

Bill No. SB 2070

Barcode 421066

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Dockery)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 253.002, Florida Statutes, is  
amended to read:

(Substantial rewording of section. See  
s. 253.002, F.S., for present text.)

253.002 Department of Environmental Protection, water  
management districts, and Department of Agriculture and  
Consumer Services; duties with respect to state lands.--

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

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

(b) "Department" means the Department of Environmental  
Protection.

(c) "District" means a water management district  
created in s. 373.069.

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1       (2)(a) The Department of Environmental Protection  
2 shall perform all staff duties and functions related to the  
3 acquisition, administration, and disposition of all state  
4 lands, the title to which is or will be vested in the Board of  
5 Trustees of the Internal Improvement Trust Fund. Staff duties  
6 and functions include the collection, compilation,  
7 distribution, and mapping of data that documents all  
8 state-owned lands and identifies conservation and  
9 nonconservation lands, as those lands are defined in this  
10 chapter. All lands titled in the name of the board or any  
11 state agency shall be inventoried and mapped. Subject to  
12 legislative appropriation, the department may contract with  
13 the Florida Natural Areas Inventory at Florida State  
14 University as necessary to implement the provisions of this  
15 paragraph.

16       (b) Unless expressly prohibited by law, the board may  
17 delegate to the department any statutory duty or obligation  
18 relating to the acquisition, administration, or disposition of  
19 lands, the title to which is or will be vested in the board.  
20 However, the ability to use, transfer, withdraw, or sell water  
21 on or under lands, the title to which shall be vested in the  
22 board or any state agency, may not be negotiated by the board  
23 or department as a condition of acquiring the property.

24       (3) A water management district shall perform all  
25 staff duties and functions related to the review of  
26 applications to use submerged lands owned by the board of  
27 trustees for an activity regulated under part IV of chapter  
28 373 and for which the district has permitting authority as  
29 provided in an operating agreement adopted under s.  
30 373.046(4). The board may delegate the authority for a water  
31 management district to take final agency action, without any

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1 action on behalf of the board, for the applications; however,  
 2 the responsibility of a district under this subsection is  
 3 subject to the department's general supervisory authority  
 4 established in s. 373.026(7).

5 (4)(a) The Department of Agriculture and Consumer  
 6 Services shall perform the staff duties and functions related  
 7 to the review of applications and compliance with conditions  
 8 for the use of submerged lands owned by the board of trustees  
 9 under authorizations or leases issued under ss. 253.67-253.75  
 10 and 597.010. The board may delegate to the Department of  
 11 Agriculture and Consumer Services the authority to take final  
 12 agency action on behalf of the board concerning applications  
 13 for the use of sovereignty submerged lands for activities for  
 14 which that department is responsible under ss. 253.67-253.75  
 15 and 597.010. Upon issuing an aquaculture lease or conducting  
 16 other real property transactions relating to aquaculture, the  
 17 Department of Agriculture and Consumer Services must send a  
 18 copy of the lease or real property document and the  
 19 accompanying survey to the department.

20 (b) The board shall retain the authority to take final  
 21 agency action on establishing any areas for leasing, new  
 22 leases, expanding existing lease areas, or changing the type  
 23 of activities authorized in existing leases.

24 (5) The board is not limited or prohibited from  
 25 amending any authority delegated under this section and shall  
 26 adopt by rule any delegation of authority to take final agency  
 27 action without action by the board on applications for the  
 28 uses of sovereignty submerged lands authorized in this  
 29 section. Final agency actions taken by the department, a  
 30 district, or the Department of Agriculture and Consumer  
 31 Services, without action by the board, for applications to use

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1 sovereignty submerged lands are subject to the provisions of  
2 s. 373.4275.

3 (6) Notwithstanding any other provisions of this  
4 section, the board, the department, and the Department of  
5 Legal Affairs retain the concurrent authority to assert or  
6 defend title to sovereignty submerged lands.

7 Section 2. Paragraph (a) of subsection (13) of section  
8 253.025, Florida Statutes, is amended to read:

9 253.025 Acquisition of state lands for purposes other  
10 than preservation, conservation, and recreation.--

11 (13)(a) The Board of Trustees of the Internal  
12 Improvement Trust Fund may deed property to the Department of  
13 Agriculture and Consumer Services, so that the department  
14 shall be able to sell, convey, transfer, exchange, trade, or  
15 purchase land on which a forestry facility resides for money  
16 or other more suitable property on which to relocate the  
17 facility. Any sale or purchase of property by the Department  
18 of Agriculture and Consumer Services shall follow the  
19 requirements of subsections (5)-(9). Any sale shall be at fair  
20 market value, and any trade shall ensure that the state is  
21 getting at least an equal value for the property. Except as  
22 provided in subsections (5)-(9), the Department of Agriculture  
23 and Consumer Services is excluded from following the  
24 provisions of this chapter and chapters 259 and 375. This  
25 exclusion shall not apply to lands acquired for conservation  
26 purposes in accordance with s. 253.034(6)(d)1. and ~~2(a) or~~  
27 ~~(b)~~.

28 Section 3. Paragraphs (a) and (b) of subsection (8) of  
29 section 253.03, Florida Statutes, are amended to read:

30 253.03 Board of trustees to administer state lands;  
31 lands enumerated.--

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1           (8)(a) The Board of Trustees of the Internal  
 2 Improvement Trust Fund shall prepare, using tax roll data  
 3 provided by the Department of Revenue, an annual inventory of  
 4 all publicly owned lands within the state. Such inventory must  
 5 ~~shall~~ include all lands owned by any unit of state government  
 6 or local government; by the Federal Government, to the  
 7 greatest extent possible; and by any other public entity. The  
 8 inventory also must include a summary of all surplus lands  
 9 sold by the state and all lands exchanged by the state and  
 10 must indicate whether the lands sold or exchanged were  
 11 acquired or managed for conservation purposes or were  
 12 nonconservation lands. The board shall submit a summary report  
 13 of the inventory and a list of major discrepancies between the  
 14 inventory and the tax roll data to the President of the Senate  
 15 and the Speaker of the House of Representatives on or before  
 16 March 1 of each year.

17           (b) In addition to any other parcel data available,  
 18 the inventory shall include a legal description or proper  
 19 reference thereto, the number of acres or square feet within  
 20 the boundaries, and the assessed value of all publicly owned  
 21 uplands. To the greatest extent practicable, the legal  
 22 description or proper reference thereto and the number of  
 23 acres or square feet shall be determined for all publicly  
 24 owned submerged lands. For the purposes of this subsection,  
 25 the term "submerged lands" means publicly owned lands below  
 26 the ordinary high-water mark of fresh waters and below the  
 27 mean high-water line of salt waters extending seaward to the  
 28 outer jurisdiction of the state. By October 31 of each year,  
 29 the Department of Revenue shall furnish, in machine-readable  
 30 form, annual, current tax roll data for public lands to the  
 31 board and to the Division of State Lands to be used in

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1 compiling the inventory required in this subsection and the  
2 inventory required in s. 253.034(8).

3 Section 4. Section 253.034, Florida Statutes, is  
4 amended to read:

5 253.034 State-owned lands; management; uses i  
6 disposal.--

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

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1 259.035 shall recommend rules to the board of trustees, and  
2 the board shall adopt rules necessary to carry out the  
3 purposes of this section.

4 (b) Where necessary and appropriate for all  
5 state-owned lands located in projects that are larger than  
6 1,000 acres and that are managed for multiple uses, buffers  
7 may be formed around any areas requiring special protection or  
8 having special management needs. The total acreage used to  
9 form any such buffers may not exceed more than one-half of the  
10 total acreage of the entire project. Multiple uses within a  
11 buffer area may be restricted to provide the necessary  
12 buffering effect desired. Multiple use in this context  
13 includes uses of land or resources by more than one management  
14 entity, including private-sector land managers. Lands  
15 identified as multiple-use lands in a land management plan  
16 shall be managed to enhance and conserve the lands and  
17 resources for the enjoyment of the people of the state.

18 (c) All submerged lands shall be considered single-use  
19 lands and shall be managed primarily for the maintenance of  
20 essentially natural conditions, the propagation of fish and  
21 wildlife, and public recreation, including hunting and fishing  
22 where deemed appropriate by the managing entity.

23 (d) Lands acquired for uses other than conservation,  
24 outdoor resource-based recreation, or archaeological or  
25 historic preservation may not be designated conservation lands  
26 except as otherwise authorized under this section. These lands  
27 include, but are not limited to, correction and detention  
28 facilities, military installations and facilities, state  
29 office buildings, maintenance yards, state university or state  
30 community college campuses, agricultural field stations or  
31 offices, tower sites, law enforcement and license facilities,

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1 laboratories, hospitals, clinics, and other sites that possess  
2 no significant natural or historical resources.

