



HB 0087A

2003

1 A bill to be entitled

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



HB 0087A

2003

31 donated nonconservation lands; providing requirements for
32 the exchange of other state-owned lands; amending s.
33 253.7823, F.S.; revising requirements for the disposition
34 of former barge canal surplus lands; amending s. 259.032,
35 F.S.; revising requirements for updating land management
36 plans; revising provisions allowing the use of reverted
37 funds; requiring that state agencies prepare and submit to
38 the Department of Revenue for certification application
39 requests for payment in lieu of taxes from local
40 governments; revising requirements for payment in lieu of
41 taxes; amending s. 259.0322, F.S.; providing that payments
42 in lieu of taxes be made for 20 consecutive years;
43 amending s. 259.036, F.S.; requiring land management
44 review teams to submit a 10-year land management plan
45 update to the Acquisition and Restoration Council;
46 amending s. 259.041, F.S.; clarifying certain requirements
47 regarding the acquisition of state-owned lands; amending
48 s. 373.139, F.S.; repealing obsolete requirements;
49 revising requirements for appraisals when acquiring water
50 management district lands; amending s. 373.59, F.S.;
51 revising provisions requiring payments in lieu of taxes
52 from funds deposited into the Water Management Lands Trust
53 Fund; amending s. 373.5905, F.S.; revising provisions
54 requiring reinstatement of payments in lieu of taxes;
55 amending s. 260.016, F.S.; revising powers of the
56 department in evaluating lands for acquisition of
57 greenways and trails; requiring the exchange of lands
58 between the Board of Trustees of the Internal Improvement
59 Trust Fund and a local government under certain
60 conditions; providing purposes for which exchanged lands



HB 0087A

2003

61 may be used; requiring the exchange of lands between the
62 Board of Trustees of the Internal Improvement Trust Fund
63 and a private entity by July 1, 2003; repealing s. 253.84,
64 F.S., relating to the acquisition of lands containing
65 cattle-dipping vats; repealing s. 259.0345, F.S., relating
66 to the Florida Forever Advisory Council; providing for
67 construction of the act in pari materia with laws enacted
68 during the Regular Session of the Legislature; providing
69 an effective date.

70

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

72

73 Section 1. Paragraph (a) of subsection (6) of section
74 253.025, Florida Statutes, is amended to read:

75 253.025 Acquisition of state lands for purposes other than
76 preservation, conservation, and recreation.--

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

81 (a) Each parcel to be acquired shall have at least one
82 appraisal. Two appraisals are required when the estimated value
83 of the parcel ~~first appraisal~~ exceeds \$1 million ~~\$500,000~~.

84 ~~However, when the values of both appraisals exceed \$500,000 and~~
85 ~~differ significantly, a third appraisal may be obtained.~~ When a
86 parcel is estimated to be worth \$100,000 or less and the
87 director of the Division of State Lands finds that the cost of
88 ~~obtaining~~ an outside appraisal is not justified, a comparable
89 sales analysis or other reasonably prudent procedures may be
90 used by the division to estimate the value of the parcel,



HB 0087A

2003

91 provided the public's interest is reasonably protected. The
92 state is not required to appraise the value of lands and
93 appurtenances that are being donated to the state. ~~an appraisal~~
94 ~~prepared by the division may be used.~~

95 Section 2. Subsections (2), (5), and (6) of section
96 253.034, Florida Statutes, are amended, subsections (8), (9),
97 (10), and (11) are renumbered as subsections (9), (10), (11),
98 and (12), respectively, and a new subsection (8) is added to
99 said section, to read:

100 253.034 State-owned lands; uses.--

101 (2) As used in this section, the following phrases have
102 the following meanings:

103 (a) "Multiple use" means the harmonious and coordinated
104 management of timber, recreation, conservation of fish and
105 wildlife, forage, archaeological and historic sites, habitat and
106 other biological resources, or water resources so that they are
107 utilized in the combination that will best serve the people of
108 the state, making the most judicious use of the land for some or
109 all of these resources and giving consideration to the relative
110 values of the various resources. Where necessary and
111 appropriate for all state-owned lands that are larger than 1,000
112 acres in project size and are managed for multiple uses, buffers
113 may be formed around any areas that require special protection
114 or have special management needs. Such buffers shall not exceed
115 more than one-half of the total acreage. Multiple uses within a
116 buffer area may be restricted to provide the necessary buffering
117 effect desired. Multiple use in this context includes both uses
118 of land or resources by more than one management entity, which
119 may include private sector land managers. In any case, lands
120 identified as multiple-use lands in the land management plan



HB 0087A

2003

121 shall be managed to enhance and conserve the lands and resources
122 for the enjoyment of the people of the state.

123 (b) "Single use" means management for one particular
124 purpose to the exclusion of all other purposes, except that the
125 using entity shall have the option of including in its
126 management program compatible secondary purposes which will not
127 detract from or interfere with the primary management purpose.
128 Such single uses may include, but are not necessarily restricted
129 to, the use of agricultural lands for production of food and
130 livestock, the use of improved sites and grounds for
131 institutional purposes, and the use of lands for parks,
132 preserves, wildlife management, archaeological or historic
133 sites, or wilderness areas where the maintenance of essentially
134 natural conditions is important. All submerged lands shall be
135 considered single-use lands and shall be managed primarily for
136 the maintenance of essentially natural conditions, the
137 propagation of fish and wildlife, and public recreation,
138 including hunting and fishing where deemed appropriate by the
139 managing entity.

