



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



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 10 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. 373.089, F.S.; providing conditions under which lands
 49 titled in the name of a water management district may be
 50 made available for purchase through a surplusing process;
 51 amending s. 373.139, F.S.; repealing obsolete
 52 requirements; revising requirements for appraisals when
 53 acquiring water management district lands; amending s.
 54 373.59, F.S.; revising provisions requiring payments in
 55 lieu of taxes from funds deposited into the Water
 56 Management Lands Trust Fund; amending s. 373.5905, F.S.;
 57 revising provisions requiring reinstatement of payments in
 58 lieu of taxes; amending s. 260.016, F.S.; revising powers
 59 of the department in evaluating lands for acquisition of
 60 greenways and trails; requiring the exchange of lands



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

73

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

75

76 Section 1. Paragraph (a) of subsection (6) of section
 77 253.025, Florida Statutes, is amended to read:

78 253.025 Acquisition of state lands for purposes other than
 79 preservation, conservation, and recreation.--

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

84 (a) Each parcel to be acquired shall have at least one
 85 appraisal. Two appraisals are required when the estimated value
 86 of the parcel ~~first appraisal~~ exceeds \$1 million ~~\$500,000~~.
 87 ~~However, when the values of both appraisals exceed \$500,000 and~~
 88 ~~differ significantly, a third appraisal may be obtained.~~ When a
 89 parcel is estimated to be worth \$100,000 or less and the
 90 director of the Division of State Lands finds that the cost of



91 ~~obtaining~~ an outside appraisal is not justified, a comparable
 92 sales analysis or other reasonably prudent procedures may be
 93 used by the division to estimate the value of the parcel,
 94 provided the public's interest is reasonably protected. The
 95 state is not required to appraise the value of lands and
 96 appurtenances that are being donated to the state. ~~an appraisal~~
 97 ~~prepared by the division may be used.~~

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

103 253.034 State-owned lands; uses.--

104 (2) As used in this section, the following phrases have
 105 the following meanings:

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



HB 0087A, Engrossed 1

2003

121 of land or resources by more than one management entity, which
122 may include private sector land managers. In any case, lands
123 identified as multiple-use lands in the land management plan
124 shall be managed to enhance and conserve the lands and resources
125 for the enjoyment of the people of the state.

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

143 (c) "Conservation lands" means lands that are currently
144 managed for conservation, outdoor resource-based recreation, or
145 archaeological or historic preservation, except those lands that
146 were acquired solely to facilitate the acquisition of other
147 conservation lands. Lands acquired for uses other than
148 conservation, outdoor resource-based recreation, or
149 archaeological or historic preservation shall not be designated
150 conservation lands except as otherwise authorized under this



HB 0087A, Engrossed 1

2003

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

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

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



181 Lands a land use plan at least every 10 years in a form and
 182 manner prescribed by rule by the board. The division shall
 183 review each plan for compliance with the requirements of this
 184 subsection and the requirements of the rules established by the
 185 board pursuant to this section. All land use plans, whether for
 186 single-use or multiple-use properties, shall include an analysis
 187 of the property to determine if any significant natural or
 188 cultural resources are located on the property. Such resources
 189 include archaeological and historic sites, state and federally
 190 listed plant and animal species, and imperiled natural
 191 communities and unique natural features. If such resources occur
 192 on the property, the manager shall consult with the Division of
 193 State Lands and other appropriate agencies to develop management
 194 strategies to protect such resources. Land use plans shall also
 195 provide for the control of invasive nonnative plants and
 196 conservation of soil and water resources, including a
 197 description of how the manager plans to control and prevent soil
 198 erosion and soil or water contamination. Land use plans
 199 submitted by a manager shall include reference to appropriate
 200 statutory authority for such use or uses and shall conform to
 201 the appropriate policies and guidelines of the state land
 202 management plan. Plans for managed areas larger than 1,000 acres
 203 shall contain an analysis of the multiple-use potential of the
 204 property, which analysis shall include the potential of the
 205 property to generate revenues to enhance the management of the
 206 property. Additionally, the plan shall contain an analysis of
 207 the potential use of private land managers to facilitate the
 208 restoration or management of these lands. In those cases where a
 209 newly acquired property has a valid conservation plan that was
 210 developed by a soil and conservation district, such plan shall



