

By Senator Dockery

15-2608D-03

See HB 87A

1 A bill to be entitled
2 An act relating to environmental and
3 conservation lands; amending s. 253.025, F.S.;
4 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 to 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 providing conditions under which certain lands
27 may be made available for purchase under the
28 state's land surplus process; creating s.
29 253.0341, F.S.; authorizing counties and local
30 governments to submit requests to surplus state
31 lands directly to the board of trustees;

1 providing for an expedited surplusing process;
2 amending s. 253.042, F.S.; revising the
3 circumstances under which the board of trustees
4 may directly exchange state-owned lands;
5 providing requirements for the exchange of
6 donated conservation lands; providing
7 requirements for the conveyance of donated
8 nonconservation lands; providing requirements
9 for the exchange of other state-owned lands;
10 amending s. 253.7823, F.S.; revising
11 requirements for the disposition of former
12 barge canal surplus lands; amending s. 259.032,
13 F.S.; revising requirements for updating land
14 management plans; revising provisions allowing
15 the use of reverted funds; requiring that state
16 agencies prepare and submit to the Department
17 of Revenue for certification application
18 requests for payment in lieu of taxes from
19 local governments; revising requirements for
20 payment in lieu of taxes; amending s. 259.0322,
21 F.S.; providing for the reinstatement of
22 payments in lieu of taxes; amending s. 259.036,
23 F.S.; requiring land management review teams to
24 submit a 10-year land management plan update to
25 the Acquisition and Restoration Council;
26 amending s. 259.041, F.S.; clarifying certain
27 requirements regarding the acquisition of
28 state-owned lands; amending s. 373.089, F.S.;
29 providing conditions under which lands titled
30 in the name of a water management district may
31 be made available for purchase through a

1 surplusing process; amending s. 373.139, F.S.;
2 repealing obsolete requirements; revising
3 requirements for appraisals when acquiring
4 water management district lands; amending s.
5 373.59, F.S.; revising provisions requiring
6 payments in lieu of taxes from funds deposited
7 into the Water Management Lands Trust Fund;
8 amending s. 373.5905, F.S.; revising provisions
9 requiring reinstatement of payments in lieu of
10 taxes; amending s. 260.016, F.S.; revising
11 powers of the department in evaluating lands
12 for acquisition of greenways and trails;
13 requiring the exchange of lands between the
14 Board of Trustees of the Internal Improvement
15 Trust Fund and a local government under certain
16 conditions; providing purposes for which
17 exchanged lands may be used; requiring the
18 exchange of lands between the Board of Trustees
19 of the Internal Improvement Trust Fund and a
20 private entity by July 1, 2003; repealing s.
21 253.84, F.S., relating to the acquisition of
22 lands containing cattle-dipping vats; repealing
23 s. 259.0345, F.S., relating to the Florida
24 Forever Advisory Council; providing for
25 construction of the act in pari materia with
26 laws enacted during the Regular Session of the
27 Legislature; providing effective dates.

28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

1 Section 1. Paragraph (a) of subsection (6) of section
2 253.025, Florida Statutes, is amended to read:

3 253.025 Acquisition of state lands for purposes other
4 than preservation, conservation, and recreation.--

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

9 (a) Each parcel to be acquired shall have at least one
10 appraisal. Two appraisals are required when the estimated
11 value of the parcel first appraisal exceeds \$1 million
12 ~~\$500,000. However, when the values of both appraisals exceed~~
13 ~~\$500,000 and differ significantly, a third appraisal may be~~
14 ~~obtained.~~When a parcel is estimated to be worth \$100,000 or
15 less and the director of the Division of State Lands finds
16 that the cost of ~~obtaining~~ an outside appraisal is not
17 justified, a comparable sales analysis or other reasonably
18 prudent procedures may be used by the division to estimate the
19 value of the parcel, provided the public's interest is
20 reasonably protected. The state is not required to appraise
21 the value of lands and appurtenances that are being donated to
22 the state.~~an appraisal prepared by the division may be used.~~

23 Section 2. Subsections (2), (5), and (6) of section
24 253.034, Florida Statutes, as amended by section 14 of chapter
25 2003-6, Laws of Florida, are amended, subsections (8), (9),
26 (10), and (11) are renumbered as subsections (9), (10), (11),
27 and (12), respectively, and a new subsection (8) is added to
28 that section, to read:

29 253.034 State-owned lands; uses.--

30 (2) As used in this section, the following phrases
31 have the following meanings:

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

23 (b) "Single use" means management for one particular
24 purpose to the exclusion of all other purposes, except that
25 the using entity shall have the option of including in its
26 management program compatible secondary purposes which will
27 not detract from or interfere with the primary management
28 purpose. Such single uses may include, but are not necessarily
29 restricted to, the use of agricultural lands for production of
30 food and livestock, the use of improved sites and grounds for
31 institutional purposes, and the use of lands for parks,

1 preserves, wildlife management, archaeological or historic
2 sites, or wilderness areas where the maintenance of
3 essentially natural conditions is important. All submerged
4 lands shall be considered single-use lands and shall be
5 managed primarily for the maintenance of essentially natural
6 conditions, the propagation of fish and wildlife, and public
7 recreation, including hunting and fishing where deemed
8 appropriate by the managing entity.