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

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

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



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1 ~~the enjoyment of the people of the state.~~

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

20 (c) "Conservation lands" means lands that are  
21 ~~currently managed~~ for conservation, outdoor resource-based  
22 recreation, or archaeological or historic preservation, except  
23 those lands that were acquired solely to facilitate the  
24 acquisition of other conservation lands. ~~Lands acquired for~~  
25 ~~uses other than conservation, outdoor resource-based~~  
26 ~~recreation, or archaeological or historic preservation shall~~  
27 ~~not be designated conservation lands except as otherwise~~  
28 ~~authorized under this section. These lands shall include, but~~  
29 ~~not be limited to, the following: correction and detention~~  
30 ~~facilities, military installations and facilities, state~~  
31 ~~office buildings, maintenance yards, state university or state~~

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1 ~~community college campuses, agricultural field stations or~~  
 2 ~~offices, tower sites, law enforcement and license facilities,~~  
 3 ~~laboratories, hospitals, clinics, and other sites that possess~~  
 4 ~~no significant natural or historical resources.~~ However, lands  
 5 acquired solely to facilitate the acquisition of other  
 6 conservation lands, and for which the land management plan has  
 7 not yet been completed or updated, may be evaluated by the  
 8 Board of Trustees of the Internal Improvement Trust Fund on a  
 9 case-by-case basis to determine if they will be designated  
 10 conservation lands.

11 (d) "Council" means the Acquisition and Restoration  
 12 Council created in s. 259.035.

13 (e) "Division" means the Division of State Lands  
 14 within the Department of Environmental Protection.

15  
 16 ~~Lands acquired by the state as a gift, through donation, or by~~  
 17 ~~any other conveyance for which no consideration was paid, and~~  
 18 ~~which are not managed for conservation, outdoor resource-based~~  
 19 ~~recreation, or archaeological or historic preservation under a~~  
 20 ~~land management plan approved by the board of trustees are not~~  
 21 ~~conservation lands.~~

22 (3) In recognition that recreational trails purchased  
 23 with ~~rails-to-trails~~ funds of the greenways and trails program  
 24 pursuant to s. 259.101(3)(g) or s. 259.105(3)(h) have had  
 25 historic transportation uses and that their linear character  
 26 may extend many miles, transportation crossings shall be  
 27 allowed on recreational trails purchased pursuant to s.  
 28 259.101(3)(g) or s. 259.105(3)(h). Where these crossings are  
 29 determined to be necessary, the location and design must  
 30 balance the need to protect trails users from collisions with  
 31 automobiles and, to the greatest extent possible, the use of

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1 overpasses and underpasses should be considered in order to  
 2 mitigate the effects on humans and environmental resources.  
 3 The value of the land shall be paid and based on fair market  
 4 value ~~the Legislature intends that when the necessity arises~~  
 5 ~~to serve public needs, after balancing the need to protect~~  
 6 ~~trail users from collisions with automobiles and a preference~~  
 7 ~~for the use of overpasses and underpasses to the greatest~~  
 8 ~~extent feasible and practical, transportation uses shall be~~  
 9 ~~allowed to cross recreational trails purchased pursuant to s.~~  
 10 ~~259.101(3)(g) or s. 259.105(3)(h). When these crossings are~~  
 11 ~~needed, the location and design should consider and mitigate~~  
 12 ~~the impact on humans and environmental resources, and the~~  
 13 ~~value of the land shall be paid based on fair market value.~~

14 (4)(a) No management agreement, lease, or other  
 15 instrument authorizing the use of lands owned by the Board of  
 16 Trustees of the Internal Improvement Trust Fund shall be  
 17 executed for a period greater than is necessary to provide for  
 18 the reasonable use of the land for the existing or planned  
 19 life cycle or amortization of the improvements, except that an  
 20 easement in perpetuity may be granted by the Board of Trustees  
 21 of the Internal Improvement Trust Fund if the improvement is a  
 22 transportation facility.

23 (b) All management agreements, leases, or other  
 24 instruments authorizing the use of lands, the title to which  
 25 is vested in the board, shall be reviewed for approval by the  
 26 board or its designee.

27 (c) An entity managing or leasing state-owned lands  
 28 from the board, other than conservation lands, may not  
 29 sublease such lands without prior review by the division. ~~and,~~  
 30 ~~for conservation lands, by The Acquisition and Restoration~~  
 31 ~~Council created in s. 259.035~~ must review all requests to

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1 sublease state-owned conservation lands, except for subleases  
 2 of conservation lands less than 160 acres in size which may be  
 3 reviewed by the division. All management agreements, leases,  
 4 or other instruments authorizing the use of lands owned by the  
 5 board shall be reviewed for approval by the board or its  
 6 designee. The council is not required to review subleases of  
 7 parcels which are less than 160 acres in size.

8       (5)(a) Each lead manager of conservation lands shall  
 9 submit to the Division of State Lands a land management plan  
 10 at least every 10 years in a form and manner prescribed by  
 11 rule by the board and in accordance with the provisions of s.  
 12 259.032. Each lead manager of conservation lands shall also  
 13 update a land management plan whenever the manager proposes to  
 14 add new facilities or make substantive land use or management  
 15 changes that were not addressed in the approved plan, or  
 16 within 1 year after ~~of~~ the addition of significant new lands.  
 17 If a newly acquired property has a valid conservation plan  
 18 developed by a soil and conservation district, the  
 19 conservation plan shall be used to guide management of the  
 20 property until a formal land management plan is adopted.

21       (b) Each manager of nonconservation lands shall submit  
 22 to the Division of State Lands a land use plan at least every  
 23 10 years in a form and manner prescribed by rule by the board.  
 24 The division shall review each plan for compliance with the  
 25 requirements of this section ~~subsection~~ and the requirements  
 26 of the rules established by the board pursuant to this  
 27 paragraph~~section~~.

28       (c) All land use plans, whether for single-use or  
 29 multiple-use properties, shall include an analysis of the  
 30 property to determine if any significant natural or cultural  
 31 resources are located on the property. Such resources include

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1 archaeological and historic sites, state and federally listed  
 2 plant and animal species, and imperiled natural communities  
 3 and unique natural features. If such resources occur on the  
 4 property, the lead manager shall consult with the Division of  
 5 State Lands and other appropriate agencies to develop  
 6 management strategies to protect such resources. Land use  
 7 plans shall also provide for the control of invasive nonnative  
 8 plants and conservation of soil and water resources, including  
 9 a description of how the lead manager plans to control and  
 10 prevent soil erosion and soil or water contamination. Land use  
 11 plans submitted by a lead manager shall include reference to  
 12 appropriate statutory authority for such use or uses and shall  
 13 conform to the appropriate policies and guidelines of the  
 14 state land management plan.

15 (d) Plans for managed areas larger than 1,000 acres  
 16 must ~~shall~~ contain an analysis of the multiple-use potential  
 17 of the property, including an analysis of ~~which analysis shall~~  
 18 ~~include~~ the potential of the property to generate revenues to  
 19 enhance the management of the property. Additionally, the plan  
 20 must ~~shall~~ contain an analysis of the potential use of private  
 21 land managers to facilitate the restoration or management of  
 22 these lands. ~~In those cases where a newly acquired property~~  
 23 ~~has a valid conservation plan that was developed by a soil and~~  
 24 ~~conservation district, such plan shall be used to guide~~  
 25 ~~management of the property until a formal land use plan is~~  
 26 ~~completed.~~

27 (e)(a) The Division of State Lands shall make  
 28 available to the public a copy of each land management plan  
 29 for ~~property parcels~~ that exceeds ~~exceed~~ 160 acres in size.

30 (f) The Acquisition and Restoration Council shall  
 31 review each plan for the management of conservation lands for

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1 compliance with the requirements of this ~~section~~ subsection,  
 2 the requirements of chapter 259, and the requirements of the  
 3 rules established by the board pursuant to this section. The  
 4 council shall also consider ~~the propriety of the~~  
 5 recommendations of the managing entity with regard to the  
 6 future use of the property, the protection of fragile or  
 7 nonrenewable resources, the potential for alternative or  
 8 multiple uses not recognized by the managing entity, and the  
 9 possibility of disposal of the property or portions of the  
 10 property by the board. After its review, the council shall  
 11 submit the plan, along with its recommendations and comments,  
 12 to the board. The council shall specifically recommend whether  
 13 ~~to the board should~~ whether to approve the plan as submitted,  
 14 approve the plan with modifications, or reject the plan.

15 ~~(g)(b)~~ The Board of Trustees of the Internal  
 16 Improvement Trust Fund shall consider the land management plan  
 17 submitted by each entity and the recommendations of the  
 18 council and the Division of State Lands for conservation  
 19 lands, and the recommendations of the division for  
 20 nonconservation lands, and shall approve the plan with or  
 21 without modification or reject such plan. The use or  
 22 possession of any state-owned ~~such~~ lands that is not in  
 23 accordance with an approved land management plan is subject to  
 24 termination by the board.

25 (6) The Board of Trustees of the Internal Improvement  
 26 Trust Fund shall determine which lands, the title to which is  
 27 vested in the board, are eligible for sale or exchange. Any  
 28 lands that are determined to be eligible for sale shall be  
 29 designated by the board as surplus lands. Any lands that are  
 30 determined to be eligible for exchange shall be exchanged for  
 31 lands of equal or higher monetary value or, in the case of

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1 conservation lands, a net positive conservation benefit and  
2 may not be designated as surplus lands.

