

By the Committee on Natural Resources; and Senator Dockery

312-2485-03

1                                   A bill to be entitled  
2           An act relating to the acquisition and  
3           conservation of lands; amending s. 253.025,  
4           F.S.; revising requirements for appraisals when  
5           acquiring state lands; amending s. 253.034,  
6           F.S.; providing conditions under which  
7           state-owned lands may be considered  
8           nonconservation lands; revising requirements  
9           for land management plans for conservation  
10          lands be submitted to the Division of State  
11          Lands; providing that land use plans for  
12          nonconservation lands be submitted to the  
13          Division of State Lands at least every 10  
14          years; revising requirements for the sale of  
15          surplus lands; authorizing the Division of  
16          State Lands to determine the sale price of  
17          surplus lands; providing the Board of Trustees  
18          of the Internal Improvement Trust Fund with the  
19          authority to adopt rules; directing the  
20          Division of State Lands to prepare a state  
21          inventory of all federal lands, and all lands  
22          titled in the name of the state, a state  
23          agency, a water management district, or a local  
24          government; requiring the participation of  
25          counties in developing a county inventory;  
26          creating s. 253.0341, F.S.; authorizing  
27          counties and local governments to submit  
28          requests to surplus state lands directly to the  
29          board of trustees; providing for an expedited  
30          surplusing process; amending s. 253.042, F.S.;  
31          revising the circumstances under which the

1 board of trustees may directly exchange  
2 state-owned lands; providing requirements for  
3 the exchange of donated conservation lands;  
4 providing requirements for the conveyance of  
5 donated nonconservation lands; providing  
6 requirements for the exchange of other  
7 state-owned lands; amending s. 253.7823, F.S.;  
8 revising requirements for the disposition of  
9 former barge canal surplus lands; amending s.  
10 259.032, F.S.; revising requirements for  
11 updating land management plans; eliminating the  
12 reversion of specified funds for use in  
13 acquiring lands; requiring that state agencies  
14 prepare and submit to the Department of Revenue  
15 for certification application requests for  
16 payment in lieu of taxes from local  
17 governments; revising requirements for payment  
18 in lieu of taxes; amending s. 259.0322, F.S.;  
19 providing that payments in lieu of taxes be  
20 made for 20 consecutive years; amending s.  
21 259.036, F.S.; requiring land management review  
22 teams to submit a 10-year land management plan  
23 update to the Acquisition and Restoration  
24 Council; amending s. 259.041, F.S.; clarifying  
25 certain requirements regarding the acquisition  
26 of state-owned lands; amending s. 373.139,  
27 F.S.; repealing obsolete requirements; amending  
28 s. 373.59, F.S.; revising provisions requiring  
29 that the water management districts may make  
30 payments in lieu of taxes from funds deposited  
31 into the Water Management Lands Trust Fund;

1 providing for 20 annual payments in lieu of  
2 taxes; amending s. 373.5905, F.S.; revising  
3 provisions requiring reinstatement of payments  
4 in lieu of taxes; requiring the exchange of  
5 lands between the Board of Trustees of the  
6 Internal Improvement Trust Fund and a local  
7 government under certain conditions; providing  
8 purposes for which exchanged lands may be used;  
9 repealing s. 253.783, F.S., relating to powers  
10 and duties of the department to acquire lands  
11 for the former barge canal project; repealing  
12 s. 253.84, F.S., relating to the acquisition of  
13 lands by the state of property containing  
14 cattle-dipping vats; repealing s. 259.0345,  
15 F.S., relating to the Florida Forever Advisory  
16 Council; providing an effective date.

17

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

19

20 Section 1. Paragraph (a) of subsection (6) of section  
21 253.025, Florida Statutes, is amended to read:

22 253.025 Acquisition of state lands for purposes other  
23 than preservation, conservation, and recreation.--

24 (6) Prior to negotiations with the parcel owner to  
25 purchase land pursuant to this section, title to which will  
26 vest in the board of trustees, an appraisal of the parcel  
27 shall be required as follows:

28 (a) Each parcel to be acquired shall have at least one  
29 appraisal. Two appraisals are required when the estimated  
30 value of the parcel ~~first appraisal~~ exceeds \$1 million  
31 ~~\$500,000. However, when the values of both appraisals exceed~~

1 ~~\$500,000 and differ significantly, a third appraisal may be~~  
2 ~~obtained.~~When a parcel is estimated to be worth \$100,000 or  
3 less and the director of the Division of State Lands finds  
4 that the cost of ~~obtaining~~ an outside appraisal is not  
5 justified, a comparable sales analysis or other reasonably  
6 prudent procedures may be used by the division to estimate the  
7 value of the parcel, provided the public's interest is  
8 reasonably protected. The state is not required to appraise  
9 the value of lands and appurtenances that are being donated to  
10 the state.~~an appraisal prepared by the division may be used.~~