9 (c) "Conservation lands" means lands that are
10 currently managed for conservation, outdoor resource-based
11 recreation, or archaeological or historic preservation, except
12 those lands that were acquired solely to facilitate the
13 acquisition of other conservation lands. Lands acquired for
14 uses other than conservation, outdoor resource-based
15 recreation, or archaeological or historic preservation shall
16 not be designated conservation lands except as otherwise
17 authorized under this section. These lands shall include, but
18 not be limited to, the following: correction and detention
19 facilities, military installations and facilities, state
20 office buildings, maintenance yards, state university or state
21 community college campuses, agricultural field stations or
22 offices, tower sites, law enforcement and license facilities,
23 laboratories, hospitals, clinics, and other sites that possess
24 no significant natural or historical resources. However,
25 lands acquired solely to facilitate the acquisition of other
26 conservation lands, and for which the land management plan has
27 not yet been completed or updated, may be evaluated by the
28 Board of Trustees of the Internal Improvement Trust Fund on a
29 case-by-case basis to determine if they will be designated
30 conservation lands.

31

1 Lands acquired by the state as a gift, through donation, or by
2 any other conveyance for which no consideration was paid, and
3 which are not managed for conservation, outdoor resource-based
4 recreation, or archaeological or historic preservation under a
5 land management plan approved by the board of trustees are not
6 conservation lands.

7 (5) Each manager of conservation lands shall submit to
8 the Division of State Lands a land management plan at least
9 every 10 years in a form and manner prescribed by rule by the
10 board and in accordance with the provisions of s. 259.032.

11 Each manager of conservation lands shall also update a land
12 management plan whenever the manager proposes to add new
13 facilities or make substantive land use or management changes
14 that were not addressed in the approved plan, or within 1 year
15 of the addition of significant new lands. Each manager of
16 nonconservation lands shall submit to the Division of State
17 Lands a land use plan at least every 10 years in a form and
18 manner prescribed by rule by the board. The division shall
19 review each plan for compliance with the requirements of this
20 subsection and the requirements of the rules established by
21 the board pursuant to this section. All land use plans,
22 whether for single-use or multiple-use properties, shall
23 include an analysis of the property to determine if any
24 significant natural or cultural resources are located on the
25 property. Such resources include archaeological and historic
26 sites, state and federally listed plant and animal species,
27 and imperiled natural communities and unique natural features.
28 If such resources occur on the property, the manager shall
29 consult with the Division of State Lands and other appropriate
30 agencies to develop management strategies to protect such
31 resources. Land use plans shall also provide for the control

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

1 ~~the appropriate policies and guidelines of the state land~~
2 ~~management plan. All land management plans for parcels larger~~
3 ~~than 1,000 acres shall contain an analysis of the multiple-use~~
4 ~~potential of the parcel, which analysis shall include the~~
5 ~~potential of the parcel to generate revenues to enhance the~~
6 ~~management of the parcel. Additionally, the land management~~
7 ~~plan shall contain an analysis of the potential use of private~~
8 ~~land managers to facilitate the restoration or management of~~
9 ~~these lands. In those cases where a newly acquired property~~
10 ~~has a valid conservation plan, the plan shall be used to guide~~
11 ~~management of the property until a formal land management plan~~
12 ~~is completed.~~

13 (a) The Division of State Lands shall make available
14 to the public a copy of each land management plan for parcels
15 that exceed 160 acres in size. The council shall review each
16 plan for compliance with the requirements of this subsection,
17 the requirements of chapter 259, and the requirements of the
18 rules established by the board pursuant to this section. The
19 council shall also consider the propriety of the
20 recommendations of the managing entity with regard to the
21 future use of the property, the protection of fragile or
22 nonrenewable resources, the potential for alternative or
23 multiple uses not recognized by the managing entity, and the
24 possibility of disposal of the property by the board. After
25 its review, the council shall submit the plan, along with its
26 recommendations and comments, to the board. The council shall
27 specifically recommend to the board whether to approve the
28 plan as submitted, approve the plan with modifications, or
29 reject the plan.

30 (b) The Board of Trustees of the Internal Improvement
31 Trust Fund shall consider the land management plan submitted

1 by each entity and the recommendations of the council and the
2 Division of State Lands and shall approve the plan with or
3 without modification or reject such plan. The use or
4 possession of any such lands that is not in accordance with an
5 approved land management plan is subject to termination by the
6 board.

7 (6) The Board of Trustees of the Internal Improvement
8 Trust Fund shall determine which lands, the title to which is
9 vested in the board, may be surplused. For conservation lands,
10 the board shall make a determination that the lands are no
11 longer needed for conservation purposes and may dispose of
12 them by an affirmative vote of at least three members. In the
13 case of a land exchange involving the disposition of
14 conservation lands, the board must determine by an affirmative
15 vote of at least three members that the exchange will result
16 in a net positive conservation benefit. For all other lands,
17 the board shall make a determination that the lands are no
18 longer needed and may dispose of them by an affirmative vote
19 of at least three members.

20 (a) For the purposes of this subsection, all lands
21 acquired by the state prior to July 1, 1999, using proceeds
22 from the Preservation 2000 bonds, the Conservation and
23 Recreation Lands Trust Fund, the Water Management Lands Trust
24 Fund, Environmentally Endangered Lands Program, and the Save
25 Our Coast Program and titled to the board, which lands are
26 identified as core parcels or within original project
27 boundaries, shall be deemed to have been acquired for
28 conservation purposes.