3       (a) For the sale of conservation lands as defined in  
4 this section, the board shall determine that the lands are no  
5 longer needed for the conservation purposes for which they  
6 were acquired. Lands designated by the board as no longer  
7 being needed for conservation purposes shall be reclassified  
8 as nonconservation lands and shall be declared to be surplus  
9 lands that may be sold by an affirmative vote of three members  
10 of the board.

11       (b) For the sale of all other lands, the board shall  
12 make a determination that the lands are no longer needed for  
13 the purposes for which they were being used and are surplus  
14 lands that may be sold by an affirmative vote of three members  
15 of the board.

16       (c) In all instances where lands are being exchanged  
17 instead of sold, the board must determine by an affirmative  
18 vote of three members that the lands are no longer needed for  
19 the purposes for which they are being used or were acquired.  
20 In cases where conservation lands are exchanged, the exchange  
21 must result in a net positive conservation benefit  ~~may be~~  
22 ~~surplused. For conservation lands, the board shall make a~~  
23 ~~determination that the lands are no longer needed for~~  
24 ~~conservation purposes and may dispose of them by an~~  
25 ~~affirmative vote of at least three members. In the case of a~~  
26 ~~land exchange involving the disposition of conservation lands,~~  
27 ~~the board must determine by an affirmative vote of at least~~  
28 ~~three members that the exchange will result in a net positive~~  
29 ~~conservation benefit. For all other lands, the board shall~~  
30 ~~make a determination that the lands are no longer needed and~~  
31 ~~may dispose of them by an affirmative vote of at least three~~

1 members.

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

12           ~~2.(b)~~ For any lands acquired purchased by the state on  
13 or after July 1, 1999, the title to which is vested in the  
14 board, the board shall determine which lands are acquired for  
15 conservation purposes prior to approving the acquisition ~~a~~  
16 ~~determination shall be made by the board prior to acquisition~~  
17 ~~as to those parcels that shall be designated as having been~~  
18 ~~acquired for conservation purposes.~~

19           ~~3.~~ No lands acquired for use by the Department of  
20 Corrections, the Department of Management Services for use as  
21 state offices, the Department of Transportation, except those  
22 specifically managed for conservation or recreation purposes,  
23 or the State University System or the Florida Community  
24 College System shall be designated as having been purchased  
25 for conservation purposes.

26           ~~(e)(c)~~ At least every 10 years, as a component of each  
27 land management plan or land use plan and in a form and manner  
28 prescribed by rule by the board, each lead manager shall  
29 evaluate and indicate to the board those lands that are not  
30 being used for the purpose for which they were originally  
31 leased.



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1           1. For conservation lands, the council shall review  
 2 and shall recommend to the board whether such lands should  
 3 remain ~~be retained~~ in public ownership or be sold or exchanged  
 4 ~~disposed of~~ by the board.

5           2. For nonconservation lands, the division shall  
 6 review such lands and shall recommend to the board whether  
 7 such lands should remain ~~be retained~~ in public ownership or be  
 8 sold or exchanged ~~disposed of~~ by the board. Such lands are  
 9 presumed to be surplus lands to be sold or exchanged by the  
 10 board, pursuant to the provisions of subparagraph (f)2.

11           (f)1.(d) Conservation lands owned by the board which  
 12 are not actively managed by any state agency or for which a  
 13 land management plan has not been completed pursuant to  
 14 subsection (5) shall be reviewed by the council or its  
 15 successor for its recommendation as to whether such lands  
 16 should be sold or exchanged ~~disposed of~~ by the board.

17           2. Nonconservation lands titled in the name of the  
 18 board that are not actively managed by any state agency or for  
 19 which a land use plan has not been completed pursuant to  
 20 subsection (5) are presumed to be surplus lands to be sold or  
 21 exchanged by the board. The division shall recommend each of  
 22 these lands for sale or exchange by the board, unless the  
 23 division justifies to the board, in writing, the decision not  
 24 to make such a recommendation or unless an agency amends its  
 25 land use plan to include the land.

26           (g)1.(e) Prior to any decision by the board to sell or  
 27 exchange conservation ~~surplus~~ lands, the Acquisition and  
 28 Restoration Council shall review and make recommendations to  
 29 the board concerning the request for sale or exchange  
 30 ~~surplusing~~ . The council shall determine whether the request  
 31 ~~for surplusing~~ is compatible with the resource values of and

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1 management objectives for such lands.

2 2. Prior to any decision by the board to sell or  
3 exchange nonconservation lands, the division shall determine  
4 whether the request is compatible with the management  
5 objectives for such lands.

6 (h)1. In reviewing conservation lands, the title to  
7 which is vested in the board, the council must consider  
8 whether the lands are more appropriately owned or managed by  
9 the county or other unit of local government in which the  
10 lands are located. The council must recommend to the board  
11 whether the sale or exchange of the lands is in the best  
12 interest of the state and the county or other unit of local  
13 government for use as a public school, public library, fire or  
14 law enforcement substation, or government, judicial, or  
15 recreation center; as part of an affordable housing project or  
16 program; or to comply with the capital improvement elements or  
17 a concurrency requirement of a local comprehensive land use  
18 plan as required in s. 163.3177. The lands shall be offered to  
19 the county or unit of local government for a period of 30  
20 days.

21 2. In reviewing nonconservation lands, the title to  
22 which is vested in the board, the division must consider  
23 whether the lands are more appropriately owned or managed by  
24 the county or other unit of local government in which the  
25 lands are located, and shall recommend to the board whether  
26 the sale or exchange of the lands is in the best interest of  
27 the state and the county or other unit of local government.  
28 The lands shall be offered to the county or unit of local  
29 government for a period of 30 days. Local government uses of  
30 lands conveyed under the provisions of this subparagraph may  
31 not be limited by the board.

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1           3. If a county or other unit of local government does  
2 not elect to acquire lands under the provisions of this  
3 paragraph, the board may determine that the sale, lease,  
4 exchange, or conveyance of the lands to other governmental  
5 agencies is in the public interest and represents the best use  
6 of the lands.

7           4. Lands for which a county, other unit of local  
8 government, or other governmental agency has expressed no  
9 interest shall be available for sale or exchange on the  
10 private market.

11           ~~(f)1. In reviewing lands owned by the board, the~~  
12 ~~council shall consider whether such lands would be more~~  
13 ~~appropriately owned or managed by the county or other unit of~~  
14 ~~local government in which the land is located. The council~~  
15 ~~shall recommend to the board whether a sale, lease, or other~~  
16 ~~conveyance to a local government would be in the best~~  
17 ~~interests of the state and local government. The provisions of~~  
18 ~~this paragraph in no way limit the provisions of ss. 253.111~~  
19 ~~and 253.115. Such lands shall be offered to the state, county,~~  
20 ~~or local government for a period of 30 days. Permittable uses~~  
21 ~~for such surplus lands may include public schools; public~~  
22 ~~libraries; fire or law enforcement substations; and~~  
23 ~~governmental, judicial, or recreational centers. County or~~  
24 ~~local government requests for surplus lands shall be expedited~~  
25 ~~throughout the surplusing process. If the county or local~~  
26 ~~government does not elect to purchase such lands in accordance~~  
27 ~~with s. 253.111, then any surplusing determination involving~~  
28 ~~other governmental agencies shall be made upon the board~~  
29 ~~deciding the best public use of the lands. Surplus properties~~  
30 ~~in which governmental agencies have expressed no interest~~  
31 ~~shall then be available for sale on the private market.~~

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1           ~~2. Notwithstanding subparagraph 1., any surplus lands~~  
2 ~~that were acquired by the state prior to 1958 by a gift or~~  
3 ~~other conveyance for no consideration from a municipality, and~~  
4 ~~which the department has filed by July 1, 2006, a notice of~~  
5 ~~its intent to surplus, shall be first offered for reconveyance~~  
6 ~~to such municipality at no cost, but for the fair market value~~  
7 ~~of any building or other improvements to the land, unless~~  
8 ~~otherwise provided in a deed restriction of record. This~~  
9 ~~subparagraph expires July 1, 2006.~~

10           ~~(i)(g)~~ The sales ~~sale~~ price of surplus lands  
11 ~~determined to be surplus pursuant to this subsection shall be~~  
12 determined by the division and shall take into consideration  
13 an appraisal of the property, or, when the estimated value of  
14 the land is less than \$100,000, a comparable sales analysis or  
15 a broker's opinion of value, and the price paid by the state  
16 to originally acquire the lands.

17           ~~1.a.~~ A written valuation of land being sold or  
18 exchanged ~~determined to be surplus~~ pursuant to this  
19 subsection, and related documents used to form the valuation  
20 or which pertain to the valuation, are confidential and exempt  
21 from s. 119.07(1) and s. 24(a), Art. I of the State  
22 Constitution until 2 weeks before the contract or agreement  
23 regarding the sale or exchange ~~purchase, exchange, or disposal~~  
24 of the ~~surplus~~ land is first considered for approval by the  
25 board. Notwithstanding the exemption provided under this  
26 subparagraph, the division may disclose appraisals,  
27 valuations, or valuation information regarding surplus land  
28 during negotiations for the sale or exchange of the land,  
29 during the marketing effort or bidding process associated with  
30 the sale, ~~disposal~~, or exchange of the land to facilitate  
31 closure of such effort or process, when the passage of time

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1 has made the conclusions of value invalid, or when  
2 negotiations or marketing efforts concerning the land are  
3 concluded.