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

237 (a) The Division of State Lands shall make available to
 238 the public a copy of each land management plan for parcels that
 239 exceed 160 acres in size. The council shall review each plan for
 240 compliance with the requirements of this subsection, the



HB 0087A, Engrossed 1

2003

241 requirements of chapter 259, and the requirements of the rules
242 established by the board pursuant to this section. The council
243 shall also consider the propriety of the recommendations of the
244 managing entity with regard to the future use of the property,
245 the protection of fragile or nonrenewable resources, the
246 potential for alternative or multiple uses not recognized by the
247 managing entity, and the possibility of disposal of the property
248 by the board. After its review, the council shall submit the
249 plan, along with its recommendations and comments, to the board.
250 The council shall specifically recommend to the board whether to
251 approve the plan as submitted, approve the plan with
252 modifications, or reject the plan.

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

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



271 (a) For the purposes of this subsection, all lands
 272 acquired by the state prior to July 1, 1999, using proceeds from
 273 the Preservation 2000 bonds, the Conservation and Recreation
 274 Lands Trust Fund, the Water Management Lands Trust Fund,
 275 Environmentally Endangered Lands Program, and the Save Our Coast
 276 Program and titled to the board, which lands are identified as
 277 core parcels or within original project boundaries, shall be
 278 deemed to have been acquired for conservation purposes.

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

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



HB 0087A, Engrossed 1

2003

301 ~~recommendation as to whether such lands should be disposed of by~~
 302 ~~the board.~~

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

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

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



331 board deciding the best public use of the lands. Surplus
 332 properties in which governmental agencies have expressed no
 333 interest shall then be available for sale on the private market.

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

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



HB 0087A, Engrossed 1

2003

361 of State Lands in accordance with s. 253.025(6)(b). The
362 individual or entity requesting the surplus is to incur all
363 costs of the appraisals.

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

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

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



391 sale of surplus nonconservation lands, or lands that were
 392 acquired by gift, by donation, or for no consideration, shall be
 393 deposited into the Internal Improvement Trust Fund.

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

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

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

407 (8)(a) Notwithstanding other provisions of this section,
 408 the Division of State Lands is directed to prepare a state
 409 inventory of all federal lands and all lands titled in the name
 410 of the state, a state agency, a water management district, or a
 411 local government on a county-by-county basis. To facilitate the
 412 development of the state inventory, each county shall direct the
 413 appropriate county office with authority over the information to
 414 provide the division with a county inventory of all lands
 415 identified as federal lands and lands titled in the name of the
 416 state, a state agency, a water management district, or a local
 417 government.

418 (b) The state inventory must distinguish between lands
 419 purchased by the state or a water management district as part of
 420 a core parcel or within original project boundaries, as those



HB 0087A, Engrossed 1

2003

421 terms are used to meet the surplus requirements of subsection
 422 (6), and lands purchased by the state, a state agency, or a
 423 water management district which are not essential or necessary
 424 for conservation purposes.

425 (c) In any county in which more than 50 percent of the
 426 lands within the county boundary are federal lands and lands
 427 titled in the name of the state, a state agency, a water
 428 management district, or a local government, those lands titled
 429 in the name of the state or a state agency that are not
 430 essential or necessary to meet conservation purposes may, upon
 431 request of a public or private entity, be made available for
 432 purchase through the state's surplus process. Rights-of-way
 433 for existing, proposed, or anticipated transportation facilities
 434 are exempt from the requirements of this paragraph. Priority
 435 consideration shall be given to buyers, public or private,
 436 willing to return the property to productive use so long as the
 437 property can be reentered onto the county ad valorem tax roll.
 438 Property acquired with matching funds from a local government
 439 shall not be made available for purchase without the consent of
 440 said local government.