29 (b) For any lands purchased by the state on or after
30 July 1, 1999, a determination shall be made by the board prior
31 to acquisition as to those parcels that shall be designated as

1 having been acquired for conservation purposes. No lands
2 acquired for use by the Department of Corrections, the
3 Department of Management Services for use as state offices,
4 the Department of Transportation, except those specifically
5 managed for conservation or recreation purposes, or the State
6 University System or the Florida Community College System
7 shall be designated as having been purchased for conservation
8 purposes.

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

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

29 (e) Prior to any decision by the board to surplus
30 lands, the Acquisition and Restoration Council shall review
31 and make recommendations to the board concerning the request

1 for surplusings. The council shall determine whether the
2 request for surplusings is compatible with the resource values
3 of and management objectives for such lands.

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

25 (g) The sale price of lands determined to be surplus
26 pursuant to this subsection shall be determined by the
27 division and shall take into consideration an appraisal of the
28 property, or, when the estimated value of the land is less
29 than \$100,000, a comparable sales analysis or a broker's
30 opinion of value, and ~~sold for appraised value or the price~~
31 ~~paid by the state or a water management district~~ to originally

1 acquire the lands ~~., whichever is greater, except when the~~
2 board or its designee determines a different sale price is in
3 the public interest. However, for those lands sold as surplus
4 to any unit of government, the price shall not exceed the
5 price paid by the state or a water management district to
6 originally acquire the lands. A unit of government that which
7 acquires title to lands hereunder for less than appraised
8 value may not sell or transfer title to all or any portion of
9 the lands to any private owner for a period of 10 years. Any
10 unit of government seeking to transfer or sell lands pursuant
11 to this paragraph shall first allow the board of trustees to
12 reacquire such lands for the price at which the board ~~they~~
13 sold such lands.

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

25 (i) After reviewing the recommendations of the
26 council, the board shall determine whether lands identified
27 for surplus are to be held for other public purposes or
28 whether such lands are no longer needed. The board may
29 require an agency to release its interest in such lands. For
30 an agency that has requested the use of a property that was to
31 be declared as surplus, said agency must have the property

1 under lease within 6 months of the date of expiration of the
2 notice provisions required under ss. 253.034(6) and 253.111.

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

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

24 (l) Notwithstanding the provisions of this subsection,
25 no such disposition of land shall be made if such disposition
26 would have the effect of causing all or any portion of the
27 interest on any revenue bonds issued to lose the exclusion
28 from gross income for federal income tax purposes.

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

1 (n) The board may adopt rules to implement the
2 provisions of this section, which may include procedures for
3 administering surplus land requests and criteria for when the
4 division may approve requests to surplus nonconservation lands
5 on behalf of the board.

6 (8)(a) Notwithstanding other provisions of this
7 section, the Division of State Lands is directed to prepare a
8 state inventory of all federal lands and all lands titled in
9 the name of the state, a state agency, a water management
10 district, or a local government on a county-by-county basis.
11 To facilitate the development of the state inventory, each
12 county shall direct the appropriate county office with
13 authority over the information to provide the division with a
14 county inventory of all lands identified as federal lands and
15 lands titled in the name of the state, a state agency, a water
16 management district, or a local government.

17 (b) The state inventory must distinguish between lands
18 purchased by the state or a water management district as part
19 of a core parcel or within original project boundaries, as
20 those terms are used to meet the surplus requirements of
21 subsection (6), and lands purchased by the state, a state
22 agency, or a water management district which are not essential
23 or necessary for conservation purposes.

24 (c) In any county in which more than 50 percent of the
25 lands within the county boundary are federal lands and lands
26 titled in the name of the state, a state agency, a water
27 management district, or a local government, those lands titled
28 in the name of the state or a state agency which are not
29 essential or necessary to meet conservation purposes may, upon
30 request of a public or private entity, be made available for
31 purchase through the state's surplus process. Rights-of-way

1 for existing, proposed, or anticipated transportation
2 facilities are exempt from the requirements of this
3 paragraph. Priority consideration shall be given to buyers,
4 public or private, willing to return the property to
5 productive use so long as the property can be reentered onto
6 the county ad valorem tax roll. Property acquired with
7 matching funds from a local government shall not be made
8 available for purchase without the consent of the local
9 government.

10 Section 3. Section 253.0341, Florida Statutes, is
11 created to read:

12 253.0341 Surplus of state-owned lands to counties or
13 local governments.--Counties and local governments may submit
14 surplusing requests for state-owned lands directly to the
15 board of trustees. County or local government requests for the
16 state to surplus conservation or nonconservation lands,
17 whether for purchase or exchange, shall be expedited
18 throughout the surplusing process. Property jointly acquired
19 by the state and other entities shall not be surplusd without
20 the consent of all joint owners.

21 (1) The decision to surplus state-owned
22 nonconservation lands may be made by the board without a
23 review of, or a recommendation on, the request from the
24 Acquisition and Restoration Council or the Division of State
25 Lands. Such requests for nonconservation lands shall be
26 considered by the board within 60 days of the board's receipt
27 of the request.