140 (c) "Conservation lands" means lands that are currently
141 managed for conservation, outdoor resource-based recreation, or
142 archaeological or historic preservation, except those lands that
143 were acquired solely to facilitate the acquisition of other
144 conservation lands. Lands acquired for uses other than
145 conservation, outdoor resource-based recreation, or
146 archaeological or historic preservation shall not be designated
147 conservation lands except as otherwise authorized under this
148 section. These lands shall include, but not be limited to, the
149 following: correction and detention facilities, military
150 installations and facilities, state office buildings,



HB 0087A

2003

151 maintenance yards, state university or state community college
152 campuses, agricultural field stations or offices, tower sites,
153 law enforcement and license facilities, laboratories, hospitals,
154 clinics, and other sites that possess no significant natural or
155 historical resources. However, lands acquired solely to
156 facilitate the acquisition of other conservation lands, and for
157 which the land management plan has not yet been completed or
158 updated, may be evaluated by the Board of Trustees of the
159 Internal Improvement Trust Fund on a case-by-case basis to
160 determine if they will be designated conservation lands.

161
162 Lands acquired by the state as a gift, through donation, or by
163 any other conveyance for which no consideration was paid, and
164 which are not managed for conservation, outdoor resource-based
165 recreation, or archaeological or historic preservation under a
166 land management plan approved by the board of trustees are not
167 conservation lands.

168 (5) Each manager of conservation lands shall submit to the
169 Division of State Lands a land management plan at least every 10
170 years in a form and manner prescribed by rule by the board and
171 in accordance with the provisions of s. 259.032. Each manager of
172 conservation lands shall also update a land management plan
173 whenever the manager proposes to add new facilities or make
174 substantive land use or management changes that were not
175 addressed in the approved plan, or within one year of the
176 addition of significant new lands. Each manager of
177 nonconservation lands shall submit to the Division of State
178 Lands a land use plan at least every 10 years in a form and
179 manner prescribed by rule by the board. The division shall
180 review each plan for compliance with the requirements of this



HB 0087A

2003

181 subsection and the requirements of the rules established by the
182 board pursuant to this section. All land use plans, whether for
183 single-use or multiple-use properties, shall include an analysis
184 of the property to determine if any significant natural or
185 cultural resources are located on the property. Such resources
186 include archaeological and historic sites, state and federally
187 listed plant and animal species, and imperiled natural
188 communities and unique natural features. If such resources occur
189 on the property, the manager shall consult with the Division of
190 State Lands and other appropriate agencies to develop management
191 strategies to protect such resources. Land use plans shall also
192 provide for the control of invasive nonnative plants and
193 conservation of soil and water resources, including a
194 description of how the manager plans to control and prevent soil
195 erosion and soil or water contamination. Land use plans
196 submitted by a manager shall include reference to appropriate
197 statutory authority for such use or uses and shall conform to
198 the appropriate policies and guidelines of the state land
199 management plan. Plans for managed areas larger than 1,000 acres
200 shall contain an analysis of the multiple-use potential of the
201 property, which analysis shall include the potential of the
202 property to generate revenues to enhance the management of the
203 property. Additionally, the plan shall contain an analysis of
204 the potential use of private land managers to facilitate the
205 restoration or management of these lands. In those cases where a
206 newly acquired property has a valid conservation plan that was
207 developed by a soil and conservation district, such plan shall
208 be used to guide management of the property until a formal land
209 use plan is completed. ~~Each entity managing conservation lands~~
210 shall submit to the Division of State Lands a land management



HB 0087A

2003

211 ~~plan at least every 5 years in a form and manner prescribed by~~
212 ~~rule by the board. All management plans, whether for single use~~
213 ~~or multiple use properties, shall specifically describe how the~~
214 ~~managing entity plans to identify, locate, protect and preserve,~~
215 ~~or otherwise use fragile nonrenewable resources, such as~~
216 ~~archaeological and historic sites, as well as other fragile~~
217 ~~resources, including endangered plant and animal species, and~~
218 ~~provide for the conservation of soil and water resources and for~~
219 ~~the control and prevention of soil erosion. Land management~~
220 ~~plans submitted by an entity shall include reference to~~
221 ~~appropriate statutory authority for such use or uses and shall~~
222 ~~conform to the appropriate policies and guidelines of the state~~
223 ~~land management plan. All land management plans for parcels~~
224 ~~larger than 1,000 acres shall contain an analysis of the~~
225 ~~multiple use potential of the parcel, which analysis shall~~
226 ~~include the potential of the parcel to generate revenues to~~
227 ~~enhance the management of the parcel. Additionally, the land~~
228 ~~management plan shall contain an analysis of the potential use~~
229 ~~of private land managers to facilitate the restoration or~~
230 ~~management of these lands. In those cases where a newly~~
231 ~~acquired property has a valid conservation plan, the plan shall~~
232 ~~be used to guide management of the property until a formal land~~
233 ~~management plan is completed.~~

234 (a) The Division of State Lands shall make available to
235 the public a copy of each land management plan for parcels that
236 exceed 160 acres in size. The council shall review each plan for
237 compliance with the requirements of this subsection, the
238 requirements of chapter 259, and the requirements of the rules
239 established by the board pursuant to this section. The council
240 shall also consider the propriety of the recommendations of the



HB 0087A

2003

241 managing entity with regard to the future use of the property,
242 the protection of fragile or nonrenewable resources, the
243 potential for alternative or multiple uses not recognized by the
244 managing entity, and the possibility of disposal of the property
245 by the board. After its review, the council shall submit the
246 plan, along with its recommendations and comments, to the board.
247 The council shall specifically recommend to the board whether to
248 approve the plan as submitted, approve the plan with
249 modifications, or reject the plan.

250 (b) The Board of Trustees of the Internal Improvement
251 Trust Fund shall consider the land management plan submitted by
252 each entity and the recommendations of the council and the
253 Division of State Lands and shall approve the plan with or
254 without modification or reject such plan. The use or possession
255 of any such lands that is not in accordance with an approved
256 land management plan is subject to termination by the board.