4 ~~2.b.~~ This subparagraph is subject to the Open  
5 Government Sunset Review Act of 1995 in accordance with s.  
6 119.15, and shall stand repealed on October 2, 2009, unless  
7 reviewed and saved from repeal through reenactment by the  
8 Legislature.

9 ~~3.2.~~ A unit of government that acquires title to lands  
10 hereunder for less than appraised value may not sell or  
11 transfer title to all or any portion of the lands to any  
12 private owner for a period of 10 years. Any unit of government  
13 seeking to transfer or sell lands pursuant to this paragraph  
14 shall first allow the board of trustees to reacquire such  
15 lands for the price at which the board sold such lands.

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

29 ~~(k)(i)~~ ~~After reviewing the recommendations of the~~  
30 ~~council, the board shall determine whether lands identified~~  
31 ~~for surplus are to be held for other public purposes or~~

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1 ~~whether such lands are no longer needed.~~ The board may require  
 2 an agency to release its interest in land designated by the  
 3 board to be surplus lands~~such lands~~. For an agency that has  
 4 requested the use of land ~~a property~~ that was designated ~~to be~~  
 5 ~~declared~~ as surplus, the ~~said~~ agency must have the land  
 6 ~~property~~ under lease within 6 months after ~~of~~ the date of  
 7 expiration of the notice provisions required under this  
 8 subsection and s. 253.111.

9       (1)1. Requests for the sale or exchange of state-owned  
 10 lands may be made by any public or private entity or person  
 11 and must be submitted in writing to the lead managing agency  
 12 for review. The lead managing agency shall have 90 days to  
 13 review the requests and make recommendations concerning the  
 14 sale or exchange to the council or its successor for the sale  
 15 or exchange of conservation lands or to the division for the  
 16 sale or exchange of lands other than conservation lands as  
 17 defined in this section.

18       2. A request for the sale or exchange of lands that  
 19 has not been reviewed by the lead managing agency within 90  
 20 days shall be forwarded by the agency to the division for  
 21 lands other than conservation lands or to the council or its  
 22 successor for conservation lands. A request for the sale or  
 23 exchange of lands other than conservation lands shall be  
 24 scheduled immediately for review by the division, but must be  
 25 reviewed not later than 15 days after receipt of the request  
 26 by the division. A request for the sale or exchange of  
 27 conservation lands shall be immediately scheduled for hearing  
 28 at the next regular meeting of the council or its successor.

29       3. If the lead managing agency, the council or its  
 30 successor, or the division recommends that the board deny a  
 31 request for the sale or exchange of lands, the denial must be

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1 in writing and include the reason for the denial.

2       4. Records documenting all requests for the sale or  
3 exchange of lands, the title to which is vested in the board,  
4 and approvals or denials of those requests shall be kept by  
5 the Division of State Lands. Denial of a request for the sale  
6 or exchange of state-owned lands must be submitted to the  
7 requesting entity in writing and must specifically provide the  
8 reason for denial. Copies of requests for the sale or exchange  
9 of lands shall be forwarded to the division unless the lead  
10 managing agency forwards the original written request to the  
11 division when submitting a recommendation concerning the sale  
12 or exchange of lands.

13       5. Lands approved for sale under the provisions of  
14 this paragraph are not required to be offered to local or  
15 state governments as provided in paragraph (h), but are  
16 subject to the provisions of s. 253.111.

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

28       (m)(\*) Proceeds from any sale of surplus lands  
29 pursuant to this subsection shall be deposited into the fund  
30 from which such lands were acquired. However, if the fund from  
31 which the lands were originally acquired no longer exists,

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1 such proceeds shall be deposited into an appropriate account  
 2 to be used for land management by the lead managing agency  
 3 assigned to manage the lands prior to the lands being  
 4 designated as ~~declared~~ surplus lands. Funds received from the  
 5 sale of surplus nonconservation lands, or lands that were  
 6 acquired by gift, by donation, or for no consideration, shall  
 7 be deposited into the Internal Improvement Trust Fund.

8        ~~(n)(1)~~ Notwithstanding the provisions of this  
 9 subsection, no ~~such~~ disposition of land shall be made if such  
 10 disposition would have the effect of causing all or any  
 11 portion of the interest on any revenue bonds issued to acquire  
 12 lands to lose the exclusion from gross income for federal  
 13 income tax purposes.

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

17        ~~(p)(n)~~ The board may adopt rules to implement the  
 18 provisions of this section, which may include procedures for  
 19 administering ~~surplus land~~ requests for the sale or exchange  
 20 of lands and criteria for when the division may approve  
 21 requests on behalf of the board for the sale or exchange of  
 22 nonconservation lands ~~to surplus nonconservation lands on~~  
 23 ~~behalf of the board~~.

24        (7) This section shall not be construed so as to  
 25 affect:

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

28        (b) The exclusive use of ~~state-owned~~ land, the title  
 29 to which is vested in the board, that is subject to a lease by  
 30 the Board of Trustees of the Internal Improvement Trust Fund  
 31 of ~~the state-owned~~ land for private uses and purposes.



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1 (c) Sovereignty lands not leased for private uses and  
2 purposes.

3 (8)(a) Notwithstanding other provisions of this  
4 section, the Division of State Lands is directed to prepare a  
5 state inventory of all federal lands and all lands titled in  
6 the name of the state, a state agency, a water management  
7 district, or a local government on a county-by-county basis.  
8 To facilitate the development of the state inventory, each  
9 county shall direct the appropriate county office with  
10 authority over the information to provide the division with a  
11 county inventory of all lands identified as federal lands and  
12 lands titled in the name of the state, a state agency, a water  
13 management district, or a local government. At the request of  
14 the division, any state agency collecting information from the  
15 counties that will assist the division in completing the state  
16 inventory shall provide the information to the division. The  
17 state inventory shall be completed by October 1, 2006.

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

26 (c) In any county having a population of 75,000 or  
27 less, or a county having a population of 100,000 or less that  
28 is contiguous to a county having a population of 75,000 or  
29 less, in which more than 50 percent of the lands within the  
30 county boundary are federal lands and lands titled in the name  
31 of the state, a state agency, a water management district, or

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1 a local government, those lands titled in the name of the  
 2 state or a state agency which are not essential or necessary  
 3 to meet conservation purposes may, upon request of a public or  
 4 private entity, be made available for purchase through the  
 5 ~~state's surplus~~ing process created in subsection (6).  
 6 Rights-of-way for existing, proposed, or anticipated  
 7 transportation facilities are exempt from the requirements of  
 8 this paragraph. Priority consideration shall be given to  
 9 buyers, public or private, willing to return the property to  
 10 productive use so long as the property can be reentered onto  
 11 the county ad valorem tax roll. Property acquired with  
 12 matching funds from a local government shall not be made  
 13 available for purchase without the consent of the local  
 14 government.

15 (9) Land management plans required to be submitted by  
 16 the Department of Corrections, the Department of Juvenile  
 17 Justice, the Department of Children and Family Services, or  
 18 the Department of Education are not subject to the provisions  
 19 for review by the division or the council or its successor  
 20 described in subsection (5). Management plans filed by these  
 21 agencies shall be made available to the public for a period of  
 22 90 days at the administrative offices of the parcel or project  
 23 affected by the management plan and at the Tallahassee offices  
 24 of each agency. Any plans not objected to during the public  
 25 comment period shall be deemed approved. Any plans for which  
 26 an objection is filed shall be submitted to the Board of  
 27 Trustees of the Internal Improvement Trust Fund for  
 28 consideration. The Board of Trustees of the Internal  
 29 Improvement Trust Fund shall approve the plan with or without  
 30 modification, or reject the plan. The use or possession of any  
 31 such lands which is not in accordance with an approved land

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1 management plan is subject to termination by the board.

2 (10) In addition to the uses for which conservation  
3 lands are being managed pursuant to subsection (1) and chapter  
4 259, the following additional uses of conservation lands  
5 acquired pursuant to ~~the Florida Forever program and other~~  
6 state-funded conservation land acquisition ~~purchase~~ programs  
7 shall be authorized, upon a finding by the board of trustees,  
8 if they meet the criteria specified in paragraphs (a)-(e):  
9 water resource development projects, water supply development  
10 projects, stormwater management projects, linear facilities,  
11 and sustainable agriculture and forestry. Such additional uses  
12 are authorized where:

13 (a) The proposed use is not inconsistent with the  
14 management plan for such lands.~~†~~

15 (b) The proposed use is compatible with the natural  
16 ecosystem and resource values of such lands.~~†~~

17 (c) The proposed use is appropriately located on such  
18 lands and ~~where~~ due consideration has been ~~is~~ given to the use  
19 of other available lands.~~†~~

20 (d) The using entity reasonably compensates the board  
21 of trustees ~~titleholder~~ for such use based upon an appropriate  
22 measure of value.~~†~~ ~~and~~

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

24  
25 A decision by the board of trustees pursuant to this section  
26 shall be given a presumption of correctness. Moneys received  
27 from the use of state lands pursuant to this section shall be  
28 returned to the lead managing entity in accordance with the  
29 provisions of s. 259.032(11)(d).