441 Section 3. Section 253.0341, Florida Statutes, is created
 442 to read:

443 253.0341 Surplus of state-owned lands to counties or local
 444 governments.--Counties and local governments may submit
 445 surplus requests for state-owned lands directly to the board
 446 of trustees. County or local government requests for the state
 447 to surplus conservation or nonconservation lands, whether for
 448 purchase or exchange, shall be expedited throughout the
 449 surplus process. Property jointly acquired by the state and
 450 other entities shall not be surplus without the consent of all



451 joint owners.

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

458 (2) County or local government requests for the surplus
 459 of state-owned conservation lands are subject to review of and
 460 recommendation on the request to the board by the Acquisition
 461 and Restoration Council. Requests to surplus conservation lands
 462 shall be considered by the board within 120 days of the board's
 463 receipt of the request.

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

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

468 253.42 Board of trustees may exchange lands.--The
 469 provisions of this section apply to all lands owned by, vested
 470 in, or titled in the name of the board whether the lands were
 471 acquired by the state as a purchase, or through gift, donation,
 472 or any other conveyance for which no consideration was paid.

473 (1) The board of trustees may exchange any lands owned by,
 474 vested in, or titled in the name of the board for other lands in
 475 the state owned by counties, local governments, individuals, or
 476 private or public corporations, and may fix the terms and
 477 conditions of any such exchange. Any nonconservation lands that
 478 were acquired by the state through gift, donation, or any other
 479 conveyance for which no consideration was paid must first be
 480 offered at no cost to a county or local government unless



481 otherwise provided in a deed restriction of record or other
 482 legal impediment, and so long as the use proposed by the county
 483 or local government is for a public purpose. For conservation
 484 lands acquired by the state through gift, donation, or any other
 485 conveyance for which no consideration was paid, the state may
 486 request land of equal conservation value from the county or
 487 local government but no other consideration.

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

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

506 Section 5. Section 253.7823, Florida Statutes, is amended
 507 to read:

508 253.7823 Disposition of surplus lands; compensation of
 509 counties located within the Cross Florida Canal Navigation
 510 District.--



HB 0087A, Engrossed 1

2003

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

523 ~~(2) Disbursements of amounts due the counties shall be~~
 524 ~~made on a semiannual basis and shall be completed before any~~
 525 ~~additional lands or easements may be acquired within the~~
 526 ~~boundaries of the greenways.~~

527 ~~(2)(3) In addition to lands identified for sale to~~
 528 ~~generate funds for repayment of counties pursuant to s.~~
 529 ~~253.783(2)(e),~~ The department is authorized to sell surplus
 530 additional former canal lands if they are determined to be
 531 unnecessary to the effective provision of the type of
 532 recreational opportunities and conservation activities for which
 533 the greenway was ~~greenways~~ were created.

534 ~~(4) Until repayment to the counties pursuant to s.~~
 535 ~~253.783(2)(e) has been completed, any agency wishing to use~~
 536 ~~former canal lands must pay the full assessed value of said~~
 537 ~~lands.~~

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



HB 0087A, Engrossed 1

2003

541 259.032 Conservation and Recreation Lands Trust Fund;

542 purpose.--

543 (10)

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

560 (12)(a) Beginning July 1, 1999, the Legislature shall make
 561 available sufficient funds annually from the Conservation and
 562 Recreation Lands Trust Fund to the department for payment in
 563 lieu of taxes to qualifying counties and local governments as
 564 defined in paragraph (b) for all actual tax losses incurred as a
 565 result of board of trustees acquisitions for state agencies
 566 under the Florida Forever program or the Florida Preservation
 567 2000 program during any year. Reserved funds not used for
 568 payments in lieu of taxes in any year shall revert to the fund
 569 to be used for land management ~~acquisition~~ in accordance with
 570 the provisions of this section.



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

572 1. To all counties that have a population of 150,000 or
 573 fewer. Population levels shall be determined pursuant to s.
 574 11.031.