257 (6) The Board of Trustees of the Internal Improvement
258 Trust Fund shall determine which lands, the title to which is
259 vested in the board, may be surplus. For conservation lands,
260 the board shall make a determination that the lands are no
261 longer needed for conservation purposes and may dispose of them
262 by a two-thirds vote. In the case of a land exchange involving
263 the disposition of conservation lands, the board must determine
264 by at least a two-thirds vote that the exchange will result in a
265 net positive conservation benefit. For all other lands, the
266 board shall make a determination that the lands are no longer
267 needed and may dispose of them by majority vote.

268 (a) For the purposes of this subsection, all lands
269 acquired by the state prior to July 1, 1999, using proceeds from
270 the Preservation 2000 bonds, the Conservation and Recreation



HB 0087A

2003

271 Lands Trust Fund, the Water Management Lands Trust Fund,
272 Environmentally Endangered Lands Program, and the Save Our Coast
273 Program and titled to the board, which lands are identified as
274 core parcels or within original project boundaries, shall be
275 deemed to have been acquired for conservation purposes.

276 (b) For any lands purchased by the state on or after July
277 1, 1999, a determination shall be made by the board prior to
278 acquisition as to those parcels that shall be designated as
279 having been acquired for conservation purposes. No lands
280 acquired for use by the Department of Corrections, the
281 Department of Management Services for use as state offices, the
282 Department of Transportation, except those specifically managed
283 for conservation or recreation purposes, or the State University
284 System or the Florida Community College System shall be
285 designated as having been purchased for conservation purposes.

286 (c) At least every 10 ~~5~~ years, as a component of each land
287 management plan or land use plan and in a form and manner
288 prescribed by rule by the board, each manager ~~management entity~~
289 shall evaluate and indicate to the board those lands that ~~the~~
290 ~~entity manages which~~ are not being used for the purpose for
291 which they were originally leased. For conservation lands, the
292 council shall review and shall recommend to the board whether
293 such lands should be retained in public ownership or disposed of
294 by the board. For nonconservation lands, the division shall
295 review such lands and shall recommend to the board whether such
296 lands should be retained in public ownership or disposed of by
297 the board. ~~Such lands shall be reviewed by the council for its~~
298 ~~recommendation as to whether such lands should be disposed of by~~
299 ~~the board.~~

300 (d) Lands owned by the board which are not actively



HB 0087A

2003

301 managed by any state agency or for which a land management plan
 302 has not been completed pursuant to subsection (5) shall be
 303 reviewed by the council or its successor for its recommendation
 304 as to whether such lands should be disposed of by the board.

305 (e) Prior to any decision by the board to surplus lands,
 306 the Acquisition and Restoration Council shall review and make
 307 recommendations to the board concerning the request for
 308 surplusings. The council shall determine whether the request for
 309 surplusings is compatible with the resource values of and
 310 management objectives for such lands.

311 (f) In reviewing lands owned by the board, the council
 312 shall consider whether such lands would be more appropriately
 313 owned or managed by the county or other unit of local government
 314 in which the land is located. The council shall recommend to the
 315 board whether a sale, lease, or other conveyance to a local
 316 government would be in the best interests of the state and local
 317 government. The provisions of this paragraph in no way limit the
 318 provisions of ss. 253.111 and 253.115. Such lands shall be
 319 offered to the state, county, or local government for a period
 320 of 30 days. Permittable uses for such surplus lands may include
 321 public schools; public libraries; fire or law enforcement
 322 substations; and governmental, judicial, or recreational
 323 centers. County or local government requests for surplus lands
 324 shall be expedited throughout the surplusings process. If the
 325 county or local government does not elect to purchase such lands
 326 in accordance with s. 253.111, then any surplusings determination
 327 involving other governmental agencies shall be made upon the
 328 board deciding the best public use of the lands. Surplus
 329 properties in which governmental agencies have expressed no
 330 interest shall then be available for sale on the private market.



HB 0087A

2003

331 (g) The sale price of lands determined to be surplus
332 pursuant to this subsection shall be determined by the division
333 and shall take into consideration an appraisal of the property,
334 or, when the estimated value of the land is less than \$100,000,
335 a comparable sales analysis or a broker's opinion of value, and
336 ~~sold for appraised value or the price paid by the state or a~~
337 ~~water management district to originally acquire the lands, 7~~
338 ~~whichever is greater, except when the board or its designee~~
339 ~~determines a different sale price is in the public interest.~~
340 However, for those lands sold as surplus to any unit of
341 government, the price shall not exceed the price paid by the
342 state or a water management district to originally acquire the
343 lands. A unit of government that ~~which~~ acquires title to lands
344 hereunder for less than appraised value may not sell or transfer
345 title to all or any portion of the lands to any private owner
346 for a period of 10 years. Any unit of government seeking to
347 transfer or sell lands pursuant to this paragraph shall first
348 allow the board of trustees to reacquire such lands for the
349 price at which the board ~~they~~ sold such lands.

350 (h) Where a unit of government acquired land by gift,
351 donation, grant, quit-claim deed, or other such conveyance where
352 no monetary consideration was exchanged, the price of land sold
353 as surplus may be based on one appraisal. In the event that a
354 single appraisal yields a value equal to or greater than \$1
355 million, a second appraisal is required. The individual or
356 entity requesting the surplus shall select and use appraisers
357 from the list of approved appraisers maintained by the Division
358 of State Lands in accordance with s. 253.025(6)(b). The
359 individual or entity requesting the surplus is to incur all
360 costs of the appraisals.