28 (2) County or local government requests for the
29 surplusing of state-owned conservation lands are subject to
30 review of and recommendation on the request to the board by
31 the Acquisition and Restoration Council. Requests to surplus

1 conservation lands shall be considered by the board within 120
2 days of the board's receipt of the request.

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

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

7 253.42 Board of trustees may exchange lands.--The
8 provisions of this section apply to all lands owned by, vested
9 in, or titled in the name of the board whether the lands were
10 acquired by the state as a purchase, or through gift,
11 donation, or any other conveyance for which no consideration
12 was paid.

13 (1) The board of trustees may exchange any lands owned
14 by, vested in, or titled in the name of the board for other
15 lands in the state owned by counties, local governments,
16 individuals, or private or public corporations, and may fix
17 the terms and conditions of any such exchange. Any
18 nonconservation lands that were acquired by the state through
19 gift, donation, or any other conveyance for which no
20 consideration was paid must first be offered at no cost to a
21 county or local government unless otherwise provided in a deed
22 restriction of record or other legal impediment, and so long
23 as the use proposed by the county or local government is for a
24 public purpose. For conservation lands acquired by the state
25 through gift, donation, or any other conveyance for which no
26 consideration was paid, the state may request land of equal
27 conservation value from the county or local government but no
28 other consideration.

29 (2) In exchanging state-owned lands not acquired by
30 the state through gift, donation, or any other conveyance for
31 which no consideration was paid, with counties or local

1 governments, the board shall require an exchange of equal
2 value. Equal value is defined as the conservation benefit of
3 the lands being offered for exchange by a county or local
4 government being equal or greater in conservation benefit than
5 the state-owned lands. Such exchanges may include cash
6 transactions if based on an appropriate measure of value of
7 the state-owned land, but must also include the determination
8 of a net-positive conservation benefit by the Acquisition and
9 Restoration Council, irrespective of appraised value.

10 (3) The board shall select and agree upon the state
11 lands to be exchanged and the lands to be conveyed to the
12 state and shall pay or receive any sum of money deemed
13 necessary by the board for the purpose of equalizing the value
14 of the exchanged property. The board is authorized to make and
15 enter into contracts or agreements for such purpose or
16 purposes.

17 Section 5. Section 253.7823, Florida Statutes, is
18 amended to read:

19 253.7823 Disposition of surplus lands; compensation of
20 counties located within the Cross Florida Canal Navigation
21 District.--

22 (1) The department may ~~shall~~ identify parcels of
23 former barge canal lands that ~~which~~ may be sold or exchanged
24 ~~as needed to repay the counties of the Cross Florida Canal~~
25 ~~Navigation District any sums due them pursuant to s.~~
26 ~~253.783(2)(e).~~ In identifying said surplus lands, the
27 department shall give priority to ~~consideration to~~ lands
28 ~~situated outside the greenways' boundaries,~~ those lands not
29 having high recreation or conservation values, and those
30 having the greatest assessed valuations. Although the
31 department shall immediately begin to identify the parcels of

1 surplus lands to be sold, the department shall offer the lands
2 for sale in a manner designed to maximize the amounts received
3 over a reasonable period of time.

4 ~~(2) Disbursements of amounts due the counties shall be~~
5 ~~made on a semiannual basis and shall be completed before any~~
6 ~~additional lands or easements may be acquired within the~~
7 ~~boundaries of the greenways.~~

8 ~~(2)(3) In addition to lands identified for sale to~~
9 ~~generate funds for repayment of counties pursuant to s.~~
10 ~~253.783(2)(e),~~The department is authorized to sell surplus
11 additional former canal lands if they are determined to be
12 unnecessary to the effective provision of the type of
13 recreational opportunities and conservation activities for
14 which the greenway was ~~greenways were~~ created.

15 ~~(4) Until repayment to the counties pursuant to s.~~
16 ~~253.783(2)(e) has been completed, any agency wishing to use~~
17 ~~former canal lands must pay the full assessed value of said~~
18 ~~lands.~~

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

22 259.032 Conservation and Recreation Lands Trust Fund;
23 purpose.--

24 (10)

25 (c) Once a plan is adopted, the managing agency or
26 entity shall update the plan at least every 10 5 years in a
27 form and manner prescribed by rule of the board of trustees.
28 Such updates, for parcels over 160 acres, shall be developed
29 with input from an advisory group. Such plans may include
30 transfers of leasehold interests to appropriate conservation
31 organizations or governmental entities designated by the Land

1 Acquisition and Management Advisory Council or its successor,
2 for uses consistent with the purposes of the organizations and
3 the protection, preservation, conservation, restoration, and
4 proper management of the lands and their resources. Volunteer
5 management assistance is encouraged, including, but not
6 limited to, assistance by youths participating in programs
7 sponsored by state or local agencies, by volunteers sponsored
8 by environmental or civic organizations, and by individuals
9 participating in programs for committed delinquents and
10 adults.

11 (12)(a) Beginning July 1, 1999, the Legislature shall
12 make available sufficient funds annually from the Conservation
13 and Recreation Lands Trust Fund to the department for payment
14 in lieu of taxes to qualifying counties and local governments
15 as defined in paragraph (b) for all actual tax losses incurred
16 as a result of board of trustees acquisitions for state
17 agencies under the Florida Forever program or the Florida
18 Preservation 2000 program during any year. Reserved funds not
19 used for payments in lieu of taxes in any year shall revert to
20 the fund to be used for land management ~~acquisition~~ in
21 accordance with the provisions of this section.