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

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

584

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

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

595 (d) The payment amount shall be based on the average
 596 amount of actual taxes paid on the property for the 3 years
 597 preceding acquisition. Applications for payment in lieu of taxes
 598 shall be made no later than January 31 of the year following
 599 acquisition. No payment in lieu of taxes shall be made for
 600 properties which were exempt from ad valorem taxation for the



601 year immediately preceding acquisition.

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

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

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

630



HB 0087A, Engrossed 1

2003

631 For the purposes of this subsection, "local government" includes
 632 municipalities, the county school board, mosquito control
 633 districts, and any other local government entity which levies ad
 634 valorem taxes, with the exception of a water management
 635 district.

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

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

647 Section 7. Section 259.0322, Florida Statutes, is amended
 648 to read:

649 259.0322 Reinstitution of payments in lieu of taxes;
 650 duration.--If the Department of Environmental Protection ~~or a~~
 651 ~~water management district~~ has made a payment in lieu of taxes to
 652 a governmental entity and subsequently suspended such payment,
 653 the department ~~or water management district~~ shall reinstitute
 654 appropriate payments and continue the payments in consecutive
 655 years until the governmental entity has received a total of 10
 656 payments for each tax loss.

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

659 259.036 Management review teams.--

660 (2) The land management review team shall review select



HB 0087A, Engrossed 1

2003

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

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

675 259.041 Acquisition of state-owned lands for preservation,
 676 conservation, and recreation purposes.--

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



HB 0087A, Engrossed 1

2003

691 reasonably prudent procedures, provided the public's interest is
 692 reasonably protected. The title to lands acquired pursuant to
 693 this section shall vest in the board of trustees as provided in
 694 s. 253.03(1), unless otherwise provided by law, ~~and~~ all such
 695 titled lands, ~~title to which is vested in the board of trustees~~
 696 ~~pursuant to this section~~, shall be administered pursuant to the
 697 provisions of s. 253.03.

698 Section 10. Present subsection (5) of section 373.089,
 699 Florida Statutes, is renumbered as subsection (6), and a new
 700 subsection (5) is added to said section, to read:

701 373.089 Sale or exchange of lands, or interests or rights
 702 in lands.--The governing board of the district may sell lands,
 703 or interests or rights in lands, to which the district has
 704 acquired title or to which it may hereafter acquire title in the
 705 following manner:

706 (5) In any county in which more than 50 percent of the
 707 lands within the county boundary are federal lands and lands
 708 titled in the name of the state, a state agency, a water
 709 management district, or a local government, those lands titled
 710 in the name of a water management district that are not
 711 essential or necessary to meet conservation purposes may, upon
 712 request of a public or private entity, be made available for
 713 purchase through the surplusings process in this section.
 714 Priority consideration must be given to buyers, public or
 715 private, who are willing to return the property to productive
 716 use so long as the property can be reentered onto the county ad
 717 valorem tax roll. Property acquired with matching funds from a
 718 local government shall not be made available for purchase
 719 without the consent of the local government.

720 Section 11. Subsection (3) of section 373.139, Florida



HB 0087A, Engrossed 1

2003

721 Statutes, is amended to read:

722 373.139 Acquisition of real property.--

723 (3) The initial 5-year work plan and any subsequent
 724 modifications or additions thereto shall be adopted by each
 725 water management district after a public hearing. Each water
 726 management district shall provide at least 14 days' advance
 727 notice of the hearing date and shall separately notify each
 728 county commission within which a proposed work plan project or
 729 project modification or addition is located of the hearing date.

