Section 13. Section 259.0355, Florida Statutes, is
31 created to read:

1 259.0355 Management of conservation of lands.--
2 (1) All conservation lands, as defined in s.
3 253.034(2), shall be:
4 (a) Managed in a manner that will provide the greatest
5 combination of benefits to the public and to the resources;
6 (b) Managed for public outdoor resource-based
7 recreation that is compatible with the conservation and
8 protection of public lands. Such management may include, but
9 need not be limited to, fishing, hunting, camping, bicycling,
10 hiking, nature study, swimming, boating, canoeing, horseback
11 riding, diving, model hobbyist activities, birding, sailing,
12 jogging, and other related outdoor activities when such
13 activities are compatible with the purposes for which the
14 lands were acquired;
15 (c) Managed for the purposes for which the lands were
16 acquired, consistent with s. 259.032(9)(a); and
17 (d) In such cases where an approved management
18 prospectus exists, managed in accordance with the management
19 prospectus developed pursuant to s. 259.035(6).
20 (2) The following additional uses of conservation
21 lands acquired pursuant to the Florida Forever Program and
22 other state-funded conservation land purchase programs shall
23 be authorized, upon a finding by the Board of Trustees of the
24 Internal Improvement Trust Fund, if such uses meet the
25 criteria specified in paragraphs (a)-(e): water resource
26 development projects, water supply development projects,
27 stormwater management projects, linear facilities, and
28 sustainable agriculture and forestry. Such additional uses are
29 authorized if:
30 (a) The proposed use is not inconsistent with the
31 management plan for such lands;

1 (b) The proposed use is compatible with the natural
2 ecosystem and resource values of such lands;

3 (c) The proposed use is appropriately located on such
4 lands and due consideration is given to the use of other
5 available lands;

6 (d) The using entity reasonably compensates the
7 titleholder for such use, based upon an appropriate measure of
8 value; and

9 (e) The proposed use is consistent with the public
10 interest.

11
12 A decision by the board pursuant to this subsection shall be
13 presumed to be correct. Moneys received from the use of state
14 lands pursuant to this subsection shall be returned to the
15 land manager in accordance with s. 259.032(9)(d).

16 (3) The board and state agencies designated by the
17 board to manage conservation lands may contract with local
18 governments, soil and water conservation districts, and other
19 entities to assist in management activities, including the
20 responsibility of being the lead land manager. Such land
21 management contracts may include a provision to pay the local
22 government, soil and water conservation district, or other
23 entity an amount not to exceed that which otherwise would have
24 been allocated to a state agency to manage the property.

25 (4)(a) Immediately following the acquisition of any
26 interest in lands under this chapter, the Department of
27 Environmental Protection, acting on behalf of the board, may
28 issue to the lead manager an interim assignment letter to be
29 effective until the execution of a formal lease. Managers that
30 receive an interim assignment letter shall qualify for interim
31 management funding as provided in s. 259.032(9)(e).

1 (b) Lands listed as projects for acquisition may be
2 managed for conservation pursuant to this section on an
3 interim basis by a private party in anticipation of a state
4 purchase in accordance with a contractual arrangement between
5 the acquiring agency and the private party. Such contractual
6 arrangement may include management service contracts, leases,
7 cost-share arrangements, or resource conservation agreements.
8 Lands designated as eligible under this subsection shall be
9 managed to maintain or enhance the resources that the state is
10 seeking to protect by acquiring the land.

11 (5)(a) Managers of conservation lands, as defined in
12 s. 253.034(2), shall develop and adopt, with the approval of
13 the board, a management plan for each management area. Each
14 plan must include provisions designed to conserve and protect
15 such lands and the associated natural resources. Private
16 sector involvement in management plan development may be used
17 to expedite the planning process.

18 (b) Management plans for management areas more than
19 160 acres in size shall be developed with public input. The
20 manager shall conduct at least one public hearing within the
21 county in which the management area is located. For those
22 management areas that are within more than one county, at
23 least one area-wide public hearing is acceptable. The
24 area-wide public hearing shall be held in the county in which
25 the majority of the management area is located. Notice of the
26 public hearing shall be posted on the management area,
27 advertised in a paper of general circulation in the county or
28 counties where the management area is located, and announced
29 at a scheduled meeting of each affected local governing body
30 before the actual public hearing. Managers shall also
31 officially notify, at a minimum, cooperating public and

1 private land managers, soil and water conservation districts
2 having jurisdiction, and local conservation organizations. The
3 management prospectus required pursuant to s. 259.035(6)(d),
4 or, if no prospectus exists, the current or proposed
5 management plan, shall be available to the public for 14 days
6 prior to the public hearing.