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

23 1. To all counties that have a population of 150,000
24 or fewer. Population levels shall be determined pursuant to s.
25 11.031.

26 2. To all local governments located in eligible
27 counties.

28 3. To Glades County, where a privately owned and
29 operated prison leased to the state has recently been opened
30 and where privately owned and operated juvenile justice
31 facilities leased to the state have recently been constructed

1 and opened, a payment in lieu of taxes, in an amount that
2 offsets the loss of property tax revenue, which funds have
3 already been appropriated and allocated from the Department of
4 Correction's budget for the purpose of reimbursing amounts
5 equal to lost ad valorem taxes.

6
7 ~~Counties and local governments that did not receive payments~~
8 ~~in lieu of taxes for lands purchased pursuant to s. 259.101~~
9 ~~during fiscal year 1999-2000, if such counties and local~~
10 ~~governments would have received payments pursuant to this~~
11 ~~subsection as that section existed on June 30, 1999, shall~~
12 ~~receive retroactive payments for such tax losses.~~

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

17 (d) The payment amount shall be based on the average
18 amount of actual taxes paid on the property for the 3 years
19 preceding acquisition. Applications for payment in lieu of
20 taxes shall be made no later than January 31 of the year
21 following acquisition. No payment in lieu of taxes shall be
22 made for properties which were exempt from ad valorem taxation
23 for the year immediately preceding acquisition.

24 (e) If property which was subject to ad valorem
25 taxation was acquired by a tax-exempt entity for ultimate
26 conveyance to the state under this chapter, payment in lieu of
27 taxes shall be made for such property based upon the average
28 amount of taxes paid on the property for the 3 years prior to
29 its being removed from the tax rolls. The department shall
30 certify to the Department of Revenue those properties that may
31 be eligible under this provision. Once eligibility has been

1 established, that county or local government shall receive 10
2 consecutive annual payments for each tax loss, and no further
3 eligibility determination shall be made during that period.

4 (f)~~(e)~~ Payment in lieu of taxes pursuant to this
5 subsection shall be made annually to qualifying counties and
6 local governments after certification by the Department of
7 Revenue that the amounts applied for are reasonably
8 appropriate, based on the amount of actual taxes paid on the
9 eligible property. With the assistance of the local government
10 requesting payment in lieu of taxes, the state agency that
11 acquired the land is responsible for preparing and submitting
12 application requests for payment to the Department of Revenue
13 for certification, and after the Department of Environmental
14 Protection has provided supporting documents to the
15 Comptroller and has requested that payment be made in
16 accordance with the requirements of this section.

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

21
22 For the purposes of this subsection, "local government"
23 includes municipalities, the county school board, mosquito
24 control districts, and any other local government entity which
25 levies ad valorem taxes, with the exception of a water
26 management district.

27 (13) Moneys credited to the fund each year which are
28 not used for management, maintenance, or capital improvements
29 pursuant to subsection (11); for payment in lieu of taxes
30 pursuant to subsection (12); or for the purposes of subsection

31

1 (5) shall be available for the acquisition of land pursuant
2 to this section.

3 ~~(16) Notwithstanding other provisions of law relating~~
4 ~~to the purpose of the Conservation and Recreation Lands Trust~~
5 ~~Fund, and for the 2002-2003 fiscal year only, the purposes of~~
6 ~~the trust fund shall include funding issues provided in the~~
7 ~~General Appropriations Act. This subsection expires July 1,~~
8 ~~2003.~~

9 Section 7. Section 259.0322, Florida Statutes, is
10 amended to read:

11 259.0322 Reinstitution of payments in lieu of taxes;
12 duration.--If the Department of Environmental Protection ~~or a~~
13 ~~water management district~~ has made a payment in lieu of taxes
14 to a governmental entity and subsequently suspended such
15 payment, the department ~~or water management district~~ shall
16 reinstitute appropriate payments and continue the payments in
17 consecutive years until the governmental entity has received a
18 total of 10 payments for each tax loss.

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

21 259.036 Management review teams.--

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 a
25 10-year ~~its 5-year~~ land management plan update. For management
26 areas that exceed 1,000 acres in size, the Division of State
27 Lands shall schedule a land management review at least every 5
28 years. A copy of the review shall be provided to the manager
29 ~~managing agency~~, the Division of State Lands, and the
30 Acquisition and Restoration Council ~~Land Acquisition and~~
31 ~~Management Advisory Council or its successor.~~ The manager

1 ~~managing agency~~ shall consider the findings and
2 recommendations of the land management review team in
3 finalizing the required 10-year ~~5-year~~ update of its
4 management plan.