730 (a) Appraisal reports, offers, and counteroffers are
 731 confidential and exempt from the provisions of s. 119.07(1)
 732 until an option contract is executed or, if no option contract
 733 is executed, until 30 days before a contract or agreement for
 734 purchase is considered for approval by the governing board.
 735 However, each district may, at its discretion, disclose
 736 appraisal reports to private landowners during negotiations for
 737 acquisitions using alternatives to fee simple techniques, if the
 738 district determines that disclosure of such reports will bring
 739 the proposed acquisition to closure. In the event that
 740 negotiation is terminated by the district, the ~~title~~
 741 ~~information,~~ appraisal report, offers, and counteroffers shall
 742 become available pursuant to s. 119.07(1). Notwithstanding the
 743 provisions of this section and s. 259.041, a district and the
 744 Division of State Lands may share and disclose ~~title~~
 745 ~~information,~~ appraisal reports, appraisal information, offers,
 746 and counteroffers when joint acquisition of property is
 747 contemplated. A district and the Division of State Lands shall
 748 maintain the confidentiality of such ~~title information,~~
 749 appraisal reports, appraisal information, offers, and
 750 counteroffers in conformance with this section and s. 259.041,



HB 0087A, Engrossed 1

2003

751 except in those cases in which a district and the division have
752 exercised discretion to disclose such information. A district
753 may disclose appraisal information, offers, and counteroffers to
754 a third party who has entered into a contractual agreement with
755 the district to work with or on the behalf of or to assist the
756 district in connection with land acquisitions. The third party
757 shall maintain the confidentiality of such information in
758 conformance with this section. In addition, a district may use,
759 as its own, appraisals obtained by a third party provided the
760 appraiser is selected from the district's list of approved
761 appraisers and the appraisal is reviewed and approved by the
762 district.

763 (b) The Secretary of Environmental Protection shall
764 release moneys from the appropriate account or trust fund to a
765 district for preacquisition costs within 30 days after receipt
766 of a resolution adopted by the district's governing board which
767 identifies and justifies any such preacquisition costs necessary
768 for the purchase of any lands listed in the district's 5-year
769 work plan. The district shall return to the department any funds
770 not used for the purposes stated in the resolution, and the
771 department shall deposit the unused funds into the appropriate
772 account or trust fund.

773 (c) The Secretary of Environmental Protection shall
774 release acquisition moneys from the appropriate account or trust
775 fund to a district following receipt of a resolution adopted by
776 the governing board identifying the lands being acquired and
777 certifying that such acquisition is consistent with the 5-year
778 work plan of acquisition and other provisions of this section.
779 The governing board also shall provide to the Secretary of
780 Environmental Protection a copy of all certified appraisals used



HB 0087A, Engrossed 1

2003

781 to determine the value of the land to be purchased. Each parcel
 782 to be acquired must have at least one appraisal. Two appraisals
 783 are required when the estimated value of the parcel exceeds \$1
 784 million ~~\$500,000~~. However, when both appraisals exceed \$1
 785 million ~~\$500,000~~ and differ significantly, a third appraisal may
 786 be obtained. If the purchase price is greater than the
 787 appraisal price, the governing board shall submit written
 788 justification for the increased price. The Secretary of
 789 Environmental Protection may withhold moneys for any purchase
 790 that is not consistent with the 5-year plan or the intent of
 791 this section or that is in excess of appraised value. The
 792 governing board may appeal any denial to the Land and Water
 793 Adjudicatory Commission pursuant to s. 373.114.

794 Section 12. Subsection (10) of section 373.59, Florida
 795 Statutes, is amended to read:

796 373.59 Water Management Lands Trust Fund.--

797 (10)(a) Beginning July 1, 1999, not more than one-fourth
 798 of the ~~land management~~ funds provided for in subsections (1) and
 799 (8) in any year shall be reserved annually by a governing board,
 800 during the development of its annual operating budget, for
 801 payments in lieu of taxes for all actual tax losses incurred as
 802 a result of governing board acquisitions for water management
 803 districts pursuant to ss. 259.101, 259.105, 373.470, and this
 804 section during any year. Reserved funds not used for payments in
 805 lieu of taxes in any year shall revert to the Water Management
 806 Lands Trust Fund to be used in accordance with the provisions of
 807 this section.

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

809 1. To all counties that have a population of 150,000 or
 810 fewer. Population levels shall be determined pursuant to s.



811 11.031.