7 (c) Once a plan is adopted pursuant to s. 259.035, the
8 manager shall update the plan at least every 10 years pursuant
9 to this section and rules of the board. The manager also shall
10 update a plan whenever the manager proposes to add new
11 facilities or to make substantive land use or management
12 changes and within 1 year after the addition of significant
13 new lands. For management areas larger than 160 acres where
14 the manager proposes to add new facilities or to make
15 substantive land use or management changes, or where
16 significant lands have been added, such updates shall be
17 developed with public input pursuant to paragraph (b). If new
18 facilities or substantive land use or management changes are
19 not proposed, a public hearing is not required and the manager
20 may submit an updated priority schedule and cost estimates for
21 conducting management activities in lieu of an updated
22 management plan.

23 (d) If recommended by the Acquisition and Restoration
24 Council, management plans may include transfers of leasehold
25 interests to appropriate conservation organizations or
26 governmental entities recommended by the Acquisition and
27 Restoration Council for uses consistent with the purposes of
28 the organizations and the protection, preservation,
29 conservation, restoration, and proper management of the lands
30 and their resources. Volunteer management assistance is
31 encouraged and includes, but need not be limited to,

1 assistance by youths participating in programs sponsored by
2 state or local agencies, by volunteers sponsored by
3 environmental or civic organizations, and by individuals
4 participating in programs for committed delinquents and
5 adults.

6 (e) A management plan shall be adopted and in place no
7 later than 1 year after the Division of State Lands issues a
8 lease to the manager. The Department of Environmental
9 Protection shall distribute only 75 percent of the acquisition
10 funds to which a budget entity or water management district
11 would otherwise be entitled from the Preservation 2000 Trust
12 Fund or the Florida Forever Trust Fund to any budget entity or
13 any water management district that has more than one-third of
14 its management plans overdue.

15 (f) Management plans must conform to the appropriate
16 policies and guidelines of the state land management plan and
17 must include, but need not be limited to:

18 1. A statement of the purpose for which the lands were
19 acquired, the projected use or uses as defined in ss. 253.034
20 and 259.032(4), and the statutory authority for such use or
21 uses.

22 2. Key management activities necessary to preserve and
23 protect natural resources, to restore habitat, to control the
24 spread of invasive nonnative plants and animals, to conserve
25 soil and water resources, to control and prevent soil erosion
26 and soil or water contamination, to maintain fire-adapted
27 systems and reduce the potential for catastrophic wildfires,
28 and other appropriate resource management activities.

29 3. A specific description of how the manager plans to
30 identify, locate, protect, and preserve, or otherwise use
31 fragile, nonrenewable natural and cultural resources.

1 4. A priority schedule for conducting management
2 activities based on the purposes for which the lands were
3 acquired.

4 5. A cost estimate for conducting priority management
5 activities, including recommendations for cost-effective
6 methods of accomplishing those activities.

7 6. A cost estimate for conducting other management
8 activities that would enhance the natural resource value or
9 public recreation value for which the lands were acquired. The
10 cost estimate must include recommendations for cost-effective
11 methods of accomplishing those activities.

12 7. A determination of the public uses and public
13 access that would be consistent with the purposes for which
14 the lands were acquired.

15 8. For all land management plans for management areas
16 larger than 1,000 acres, an analysis of the multiple-use
17 potential of the property, including the potential of the
18 property to generate revenues to enhance the management of the
19 property.

20 9. An analysis of the potential use of private land
21 managers to facilitate the restoration or management of these
22 lands.

23 10. An analysis of lands that are not being actively
24 managed for conservation or recreational purposes, or not
25 being restored to a natural condition, to determine if such
26 lands are surplus to the needs of the management unit.

27 11. An assessment of air and water resources that are
28 influenced by activities that occur outside the physical
29 boundaries of the managed lands, including changes in water
30 quality or quantity.

31

1 (g) The Division of State Lands shall submit a copy of
2 each management plan for management areas that exceed 160
3 acres in size to each member of the Acquisition and
4 Restoration Council, which shall act on such plan in
5 accordance with the provisions of s. 259.035(3).