5 Section 9. Subsection (1) of section 259.041, Florida
6 Statutes, as amended by chapter 2003-6, Laws of Florida, is
7 amended to read:

8 259.041 Acquisition of state-owned lands for
9 preservation, conservation, and recreation purposes.--

10 (1) Neither the Board of Trustees of the Internal
11 Improvement Trust Fund nor its duly authorized agent shall
12 commit the state, through any instrument of negotiated
13 contract or agreement for purchase, to the purchase of lands
14 with or without appurtenances unless the provisions of this
15 section have been fully complied with. Except for the
16 requirements of subsections (3), (14), and (15), the board of
17 trustees may waive any requirements of this section, may waive
18 any rules adopted pursuant to this section, notwithstanding
19 chapter 120, However, the board of trustees may waive any
20 requirement of this section, except the requirements of
21 subsections (3), (14), and (15); or, notwithstanding chapter
22 120, may waive any rules adopted pursuant to this section,
23 except rules adopted pursuant to subsections (3), (14), and
24 (15) or may substitute other reasonably prudent procedures,
25 provided the public's interest is reasonably protected. The
26 title to lands acquired pursuant to this section shall vest in
27 the board of trustees as provided in s. 253.03(1), unless
28 otherwise provided by law, and all such titled lands, title
29 to which is vested in the board of trustees pursuant to this
30 section, shall be administered pursuant to the provisions of
31 s. 253.03.

1 Section 10. Present subsection (5) of section 373.089,
2 Florida Statutes, is renumbered as subsection (6), and a new
3 subsection (5) is added to that section, to read:

4 373.089 Sale or exchange of lands, or interests or
5 rights in lands.--The governing board of the district may sell
6 lands, or interests or rights in lands, to which the district
7 has acquired title or to which it may hereafter acquire title
8 in the following manner:

9 (5) In any county in which more than 50 percent of the
10 lands within the county boundary are federal lands and lands
11 titled in the name of the state, a state agency, a water
12 management district, or a local government, those lands titled
13 in the name of a water management district which are not
14 essential or necessary to meet conservation purposes may, upon
15 request of a public or private entity, be made available for
16 purchase through the surplusing process in this
17 section. Priority consideration must be given to buyers,
18 public or private, who are willing to return the property to
19 productive use so long as the property can be reentered onto
20 the county ad valorem tax roll. Property acquired with
21 matching funds from a local government shall not be made
22 available for purchase without the consent of the local
23 government.

24 Section 11. Subsection (3) of section 373.139, Florida
25 Statutes, is amended to read:

26 373.139 Acquisition of real property.--

27 (3) The initial 5-year work plan and any subsequent
28 modifications or additions thereto shall be adopted by each
29 water management district after a public hearing. Each water
30 management district shall provide at least 14 days' advance
31 notice of the hearing date and shall separately notify each

1 county commission within which a proposed work plan project or
2 project modification or addition is located of the hearing
3 date.

4 (a) Appraisal reports, offers, and counteroffers are
5 confidential and exempt from the provisions of s. 119.07(1)
6 until an option contract is executed or, if no option contract
7 is executed, until 30 days before a contract or agreement for
8 purchase is considered for approval by the governing board.
9 However, each district may, at its discretion, disclose
10 appraisal reports to private landowners during negotiations
11 for acquisitions using alternatives to fee simple techniques,
12 if the district determines that disclosure of such reports
13 will bring the proposed acquisition to closure. In the event
14 that negotiation is terminated by the district, the ~~title~~
15 ~~information~~, appraisal report, offers, and counteroffers shall
16 become available pursuant to s. 119.07(1). Notwithstanding the
17 provisions of this section and s. 259.041, a district and the
18 Division of State Lands may share and disclose ~~title~~
19 ~~information~~, appraisal reports, appraisal information, offers,
20 and counteroffers when joint acquisition of property is
21 contemplated. A district and the Division of State Lands shall
22 maintain the confidentiality of such ~~title information~~,
23 appraisal reports, appraisal information, offers, and
24 counteroffers in conformance with this section and s. 259.041,
25 except in those cases in which a district and the division
26 have exercised discretion to disclose such information. A
27 district may disclose appraisal information, offers, and
28 counteroffers to a third party who has entered into a
29 contractual agreement with the district to work with or on the
30 behalf of or to assist the district in connection with land
31 acquisitions. The third party shall maintain the

1 confidentiality of such information in conformance with this
2 section. In addition, a district may use, as its own,
3 appraisals obtained by a third party provided the appraiser is
4 selected from the district's list of approved appraisers and
5 the appraisal is reviewed and approved by the district.

6 (b) The Secretary of Environmental Protection shall
7 release moneys from the appropriate account or trust fund to a
8 district for preacquisition costs within 30 days after receipt
9 of a resolution adopted by the district's governing board
10 which identifies and justifies any such preacquisition costs
11 necessary for the purchase of any lands listed in the
12 district's 5-year work plan. The district shall return to the
13 department any funds not used for the purposes stated in the
14 resolution, and the department shall deposit the unused funds
15 into the appropriate account or trust fund.

16 (c) The Secretary of Environmental Protection shall
17 release acquisition moneys from the appropriate account or
18 trust fund to a district following receipt of a resolution
19 adopted by the governing board identifying the lands being
20 acquired and certifying that such acquisition is consistent
21 with the 5-year work plan of acquisition and other provisions
22 of this section. The governing board also shall provide to the
23 Secretary of Environmental Protection a copy of all certified
24 appraisals used to determine the value of the land to be
25 purchased. Each parcel to be acquired must have at least one
26 appraisal. Two appraisals are required when the estimated
27 value of the parcel exceeds \$1 million~~\$500,000~~. However,
28 when both appraisals exceed \$1 million~~\$500,000~~ and differ
29 significantly, a third appraisal may be obtained. If the
30 purchase price is greater than the appraisal price, the
31 governing board shall submit written justification for the

1 increased price. The Secretary of Environmental Protection
2 may withhold moneys for any purchase that is not consistent
3 with the 5-year plan or the intent of this section or that is
4 in excess of appraised value. The governing board may appeal
5 any denial to the Land and Water Adjudicatory Commission
6 pursuant to s. 373.114.