30 (11) Lands listed as projects for acquisition shall  
31 ~~may~~ be managed to maintain or enhance those resources the

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1 state is seeking to protect by acquiring the land for  
2 ~~conservation pursuant to s. 259.032,~~ on an interim basis by a  
3 private party in anticipation of a state purchase and in  
4 accordance with a contractual arrangement between the  
5 acquiring agency and the private party, which ~~that~~ may include  
6 management service contracts, leases, cost-share arrangements,  
7 or resource conservation agreements. ~~Lands designated as~~  
8 ~~eligible under this subsection shall be managed to maintain or~~  
9 ~~enhance the resources the state is seeking to protect by~~  
10 ~~acquiring the land.~~ Funding for these contractual arrangements  
11 may originate from the documentary stamp tax revenue deposited  
12 into the Conservation and Recreation Lands Trust Fund and  
13 Water Management Lands Trust Fund. No more than 5 percent of  
14 funds allocated under the trust funds shall be expended for  
15 this purpose.

16 (12) Any lands available to governmental employees,  
17 including water management district employees, for hunting or  
18 other recreational purposes shall also be made available to  
19 the general public for such purposes, subject to the  
20 constitutional authority of the Fish and Wildlife Conservation  
21 Commission to regulate hunting and fishing on state and water  
22 management district lands.

23 ~~(13) Notwithstanding the provisions of this section,~~  
24 ~~funds from the sale of property by the Department of Highway~~  
25 ~~Safety and Motor Vehicles located in Palm Beach County are~~  
26 ~~authorized to be deposited into the Highway Safety Operating~~  
27 ~~Trust Fund to facilitate the exchange as provided in the~~  
28 ~~General Appropriations Act, provided that at the conclusion of~~  
29 ~~both exchanges the values are equalized. This subsection~~  
30 ~~expires July 1, 2006.~~

31 Section 5. Section 253.0341, Florida Statutes, is

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1 amended to read:

2           253.0341 Sale or exchange ~~Surplus~~ of state-owned lands  
3 to counties or units of local government  
4 ~~governments~~.--Counties and units of local government  
5 ~~governments~~ may submit written~~surplus~~ing requests for the  
6 sale or exchange of state-owned lands directly to the board of  
7 trustees. A written request from a county or unit of local  
8 government ~~requests~~ for the state to sell or exchange state  
9 lands ~~surplus conservation or nonconservation lands, whether~~  
10 ~~for purchase or exchange,~~ shall be expedited throughout the  
11 surplus process. Property jointly acquired by the state and  
12 other entities may ~~shall~~ not be sold or exchanged ~~surplused~~  
13 without the consent of all joint owners.

14           (1) The decision to sell or exchange state ~~surplus~~  
15 ~~state-owned~~ nonconservation lands may be made by the board  
16 without a review of, or a recommendation on, the request from  
17 ~~the Acquisition and Restoration Council or the Division of~~  
18 State Lands. ~~Such~~ Requests for the ~~nonconservation~~ lands shall  
19 be considered by the board within 60 days after ~~of~~ the board's  
20 receipt of the written request.

21           (2) A written request by a county or unit of local  
22 government ~~requests~~ for the sale or exchange of state  
23 ~~surplus~~ing of ~~state-owned~~ conservation lands is ~~are~~ subject to  
24 review of, and recommendation on, the request to the board by  
25 the Acquisition and Restoration Council. Requests to sell or  
26 exchange ~~surplus~~ conservation lands shall be considered by the  
27 board within 120 days after ~~of~~ the board's receipt of the  
28 request.

29           (3) The provisions of this section do not apply to  
30 property offered for sale or exchange by the state to a county  
31 or unit of local government under s. 253.034(6).

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1 Section 6. Section 253.111, Florida Statutes, is  
2 amended to read:

3 (Substantial rewording of section. See  
4 s. 253.111, F.S., for present text.)  
5 253.111 Notice to board of county commissioners before  
6 sale.--

7 (1) The Board of Trustees of the Internal Improvement  
8 Trust Fund may not sell any lands to which they hold title and  
9 for which an application for sale has been received by the  
10 board unless and until an opportunity to purchase such land is  
11 offered to the county in which such land is located. If the  
12 board receives an application for the sale of lands, the board  
13 shall notify the board of county commissioners of the county  
14 in which such lands are located, prior to considering any  
15 private offers, that such lands are available for sale.

16 (2) Notification to counties of the availability of  
17 state lands for which an application for sale has been  
18 received by the board shall be given by registered mail,  
19 return receipt requested, to the board of county commissioners  
20 of the county in which the lands are located.

21 (3) Within 40 days after receipt of notification from  
22 the board of trustees, the board of county commissioners of  
23 the county in which the lands are located shall determine by  
24 resolution whether or not to purchase such lands. Any  
25 resolution approving the purchase of such lands shall be  
26 certified and forwarded to the Board of Trustees of the  
27 Internal Improvement Trust Fund.

28 (4) Within 30 days after receipt of a certified  
29 resolution establishing the county's intent to purchase lands  
30 sold pursuant to this section, the board shall convey such  
31 land to the county at a price that is equal to the price paid

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1 by the state at the time the land was purchased or, for lands  
2 donated or given to the state, the appraised market value  
3 established by generally accepted professional standards for  
4 real estate appraisals.

5 (5) Notwithstanding the provisions of this section,  
6 riparian owners with respect to lands being sold by the board  
7 have a right to purchase such lands at a price and upon  
8 conditions and terms established by the board. Riparian owners  
9 may waive this prior right and, if such rights are waived,  
10 this section applies to the sale of such lands.

11 (6) This section does not apply to:

12 (a) The exchange of lands as approved by the board  
13 pursuant to s. 253.034;

14 (b) The conveyance of lands located within the  
15 Everglades Agricultural Area as defined in s. 373.4592; or

16 (c) Lands managed pursuant to ss. 253.781-253.785.

17 (7) This section does not restrict any right otherwise  
18 granted to the board by this chapter to convey land to which  
19 they hold title to the state or any department, office,  
20 authority, board, bureau, commission, institution, court,  
21 tribunal, agency, or other instrumentality of or under the  
22 state. As used in this section, the term "lands" means all  
23 lands, the title to which is vested in the board.

24 Section 7. Section 253.115, Florida Statutes, is  
25 amended to read:

26 253.115 Leases; grants of easement; sale of state  
27 lands; public notice and hearings.--

28 (1) After receiving an application in compliance with  
29 such forms as may be required by this chapter requesting the  
30 board to sell, exchange, or lease state lands, or grant an  
31 easement on, over, under, above, or across any land to which

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1 it holds title, the board must provide notice of the  
 2 application for the sale, lease, exchange, or grant of  
 3 easement. Notice shall be sent to the applicant, to persons  
 4 who have requested to be on a mailing list, and to each owner  
 5 of land lying within 500 feet of the land that is the subject  
 6 of the request, addressed to such owner as the owner's name  
 7 appears on the latest county tax assessment roll. The notice  
 8 shall include the name and address of the applicant; a brief  
 9 description of the proposed activity and any mitigation; the  
 10 location of the proposed activity, including whether it is  
 11 located within an Outstanding Florida Water or aquatic  
 12 preserve; a map identifying the location of the proposed  
 13 activity subject to the application; a diagram of the limits  
 14 of the proposed activity; and a name or number identifying the  
 15 application and the office where the application can be  
 16 inspected, and any other information required by rule. ~~A copy~~  
 17 ~~of this notice shall be sent to those persons who have~~  
 18 ~~requested to be on a mailing list and to each owner of land~~  
 19 ~~lying within 500 feet of the land proposed to be leased, sold,~~  
 20 ~~exchanged, or subject to an easement, addressed to such owner~~  
 21 ~~as the owner's name and address appears on the latest county~~  
 22 ~~tax assessment roll.~~

23 (2) The board of trustees or, the department, ~~or a~~  
 24 ~~water management district, as is appropriate,~~ shall consider  
 25 comments and objections received in response to the public  
 26 notice required by this section in reaching its decision to  
 27 approve or deny use of state ~~board of trustees-owned~~ lands for  
 28 a proposed activity. If ~~In the event that~~ substantive  
 29 objections are raised, the department ~~or water management~~  
 30 ~~district~~ may hold an informal public hearing in the county in  
 31 which the proposed activity lies. If the board of trustees or,



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1 | ~~the department, or a water management district, as is~~  
 2 | ~~appropriate,~~ determines that the sale, lease, exchange, or  
 3 | granting of an easement is not contrary to the public  
 4 | interest, or is in the public interest when required by law,  
 5 | it may approve the proposed activity. The sale of sovereignty  
 6 | submerged lands shall require a determination that the  
 7 | proposed sale is in the public interest.

8 |         (3) The board may also publish, or require an  
 9 | applicant to publish, in a newspaper of general circulation  
 10 | within the affected area, a notice of receipt of the  
 11 | application and a notice of intended agency action. The board  
 12 | shall also provide notice of intended agency action to the  
 13 | applicant and to those who have requested a copy of the  
 14 | intended agency action for that application.