6 (h) If a newly acquired property has a valid
7 conservation plan that was developed by a soil and water
8 conservation district, such plan shall be used to guide
9 management of the property until a formal land management plan
10 is completed.

11 (6)(a) Conservation lands, as defined in s.
12 253.034(2), may be disposed of only if pursuant to the
13 requirements of this subsection. For lands titled to the Board
14 of Trustees of the Internal Improvement Trust Fund, the
15 provisions and procedures set forth in s. 253.034(7) must be
16 met. For lands titled to a water management district, the
17 provisions and procedures set forth in ss. 373.056 and 373.089
18 must be met. For lands titled to a local government under the
19 Florida Communities Trust Program, the Board of Trustees of
20 the Internal Improvement Trust Fund shall determine if such
21 lands are a benefit to the state and should be conveyed to the
22 board, or if such lands should be disposed of by the local
23 government. If the board decides to accept such lands, the
24 board shall file a document in the public records indicating
25 that it has agreed to accept the transfer of title to such
26 lands and may dispose of such lands in accordance with the
27 procedures set forth in s. 253.034(7). If the board decides
28 the local government should dispose of such lands, the local
29 government shall reimburse the state the amount of the grant
30 award for acquiring the property. All dispositions also must
31 satisfy the requirements of paragraphs (b) and (c).

1 (b) An affirmative vote of at least two-thirds of the
2 governing board members of the entity holding title is
3 necessary to determine that the property is no longer needed
4 for conservation purposes. Any lands eligible to be disposed
5 of under this procedure also may be used to acquire other
6 lands through an exchange of lands, if the lands obtained in
7 an exchange provide a net positive conservation benefit.

8 (c) Notwithstanding paragraphs (a) and (b), no such
9 disposition of land shall be made if such disposition would
10 have the effect of causing all or any portion of the interest
11 on any revenue bonds issued by the state to lose their
12 exclusion from gross income for purposes of federal income
13 taxation. Any revenue derived from the disposal of such lands
14 may not be used for any purpose, except for deposit into the
15 bond fund account that was used to originally acquire such
16 lands, where applicable, for credit to the share in which such
17 disposed lands are acquired.

18 (7)(a) Conservation lands, as defined in s.
19 253.034(2), may be used for alternate purposes if such use, on
20 a case-by-case basis, is determined to be compatible with the
21 resource values of and management objectives for such lands.
22 The Board of Trustees of the Internal Improvement Trust Fund
23 shall make such determination for lands titled in the name of
24 the board. The owning water management district shall make
25 such determination for lands titled in the name of the
26 district. The board of the Florida Communities Trust shall
27 make such determination for lands acquired under the trust.
28 When such determination has been made, the appropriate board
29 may authorize the granting of a lease, easement, or license
30 for the alternate use of conservation lands for any
31 governmental use permitted by s. 17, Art. IX of the State

1 Constitution of 1885, as adopted by s. 9(a), Art. XII of the
2 State Constitution, or by s. 11, Art. VII of the State
3 Constitution, whichever is applicable, and any other
4 incidental public or private use.

5 (b) Any existing lease, easement, or license acquired
6 for incidental public or private use on, under, or across any
7 conservation lands shall be presumed not to be incompatible
8 with the purposes for which such lands were acquired.

9 (c) Notwithstanding paragraph (a), a governing board
10 may not enter into a lease, easement, or license if the
11 granting of such lease, easement, or license would adversely
12 affect the exclusion of the interest on any revenue bonds
13 issued to fund the acquisition of the affected lands from
14 gross income for federal income tax purposes, pursuant to the
15 Internal Revenue Code.

16 Section 14. Subsections (1) and (2) of section
17 259.036, Florida Statutes, are amended to read:

18 259.036 Management review teams.--

19 (1) To determine whether conservation, preservation,
20 and recreation lands titled in the name of the Board of
21 Trustees of the Internal Improvement Trust Fund are being
22 managed for the purposes for which they were acquired and in
23 accordance with a land management plan adopted pursuant to s.
24 259.032, the board of trustees, acting through the Department
25 of Environmental Protection, shall cause periodic management
26 reviews to be conducted as follows:

27 (a) The department shall establish a regional land
28 management review team composed of the following members:

29 1. One individual who is from the county or local
30 community in which the parcel or project is located and who is
31

1 selected by the county commission in the county which is most
2 impacted by the acquisition.