7 Section 12. Subsection (10) of section 373.59, Florida
8 Statutes, as amended by chapter 2003-2, Laws of Florida, is
9 amended to read:

10 373.59 Water Management Lands Trust Fund.--

11 (10)(a) Beginning July 1, 1999, not more than
12 one-fourth of the ~~land management~~ funds provided for in
13 subsections (1) and (8) in any year shall be reserved annually
14 by a governing board, during the development of its annual
15 operating budget, for payments in lieu of taxes for all actual
16 tax losses incurred as a result of governing board
17 acquisitions for water management districts pursuant to ss.
18 259.101, 259.105, 373.470, and this section during any year.
19 Reserved funds not used for payments in lieu of taxes in any
20 year shall revert to the Water Management Lands Trust Fund to
21 be used in accordance with the provisions of this section.

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

23 1. To all counties that have a population of 150,000
24 or fewer. Population levels shall be determined pursuant to s.
25 11.031.

26 2. To all local governments located in eligible
27 counties and whose lands are bought and taken off the tax
28 rolls.

29

30 For properties acquired after January 1, 2000, in the event
31 that such properties otherwise eligible for payment in lieu of

1 taxes under this subsection are leased or reserved and remain
2 subject to ad valorem taxes, payments in lieu of taxes shall
3 commence or recommence upon the expiration or termination of
4 the lease or reservation, but in no event shall there be more
5 than a total of 10 ~~ten~~ annual payments in lieu of taxes for
6 each tax loss. If the lease is terminated for only a portion
7 of the lands at any time, the 10 ~~ten~~ annual payments shall be
8 made for that portion only commencing the year after such
9 termination, without limiting the requirement that 10 ~~ten~~
10 annual payments shall be made on the remaining portion or
11 portions of the land as the lease on each expires. For the
12 purposes of this subsection, "local government" includes
13 municipalities, the county school board, mosquito control
14 districts, and any other local government entity which levies
15 ad valorem taxes.

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

20 (d) The payment amount shall be based on the average
21 amount of actual taxes paid on the property for the 3 years
22 preceding acquisition. Applications for payment in lieu of
23 taxes shall be made no later than January 31 of the year
24 following acquisition. No payment in lieu of taxes shall be
25 made for properties which were exempt from ad valorem taxation
26 for the year immediately preceding acquisition.

27 (e) If property that was subject to ad valorem
28 taxation was acquired by a tax-exempt entity for ultimate
29 conveyance to the state under this chapter, payment in lieu of
30 taxes shall be made for such property based upon the average
31 amount of taxes paid on the property for the 3 years prior to

1 its being removed from the tax rolls. The water management
2 districts shall certify to the Department of Revenue those
3 properties that may be eligible under this provision. Once
4 eligibility has been established, that governmental entity
5 shall receive 10 consecutive annual payments for each tax
6 loss, and no further eligibility determination shall be made
7 during that period.

8 (f)~~(e)~~ Payment in lieu of taxes pursuant to this
9 subsection shall be made annually to qualifying counties and
10 local governments after certification by the Department of
11 Revenue that the amounts applied for are reasonably
12 appropriate, based on the amount of actual taxes paid on the
13 eligible property, and after the water management districts
14 have provided supporting documents to the Comptroller and have
15 requested that payment be made in accordance with the
16 requirements of this section. With the assistance of the local
17 government requesting payment in lieu of taxes, the water
18 management district that acquired the land is responsible for
19 preparing and submitting application requests for payment to
20 the Department of Revenue for certification.

21 (g)~~(f)~~ If a water management district conveys to a
22 county or local government title to any land owned by the
23 district, any payments in lieu of taxes on the land made to
24 the county or local government shall be discontinued as of the
25 date of the conveyance.

26 ~~(g) The districts may make retroactive payments to~~
27 ~~counties and local governments that did not receive payments~~
28 ~~in lieu of taxes for lands purchased under s. 259.101 and this~~
29 ~~section during fiscal year 1999-2000 if the counties and local~~
30 ~~governments would have received those payments under ss.~~
31 ~~259.032(12) and 373.59(14).~~

1 Section 13. Section 373.5905, Florida Statutes, is
2 amended to read:

3 373.5905 Reinstitution of payments in lieu of taxes;
4 duration.--If the Department of Environmental Protection or a
5 water management district has made a payment in lieu of taxes
6 to a governmental entity and subsequently suspended such
7 payment, the ~~department~~ or water management district shall
8 reinstitute appropriate payments and continue the payments in
9 consecutive years until the governmental entity has received a
10 total of 10 payments for each tax loss.