11 Section 2. Subsections (2), (5), and (6) of section  
12 253.034, Florida Statutes, are amended and subsections (8),  
13 (9), (10), and (11) are renumbered as subsections (9), (10),  
14 (11), and (12), respectively, and a new subsection (8) is  
15 added to that section, to read:

16 253.034 State-owned lands; uses.--

17 (2) As used in this section, the following phrases  
18 have the following meanings:

19 (a) "Multiple use" means the harmonious and  
20 coordinated management of timber, recreation, conservation of  
21 fish and wildlife, forage, archaeological and historic sites,  
22 habitat and other biological resources, or water resources so  
23 that they are utilized in the combination that will best serve  
24 the people of the state, making the most judicious use of the  
25 land for some or all of these resources and giving  
26 consideration to the relative values of the various resources.  
27 Where necessary and appropriate for all state-owned lands that  
28 are larger than 1,000 acres in project size and are managed  
29 for multiple uses, buffers may be formed around any areas that  
30 require special protection or have special management needs.  
31 Such buffers shall not exceed more than one-half of the total

1 acreage. Multiple uses within a buffer area may be restricted  
2 to provide the necessary buffering effect desired. Multiple  
3 use in this context includes both uses of land or resources by  
4 more than one management entity, which may include private  
5 sector land managers. In any case, lands identified as  
6 multiple-use lands in the land management plan shall be  
7 managed to enhance and conserve the lands and resources for  
8 the enjoyment of the people of the state.

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

26 (c) "Conservation lands" means lands that are  
27 currently managed for conservation, outdoor resource-based  
28 recreation, or archaeological or historic preservation, except  
29 those lands that were acquired solely to facilitate the  
30 acquisition of other conservation lands. Lands acquired for  
31 uses other than conservation, outdoor resource-based

1 recreation, or archaeological or historic preservation shall  
2 not be designated conservation lands except as otherwise  
3 authorized under this section. These lands shall include, but  
4 not be limited to, the following: correction and detention  
5 facilities, military installations and facilities, state  
6 office buildings, maintenance yards, state university or state  
7 community college campuses, agricultural field stations or  
8 offices, tower sites, law enforcement and license facilities,  
9 laboratories, hospitals, clinics, and other sites that possess  
10 no significant natural or historical resources. However,  
11 lands acquired solely to facilitate the acquisition of other  
12 conservation lands, and for which the land management plan has  
13 not yet been completed or updated, may be evaluated by the  
14 Board of Trustees of the Internal Improvement Trust Fund on a  
15 case-by-case basis to determine if they will be designated  
16 conservation lands.

17

18 Lands acquired by the state as a gift, through donation, or by  
19 any other conveyance for which no consideration was paid, and  
20 which are not managed for conservation, outdoor resource-based  
21 recreation, or archaeological or historic preservation under a  
22 land management plan approved by the board of trustees are not  
23 conservation lands.

24 (5) Each manager of conservation lands shall submit to  
25 the Division of State Lands a land management plan at least  
26 every 10 years in a form and manner prescribed by rule by the  
27 board and in accordance with the provisions of s. 259.032.  
28 Each manager of nonconservation lands shall submit to the  
29 Division of State Lands a land use plan at least every 10  
30 years in a form and manner prescribed by rule by the board.  
31 The division shall review each plan for compliance with the

1 requirements of this subsection and the requirements of the  
2 rules established by the board pursuant to this section. All  
3 land use plans, whether for single-use or multiple-use  
4 properties, shall include an analysis of the property to  
5 determine if any significant natural or cultural resources are  
6 located on the property. Such resources include archaeological  
7 and historic sites, state and federally listed plant and  
8 animal species, and imperiled natural communities and unique  
9 natural features. If such resources occur on the property, the  
10 manager shall consult with the Division of State Lands and  
11 other appropriate agencies to develop management strategies to  
12 protect such resources. Land use plans shall also provide for  
13 the control of invasive nonnative plants and conservation of  
14 soil and water resources, including a description of how the  
15 manager plans to control and prevent soil erosion and soil or  
16 water contamination. Land use plans submitted by a manager  
17 shall include reference to appropriate statutory authority for  
18 such use or uses and shall conform to the appropriate policies  
19 and guidelines of the state land management plan. Plans for  
20 managed areas larger than 1,000 acres shall contain an  
21 analysis of the multiple-use potential of the property, which  
22 analysis shall include the potential of the property to  
23 generate revenues to enhance the management of the property.  
24 Additionally, the plan shall contain an analysis of the  
25 potential use of private land managers to facilitate the  
26 restoration or management of these lands. In those cases where  
27 a newly acquired property has a valid conservation plan that  
28 was developed by a soil and conservation district, such plan  
29 shall be used to guide management of the property until a  
30 formal land use plan is completed.~~Each entity managing~~  
31 ~~conservation lands shall submit to the Division of State Lands~~