15 |         (4) Failure to provide the notice as set out in  
 16 | subsections (1) and (3) shall not invalidate the sale,  
 17 | exchange, lease, or easement.

18 |         (5) The notice and publication requirements of this  
 19 | section do not apply to:

20 |         (a) The release of any reservations contained in  
 21 | Murphy Act deeds or deeds of the board of trustees;

22 |         (b) Any conveyance of land lying landward of the line  
 23 | of mean high water, which land does not exceed 5 acres in  
 24 | area;

25 |         (c) Any lands covered by the provisions of ss.  
 26 | 253.12(6), (9), and (10), and 253.129;

27 |         (d) The lease of or easement for any land when the  
 28 | land is being leased to a state agency;

29 |         (e) Sovereignty land easements for existing activities  
 30 | completed prior to March 27, 1982;

31 |         (f) The conversion of existing marina licenses to

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1 sovereignty land leases;

2 (g) Sovereignty land leases for registered and  
3 existing unregistered grandfathered facilities;

4 (h) The conveyance of lands pursuant to the provisions  
5 of former s. 373.4592(4)(b);

6 (i) Renewals, modifications, or assignments; ~~or~~

7 (j) Lands managed pursuant to ss. 253.781-253.785;~~-~~

8 (k) Homestead, railroad, or canal grants as provided  
9 by law; or

10 (1) Lands conveyed pursuant to s. 253.111.

11 (6) The board may establish alternative notice  
12 requirements to those in subsections (1) and (3), including a  
13 waiver of notice, if adopted by rule, for proposed activities  
14 under this section which also qualify for a general permit  
15 pursuant to chapter 373. Such alternative notice requirements  
16 shall take into account the nature and scope of the proposed  
17 activities and the effect on other persons.

18 ~~(7) In the disposition of parcels of state-owned~~  
19 ~~uplands, the Board of Trustees of the Internal Improvement~~  
20 ~~Trust Fund may procure real estate sales services, including~~  
21 ~~open listings, exclusive listings, or auction or other~~  
22 ~~appropriate services, to facilitate the sale of such lands.~~

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

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

31 (1) Subject to the provisions of ss. 253.034 and

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1 253.0341, the board of trustees may exchange any lands owned  
2 by, vested in, or titled in the name of the board for other  
3 lands in the state owned by counties, other units of local  
4 ~~government~~~~governments~~, individuals, or private or public  
5 corporations, and may fix the terms and conditions of any such  
6 exchange. Any nonconservation lands that were acquired by the  
7 state through gift, donation, or any other conveyance for  
8 which no consideration was paid must first be offered in  
9 exchange ~~at no cost~~ to a county or unit of local government  
10 unless otherwise provided in a deed restriction of record or  
11 other legal impediment, and so long as the use proposed by the  
12 county or unit of local government is for a public purpose.  
13 For conservation lands acquired by the state through gift,  
14 donation, or any other conveyance for which no consideration  
15 was paid, the state may request land of equal conservation  
16 value from the county or unit of local government but no other  
17 consideration.

18 (2) In exchanging conservation ~~state-owned~~ lands  
19 ~~purchased~~ ~~not acquired~~ by the state ~~through gift, donation, or~~  
20 ~~any other conveyance for which no consideration was paid~~, with  
21 counties or units of local government ~~governments~~, the board  
22 shall require an exchange of equal value. Equal value is  
23 defined as the conservation benefit of the lands being offered  
24 for exchange by a county or unit of local government being  
25 equal or greater in conservation benefit than the state-owned  
26 lands. Such exchanges may include cash transactions if based  
27 on an appropriate measure of value of the state-owned land,  
28 but must also include the determination of a net-positive  
29 conservation benefit by the Acquisition and Restoration  
30 Council as provided in s. 253.034, ~~irrespective of appraised~~  
31 ~~value~~.

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1           (3) The board shall select and agree upon the state  
2 lands to be exchanged, shall agree to ~~and~~ the lands to be  
3 conveyed to the state, and shall pay or receive any sum of  
4 money deemed necessary by the board for the purpose of  
5 equalizing the value of the exchanged property. The board is  
6 authorized to make and enter into contracts or agreements for  
7 such purpose or purposes.

8           (4) The public purposes of lands exchanged under the  
9 provisions of this section with a county or unit of local  
10 government include public schools, public libraries, fire or  
11 law enforcement substations, governmental, judicial, or  
12 recreational centers, affordable housing projects or programs,  
13 and the capital improvement elements or the concurrency  
14 requirements that are required under a local comprehensive  
15 land use plan as provided in s. 163.3177. The use of lands  
16 exchanged under this section by a county or unit of local  
17 government may not be limited by rules of the board.

18           Section 9. Section 259.032, Florida Statutes, is  
19 amended to read:

20           259.032 Conservation and Recreation Lands Trust Fund;  
21 purpose.--

22           ~~(1) It is the policy of the state that the citizens of~~  
23 ~~this state shall be assured public ownership of natural areas~~  
24 ~~for purposes of maintaining this state's unique natural~~  
25 ~~resources; protecting air, land, and water quality; promoting~~  
26 ~~water resource development to meet the needs of natural~~  
27 ~~systems and citizens of this state; promoting restoration~~  
28 ~~activities on public lands; and providing lands for natural~~  
29 ~~resource based recreation. In recognition of this policy, it~~  
30 ~~is the intent of the Legislature to provide such public lands~~  
31 ~~for the people residing in urban and metropolitan areas of the~~

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1 ~~state, as well as those residing in less populated, rural~~  
2 ~~areas. It is the further intent of the Legislature, with~~  
3 ~~regard to the lands described in paragraph (3)(c), that a high~~  
4 ~~priority be given to the acquisition of such lands in or near~~  
5 ~~counties exhibiting the greatest concentration of population~~  
6 ~~and, with regard to the lands described in subsection (3),~~  
7 ~~that a high priority be given to acquiring lands or rights or~~  
8 ~~interests in lands within any area designated as an area of~~  
9 ~~critical state concern under s. 380.05 which, in the judgment~~  
10 ~~of the advisory council established pursuant to s. 259.035, or~~  
11 ~~its successor, cannot be adequately protected by application~~  
12 ~~of land development regulations adopted pursuant to s. 380.05.~~  
13 ~~Finally, it is the Legislature's intent that lands acquired~~  
14 ~~through this program and any successor programs be managed in~~  
15 ~~such a way as to protect or restore their natural resource~~  
16 ~~values, and provide the greatest benefit, including public~~  
17 ~~access, to the citizens of this state.~~

18       ~~(1)(2)~~(a) The Conservation and Recreation Lands Trust  
19 Fund is established within the Department of Environmental  
20 Protection. The fund shall be used as a nonlapsing, revolving  
21 fund exclusively for the purposes of this section. The fund  
22 shall be credited with proceeds from the following excise  
23 taxes:

24           1. The excise taxes on documents as provided in s.  
25 201.15; and

26           2. The excise tax on the severance of phosphate rock  
27 as provided in s. 211.3103.

28  
29 The Department of Revenue shall credit to the fund each month  
30 the proceeds from such taxes as provided in this paragraph.

31           (b) There shall annually be transferred from the

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1 Conservation and Recreation Lands Trust Fund to the Land  
2 Acquisition Trust Fund that amount, not to exceed \$20 million  
3 annually, as shall be necessary to pay the debt service on, or  
4 fund debt service reserve funds, rebate obligations, or other  
5 amounts with respect to bonds issued pursuant to s. 375.051 to  
6 acquire lands ~~on the established priority list developed~~  
7 ~~pursuant to this section~~; however, no moneys transferred to  
8 the Land Acquisition Trust Fund pursuant to this paragraph, or  
9 earnings thereon, shall be used or made available to pay debt  
10 service on the Save Our Coast revenue bonds. Amounts  
11 transferred annually from the Conservation and Recreation  
12 Lands Trust Fund to the Land Acquisition Trust Fund pursuant  
13 to this paragraph shall have the highest priority over other  
14 payments or transfers from the Conservation and Recreation  
15 Lands Trust Fund, and no other payments or transfers shall be  
16 made from the Conservation and Recreation Lands Trust Fund  
17 until such transfers to the Land Acquisition Trust Fund have  
18 been made.

19 ~~(c) Effective July 1, 2001,~~ Moneys in the Conservation  
20 and Recreation Lands Trust Fund also shall be used to manage  
21 lands and to pay for related costs, activities, and functions  
22 pursuant to the provisions of this section.