3 2. One individual from the Division of Recreation and
4 Parks of the department.

5 3. One individual from the Division of Forestry of the
6 Department of Agriculture and Consumer Services.

7 4. One individual from the Fish and Wildlife
8 Conservation Commission.

9 5. One individual from the department's district
10 office in which the parcel is located.

11 6. A private land manager mutually agreeable to the
12 state agency representatives.

13 7. A member of the local soil and water conservation
14 district board of supervisors.

15 8. A member of a conservation organization.

16 9. One individual from the water management district.

17 (b) The staff of the Division of State Lands shall act
18 as the review team coordinator for the purposes of
19 establishing schedules for the reviews and other staff
20 functions. The Legislature shall appropriate funds necessary
21 to implement land management review team functions.

22 (2) The land management review team shall review
23 select management areas ~~parcels of managed land~~ prior to the
24 date the manager ~~managing agency~~ is required to submit its
25 10-year ~~5-year~~ land management plan update. A copy of the
26 review shall be provided to the manager ~~managing agency~~, the
27 Division of State Lands, and the ~~Land~~ Acquisition and
28 Restoration Management Advisory Council ~~or its successor~~. The
29 manager ~~managing agency~~ shall consider the findings and
30 recommendations of the land management review team in
31

1 finalizing the required 10-year ~~5-year~~ update of its
2 management plan.

3 Section 15. Subsection (4) of section 259.037, Florida
4 Statutes, is amended to read:

5 259.037 Land Management Uniform Accounting Council.--

6 (4) The council shall report management agencies'
7 expenditures during the previous fiscal year pursuant to the
8 adopted categories to the President of the Senate and the
9 Speaker of the House of Representatives by November 1 of each
10 year annually, beginning July 1, 2001. The council shall also
11 provide this report to the Acquisition and Restoration Council
12 and the Board of Trustees of the Internal Improvement Trust
13 Fund for inclusion in its annual report required pursuant to
14 s. 259.105.

15 Section 16. Section 259.04, Florida Statutes, is
16 amended to read:

17 259.04 Board; powers and duties.--

18 (1) For land acquisition projects and capital
19 improvement projects ~~and acquisitions~~ selected for funding
20 purchase pursuant to ss. 259.035, 259.101, and 259.105:

21 (a) The Board of Trustees of the Internal Improvement
22 Trust Fund is given the responsibility, authority, and power
23 to develop and execute a comprehensive, statewide 5-year plan
24 to conserve, restore, and protect environmentally endangered
25 lands, ecosystems, lands necessary for outdoor recreational
26 needs, and other lands as identified in ss. 259.032, 259.101,
27 and 259.105. This plan shall be kept current through continual
28 reevaluation and revision. The Acquisition and Restoration
29 advisory Council ~~or its successor~~ shall assist the board in
30 the development, reevaluation, and revision of the plan.

31

1 (b) The board may enter into contracts with the
2 government of the United States or any agency or
3 instrumentality thereof; the state or any county,
4 municipality, district authority, or political subdivision; or
5 any private corporation, partnership, association, or person
6 providing for or relating to the conservation or protection of
7 certain lands in accomplishing the purposes of this chapter.

8 (c) Within 45 days after the ~~advisory council or its~~
9 ~~successor~~ submits a list ~~the lists~~ of projects to the board,
10 the board shall approve or reject, in whole or in part, the
11 list ~~lists~~ of projects ~~in the order of priority in which such~~
12 ~~projects are presented. To the greatest extent practicable,~~
13 ~~projects on the lists shall be acquired in their approved~~
14 ~~order of priority.~~

15 (d) Unless otherwise provided by law, the board shall
16 ~~is authorized to~~ acquire interests in real property, by
17 ~~purchase, gift, or devise or otherwise, the fee title or any~~
18 ~~lesser interest of lands,~~ water areas, and related resources
19 pursuant to s. 253.025 for environmentally endangered lands.

20 (2) An inholding or an addition to a project selected
21 for purchase pursuant to this section and s. 259.035 is not
22 subject to the selection procedures of s. 259.035 if the
23 state's contribution to the acquisition of such inholding or
24 addition does not exceed \$1 million. When an interest in at
25 least 90 percent of the acreage of a project selected pursuant
26 to this section and s. 259.035 has been acquired, the project
27 may be removed from the list, and interests in the remaining
28 acreage may continue to be acquired. ~~For state capital~~
29 ~~projects for outdoor recreation lands, the provisions of~~
30 ~~chapter 375 and s. 253.025 shall also apply.~~

31

1 (3) The board may adopt rules pursuant to ss.
2 120.536(1) and 120.54 to administer this chapter, which may
3 include criteria for authorizing the Division of State Lands
4 to perform certain powers and duties of the board.