1 ~~a land management plan at least every 5 years in a form and~~  
2 ~~manner prescribed by rule by the board. All management plans,~~  
3 ~~whether for single-use or multiple-use properties, shall~~  
4 ~~specifically describe how the managing entity plans to~~  
5 ~~identify, locate, protect and preserve, or otherwise use~~  
6 ~~fragile nonrenewable resources, such as archaeological and~~  
7 ~~historic sites, as well as other fragile resources, including~~  
8 ~~endangered plant and animal species, and provide for the~~  
9 ~~conservation of soil and water resources and for the control~~  
10 ~~and prevention of soil erosion. Land management plans~~  
11 ~~submitted by an entity shall include reference to appropriate~~  
12 ~~statutory authority for such use or uses and shall conform to~~  
13 ~~the appropriate policies and guidelines of the state land~~  
14 ~~management plan. All land management plans for parcels larger~~  
15 ~~than 1,000 acres shall contain an analysis of the multiple-use~~  
16 ~~potential of the parcel, which analysis shall include the~~  
17 ~~potential of the parcel to generate revenues to enhance the~~  
18 ~~management of the parcel. Additionally, the land management~~  
19 ~~plan shall contain an analysis of the potential use of private~~  
20 ~~land managers to facilitate the restoration or management of~~  
21 ~~these lands. In those cases where a newly acquired property~~  
22 ~~has a valid conservation plan, the plan shall be used to guide~~  
23 ~~management of the property until a formal land management plan~~  
24 ~~is completed.~~

25 (a) The Division of State Lands shall make available  
26 to the public a copy of each land management plan for parcels  
27 that exceed 160 acres in size. The council shall review each  
28 plan for compliance with the requirements of this subsection,  
29 the requirements of chapter 259, and the requirements of the  
30 rules established by the board pursuant to this section. The  
31 council shall also consider the propriety of the



1 recommendations of the managing entity with regard to the  
2 future use of the property, the protection of fragile or  
3 nonrenewable resources, the potential for alternative or  
4 multiple uses not recognized by the managing entity, and the  
5 possibility of disposal of the property by the board. After  
6 its review, the council shall submit the plan, along with its  
7 recommendations and comments, to the board. The council shall  
8 specifically recommend to the board whether to approve the  
9 plan as submitted, approve the plan with modifications, or  
10 reject the plan.

11 (b) The Board of Trustees of the Internal Improvement  
12 Trust Fund shall consider the land management plan submitted  
13 by each entity and the recommendations of the council and the  
14 Division of State Lands and shall approve the plan with or  
15 without modification or reject such plan. The use or  
16 possession of any such lands that is not in accordance with an  
17 approved land management plan is subject to termination by the  
18 board.

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

31

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

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

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

29           (d) Lands owned by the board which are not actively  
30 managed by any state agency or for which a land management  
31 plan has not been completed pursuant to subsection (5) shall

1 be reviewed by the council or its successor for its  
2 recommendation as to whether such lands should be disposed of  
3 by the board.

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

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

31

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

21           (h) Where a unit of government acquired land by gift,  
22 donation, grant, quit-claim deed, or other such conveyance  
23 where no monetary consideration was exchanged, the price of  
24 land sold as surplus may be based on one appraisal. In the  
25 event that a single appraisal yields a value equal to or  
26 greater than \$1 million, a second appraisal is required. The  
27 individual or entity requesting the surplus shall select and  
28 use appraisers from the list of approved appraisers maintained  
29 by the Division of State Lands in accordance with s.  
30 253.025(6)(b). The individual or entity requesting the surplus  
31 is to incur all costs of the appraisals.

1           (i) After reviewing the recommendations of the  
2 council, the board shall determine whether lands identified  
3 for surplus are to be held for other public purposes or  
4 whether such lands are no longer needed. The board may  
5 require an agency to release its interest in such lands. For  
6 an agency that has requested the use of a property that was to  
7 be declared as surplus, said agency must have the property  
8 under lease within 6 months of the date of expiration of the  
9 notice provisions required under ss. 253.034(6) and 253.111.

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

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

31

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

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

9           (n) The board may adopt rules to implement the  
10 provisions of this section, which may include procedures for  
11 administering surplus land requests and criteria for when the  
12 division may approve requests to surplus nonconservation lands  
13 on behalf of the board.