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

814

815 For properties acquired after January 1, 2000, in the event that
816 such properties otherwise eligible for payment in lieu of taxes
817 under this subsection are leased or reserved and remain subject
818 to ad valorem taxes, payments in lieu of taxes shall commence or
819 recommence upon the expiration or termination of the lease or
820 reservation, but in no event shall there be more than a total of
821 10 ~~ten~~ annual payments in lieu of taxes for each tax loss. If
822 the lease is terminated for only a portion of the lands at any
823 time, the 10 ~~ten~~ annual payments shall be made for that portion
824 only commencing the year after such termination, without
825 limiting the requirement that 10 ~~ten~~ annual payments shall be
826 made on the remaining portion or portions of the land as the
827 lease on each expires. For the purposes of this subsection,
828 "local government" includes municipalities, the county school
829 board, mosquito control districts, and any other local
830 government entity which levies ad valorem taxes.

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

835 (d) The payment amount shall be based on the average
836 amount of actual taxes paid on the property for the 3 years
837 preceding acquisition. Applications for payment in lieu of taxes
838 shall be made no later than January 31 of the year following
839 acquisition. No payment in lieu of taxes shall be made for
840 properties which were exempt from ad valorem taxation for the



HB 0087A, Engrossed 1

2003

841 year immediately preceding acquisition.

842 (e) If property that was subject to ad valorem taxation
843 was acquired by a tax-exempt entity for ultimate conveyance to
844 the state under this chapter, payment in lieu of taxes shall be
845 made for such property based upon the average amount of taxes
846 paid on the property for the 3 years prior to its being removed
847 from the tax rolls. The water management districts shall certify
848 to the Department of Revenue those properties that may be
849 eligible under this provision. Once eligibility has been
850 established, that governmental entity shall receive 10
851 consecutive annual payments for each tax loss, and no further
852 eligibility determination shall be made during that period.

853 (f)~~(e)~~ Payment in lieu of taxes pursuant to this
854 subsection shall be made annually to qualifying counties and
855 local governments after certification by the Department of
856 Revenue that the amounts applied for are reasonably appropriate,
857 based on the amount of actual taxes paid on the eligible
858 property, and after the water management districts have provided
859 supporting documents to the Comptroller and have requested that
860 payment be made in accordance with the requirements of this
861 section. With the assistance of the local government requesting
862 payment in lieu of taxes, the water management district that
863 acquired the land is responsible for preparing and submitting
864 application requests for payment to the Department of Revenue
865 for certification.

866 (g)~~(f)~~ If a water management district conveys to a county
867 or local government title to any land owned by the district, any
868 payments in lieu of taxes on the land made to the county or
869 local government shall be discontinued as of the date of the
870 conveyance.



HB 0087A, Engrossed 1

2003

871 ~~(g) The districts may make retroactive payments to~~
 872 ~~counties and local governments that did not receive payments in~~
 873 ~~lieu of taxes for lands purchased under s. 259.101 and this~~
 874 ~~section during fiscal year 1999-2000 if the counties and local~~
 875 ~~governments would have received those payments under ss.~~
 876 ~~259.032(12) and 373.59(14).~~

877 Section 13. Section 373.5905, Florida Statutes, is amended
 878 to read:

879 373.5905 Reinstitution of payments in lieu of taxes;
 880 duration.--~~If the Department of Environmental Protection or a~~
 881 ~~water management district has made a payment in lieu of taxes to~~
 882 ~~a governmental entity and subsequently suspended such payment,~~
 883 ~~the department or water management district shall reinstitute~~
 884 ~~appropriate payments and continue the payments in consecutive~~
 885 ~~years until the governmental entity has received a total of 10~~
 886 ~~payments for each tax loss.~~

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

889 260.016 General powers of the department.--

890 (2) The department shall:

891 (a) Evaluate lands for the acquisition of greenways and
 892 trails and compile a list of suitable corridors, greenways, and
 893 trails, ranking them in order of priority for proposed
 894 acquisition. The department shall devise a method of evaluation
 895 which includes, but is not limited to, the consideration of:
 896 ~~1-~~ the importance and function of such corridors within
 897 the statewide system.