23 ~~(3) The Governor and Cabinet, sitting as the Board of~~  
24 ~~Trustees of the Internal Improvement Trust Fund, may allocate~~  
25 ~~moneys from the fund in any one year to acquire the fee or any~~  
26 ~~lesser interest in lands for the following public purposes:~~

27 ~~(a) To conserve and protect environmentally unique and~~  
28 ~~irreplaceable lands that contain native, relatively unaltered~~  
29 ~~flora and fauna representing a natural area unique to, or~~  
30 ~~scarce within, a region of this state or a larger geographic~~  
31 ~~area.~~

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1           ~~(b) To conserve and protect lands within designated~~  
 2 ~~areas of critical state concern, if the proposed acquisition~~  
 3 ~~relates to the natural resource protection purposes of the~~  
 4 ~~designation;~~

5           ~~(c) To conserve and protect native species habitat or~~  
 6 ~~endangered or threatened species, emphasizing long-term~~  
 7 ~~protection for endangered or threatened species designated G-1~~  
 8 ~~or G-2 by the Florida Natural Areas Inventory, and especially~~  
 9 ~~those areas that are special locations for breeding and~~  
 10 ~~reproduction;~~

11           ~~(d) To conserve, protect, manage, or restore important~~  
 12 ~~ecosystems, landscapes, and forests, if the protection and~~  
 13 ~~conservation of such lands is necessary to enhance or protect~~  
 14 ~~significant surface water, groundwater, coastal, recreational,~~  
 15 ~~timber, or fish or wildlife resources which cannot otherwise~~  
 16 ~~be accomplished through local and state regulatory programs;~~

17           ~~(e) To promote water resource development that~~  
 18 ~~benefits natural systems and citizens of the state;~~

19           ~~(f) To facilitate the restoration and subsequent~~  
 20 ~~health and vitality of the Florida Everglades;~~

21           ~~(g) To provide areas, including recreational trails,~~  
 22 ~~for natural resource based recreation and other outdoor~~  
 23 ~~recreation on any part of any site compatible with~~  
 24 ~~conservation purposes;~~

25           ~~(h) To preserve significant archaeological or historic~~  
 26 ~~sites; or~~

27           ~~(i) To conserve urban open spaces suitable for~~  
 28 ~~greenways or outdoor recreation which are compatible with~~  
 29 ~~conservation purposes.~~

30           ~~(4) Lands acquired under this section shall be for use~~  
 31 ~~as state-designated parks, recreation areas, preserves,~~

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1 ~~reserves, historic or archaeological sites, geologic or~~  
 2 ~~botanical sites, recreational trails, forests, wilderness~~  
 3 ~~areas, wildlife management areas, urban open space, or other~~  
 4 ~~state-designated recreation or conservation lands; or they~~  
 5 ~~shall qualify for such state designation and use if they are~~  
 6 ~~to be managed by other governmental agencies or nonstate~~  
 7 ~~entities as provided for in this section.~~

8       (2)(5) The board of trustees may allocate, in any  
 9 year, an amount not to exceed 5 percent of the money credited  
 10 to the fund in that year, such allocation to be used for the  
 11 initiation and maintenance of a natural areas inventory to aid  
 12 in the identification of areas to be acquired pursuant to this  
 13 section.

14       (3)(6) Moneys in the fund not needed to meet  
 15 obligations incurred under this section shall be deposited  
 16 with the Chief Financial Officer to the credit of the fund and  
 17 may be invested in the manner provided by law. Interest  
 18 received on such investments shall be credited to the  
 19 Conservation and Recreation Lands Trust Fund.

20       (4)(7) The board of trustees may enter into any  
 21 contract necessary to accomplish the purposes of this section.  
 22 The lead land managing agencies designated by the board of  
 23 trustees also are directed by the Legislature to enter into  
 24 contracts or interagency agreements with other governmental  
 25 entities, including local soil and water conservation  
 26 districts, or private land managers who have the expertise to  
 27 perform specific management activities which a lead agency  
 28 lacks, or which would cost more to provide in-house. Such  
 29 activities shall include, but not be limited to, controlled  
 30 burning, road and ditch maintenance, mowing, and wildlife  
 31 assessments.



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1           ~~(8) Lands to be considered for purchase under this~~  
2 ~~section are subject to the selection procedures of s. 259.035~~  
3 ~~and related rules and shall be acquired in accordance with~~  
4 ~~acquisition procedures for state lands provided for in s.~~  
5 ~~259.041, except as otherwise provided by the Legislature. An~~  
6 ~~inholding or an addition to a project selected for purchase~~  
7 ~~pursuant to this chapter is not subject to the selection~~  
8 ~~procedures of s. 259.035 if the estimated value of such~~  
9 ~~inholding or addition does not exceed \$500,000. When at least~~  
10 ~~90 percent of the acreage of a project has been purchased~~  
11 ~~pursuant to this chapter, the project may be removed from the~~  
12 ~~list and the remaining acreage may continue to be purchased.~~

13           (5) At the discretion of the board, moneys from the  
14 fund may be used for title work, appraisal fees, environmental  
15 audits, and survey costs related to acquisition expenses for  
16 conservation lands to be purchased, donated, or exchanged  
17 ~~acquired, donated, or exchanged which qualify under the~~  
18 ~~categories of this section, at the discretion of the board.~~

19           (6) When the board of trustees ~~Legislature~~ has  
20 authorized the Department of Environmental Protection to  
21 condemn a specific parcel of land and such parcel has already  
22 been approved for acquisition for conservation purposes ~~under~~  
23 ~~this section,~~ the land may be acquired in accordance with the  
24 provisions of chapter 73 or chapter 74, and the fund may be  
25 used to pay the condemnation award and all costs, including a  
26 reasonable attorney's fee, associated with condemnation.

27           ~~(9) All lands managed under this chapter and s.~~  
28 ~~253.034 shall be:~~

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

31           ~~(b) Managed for public outdoor recreation which is~~

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1 ~~compatible with the conservation and protection of public~~  
2 ~~lands. Such management may include, but not be limited to, the~~  
3 ~~following public recreational uses: fishing, hunting,~~  
4 ~~camping, bicycling, hiking, nature study, swimming, boating,~~  
5 ~~canoeing, horseback riding, diving, model hobbyist activities,~~  
6 ~~birding, sailing, jogging, and other related outdoor~~  
7 ~~activities compatible with the purposes for which the lands~~  
8 ~~were acquired.~~

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

11 ~~(d) Concurrent with its adoption of the annual~~  
12 ~~Conservation and Recreation Lands list of acquisition projects~~  
13 ~~pursuant to s. 259.035, the board of trustees shall adopt a~~  
14 ~~management prospectus for each project. The management~~  
15 ~~prospectus shall delineate:~~

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

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

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

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

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

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

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

31 ~~8. Recommendations as to how many employees will be~~

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1 ~~needed to manage the property, and recommendations as to~~  
 2 ~~whether local governments, volunteer groups, the former~~  
 3 ~~landowner, or other interested parties can be involved in the~~  
 4 ~~management.~~

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

19 ~~(f) State agencies designated to manage lands acquired~~  
 20 ~~under this chapter may contract with local governments and~~  
 21 ~~soil and water conservation districts to assist in management~~  
 22 ~~activities, including the responsibility of being the lead~~  
 23 ~~land manager. Such land management contracts may include a~~  
 24 ~~provision for the transfer of management funding to the local~~  
 25 ~~government or soil and water conservation district from the~~  
 26 ~~Conservation and Recreation Lands Trust Fund in an amount~~  
 27 ~~adequate for the local government or soil and water~~  
 28 ~~conservation district to perform its contractual land~~  
 29 ~~management responsibilities and proportionate to its~~  
 30 ~~responsibilities, and which otherwise would have been expended~~  
 31 ~~by the state agency to manage the property.~~

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1           ~~(g) Immediately following the acquisition of any~~  
 2 ~~interest in lands under this chapter, the Department of~~  
 3 ~~Environmental Protection, acting on behalf of the board of~~  
 4 ~~trustees, may issue to the lead managing entity an interim~~  
 5 ~~assignment letter to be effective until the execution of a~~  
 6 ~~formal lease.~~

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

15           ~~(b) Individual management plans required by s.~~  
 16 ~~253.034(5), for parcels over 160 acres, shall be developed~~  
 17 ~~with input from an advisory group. Members of this advisory~~  
 18 ~~group shall include, at a minimum, representatives of the lead~~  
 19 ~~land managing agency, comanaging entities, local private~~  
 20 ~~property owners, the appropriate soil and water conservation~~  
 21 ~~district, a local conservation organization, and a local~~  
 22 ~~elected official. The advisory group shall conduct at least~~  
 23 ~~one public hearing within the county in which the parcel or~~  
 24 ~~project is located. For those parcels or projects that are~~  
 25 ~~within more than one county, at least one areawide public~~  
 26 ~~hearing shall be acceptable and the lead managing agency shall~~  
 27 ~~invite a local elected official from each county. The areawide~~  
 28 ~~public hearing shall be held in the county in which the core~~  
 29 ~~parcels are located. Notice of such public hearing shall be~~  
 30 ~~posted on the parcel or project designated for management,~~  
 31 ~~advertised in a paper of general circulation, and announced at~~

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1 ~~a scheduled meeting of the local governing body before the~~  
 2 ~~actual public hearing. The management prospectus required~~  
 3 ~~pursuant to paragraph (9)(d) shall be available to the public~~  
 4 ~~for a period of 30 days prior to the public hearing.~~

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

22 ~~(d) For each project for which lands are acquired~~  
 23 ~~after July 1, 1995, an individual management plan shall be~~  
 24 ~~adopted and in place no later than 1 year after the essential~~  
 25 ~~parcel or parcels identified in the annual Conservation and~~  
 26 ~~Recreation Lands report prepared pursuant to s. 259.035(2)(a)~~  
 27 ~~have been acquired. Beginning in fiscal year 1998-1999, the~~  
 28 ~~Department of Environmental Protection shall distribute only~~  
 29 ~~75 percent of the acquisition funds to which a budget entity~~  
 30 ~~or water management district would otherwise be entitled from~~  
 31 ~~the Preservation 2000 Trust Fund to any budget entity or any~~