14           (8) Notwithstanding other provisions of this section,  
15 the Division of State Lands is directed to prepare a state  
16 inventory of all federal lands and all lands titled in the  
17 name of the state, a state agency, a water management  
18 district, or a local government, on a county-by-county basis,  
19 with the exception of rights-of-way for existing, proposed, or  
20 anticipated transportation facilities. The division must  
21 identify state or water management district lands purchased  
22 with funds distributed according to the Florida Forever  
23 Program, the Preservation 2000 Program, the Conservation and  
24 Recreation Lands Program, the Environmentally Endangered Lands  
25 Program, the Save Our Rivers Program, or the Save Our Coast  
26 Program. To facilitate the development of the state inventory,  
27 each county shall direct the appropriate county office with  
28 authority over the information to provide the division with a  
29 county inventory of all lands identified as federal lands and  
30 lands titled in the name of the state, a state agency, a water  
31 management district, or a local government.

1           Section 3. Section 253.0341, Florida Statutes, is  
2 created to read:

3           253.0341 Surplus of state-owned lands to counties or  
4 local governments.--Counties and local governments may submit  
5 surplusing requests for state-owned lands directly to the  
6 board of trustees, and the decision to surplus state-owned  
7 lands to a county or local government may be made by the board  
8 without a review of, or a recommendation on, the request from  
9 the Acquisition and Restoration Council or the Division of  
10 State Lands. County or local government requests for the state  
11 to surplus conservation or nonconservation lands, whether for  
12 purchase or exchange, shall be expedited throughout the  
13 surplusing process. Surplusing requests made by a county or  
14 local government shall be considered by the board at the first  
15 board meeting scheduled within 60 days after the board's  
16 receipt of the request.

17           Section 4. Section 253.42, Florida Statutes, is  
18 amended to read:

19           (Substantial rewording of section. See  
20 s. 253.42, F.S., for present text.)

21           253.42 Board of trustees may exchange lands.--The  
22 provisions of this section apply to all lands owned by, vested  
23 in, or titled in the name of the board whether the lands were  
24 acquired by the state as a purchase, or through gift,  
25 donation, or any other conveyance for which no consideration  
26 was paid.

27           (1) The Board of Trustees may exchange any lands owned  
28 by, vested in, or titled in the name of the board for other  
29 lands in the state owned by counties, local governments,  
30 individuals, or private or public corporations, and may fix  
31 the terms and conditions of any such exchange. Any

1 nonconservation lands that were acquired by the state through  
2 gift, donation, or any other conveyance for which no  
3 consideration was paid must first be offered at no cost to a  
4 county or local government unless otherwise provided in a deed  
5 restriction of record, and so long as the use proposed by the  
6 county or local government is for a public purpose. For  
7 conservation lands acquired by the state through gift,  
8 donation, or any other conveyance for which no consideration  
9 was paid, the state may request land of equal conservation  
10 value from the county or local government but no other  
11 consideration.

12 (2) In exchanging state-owned lands not acquired by  
13 the state through gift, donation, or any other conveyance for  
14 which no consideration was paid, with counties or local  
15 governments, the board may require an exchange of equal value.  
16 Equal value is defined as the conservation value of the lands  
17 being offered for exchange by a county or local government  
18 being equal in conservation value to the state-owned lands, or  
19 may be defined as the appraised value of the lands being  
20 offered for exchange by a county or local government and  
21 monetary compensation to equal the appraised value of the  
22 state-owned land. Equal value under this subsection shall be  
23 considered a net positive conservation benefit.

24 (3) The board shall select and agree upon the state  
25 lands to be exchanged and the lands to be conveyed to the  
26 state and shall pay or receive any sum of money deemed  
27 necessary by the board for the purpose of equalizing the value  
28 of the exchanged property. The board is authorized to make and  
29 enter into contracts or agreements for such purpose or  
30 purposes.

31



1 Section 5. Section 253.7823, Florida Statutes, is  
2 amended to read:

3 253.7823 Disposition of surplus lands; compensation of  
4 counties located within the Cross Florida Canal Navigation  
5 District.--

6 (1) The department may ~~shall~~ identify parcels of  
7 former barge canal lands that ~~which~~ may be sold or exchanged  
8 ~~as needed to repay the counties of the Cross Florida Canal~~  
9 ~~Navigation District any sums due them pursuant to s.~~  
10 ~~253.783(2)(e).~~ In identifying said surplus lands, the  
11 department shall give priority to ~~consideration to lands~~  
12 ~~situated outside the greenways' boundaries, those~~ lands not  
13 having high recreation or conservation values, and those  
14 having the greatest assessed valuations. Although the  
15 department shall immediately begin to identify the parcels of  
16 surplus lands to be sold, the department shall offer the lands  
17 for sale in a manner designed to maximize the amounts received  
18 over a reasonable period of time.

19 ~~(2) Disbursements of amounts due the counties shall be~~  
20 ~~made on a semiannual basis and shall be completed before any~~  
21 ~~additional lands or easements may be acquired within the~~  
22 ~~boundaries of the greenways.~~

23 ~~(2)(3) In addition to lands identified for sale to~~  
24 ~~generate funds for repayment of counties pursuant to s.~~  
25 ~~253.783(2)(e),~~The department is authorized to sell surplus  
26 additional former canal lands if they are determined to be  
27 unnecessary to the effective provision of the type of  
28 recreational opportunities and conservation activities for  
29 which the greenway was ~~greenways were~~ created.