5 Section 17. Section 259.041, Florida Statutes, is
6 amended as follows:

7 (Substantial rewording of section. See
8 s. 259.041, F.S., for present text.)

9 259.041 Alternatives to fee simple acquisition of
10 state-owned lands for preservation, conservation, and
11 recreation purposes.--

12 (1) The Legislature finds that, with the increasing
13 pressures on the natural areas of this state and on open space
14 suitable for recreational use, the state must develop creative
15 techniques to maximize the use of acquisition and management
16 funds. The Legislature also finds that the state's
17 conservation and recreational land acquisition agencies should
18 be encouraged to augment their traditional, fee simple
19 acquisition programs with the use of alternatives to fee
20 simple acquisition techniques. Additionally, the Legislature
21 finds that generations of private landowners have been good
22 stewards of their land, protecting or restoring native
23 habitats and ecosystems to the benefit of the natural
24 resources of this state, its heritage, and its citizens. The
25 Legislature also finds that using alternatives to fee simple
26 acquisition by public land acquisition agencies will achieve
27 the public policy goals of:

28 (a) Allowing more lands to be brought under public
29 protection for preservation, conservation, and recreational
30 purposes with less expenditure of public funds.

31

1 (b) Retaining lands on local government tax rolls
2 while protecting important resources.

3 (c) Reducing long-term management costs by allowing
4 private property owners to continue acting as stewards of
5 their land, where appropriate.

6 (2) Public land acquisition agencies shall develop
7 programs to pursue alternatives to fee simple acquisition and
8 to educate private landowners about such alternatives and the
9 benefits of such alternatives. In addition, a portion of the
10 shares of Preservation 2000 and Florida Forever bond proceeds
11 shall be used to purchase interests in eligible properties
12 using alternatives to fee simple acquisition.

13 (3) Acquisition plans that are funded under this
14 chapter must identify those projects that require a full fee
15 simple interest to achieve public policy goals, together with
16 the reasons full title is determined to be necessary. The
17 state agencies and the water management districts may use
18 alternatives to fee simple acquisition to bring the remaining
19 projects in their acquisition plans under public protection.
20 For the purposes of this section, the term "alternatives to
21 fee simple acquisition" includes, but is not limited to,
22 purchase of development rights; obtaining conservation
23 easements; obtaining flowage easements; purchase of timber
24 rights, mineral rights, or hunting rights; purchase of
25 agricultural interests or silvicultural interests; fee simple
26 acquisitions with reservations; creating life estates; or any
27 other acquisition technique that achieves the public policy
28 goals listed in subsection (1). It is presumed that a private
29 landowner retains the full range of uses for all the rights or
30 interests in the landowner's land that are not specifically
31 acquired by the public agency, unless the landowner agrees

1 otherwise. The lands upon which hunting rights are
2 specifically acquired pursuant to this subsection shall be
3 available for hunting in accordance with the management plan
4 or hunting regulations adopted by the Florida Fish and
5 Wildlife Conservation Commission, unless the hunting rights
6 are purchased specifically to protect activities on adjacent
7 lands.

8 (4) When developing the acquisition plan pursuant to
9 s. 259.035, the Acquisition and Restoration Council may give
10 preference to those less-than-fee-simple acquisitions that
11 provide any public access. However, the Legislature recognizes
12 that public access is not always appropriate for certain less
13 than fee simple acquisitions; therefore, a proposed
14 less-than-fee-simple acquisition may not be rejected solely
15 because public access would be limited.

16 (5) The department and each water management district
17 shall implement initiatives to use alternatives to fee simple
18 acquisition and to educate private landowners about such
19 alternatives. The department and the water management
20 districts may enter into joint acquisition agreements to
21 jointly fund the purchase of lands using alternatives to fee
22 simple techniques.

23 (6) The public agency that has been assigned
24 management responsibility shall inspect and monitor any
25 less-than-fee-simple interest according to the terms of the
26 instrument of conveyance relating to such interest.