898 ~~2. Potential for local sharing in the acquisition,~~
 899 ~~development, operation, or maintenance of greenway and trail~~
 900 ~~corridors.~~



901 ~~3. Costs of acquisition, development, operation, and~~
 902 ~~maintenance.~~

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

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

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

912 1. Development and dissemination of criteria for
 913 designation.

914 2. Development and dissemination of criteria for changes
 915 in the terms or conditions of designation, including withdrawal
 916 or termination of designation. A landowner may have his or her
 917 lands removed from designation by providing the department with
 918 a written request that contains an adequate description of such
 919 lands to be removed. Provisions shall be made in the designation
 920 agreement for disposition of any future improvements made to the
 921 land by the department.

922 ~~3. Compilation of available information on and field~~
 923 ~~verification of the characteristics of the lands and waterways~~
 924 ~~as they relate to the developed criteria.~~

925 ~~3.4.~~ Public notice pursuant to s. 120.525 in all phases of
 926 the process.

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

930 ~~4.6.~~ Written authorization from the landowner in the form



HB 0087A, Engrossed 1

2003

931 of a lease or other instrument for the designation and granting
 932 of public access, if appropriate, to a landowner's property.

933 ~~5.7.—Development of~~ A greenway or trail use plan as a part
 934 of the designation agreement which shall. ~~In any particular~~
 935 ~~segment of a greenway or trail, the plan components must be~~
 936 ~~compatible with connecting segments and,~~ at a minimum, describe
 937 the types and intensities of uses of the property.

938 (e) Implement the plan for the Florida Greenways and
 939 Trails System as adopted by the Florida Greenways Coordinating
 940 Council on September 11, 1998.

941 Section 15. In an exchange of lands contemplated between
 942 the Board of Trustees of the Internal Improvement Trust Fund and
 943 a local government for donated state lands no longer needed for
 944 conservation purposes, lands proposed for exchange by the state
 945 and the local government shall be considered of equal value and
 946 no further consideration shall be required, provided that the
 947 donated land being offered for exchange by the state is not
 948 greater than 200 acres, and provided that the local government
 949 has been negotiating the exchange of lands with the Division of
 950 State Lands of the Department of Environmental Protection for a
 951 period of not less than 1 year. Notwithstanding the exchange and
 952 surplusing requirements of chapters 253 and 259, Florida
 953 Statutes, and the notice requirements of chapter 270, Florida
 954 Statutes, the board of trustees shall exchange lands with a
 955 local government under these provisions no later than August 31,
 956 2003. Lands conveyed to a local government under these
 957 provisions must be used for a public purpose. Deeds of
 958 conveyance conveyed to a local government under these provisions
 959 shall contain a reverter clause that automatically reverts title
 960 to the board of trustees if the local government fails to use



961 the property for a public purpose.

962 Section 16. Effective upon becoming law and
 963 notwithstanding the exchange and surplus requirements of
 964 chapters 253 and 259, Florida Statutes, and the notice
 965 requirements of chapter 270, Florida Statutes, in an exchange of
 966 lands contemplated between the Board of Trustees of the Internal
 967 Improvement Trust Fund and a private entity for formerly
 968 submerged sovereignty lands, heretofore known as the "Chapman
 969 Exchange", the board shall exchange lands with the private
 970 entity under these provisions no later than July 1, 2003. This
 971 exchange satisfies the constitutional public interest test for
 972 the following reasons:

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

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

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

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

987 Section 17. Sections 253.84 and 259.0345, Florida
 988 Statutes, are repealed.

989 Section 18. If any law amended by this act was also
 990 amended by a law enacted at the 2003 Regular Session of the



HB 0087A, Engrossed 1

2003

991 Legislature, such laws shall be construed as if they had been
992 enacted at the same session of the Legislature, and full effect
993 shall be given to each if possible.

994 Section 19. Except as otherwise provided, this act shall
995 take effect July 1, 2003.