30 ~~(4) Until repayment to the counties pursuant to s.~~  
31 ~~253.783(2)(e) has been completed, any agency wishing to use~~

1 ~~former canal lands must pay the full assessed value of said~~  
2 ~~lands.~~

3           Section 6. Paragraph (c) of subsection (10) and  
4 subsections (12), (13), and (16) of section 259.032, Florida  
5 Statutes, are amended to read:

6           259.032 Conservation and Recreation Lands Trust Fund;  
7 purpose.--

8           (10)

9           (c) Once a plan is adopted, the managing agency or  
10 entity shall update the plan at least every 10 5 years in a  
11 form and manner prescribed by rule of the board of trustees.  
12 Such updates, for parcels over 160 acres, shall be developed  
13 with input from an advisory group. Such plans may include  
14 transfers of leasehold interests to appropriate conservation  
15 organizations or governmental entities designated by the Land  
16 Acquisition and Management Advisory Council or its successor,  
17 for uses consistent with the purposes of the organizations and  
18 the protection, preservation, conservation, restoration, and  
19 proper management of the lands and their resources. Volunteer  
20 management assistance is encouraged, including, but not  
21 limited to, assistance by youths participating in programs  
22 sponsored by state or local agencies, by volunteers sponsored  
23 by environmental or civic organizations, and by individuals  
24 participating in programs for committed delinquents and  
25 adults.

26           (12)(a) Beginning July 1, 1999, the Legislature shall  
27 make available sufficient funds annually from the Conservation  
28 and Recreation Lands Trust Fund to the department for payment  
29 in lieu of taxes to qualifying counties and local governments  
30 as defined in paragraph (b) for all actual tax losses incurred  
31 as a result of board of trustees acquisitions for state

1 agencies under the Florida Forever program or the Florida  
2 Preservation 2000 program during any year. ~~Reserved funds not~~  
3 ~~used for payments in lieu of taxes in any year shall revert to~~  
4 ~~the fund to be used for land acquisition in accordance with~~  
5 ~~the provisions of this section.~~

6 (b) Payment in lieu of taxes shall be available:

7 1. To all counties that have a population of 150,000  
8 or fewer. Population levels shall be determined pursuant to s.  
9 11.031.

10 2. To all local governments located in eligible  
11 counties.

12 3. To Glades County, where a privately owned and  
13 operated prison leased to the state has recently been opened  
14 and where privately owned and operated juvenile justice  
15 facilities leased to the state have recently been constructed  
16 and opened, a payment in lieu of taxes, in an amount that  
17 offsets the loss of property tax revenue, which funds have  
18 already been appropriated and allocated from the Department of  
19 Correction's budget for the purpose of reimbursing amounts  
20 equal to lost ad valorem taxes.

21  
22 ~~Counties and local governments that did not receive payments~~  
23 ~~in lieu of taxes for lands purchased pursuant to s. 259.101~~  
24 ~~during fiscal year 1999-2000, if such counties and local~~  
25 ~~governments would have received payments pursuant to this~~  
26 ~~subsection as that section existed on June 30, 1999, shall~~  
27 ~~receive retroactive payments for such tax losses.~~

28 (c) If insufficient funds are available in any year to  
29 make full payments to all qualifying counties and local  
30 governments, such counties and local governments shall receive  
31 a pro rata share of the moneys available.

1           (d) The payment amount shall be based on the average  
2 amount of actual taxes paid on the property for the 3 years  
3 preceding acquisition. Applications for payment in lieu of  
4 taxes shall be made no later than January 31 of the year  
5 following acquisition. No payment in lieu of taxes shall be  
6 made for properties which were exempt from ad valorem taxation  
7 for the year immediately preceding acquisition.

8           (e) If property which was subject to ad valorem  
9 taxation was acquired by a tax-exempt entity for ultimate  
10 conveyance to the state under this chapter, payment in lieu of  
11 taxes shall be made for such property based upon the average  
12 amount of taxes paid on the property for the 3 years prior to  
13 its being removed from the tax rolls. The department shall  
14 certify to the Department of Revenue those properties that may  
15 be eligible under this provision. Once eligibility has been  
16 established, that county or local government shall receive 10  
17 consecutive annual payments for each tax loss, and no further  
18 eligibility determination shall be made during that period.