HB 0087A

2003

361 (i) After reviewing the recommendations of the council,
362 the board shall determine whether lands identified for surplus
363 are to be held for other public purposes or whether such lands
364 are no longer needed. The board may require an agency to
365 release its interest in such lands. For an agency that has
366 requested the use of a property that was to be declared as
367 surplus, said agency must have the property under lease within 6
368 months of the date of expiration of the notice provisions
369 required under ss. 253.034(6) and 253.111.

370 (j) Requests for surplusing may be made by any public or
371 private entity or person. All requests shall be submitted to
372 the lead managing agency for review and recommendation to the
373 council or its successor. Lead managing agencies shall have 90
374 days to review such requests and make recommendations. Any
375 surplusing requests that have not been acted upon within the 90-
376 day time period shall be immediately scheduled for hearing at
377 the next regularly scheduled meeting of the council or its
378 successor. Requests for surplusing pursuant to this paragraph
379 shall not be required to be offered to local or state
380 governments as provided in paragraph (f).

381 (k) Proceeds from any sale of surplus lands pursuant to
382 this subsection shall be deposited into the fund from which such
383 lands were acquired. However, if the fund from which the lands
384 were originally acquired no longer exists, such proceeds shall
385 be deposited into an appropriate account to be used for land
386 management by the lead managing agency assigned the lands prior
387 to the lands being declared surplus. Funds received from the
388 sale of surplus nonconservation lands, or lands that were
389 acquired by gift, by donation, or for no consideration, shall be
390 deposited into the Internal Improvement Trust Fund.



HB 0087A

2003

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

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

399 (n) The board may adopt rules to implement the provisions
400 of this section, which may include procedures for administering
401 surplus land requests and criteria for when the division may
402 approve requests to surplus nonconservation lands on behalf of
403 the board.

404 (8)(a) Notwithstanding other provisions of this section,
405 the Division of State Lands is directed to prepare a state
406 inventory of all federal lands and all lands titled in the name
407 of the state, a state agency, a water management district, or a
408 local government on a county-by-county basis, with the exception
409 of rights-of-way for existing, proposed, or anticipated
410 transportation facilities. The division must identify state or
411 water management district lands purchased with funds distributed
412 according to the Florida Forever Program, the Preservation 2000
413 Program, the Conservation and Recreation Lands Program, the
414 Environmentally Endangered Lands Program, the Save Our Rivers
415 Program, or the Save Our Coast Program. To facilitate the
416 development of the state inventory, each county shall direct the
417 appropriate county office with authority over the information to
418 provide the division with a county inventory of all lands
419 identified as federal lands and lands titled in the name of the
420 state, a state agency, a water management district, or a local



HB 0087A

2003

421 government.

422 (b) The state inventory must distinguish between lands
423 purchased by the state or a water management district as part of
424 a core parcel or within original project boundaries, as those
425 terms are used to meet the surplus requirements of subsection
426 (6), and lands purchased by the state, a state agency, or a
427 water management district which were not essential or necessary
428 to meet the conservation purposes of the programs which funded
429 the acquisition.

430 (c) In any county in which more than 50 percent of the
431 lands within the county boundary are federal lands or lands
432 titled in the name of the state, a state agency, a water
433 management district, or a local government, those lands titled
434 in the name of the state or a state agency that were purchased
435 using funds from any program identified in paragraph (a) and
436 that are not essential or necessary to meet the original
437 purposes of the program under which they were acquired may, upon
438 request of a public or private entity, be made available for
439 purchase through the state's surplus process. Priority
440 consideration shall be given to buyers, public or private,
441 willing to return the property to productive use so long as the
442 property can be reentered onto the county ad valorem tax roll.
443 Property acquired with matching funds from a local government
444 shall not be made available for purchase without the consent of
445 said local government.

446 Section 3. Section 253.0341, Florida Statutes, is created
447 to read:

448 253.0341 Surplus of state-owned lands to counties or local
449 governments.--Counties and local governments may submit
450 surplus requests for state-owned lands directly to the board



HB 0087A

2003

451 of trustees. County or local government requests for the state
452 to surplus conservation or nonconservation lands, whether for
453 purchase or exchange, shall be expedited throughout the
454 surplusing process. Property jointly acquired by the state and
455 other entities shall not be surplusd without the consent of all
456 joint owners.

457 (1) The decision to surplus state-owned nonconservation
458 lands may be made by the board without a review of, or a
459 recommendation on, the request from the Acquisition and
460 Restoration Council or the Division of State Lands. Such
461 requests for nonconservation lands shall be considered by the
462 board within 60 days of the board's receipt of the request.

463 (2) County or local government requests for the surplusng
464 of state-owned conservation lands are subject to review of and
465 recommendation on the request to the board by the Acquisition
466 and Restoration Council. Requests to surplus conservation lands
467 shall be considered by the board within 120 days of the board's
468 receipt of the request.

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

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

473 253.42 Board of trustees may exchange lands.--The
474 provisions of this section apply to all lands owned by, vested
475 in, or titled in the name of the board whether the lands were
476 acquired by the state as a purchase, or through gift, donation,
477 or any other conveyance for which no consideration was paid.

478 (1) The board of trustees may exchange any lands owned by,
479 vested in, or titled in the name of the board for other lands in
480 the state owned by counties, local governments, individuals, or



HB 0087A

2003

481 private or public corporations, and may fix the terms and
482 conditions of any such exchange. Any nonconservation lands that
483 were acquired by the state through gift, donation, or any other
484 conveyance for which no consideration was paid must first be
485 offered at no cost to a county or local government unless
486 otherwise provided in a deed restriction of record or other
487 legal impediment, and so long as the use proposed by the county
488 or local government is for a public purpose. For conservation
489 lands acquired by the state through gift, donation, or any other
490 conveyance for which no consideration was paid, the state may
491 request land of equal conservation value from the county or
492 local government but no other consideration.