11 Section 14. Subsection (2) of section 260.016, Florida
12 Statutes, is amended to read:

13 260.016 General powers of the department.--

14 (2) The department shall:

15 (a) Evaluate lands for the acquisition of greenways
16 and trails and compile a list of suitable corridors,
17 greenways, and trails, ranking them in order of priority for
18 proposed acquisition. The department shall devise a method of
19 evaluation which includes, but is not limited to, the
20 consideration of+

21 ~~1.~~ the importance and function of such corridors
22 within the statewide system.

23 ~~2. Potential for local sharing in the acquisition,~~
24 ~~development, operation, or maintenance of greenway and trail~~
25 ~~corridors.~~

26 ~~3. Costs of acquisition, development, operation, and~~
27 ~~maintenance.~~

28 (b) Maintain an updated list of abandoned and
29 to-be-abandoned railroad rights-of-way.

30 (c) Provide information to public and private agencies
31 and organizations on abandoned rail corridors which are or

1 will be available for acquisition from the railroads or for
2 lease for interim recreational use from the Department of
3 Transportation.

4 (d) Develop and implement a process for designation of
5 lands and waterways as a part of the statewide system of
6 greenways and trails, which shall include:

7 1. Development and dissemination of criteria for
8 designation.

9 2. Development and dissemination of criteria for
10 changes in the terms or conditions of designation, including
11 withdrawal or termination of designation. A landowner may have
12 his or her lands removed from designation by providing the
13 department with a written request that contains an adequate
14 description of such lands to be removed. Provisions shall be
15 made in the designation agreement for disposition of any
16 future improvements made to the land by the department.

17 ~~3. Compilation of available information on and field~~
18 ~~verification of the characteristics of the lands and waterways~~
19 ~~as they relate to the developed criteria.~~

20 3.4. Public notice pursuant to s. 120.525 in all
21 phases of the process.

22 ~~5. Actual notice to the landowner by certified mail at~~
23 ~~least 7 days before any public meeting regarding the~~
24 ~~department's intent to designate.~~

25 4.6. Written authorization from the landowner in the
26 form of a lease or other instrument for the designation and
27 granting of public access, if appropriate, to a landowner's
28 property.

29 ~~5.7. Development of A greenway or trail use plan as a~~
30 ~~part of the designation agreement which shall. In any~~
31 ~~particular segment of a greenway or trail, the plan components~~

1 ~~must be compatible with connecting segments and~~, at a minimum,
2 describe the types and intensities of uses of the property.

3 (e) Implement the plan for the Florida Greenways and
4 Trails System as adopted by the Florida Greenways Coordinating
5 Council on September 11, 1998.

6 Section 15. In an exchange of lands contemplated
7 between the Board of Trustees of the Internal Improvement
8 Trust Fund and a local government for donated state lands no
9 longer needed for conservation purposes, lands proposed for
10 exchange by the state and the local government shall be
11 considered of equal value and no further consideration shall
12 be required, provided that the donated land being offered for
13 exchange by the state is not greater than 200 acres, and
14 provided that the local government has been negotiating the
15 exchange of lands with the Division of State Lands of the
16 Department of Environmental Protection for a period of not
17 less than 1 year. Notwithstanding the exchange and surplusing
18 requirements of chapters 253 and 259, Florida Statutes, and
19 the notice requirements of chapter 270, Florida Statutes, the
20 board of trustees shall exchange lands with a local government
21 under these provisions no later than August 31, 2003. Lands
22 conveyed to a local government under these provisions must be
23 used for a public purpose. Deeds of conveyance conveyed to a
24 local government under these provisions shall contain a
25 reverter clause that automatically reverts title to the board
26 of trustees if the local government fails to use the property
27 for a public purpose.

28 Section 16. Effective upon becoming law and
29 notwithstanding the exchange and surplusing requirements of
30 chapters 253 and 259, Florida Statutes, and the notice
31 requirements of chapter 270, Florida Statutes, in an exchange

1 of lands contemplated between the Board of Trustees of the
2 Internal Improvement Trust Fund and a private entity for
3 formerly submerged sovereignty lands, heretofore known as the
4 "Chapman Exchange," the board shall exchange lands with the
5 private entity under these provisions no later than July 1,
6 2003. This exchange satisfies the constitutional public
7 interest test for the following reasons:

8 1. The land to be exchanged by the state is not
9 greater than 200 acres, is within a rural county of critical
10 economic concern, and is adjacent to lands previously sold by
11 the state to private interests.

12 2. The land to be exchanged is currently off the tax
13 rolls of the county, which is at the 10 mill constitutional
14 cap.

15 3. The private entity has been negotiating an exchange
16 with the Division of State Lands for a period of not less than
17 one year, has acquired lands within the division's project
18 areas for conservation land acquisition, and owns land
19 adjacent to the subject state parcel.

20 4. The exchange shall be of equal monetary value. The
21 private entity shall provide any difference in appraised value
22 at the time of closing in cash or the equivalent.

23 Section 17. Sections 253.84 and 259.0345, Florida
24 Statutes, are repealed.

25 Section 18. If any law amended by this act was also
26 amended by a law enacted at the 2003 Regular Session of the
27 Legislature, such laws shall be construed as if they had been
28 enacted during the same session of the Legislature, and full
29 effect shall be given to each if possible.

30 Section 19. Except as otherwise expressly provided in
31 this act, this act shall take effect July 1, 2003.