19           (f)~~(e)~~ Payment in lieu of taxes pursuant to this  
20 subsection shall be made annually to qualifying counties and  
21 local governments after certification by the Department of  
22 Revenue that the amounts applied for are reasonably  
23 appropriate, based on the amount of actual taxes paid on the  
24 eligible property. On behalf of any local government  
25 requesting payment in lieu of taxes, the state agency that  
26 acquired the land is responsible for preparing and submitting  
27 application requests for payment to the Department of Revenue  
28 for certification, and after the Department of Environmental  
29 Protection has provided supporting documents to the  
30 Comptroller and has requested that payment be made in  
31 accordance with the requirements of this section.

1           (g)~~(f)~~ If the board of trustees conveys to a local  
2 government title to any land owned by the board, any payments  
3 in lieu of taxes on the land made to the local government  
4 shall be discontinued as of the date of the conveyance.

5  
6 For the purposes of this subsection, "local government"  
7 includes municipalities, the county school board, mosquito  
8 control districts, and any other local government entity which  
9 levies ad valorem taxes, with the exception of a water  
10 management district.

11           (13) Moneys credited to the fund each year which are  
12 not used for management, maintenance, or capital improvements  
13 pursuant to subsection (11), ~~for payment in lieu of taxes~~  
14 ~~pursuant to subsection (12)~~ or for the purposes of subsection  
15 (5), shall be available for the acquisition of land pursuant  
16 to this section.

17           ~~(16) Notwithstanding other provisions of law relating~~  
18 ~~to the purpose of the Conservation and Recreation Lands Trust~~  
19 ~~Fund, and for the 2002-2003 fiscal year only, the purposes of~~  
20 ~~the trust fund shall include funding issues provided in the~~  
21 ~~General Appropriations Act. This subsection expires July 1,~~  
22 ~~2003.~~

23           Section 7. Section 259.0322, Florida Statutes, is  
24 amended to read:

25           259.0322 Reinstitution of payments in lieu of taxes;  
26 duration.--If the Department of Environmental Protection ~~or a~~  
27 ~~water management district~~ has made a payment in lieu of taxes  
28 to a governmental entity and subsequently suspended such  
29 payment, the department ~~or water management district~~ shall  
30 reinstitute appropriate payments and continue the payments in  
31

1 consecutive years until the governmental entity has received a  
2 total of 20 ~~10~~ payments for each tax loss.

3 Section 8. Subsection (2) of section 259.036, Florida  
4 Statutes, is amended to read:

5 259.036 Management review teams.--

6 (2) The land management review team shall review  
7 select management areas ~~parcels of managed land~~ prior to the  
8 date the manager ~~managing agency~~ is required to submit a  
9 10-year ~~its 5-year~~ land management plan update. For management  
10 areas that exceed 1,000 acres in size, the Division of State  
11 Lands shall schedule a land management review at least every 5  
12 years. A copy of the review shall be provided to the manager  
13 ~~managing agency~~, the Division of State Lands, and the  
14 Acquisition and Restoration Council ~~Land Acquisition and~~  
15 ~~Management Advisory Council or its successor.~~ The manager  
16 ~~managing agency~~ shall consider the findings and  
17 recommendations of the land management review team in  
18 finalizing the required 10-year ~~5-year~~ update of its  
19 management plan.

20 Section 9. Subsection (1) of section 259.041, Florida  
21 Statutes, is amended to read:

22 259.041 Acquisition of state-owned lands for  
23 preservation, conservation, and recreation purposes.--

24 (1) Neither the Board of Trustees of the Internal  
25 Improvement Trust Fund nor its duly authorized agent shall  
26 commit the state, through any instrument of negotiated  
27 contract or agreement for purchase, to the purchase of lands  
28 with or without appurtenances unless the provisions of this  
29 section have been fully complied with. Except for the  
30 requirements of subsections (3), (14), and (15), the board of  
31 trustees may waive any requirements of this section, may waive

1 any rules adopted pursuant to this section, notwithstanding  
2 chapter 120, However, the board of trustees may waive any  
3 requirement of this section, except the requirements of  
4 subsections (3), (14), and (15); or, notwithstanding chapter  
5 120, may waive any rules adopted pursuant to this section,  
6 except rules adopted pursuant to subsections (3), (14), and  
7 (15); or may substitute other reasonably prudent procedures,  
8 provided the public's interest is reasonably protected. The  
9 title to lands acquired pursuant to this section shall vest in  
10 the board of trustees as provided in s. 253.03(1), unless  
11 otherwise provided by law, and all such titled lands, title  
12 to which is vested in the board of trustees pursuant to this  
13 section, shall be administered pursuant to the provisions of  
14 s. 253.03.

15 Section 10. Paragraph (a) of subsection (3) of section  
16 373.139, Florida Statutes, is amended to read:

17 373.139 Acquisition of real property.--

18 (3) The initial 5-year work plan and any subsequent  
19 modifications or additions thereto shall be adopted by each  
20 water management district after a public hearing. Each water  
21 management district shall provide at least 14 days' advance  
22 notice of the hearing date and shall separately notify each  
23 county commission within which a proposed work plan project or  
24 project modification or addition is located of the hearing  
25 date.