493 (2) In exchanging state-owned lands not acquired by the
494 state through gift, donation, or any other conveyance for which
495 no consideration was paid, with counties or local governments,
496 the board shall require an exchange of equal value. Equal value
497 is defined as the conservation benefit of the lands being
498 offered for exchange by a county or local government being equal
499 or greater in conservation benefit than the state-owned lands.
500 Such exchanges may include cash transactions if based on an
501 appropriate measure of value of the state-owned land, but must
502 also include the determination of a net-positive conservation
503 benefit by the Acquisition and Restoration Council, irrespective
504 of appraised value.

505 (3) The board shall select and agree upon the state lands
506 to be exchanged and the lands to be conveyed to the state and
507 shall pay or receive any sum of money deemed necessary by the
508 board for the purpose of equalizing the value of the exchanged
509 property. The board is authorized to make and enter into
510 contracts or agreements for such purpose or purposes.



HB 0087A

2003

511 Section 5. Section 253.7823, Florida Statutes, is amended
 512 to read:

513 253.7823 Disposition of surplus lands; compensation of
 514 counties located within the Cross Florida Canal Navigation
 515 District.--

516 (1) The department may ~~shall~~ identify parcels of former
 517 barge canal lands that ~~which~~ may be sold or exchanged ~~as needed~~
 518 ~~to repay the counties of the Cross Florida Canal Navigation~~
 519 ~~District any sums due them pursuant to s. 253.783(2)(e).~~ In
 520 identifying said surplus lands, the department shall give
 521 priority to ~~consideration to lands situated outside the~~
 522 ~~greenways' boundaries,~~ those lands not having high recreation or
 523 conservation values, and those having the greatest assessed
 524 valuations. Although the department shall immediately begin to
 525 identify the parcels of surplus lands to be sold, the department
 526 shall offer the lands for sale in a manner designed to maximize
 527 the amounts received over a reasonable period of time.

528 ~~(2) Disbursements of amounts due the counties shall be~~
 529 ~~made on a semiannual basis and shall be completed before any~~
 530 ~~additional lands or easements may be acquired within the~~
 531 ~~boundaries of the greenways.~~

532 ~~(2)(3) In addition to lands identified for sale to~~
 533 ~~generate funds for repayment of counties pursuant to s.~~
 534 ~~253.783(2)(e),~~ The department is authorized to sell surplus
 535 additional former canal lands if they are determined to be
 536 unnecessary to the effective provision of the type of
 537 recreational opportunities and conservation activities for which
 538 the greenway was ~~greenways were~~ created.

539 ~~(4) Until repayment to the counties pursuant to s.~~
 540 ~~253.783(2)(e) has been completed, any agency wishing to use~~



HB 0087A

2003

541 ~~former canal lands must pay the full assessed value of said~~
542 ~~lands.~~

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

546 259.032 Conservation and Recreation Lands Trust Fund;
547 purpose.--

548 (10)

549 (c) Once a plan is adopted, the managing agency or entity
550 shall update the plan at least every 10 5 years in a form and
551 manner prescribed by rule of the board of trustees. Such
552 updates, for parcels over 160 acres, shall be developed with
553 input from an advisory group. Such plans may include transfers
554 of leasehold interests to appropriate conservation organizations
555 or governmental entities designated by the Land Acquisition and
556 Management Advisory Council or its successor, for uses
557 consistent with the purposes of the organizations and the
558 protection, preservation, conservation, restoration, and proper
559 management of the lands and their resources. Volunteer
560 management assistance is encouraged, including, but not limited
561 to, assistance by youths participating in programs sponsored by
562 state or local agencies, by volunteers sponsored by
563 environmental or civic organizations, and by individuals
564 participating in programs for committed delinquents and adults.

565 (12)(a) Beginning July 1, 1999, the Legislature shall make
566 available sufficient funds annually from the Conservation and
567 Recreation Lands Trust Fund to the department for payment in
568 lieu of taxes to qualifying counties and local governments as
569 defined in paragraph (b) for all actual tax losses incurred as a
570 result of board of trustees acquisitions for state agencies



HB 0087A

2003

571 under the Florida Forever program or the Florida Preservation
572 2000 program during any year. Reserved funds not used for
573 payments in lieu of taxes in any year shall revert to the fund
574 to be used for land management ~~acquisition~~ in accordance with
575 the provisions of this section.

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

577 1. To all counties that have a population of 150,000 or
578 fewer. Population levels shall be determined pursuant to s.
579 11.031.

580 2. To all local governments located in eligible counties.

581 3. To Glades County, where a privately owned and operated
582 prison leased to the state has recently been opened and where
583 privately owned and operated juvenile justice facilities leased
584 to the state have recently been constructed and opened, a
585 payment in lieu of taxes, in an amount that offsets the loss of
586 property tax revenue, which funds have already been appropriated
587 and allocated from the Department of Correction's budget for the
588 purpose of reimbursing amounts equal to lost ad valorem taxes.

589
590 ~~Counties and local governments that did not receive payments in~~
591 ~~lieu of taxes for lands purchased pursuant to s. 259.101 during~~
592 ~~fiscal year 1999-2000, if such counties and local governments~~
593 ~~would have received payments pursuant to this subsection as that~~
594 ~~section existed on June 30, 1999, shall receive retroactive~~
595 ~~payments for such tax losses.~~

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

600 (d) The payment amount shall be based on the average



HB 0087A

2003

601 amount of actual taxes paid on the property for the 3 years
602 preceding acquisition. Applications for payment in lieu of taxes
603 shall be made no later than January 31 of the year following
604 acquisition. No payment in lieu of taxes shall be made for
605 properties which were exempt from ad valorem taxation for the
606 year immediately preceding acquisition.