27 Section 18. Paragraph (b) of subsection (4) and
28 subsections (6), (7), and (8) of section 259.101, Florida
29 Statutes, are repealed.

30
31

1 Section 19. Paragraphs (c) and (j) of subsection (3)
2 and paragraph (a) of subsection (5) of section 259.105,
3 Florida Statutes, are amended to read:

4 259.105 The Florida Forever Act.--

5 (3) Less the costs of issuing and the costs of funding
6 reserve accounts and other costs associated with bonds, the
7 proceeds of bonds issued pursuant to this section shall be
8 deposited into the Florida Forever Trust Fund created by s.
9 259.1051. The proceeds shall be distributed by the Department
10 of Environmental Protection in the following manner:

11 (c) Twenty-two percent to the Department of Community
12 Affairs for use by the Florida Communities Trust for the
13 purposes of part III of chapter 380, as described and limited
14 by this subsection, and grants to local governments or
15 nonprofit environmental organizations that are tax exempt
16 under s. 501(c)(3) of the United States Internal Revenue Code
17 for the acquisition of community-based projects, urban open
18 spaces, parks, and greenways to implement local government
19 comprehensive plans. From funds available to the trust and
20 used for land acquisition, 75 percent shall be matched by
21 local governments on a dollar-for-dollar basis. The
22 Legislature intends that the Florida Communities Trust
23 emphasize funding projects in low-income or otherwise
24 disadvantaged communities. At least 30 percent of the total
25 allocation provided to the trust shall be used in Standard
26 Metropolitan Statistical Areas, but one-half of that amount
27 shall be used in localities in which the project site is
28 located in built-up commercial, industrial, or mixed-use areas
29 and functions to intersperse open spaces within congested
30 urban core areas. From funds allocated to the trust, no less
31 than 5 percent shall be used to acquire lands for recreational

1 trail systems, provided that in the event these funds are not
2 needed for such projects, they will be available for other
3 trust projects. Local governments may use federal grants or
4 loans, private donations, or environmental mitigation funds,
5 including environmental mitigation funds required pursuant to
6 s. 338.250, for any part or all of any local match required
7 for acquisitions funded through the Florida Communities Trust.
8 Any lands purchased by nonprofit organizations using funds
9 allocated under this paragraph must provide for such lands to
10 remain permanently in public use through a transfer ~~reversion~~
11 of title to local or state government, conservation easement,
12 or other appropriate mechanism. Projects funded with funds
13 allocated to the Trust shall be selected in a competitive
14 process measured against criteria adopted in rule by the
15 Trust.

16 (j) For the purposes of paragraphs (d), (e), (f), and
17 (g), the agencies which receive the funds shall develop their
18 individual acquisition or restoration lists. Proposed
19 additions may be acquired if they are identified within the
20 original project boundary, the management plan required
21 pursuant to ~~ss. s.~~253.034(5) and 259.0355(5), or the
22 management prospectus required pursuant to s. 259.035(6) ~~s.~~
23 ~~259.032(9)(d)~~. Proposed additions not meeting the requirements
24 of this paragraph shall be submitted to the Acquisition and
25 Restoration Council for approval. The council may only
26 approve the proposed addition if it meets two or more of the
27 following criteria: serves as a link or corridor to other
28 publicly owned property; enhances the protection or management
29 of the property; would add a desirable resource to the
30 property; would create a more manageable boundary
31 configuration; has a high resource value that otherwise would

1 be unprotected; or can be acquired at less than fair market
2 value.

3 (5)(a) All lands acquired pursuant to this section
4 shall be managed for multiple-use purposes, where compatible
5 with the resource values of and management objectives for such
6 lands as provided for. ~~As used in this section,~~
7 ~~"multiple-use" includes, but is not limited to, outdoor~~
8 ~~recreational activities as described in ss. 253.034 and~~
9 ~~259.0355 259.032(9)(b), water resource development projects,~~
10 ~~and sustainable forestry management.~~

11 Section 20. Subsection (1) of section 375.075, Florida
12 Statutes, is amended to read:

13 375.075 Outdoor recreation; financial assistance to
14 local governments.--

15 (1) The Department of Environmental Protection is
16 authorized to establish the Florida Recreation Development
17 Assistance Program to provide grants to qualified local
18 governmental entities to acquire or develop land for public
19 outdoor recreation purposes. To the extent not needed for debt
20 service on bonds issued pursuant to s. 375.051, each year the
21 department shall develop and plan a program which shall be
22 based upon funding of not less than 5 percent of the money
23 credited to the Land Acquisition Trust Fund pursuant to s.
24 201.15(2) and (3) in that year. ~~Beginning fiscal year~~
25 ~~2001-2002, the department shall develop and plan a program~~
26 ~~which shall be based upon the cumulative total funding~~
27 ~~provided from this section and money allocated from the~~
28 Florida Forever Trust Fund pursuant to s. 259.105(3)(c).