26 (a) Appraisal reports, offers, and counteroffers are  
27 confidential and exempt from the provisions of s. 119.07(1)  
28 until an option contract is executed or, if no option contract  
29 is executed, until 30 days before a contract or agreement for  
30 purchase is considered for approval by the governing board.  
31 However, each district may, at its discretion, disclose

1 appraisal reports to private landowners during negotiations  
2 for acquisitions using alternatives to fee simple techniques,  
3 if the district determines that disclosure of such reports  
4 will bring the proposed acquisition to closure. In the event  
5 that negotiation is terminated by the district, the ~~title~~  
6 ~~information~~, appraisal report, offers, and counteroffers shall  
7 become available pursuant to s. 119.07(1). Notwithstanding the  
8 provisions of this section and s. 259.041, a district and the  
9 Division of State Lands may share and disclose ~~title~~  
10 ~~information~~, appraisal reports, appraisal information, offers,  
11 and counteroffers when joint acquisition of property is  
12 contemplated. A district and the Division of State Lands shall  
13 maintain the confidentiality of such ~~title information~~,  
14 appraisal reports, appraisal information, offers, and  
15 counteroffers in conformance with this section and s. 259.041,  
16 except in those cases in which a district and the division  
17 have exercised discretion to disclose such information. A  
18 district may disclose appraisal information, offers, and  
19 counteroffers to a third party who has entered into a  
20 contractual agreement with the district to work with or on the  
21 behalf of or to assist the district in connection with land  
22 acquisitions. The third party shall maintain the  
23 confidentiality of such information in conformance with this  
24 section. In addition, a district may use, as its own,  
25 appraisals obtained by a third party provided the appraiser is  
26 selected from the district's list of approved appraisers and  
27 the appraisal is reviewed and approved by the district.

28 Section 11. Subsection (10) of section 373.59, Florida  
29 Statutes, is amended to read:

30 373.59 Water Management Lands Trust Fund.--  
31



1           (10)(a) Beginning July 1, 1999, not more than  
2 one-fourth of the ~~land management~~ funds provided for in  
3 subsections (1) and (8) in any year shall be reserved annually  
4 by a governing board, during the development of its annual  
5 operating budget, for payments in lieu of taxes for all actual  
6 tax losses incurred as a result of governing board  
7 acquisitions for water management districts pursuant to ss.  
8 259.101, 259.105, 373.470, and this section during any year.  
9 Reserved funds not used for payments in lieu of taxes in any  
10 year shall revert to the Water Management Lands Trust Fund to  
11 be used in accordance with the provisions of this section.

12           (b) Payment in lieu of taxes shall be available:

13           1. To all counties that have a population of 150,000  
14 or fewer. Population levels shall be determined pursuant to s.  
15 11.031.

16           2. To all local governments located in eligible  
17 counties and whose lands are bought and taken off the tax  
18 rolls.

19  
20 For properties acquired after January 1, 2000, in the event  
21 that such properties otherwise eligible for payment in lieu of  
22 taxes under this subsection are leased or reserved and remain  
23 subject to ad valorem taxes, payments in lieu of taxes shall  
24 commence or recommence upon the expiration or termination of  
25 the lease or reservation, but in no event shall there be more  
26 than a total of 20 ~~ten~~ annual payments in lieu of taxes for  
27 each tax loss. If the lease is terminated for only a portion  
28 of the lands at any time, the 20 ~~ten~~ annual payments shall be  
29 made for that portion only commencing the year after such  
30 termination, without limiting the requirement that 20 ~~ten~~  
31 annual payments shall be made on the remaining portion or

1 portions of the land as the lease on each expires. For the  
2 purposes of this subsection, "local government" includes  
3 municipalities, the county school board, mosquito control  
4 districts, and any other local government entity which levies  
5 ad valorem taxes.

6 (c) If sufficient funds are unavailable in any year to  
7 make full payments to all qualifying counties and local  
8 governments, such counties and local governments shall receive  
9 a pro rata share of the moneys available.

10 (d) The payment amount shall be based on the average  
11 amount of actual taxes paid on the property for the 3 years  
12 preceding acquisition. Applications for payment in lieu of  
13 taxes shall be made no later than January 31 of the year  
14 following acquisition. No payment in lieu of taxes shall be  
15 made for properties which were exempt from ad valorem taxation  
16 for the year immediately preceding acquisition.