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

618 (f)~~(e)~~ Payment in lieu of taxes pursuant to this
619 subsection shall be made annually to qualifying counties and
620 local governments after certification by the Department of
621 Revenue that the amounts applied for are reasonably appropriate,
622 based on the amount of actual taxes paid on the eligible
623 property. With the assistance of the local government requesting
624 payment in lieu of taxes, the state agency that acquired the
625 land is responsible for preparing and submitting application
626 requests for payment to the Department of Revenue for
627 certification, ~~and after the Department of Environmental~~
628 ~~Protection has provided supporting documents to the Comptroller~~
629 ~~and has requested that payment be made in accordance with the~~
630 ~~requirements of this section.~~



HB 0087A

2003

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

635
 636 For the purposes of this subsection, "local government" includes
 637 municipalities, the county school board, mosquito control
 638 districts, and any other local government entity which levies ad
 639 valorem taxes, with the exception of a water management
 640 district.

641 (13) Moneys credited to the fund each year which are not
 642 used for management, maintenance, or capital improvements
 643 pursuant to subsection (11); for payment in lieu of taxes
 644 pursuant to subsection (12); or for the purposes of subsection
 645 (5), shall be available for the acquisition of land pursuant to
 646 this section.

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

652 Section 7. Section 259.0322, Florida Statutes, is amended
 653 to read:

654 259.0322 Reinstitution of payments in lieu of taxes;
 655 duration.--If the Department of Environmental Protection ~~or a~~
 656 ~~water management district~~ has made a payment in lieu of taxes to
 657 a governmental entity and subsequently suspended such payment,
 658 the department ~~or water management district~~ shall reinstitute
 659 appropriate payments and continue the payments in consecutive
 660 years until the governmental entity has received a total of 10



HB 0087A

2003

661 payments for each tax loss.

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

664 259.036 Management review teams.--

665 (2) The land management review team shall review select
 666 management areas ~~parcels of managed land~~ prior to the date the
 667 manager ~~managing agency~~ is required to submit a 10-year ~~its 5-~~
 668 ~~year~~ land management plan update. For management areas that
 669 exceed 1,000 acres in size, the Division of State Lands shall
 670 schedule a land management review at least every 5 years. A copy
 671 of the review shall be provided to the manager ~~managing agency~~,
 672 the Division of State Lands, and the Acquisition and Restoration
 673 Council ~~Land Acquisition and Management Advisory Council or its~~
 674 ~~successor~~. The manager ~~managing agency~~ shall consider the
 675 findings and recommendations of the land management review team
 676 in finalizing the required 10-year ~~5-year~~ update of its
 677 management plan.

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

680 259.041 Acquisition of state-owned lands for preservation,
 681 conservation, and recreation purposes.--

682 (1) Neither the Board of Trustees of the Internal
 683 Improvement Trust Fund nor its duly authorized agent shall
 684 commit the state, through any instrument of negotiated contract
 685 or agreement for purchase, to the purchase of lands with or
 686 without appurtenances unless the provisions of this section have
 687 been fully complied with. Except for the requirements of
 688 subsections (3), (14), and (15), the board of trustees may waive
 689 any requirements of this section, may waive any rules adopted
 690 pursuant to this section, notwithstanding chapter 120, However,



HB 0087A

2003

691 ~~the board of trustees may waive any requirement of this section,~~
692 ~~except the requirements of subsections (3), (14), and (15); or,~~
693 ~~notwithstanding chapter 120, may waive any rules adopted~~
694 ~~pursuant to this section, except rules adopted pursuant to~~
695 ~~subsections (3), (14), and (15); or may substitute other~~
696 reasonably prudent procedures, provided the public's interest is
697 reasonably protected. The title to lands acquired pursuant to
698 this section shall vest in the board of trustees as provided in
699 s. 253.03(1), unless otherwise provided by law, and ~~and~~ all such
700 titled lands, ~~title to which is vested in the board of trustees~~
701 ~~pursuant to this section,~~ shall be administered pursuant to the
702 provisions of s. 253.03.

703 Section 10. Subsection (3) of section 373.139, Florida
704 Statutes, is amended to read:

705 373.139 Acquisition of real property.--

706 (3) The initial 5-year work plan and any subsequent
707 modifications or additions thereto shall be adopted by each
708 water management district after a public hearing. Each water
709 management district shall provide at least 14 days' advance
710 notice of the hearing date and shall separately notify each
711 county commission within which a proposed work plan project or
712 project modification or addition is located of the hearing date.

713 (a) Appraisal reports, offers, and counteroffers are
714 confidential and exempt from the provisions of s. 119.07(1)
715 until an option contract is executed or, if no option contract
716 is executed, until 30 days before a contract or agreement for
717 purchase is considered for approval by the governing board.
718 However, each district may, at its discretion, disclose
719 appraisal reports to private landowners during negotiations for
720 acquisitions using alternatives to fee simple techniques, if the



HB 0087A

2003

721 district determines that disclosure of such reports will bring
722 the proposed acquisition to closure. In the event that
723 negotiation is terminated by the district, the ~~title~~
724 ~~information~~, appraisal report, offers, and counteroffers shall
725 become available pursuant to s. 119.07(1). Notwithstanding the
726 provisions of this section and s. 259.041, a district and the
727 Division of State Lands may share and disclose ~~title~~
728 ~~information~~, appraisal reports, appraisal information, offers,
729 and counteroffers when joint acquisition of property is
730 contemplated. A district and the Division of State Lands shall
731 maintain the confidentiality of such ~~title information~~,
732 appraisal reports, appraisal information, offers, and
733 counteroffers in conformance with this section and s. 259.041,
734 except in those cases in which a district and the division have
735 exercised discretion to disclose such information. A district
736 may disclose appraisal information, offers, and counteroffers to
737 a third party who has entered into a contractual agreement with
738 the district to work with or on the behalf of or to assist the
739 district in connection with land acquisitions. The third party
740 shall maintain the confidentiality of such information in
741 conformance with this section. In addition, a district may use,
742 as its own, appraisals obtained by a third party provided the
743 appraiser is selected from the district's list of approved
744 appraisers and the appraisal is reviewed and approved by the
745 district.