29 Section 21. Section 380.0677, Florida Statutes, is
30 amended to read:

31 (Substantial rewording of section. See

1 s. 380.0677, F.S., for present text.)
2 380.0677 Green Swamp Land Protection Initiative.--
3 (1) CREATION.--There is created the Green Swamp Land
4 Protection Initiative.
5 (2) MISSION.--The mission of the Green Swamp Land
6 Protection Initiative shall be to balance the protection of
7 the ecological values of the Green Swamp Area of Critical
8 State Concern with the protection of private property rights
9 and the interests of taxpayers through the acquisition of
10 lands, or rights or interests in lands, from willing sellers
11 within the Green Swamp Area of Critical State Concern. To that
12 end, the Division of State Lands of the Department of
13 Environmental Protection is encouraged to coordinate with the
14 Florida Communities Trust Program within the Department of
15 Community Affairs, the Southwest Florida Water Management
16 District, and the St. Johns River Water Management District to
17 identify, select, and acquire less-than-fee-simple interests
18 or rights in properties within the Green Swamp Area of
19 Critical State Concern, as part of overall land acquisition
20 efforts by the state and the districts. The Department of
21 Environmental Protection, the Florida Communities Trust, and
22 the water management districts shall consider acquiring
23 properties within the Green Swamp Area of Critical State
24 Concern, under the provisions of their respective land-buying
25 programs, using alternatives to fee simple techniques.
26 (3) SELECTION; CRITERIA.--Selection of lands under
27 this initiative shall be based primarily on the water resource
28 and ecological and environmental resource values of the
29 properties. Other factors may include the threat of impending
30 development, the historical significance of the property, or
31 other factors determined to be relevant by the division in

1 consultation with the water management districts and the
2 Department of Community Affairs.

3 (4) APPROPRIATIONS.--From funds appropriated to the
4 Department of Environmental Protection for land acquisition
5 from the Conservation and Recreation Lands Trust Fund for
6 fiscal years 1994-1995, 1995-1996, and 1996-1997, \$4 million
7 shall be reserved each fiscal year to carry out the purposes
8 of this section. To the extent practicable, moneys
9 appropriated from the Conservation and Recreation Lands Trust
10 Fund, Save Our Rivers Trust Fund, and Florida Communities
11 Trust Fund shall be used to acquire lands, or interests or
12 rights in lands, on the Conservation and Recreation Lands,
13 Save Our Rivers, or Florida Communities Trust land acquisition
14 plans or lists, as defined in s. 259.035, or a land
15 acquisition plan under s. 373.59 or s. 380.508. However, this
16 subsection does not prohibit the Division of State Lands from
17 entering into land protection agreements with any property
18 owner whose property is not on any of such lists. From sums
19 appropriated to the Department of Environmental Protection
20 from the Water Management District Lands Trust Fund for fiscal
21 years 1994-1995, 1995-1996, and 1996-1997, \$3 million shall be
22 reserved each fiscal year to carry out the purposes of this
23 section. Such amounts as are used from the Water Management
24 District Lands Trust Fund shall be credited against the
25 allocations as provided in s. 373.59 to the St. Johns River
26 Water Management District or the Southwest Florida Water
27 Management District in proportion to the amount of lands for
28 which an interest was acquired, and shall not be required by a
29 district for debt service payments or land management
30 purposes. From funds appropriated to the Department of
31 Community Affairs for the Florida Communities Trust Program

1 from the Preservation 2000 Trust Fund for fiscal years
2 1994-1995 through 1999-2000, \$3 million shall be reserved each
3 fiscal year to carry out the purposes of this section.
4 Appropriations identified pursuant to this subsection shall
5 fund the acquisition of lands, or the interests or rights in
6 lands, and related costs of acquisition. Funds reserved
7 pursuant to this subsection, for each of the referenced fiscal
8 years, shall remain available for the purposes specified in
9 this subsection for 24 months after the date on which such
10 funds become available for disbursement. After such time has
11 elapsed, any funds that are not legally obligated for
12 expenditure shall be released for the lawful purposes for
13 which they were otherwise appropriated.