17 (e) If property that was subject to ad valorem  
18 taxation was acquired by a tax-exempt entity for ultimate  
19 conveyance to the state under this chapter, payment in lieu of  
20 taxes shall be made for such property based upon the average  
21 amount of taxes paid on the property for the 3 years prior to  
22 its being removed from the tax rolls. The water management  
23 districts shall certify to the Department of Revenue those  
24 properties that may be eligible under this provision. Once  
25 eligibility has been established, that governmental entity  
26 shall receive 10 consecutive annual payments for each tax  
27 loss, and no further eligibility determination shall be made  
28 during that period.

29 (f) ~~(e)~~ Payment in lieu of taxes pursuant to this  
30 subsection shall be made annually to qualifying counties and  
31 local governments after certification by the Department of

1 Revenue that the amounts applied for are reasonably  
2 appropriate, based on the amount of actual taxes paid on the  
3 eligible property, and after the water management districts  
4 have provided supporting documents to the Comptroller and have  
5 requested that payment be made in accordance with the  
6 requirements of this section. On behalf of any local  
7 government requesting payment in lieu of taxes, the water  
8 management district that acquired the land is responsible for  
9 preparing and submitting application requests for payment to  
10 the Department of Revenue for certification.

11 (g)(f) If a water management district conveys to a  
12 county or local government title to any land owned by the  
13 district, any payments in lieu of taxes on the land made to  
14 the county or local government shall be discontinued as of the  
15 date of the conveyance.

16 ~~(g) The districts may make retroactive payments to~~  
17 ~~counties and local governments that did not receive payments~~  
18 ~~in lieu of taxes for lands purchased under s. 259.101 and this~~  
19 ~~section during fiscal year 1999-2000 if the counties and local~~  
20 ~~governments would have received those payments under ss.~~  
21 ~~259.032(12) and 373.59(14).~~

22 Section 12. Section 373.5905, Florida Statutes, is  
23 amended to read:

24 373.5905 Reinstitution of payments in lieu of taxes;  
25 duration.--If ~~the Department of Environmental Protection or a~~  
26 ~~water management district has made a payment in lieu of taxes~~  
27 ~~to a governmental entity and subsequently suspended such~~  
28 ~~payment, the department or water management district shall~~  
29 ~~restitute appropriate payments and continue the payments in~~  
30 ~~consecutive years until the governmental entity has received a~~  
31 ~~total of 20 10 payments for each tax loss.~~

1           Section 13. In an exchange of lands contemplated  
2 between the Board of Trustees of the Internal Improvement  
3 Trust Fund and a local government for donated state lands no  
4 longer needed for conservation purposes, lands proposed for  
5 exchange by the state and the local government shall be  
6 considered of equal value and no further consideration shall  
7 be required, provided that the donated land being offered for  
8 exchange by the state is not greater than 200 acres, and  
9 provided that the local government has been negotiating the  
10 exchange of lands with the Division of State Lands of the  
11 Department of Environmental Protection for a period of not  
12 less than 1 year. Notwithstanding the exchange and surplus  
13 requirements of chapters 253 and 259, Florida Statutes, and  
14 the notice requirements of chapter 270, Florida Statutes, the  
15 board of trustees shall exchange lands with a local government  
16 under these provisions no later than August 15, 2003. Lands  
17 conveyed to a local government under these provisions must be  
18 used for a public purpose. Deeds of conveyance conveyed to a  
19 local government under these provisions shall contain a  
20 reverter clause that automatically reverts title to the board  
21 of trustees if the local government fails to use the property  
22 for a public purpose.

23           Section 14. Sections 253.783, 253.84, and 259.0345,  
24 Florida Statutes, are repealed.

25           Section 15. This act shall take effect July 1, 2003.  
26  
27  
28  
29  
30  
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 Senate Bill 2754

4 The committee substitute simplifies land acquisition and land  
5 management responsibilities for lands purchased and managed  
6 under the state's land acquisition programs. Revisions are  
7 made to appraisal requirements for properties valued in excess  
8 of \$1 million. A 10-year land management planning process for  
9 conservation lands, and a 10-year land use planning process  
10 for nonconservation lands are established. The committee  
11 substitute provides that the Division of State Lands at the  
12 Department of Environmental Protection shall determine the  
13 sale price of surplus lands, and eliminates provisions  
14 requiring the sale of surplus state lands to units of local  
15 government at no more than the original price paid by the  
16 state or a water management district.

17 The committee substitute requires that the Division of State  
18 Lands begin preparing a state inventory identifying all  
19 federal lands, and all lands titled in the name of the state,  
20 a state agency, a water management districts, or a local  
21 government on a county-by-county basis. Payments to local  
22 governments under the PILT program are extended to 20 years.  
23 The committee substitute creates an expedited surplusizing  
24 process for local governments, and a new process for the  
25 exchange of donated state lands to local governments. The  
26 Board of Trustees of the Internal Improvement Trust Fund is  
27 required to execute an agreement to exchange lands with a  
28 local government under certain conditions and by a date  
29 certain.  
30  
31