746 (b) The Secretary of Environmental Protection shall
747 release moneys from the appropriate account or trust fund to a
748 district for preacquisition costs within 30 days after receipt
749 of a resolution adopted by the district's governing board which
750 identifies and justifies any such preacquisition costs necessary



HB 0087A

2003

751 for the purchase of any lands listed in the district's 5-year
752 work plan. The district shall return to the department any funds
753 not used for the purposes stated in the resolution, and the
754 department shall deposit the unused funds into the appropriate
755 account or trust fund.

756 (c) The Secretary of Environmental Protection shall
757 release acquisition moneys from the appropriate account or trust
758 fund to a district following receipt of a resolution adopted by
759 the governing board identifying the lands being acquired and
760 certifying that such acquisition is consistent with the 5-year
761 work plan of acquisition and other provisions of this section.
762 The governing board also shall provide to the Secretary of
763 Environmental Protection a copy of all certified appraisals used
764 to determine the value of the land to be purchased. Each parcel
765 to be acquired must have at least one appraisal. Two appraisals
766 are required when the estimated value of the parcel exceeds \$1
767 million ~~\$500,000~~. However, when both appraisals exceed \$1
768 million ~~\$500,000~~ and differ significantly, a third appraisal may
769 be obtained. If the purchase price is greater than the
770 appraisal price, the governing board shall submit written
771 justification for the increased price. The Secretary of
772 Environmental Protection may withhold moneys for any purchase
773 that is not consistent with the 5-year plan or the intent of
774 this section or that is in excess of appraised value. The
775 governing board may appeal any denial to the Land and Water
776 Adjudicatory Commission pursuant to s. 373.114.

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

779 373.59 Water Management Lands Trust Fund.--

780 (10)(a) Beginning July 1, 1999, not more than one-fourth



HB 0087A

2003

781 of the ~~land management~~ funds provided for in subsections (1) and
 782 (8) in any year shall be reserved annually by a governing board,
 783 during the development of its annual operating budget, for
 784 payments in lieu of taxes for all actual tax losses incurred as
 785 a result of governing board acquisitions for water management
 786 districts pursuant to ss. 259.101, 259.105, 373.470, and this
 787 section during any year. Reserved funds not used for payments in
 788 lieu of taxes in any year shall revert to the Water Management
 789 Lands Trust Fund to be used in accordance with the provisions of
 790 this section.

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

792 1. To all counties that have a population of 150,000 or
 793 fewer. Population levels shall be determined pursuant to s.
 794 11.031.

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

797
 798 For properties acquired after January 1, 2000, in the event that
 799 such properties otherwise eligible for payment in lieu of taxes
 800 under this subsection are leased or reserved and remain subject
 801 to ad valorem taxes, payments in lieu of taxes shall commence or
 802 recommence upon the expiration or termination of the lease or
 803 reservation, but in no event shall there be more than a total of
 804 10 ~~ten~~ annual payments in lieu of taxes for each tax loss. If
 805 the lease is terminated for only a portion of the lands at any
 806 time, the 10 ~~ten~~ annual payments shall be made for that portion
 807 only commencing the year after such termination, without
 808 limiting the requirement that 10 ~~ten~~ annual payments shall be
 809 made on the remaining portion or portions of the land as the
 810 lease on each expires. For the purposes of this subsection,



HB 0087A

2003

811 "local government" includes municipalities, the county school
812 board, mosquito control districts, and any other local
813 government entity which levies ad valorem taxes.

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

818 (d) The payment amount shall be based on the average
819 amount of actual taxes paid on the property for the 3 years
820 preceding acquisition. Applications for payment in lieu of taxes
821 shall be made no later than January 31 of the year following
822 acquisition. No payment in lieu of taxes shall be made for
823 properties which were exempt from ad valorem taxation for the
824 year immediately preceding acquisition.

825 (e) If property that was subject to ad valorem taxation
826 was acquired by a tax-exempt entity for ultimate conveyance to
827 the state under this chapter, payment in lieu of taxes shall be
828 made for such property based upon the average amount of taxes
829 paid on the property for the 3 years prior to its being removed
830 from the tax rolls. The water management districts shall certify
831 to the Department of Revenue those properties that may be
832 eligible under this provision. Once eligibility has been
833 established, that governmental entity shall receive 10
834 consecutive annual payments for each tax loss, and no further
835 eligibility determination shall be made during that period.

836 ~~(f)~~(e) Payment in lieu of taxes pursuant to this
837 subsection shall be made annually to qualifying counties and
838 local governments after certification by the Department of
839 Revenue that the amounts applied for are reasonably appropriate,
840 based on the amount of actual taxes paid on the eligible



HB 0087A

2003

841 property, and after the water management districts have provided
842 supporting documents to the Comptroller and have requested that
843 payment be made in accordance with the requirements of this
844 section. With the assistance of the local government requesting
845 payment in lieu of taxes, the water management district that
846 acquired the land is responsible for preparing and submitting
847 application requests for payment to the Department of Revenue
848 for certification.