14 (5) OWNERSHIP RIGHTS AND INTERESTS.--Ownership of any
15 rights or interests acquired under the provisions of this
16 section shall vest in the Board of Trustees of the Internal
17 Improvement Trust Fund.

18 Section 22. Paragraphs (d) and (e) of subsection (3)
19 and paragraph (b) of subsection (7) of section 380.510,
20 Florida Statutes, are amended to read:

21 380.510 Conditions of grants and loans.--

22 (3) In the case of a grant or loan for land
23 acquisition, agreements shall provide all of the following:

24 (d) If any essential term or condition of a grant or
25 loan is violated, the Board of Trustees of the Internal
26 Improvement Trust Fund shall decide, pursuant to s.

27 259.0355(6), if title to all interest in real property
28 acquired with state funds shall be conveyed ~~or revert~~ to the
29 Board of Trustees of the Internal Improvement Trust Fund, or
30 if such title shall be disposed of by the local government.

31

1 The trust shall treat such property in accordance with s.
2 380.508(4)(e).

3 (e) If the existence of a nonprofit organization or
4 local government terminates for any reason, the trust may
5 negotiate an agreement with another local government or
6 nonprofit organization to accept title to all interest in and
7 to manage the property. If the trust is unable to negotiate an
8 agreement with another local government or nonprofit
9 organization to accept title to all interest in and to manage
10 the property, the Board of Trustees of the Internal

11 Improvement Trust Fund shall decide, pursuant to s.
12 259.0355(6), if title to all interest in real property it has
13 acquired with state funds shall be conveyed or revert to the
14 Board of Trustees of the Internal Improvement Trust Fund,
15 unless the trust negotiates an agreement with another local
16 government or nonprofit organization which agrees to accept
17 title to all interest in and to manage the property.

18
19 Any deed or other instrument of conveyance whereby a nonprofit
20 organization or local government acquires real property under
21 this section shall set forth the interest of the state. The
22 trust shall keep at least one copy of any such instrument and
23 shall provide at least one copy to the Board of Trustees of
24 the Internal Improvement Trust Fund.

25 (7) Any funds received by the trust from the
26 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
27 the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)
28 shall be held separate and apart from any other funds held by
29 the trust and shall be used for the land acquisition purposes
30 of this part. In addition to the other conditions set forth in
31 this section, the disbursement of Preservation 2000 and

1 Florida Forever funds from the trust shall be subject to the
2 following conditions:

3 (b) All deeds or leases with respect to any real
4 property acquired with funds received by the trust from the
5 Preservation 2000 Trust Fund shall contain such covenants and
6 restrictions as are sufficient to ensure that the use of such
7 real property at all times complies with s. 375.051 and s. 9,
8 Art. XII of the State Constitution. All deeds or leases with
9 respect to any real property acquired with funds received by
10 the trust from the Florida Forever Trust Fund shall contain
11 such covenants and restrictions as are sufficient to ensure
12 that the use of such real property at all times complies with
13 s. 11(e), Art. VII of the State Constitution. Each deed ~~or~~
14 ~~lease~~ shall contain a ~~reversion, conveyance, or termination~~
15 clause that will provide vest title in the Board of Trustees
16 of the Internal Improvement Trust Fund the authority to
17 receive title to such real property, pursuant to s.
18 259.0355(6) if any of the covenants or restrictions are
19 violated by the titleholder ~~or leaseholder~~ or by some third
20 party with the knowledge of the titleholder ~~or leaseholder~~.

21 Section 23. Sections 253.783, 253.84, and 259.0345,
22 Florida Statutes, are repealed.

23 Section 24. This act shall take effect upon becoming a
24 law.

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SENATE SUMMARY

Revises various provisions of law governing the acquisition of lands by the Board of Trustees of the Internal Improvement Trust Fund. Revises requirements for managing conservation and nonconservation lands. Revises requirements for the exchange of lands held, owned by, or vested in the board. Revises the duties of the Acquisition and Restoration Council. Revises requirements for purchasing and managing lands funded under various conservation programs. Authorizes the acquisition of state lands using alternatives to fee simple acquisition. (See bill for details.)