849 ~~(g)(f)~~ If a water management district conveys to a county
850 or local government title to any land owned by the district, any
851 payments in lieu of taxes on the land made to the county or
852 local government shall be discontinued as of the date of the
853 conveyance.

854 ~~(g) The districts may make retroactive payments to~~
855 ~~counties and local governments that did not receive payments in~~
856 ~~lieu of taxes for lands purchased under s. 259.101 and this~~
857 ~~section during fiscal year 1999-2000 if the counties and local~~
858 ~~governments would have received those payments under ss.~~
859 ~~259.032(12) and 373.59(14).~~

860 Section 12. Section 373.5905, Florida Statutes, is amended
861 to read:

862 373.5905 Reinstitution of payments in lieu of taxes;
863 duration.--If the Department of Environmental Protection or a
864 water management district has made a payment in lieu of taxes to
865 a governmental entity and subsequently suspended such payment,
866 the ~~department or~~ water management district shall reinstitute
867 appropriate payments and continue the payments in consecutive
868 years until the governmental entity has received a total of 20
869 ~~10~~ payments for each tax loss.

870 Section 13. Subsection (2) of section 260.016, Florida



HB 0087A

2003

871 Statutes, is amended to read:

872 260.016 General powers of the department.--

873 (2) The department shall:

874 (a) Evaluate lands for the acquisition of greenways and
875 trails and compile a list of suitable corridors, greenways, and
876 trails, ranking them in order of priority for proposed
877 acquisition. The department shall devise a method of evaluation
878 which includes, but is not limited to, the consideration of:

879 ~~1.~~ the importance and function of such corridors within
880 the statewide system.

881 ~~2.~~ ~~Potential for local sharing in the acquisition,~~
882 ~~development, operation, or maintenance of greenway and trail~~
883 ~~corridors.~~

884 ~~3.~~ ~~Costs of acquisition, development, operation, and~~
885 ~~maintenance.~~

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

888 (c) Provide information to public and private agencies and
889 organizations on abandoned rail corridors which are or will be
890 available for acquisition from the railroads or for lease for
891 interim recreational use from the Department of Transportation.

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

895 1. Development and dissemination of criteria for
896 designation.

897 2. Development and dissemination of criteria for changes
898 in the terms or conditions of designation, including withdrawal
899 or termination of designation. A landowner may have his or her
900 lands removed from designation by providing the department with



HB 0087A

2003

901 a written request that contains an adequate description of such
 902 lands to be removed. Provisions shall be made in the designation
 903 agreement for disposition of any future improvements made to the
 904 land by the department.

905 ~~3. Compilation of available information on and field~~
 906 ~~verification of the characteristics of the lands and waterways~~
 907 ~~as they relate to the developed criteria.~~

908 3.4. Public notice pursuant to s. 120.525 in all phases of
 909 the process.

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

913 4.6. Written authorization from the landowner in the form
 914 of a lease or other instrument for the designation and granting
 915 of public access, if appropriate, to a landowner's property.

916 ~~5.7. Development of~~ A greenway or trail use plan as a part
 917 of the designation agreement which shall. ~~In any particular~~
 918 ~~segment of a greenway or trail, the plan components must be~~
 919 ~~compatible with connecting segments and,~~ at a minimum, describe
 920 the types and intensities of uses of the property.

921 (e) Implement the plan for the Florida Greenways and
 922 Trails System as adopted by the Florida Greenways Coordinating
 923 Council on September 11, 1998.

924 Section 14. In an exchange of lands contemplated between
 925 the Board of Trustees of the Internal Improvement Trust Fund and
 926 a local government for donated state lands no longer needed for
 927 conservation purposes, lands proposed for exchange by the state
 928 and the local government shall be considered of equal value and
 929 no further consideration shall be required, provided that the
 930 donated land being offered for exchange by the state is not



HB 0087A

2003

931 greater than 200 acres, and provided that the local government
932 has been negotiating the exchange of lands with the Division of
933 State Lands of the Department of Environmental Protection for a
934 period of not less than 1 year. Notwithstanding the exchange and
935 surplusing requirements of chapters 253 and 259, Florida
936 Statutes, and the notice requirements of chapter 270, Florida
937 Statutes, the board of trustees shall exchange lands with a
938 local government under these provisions no later than August 31,
939 2003. Lands conveyed to a local government under these
940 provisions must be used for a public purpose. Deeds of
941 conveyance conveyed to a local government under these provisions
942 shall contain a reverter clause that automatically reverts title
943 to the board of trustees if the local government fails to use
944 the property for a public purpose.

945 Section 15. Effective upon becoming law and
946 notwithstanding the exchange and surplusing requirements of
947 chapters 253 and 259, Florida Statutes, and the notice
948 requirements of chapter 270, Florida Statutes, in an exchange of
949 lands contemplated between the Board of Trustees of the Internal
950 Improvement Trust Fund and a private entity for formerly
951 submerged sovereignty lands, heretofore known as the "Chapman
952 Exchange", the board shall exchange lands with the private
953 entity under these provisions no later than July 1, 2003. This
954 exchange satisfies the constitutional public interest test for
955 the following reasons:

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

960 2. The land to be exchanged is currently off the tax rolls



HB 0087A

2003

961 of the county, which is at the 10 mill constitutional cap.

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

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

970 Section 16. Sections 253.84 and 259.0345, Florida
971 Statutes, are repealed.

972 Section 17. If any law amended by this act was also
973 amended by a law enacted at the 2003 Regular Session of the
974 Legislature, such laws shall be construed as if they had been
975 enacted at the same session of the Legislature, and full effect
976 shall be given to each if possible.

977 Section 18. Except as otherwise provided, this act shall
978 take effect July 1, 2003.