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1 ~~water management district that has more than one-third of its~~  
2 ~~management plans overdue.~~

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

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

9 ~~2. Key management activities necessary to preserve and~~  
10 ~~protect natural resources and restore habitat, and for~~  
11 ~~controlling the spread of nonnative plants and animals, and~~  
12 ~~for prescribed fire and other appropriate resource management~~  
13 ~~activities.~~

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

17 ~~4. A priority schedule for conducting management~~  
18 ~~activities, based on the purposes for which the lands were~~  
19 ~~acquired.~~

20 ~~5. A cost estimate for conducting priority management~~  
21 ~~activities, to include recommendations for cost-effective~~  
22 ~~methods of accomplishing those activities.~~

23 ~~6. A cost estimate for conducting other management~~  
24 ~~activities which would enhance the natural resource value or~~  
25 ~~public recreation value for which the lands were acquired. The~~  
26 ~~cost estimate shall include recommendations for cost-effective~~  
27 ~~methods of accomplishing those activities.~~

28 ~~7. A determination of the public uses and public~~  
29 ~~access that would be consistent with the purposes for which~~  
30 ~~the lands were acquired.~~

31 ~~(f) The Division of State Lands shall submit a copy of~~

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1 ~~each individual management plan for parcels which exceed 160~~  
2 ~~acres in size to each member of the Land Acquisition and~~  
3 ~~Management Advisory Council or its successor, which shall:~~

4       1. ~~Within 60 days after receiving a plan from the~~  
5 ~~division, review each plan for compliance with the~~  
6 ~~requirements of this subsection and with the requirements of~~  
7 ~~the rules established by the board pursuant to this~~  
8 ~~subsection.~~

9       2. ~~Consider the propriety of the recommendations of~~  
10 ~~the managing agency with regard to the future use or~~  
11 ~~protection of the property.~~

12       3. ~~After its review, submit the plan, along with its~~  
13 ~~recommendations and comments, to the board of trustees, with~~  
14 ~~recommendations as to whether to approve the plan as~~  
15 ~~submitted, approve the plan with modifications, or reject the~~  
16 ~~plan.~~

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

26  
27 ~~By July 1 of each year, each governmental agency and each~~  
28 ~~private entity designated to manage lands shall report to the~~  
29 ~~Secretary of Environmental Protection on the progress of~~  
30 ~~funding, staffing, and resource management of every project~~  
31 ~~for which the agency or entity is responsible.~~

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

12           ~~(b) An amount up to 1.5 percent of the cumulative~~  
13 ~~total of funds ever deposited into the Florida Preservation~~  
14 ~~2000 Trust Fund and the Florida Forever Trust Fund shall be~~  
15 ~~made available for the purposes of management, maintenance,~~  
16 ~~and capital improvements not eligible for funding pursuant to~~  
17 ~~s. 11(e), Art. VII of the State Constitution, and for~~  
18 ~~associated contractual services, for lands acquired pursuant~~  
19 ~~to this section, s. 259.101, s. 259.105, or previous programs~~  
20 ~~for the acquisition of lands for conservation and recreation,~~  
21 ~~including state forests, to which title is vested in the board~~  
22 ~~of trustees and other conservation and recreation lands~~  
23 ~~managed by a state agency. Of this amount, \$250,000 shall be~~  
24 ~~transferred annually to the Plant Industry Trust Fund within~~  
25 ~~the Department of Agriculture and Consumer Services for the~~  
26 ~~purpose of implementing the Endangered or Threatened Native~~  
27 ~~Flora Conservation Grants Program pursuant to s. 581.185(11).~~  
28 ~~Each agency with management responsibilities shall annually~~  
29 ~~request from the Legislature funds sufficient to fulfill such~~  
30 ~~responsibilities. For the purposes of this paragraph, capital~~  
31 ~~improvements shall include, but need not be limited to,~~



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1 ~~perimeter fencing, signs, firelanes, access roads and trails,~~  
 2 ~~and minimal public accommodations, such as primitive~~  
 3 ~~campsites, garbage receptacles, and toilets. Any equipment~~  
 4 ~~purchased with funds provided pursuant to this paragraph may~~  
 5 ~~be used for the purposes described in this paragraph on any~~  
 6 ~~conservation and recreation lands managed by a state agency.~~

7       ~~(c) In requesting funds provided for in paragraph (b)~~  
 8 ~~for long-term management of all acquisitions pursuant to this~~  
 9 ~~chapter and for associated contractual services, the managing~~  
 10 ~~agencies shall recognize the following categories of land~~  
 11 ~~management needs:~~

12           ~~1. Lands which are low-need tracts, requiring basic~~  
 13 ~~resource management and protection, such as state reserves,~~  
 14 ~~state preserves, state forests, and wildlife management areas.~~  
 15 ~~These lands generally are open to the public but have no more~~  
 16 ~~than minimum facilities development.~~

17           ~~2. Lands which are moderate-need tracts, requiring~~  
 18 ~~more than basic resource management and protection, such as~~  
 19 ~~state parks and state recreation areas. These lands generally~~  
 20 ~~have extra restoration or protection needs, higher~~  
 21 ~~concentrations of public use, or more highly developed~~  
 22 ~~facilities.~~

23           ~~3. Lands which are high-need tracts, with identified~~  
 24 ~~needs requiring unique site-specific resource management and~~  
 25 ~~protection. These lands generally are sites with historic~~  
 26 ~~significance, unique natural features, or very high intensity~~  
 27 ~~public use, or sites that require extra funds to stabilize or~~  
 28 ~~protect resources, such as lands with heavy infestations of~~  
 29 ~~nonnative, invasive plants.~~

30  
 31 ~~In evaluating the management funding needs of lands based on~~

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1 ~~the above categories, the lead land managing agencies shall~~  
2 ~~include in their considerations the impacts of, and needs~~  
3 ~~created or addressed by, multiple use management strategies.~~

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

16 ~~(e) Up to one fifth of the funds provided for in~~  
17 ~~paragraph (b) shall be reserved by the board of trustees for~~  
18 ~~interim management of acquisitions and for associated~~  
19 ~~contractual services, to ensure the conservation and~~  
20 ~~protection of natural resources on project sites and to allow~~  
21 ~~limited public recreational use of lands. Interim management~~  
22 ~~activities may include, but not be limited to, resource~~  
23 ~~assessments, control of invasive, nonnative species, habitat~~  
24 ~~restoration, fencing, law enforcement, controlled burning, and~~  
25 ~~public access consistent with preliminary determinations made~~  
26 ~~pursuant to paragraph (9)(g). The board of trustees shall make~~  
27 ~~these interim funds available immediately upon purchase.~~

28 ~~(f) The department shall set long range and annual~~  
29 ~~goals for the control and removal of nonnative, invasive plant~~  
30 ~~species on public lands. Such goals shall differentiate~~  
31 ~~between aquatic plant species and upland plant species. In~~

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1 ~~setting such goals, the department may rank, in order of~~  
 2 ~~adverse impact, species that impede or destroy the functioning~~  
 3 ~~of natural systems. Notwithstanding paragraph (a), up to~~  
 4 ~~one-fourth of the funds provided for in paragraph (b) may be~~  
 5 ~~used by the agencies receiving those funds for control and~~  
 6 ~~removal of nonnative, invasive species on public lands.~~

7       ~~(g) In addition to the purposes specified in paragraph~~  
 8 ~~(b), funds from the 1.5 percent of the cumulative total of~~  
 9 ~~funds ever deposited into the Florida Preservation 2000 Trust~~  
 10 ~~Fund and the Florida Forever Trust Fund may be appropriated~~  
 11 ~~for the 2005-2006 fiscal year for the construction of~~  
 12 ~~replacement museum facilities. This paragraph expires July 1,~~  
 13 ~~2006.~~

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

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

26           ~~1. To all counties that have a population of 150,000~~  
 27 ~~or fewer. Population levels shall be determined pursuant to s.~~  
 28 ~~11.031.~~

29           ~~2. To all local governments located in eligible~~  
 30 ~~counties.~~

31           ~~3. To Glades County, where a privately owned and~~

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1 ~~operated prison leased to the state has recently been opened~~  
 2 ~~and where privately owned and operated juvenile justice~~  
 3 ~~facilities leased to the state have recently been constructed~~  
 4 ~~and opened, a payment in lieu of taxes, in an amount that~~  
 5 ~~offsets the loss of property tax revenue, which funds have~~  
 6 ~~already been appropriated and allocated from the Department of~~  
 7 ~~Correction's budget for the purpose of reimbursing amounts~~  
 8 ~~equal to lost ad valorem taxes.~~

9 ~~(c) If insufficient funds are available in any year to~~  
 10 ~~make full payments to all qualifying counties and local~~  
 11 ~~governments, such counties and local governments shall receive~~  
 12 ~~a pro rata share of the moneys available.~~

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

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

31 ~~(f) Payment in lieu of taxes pursuant to this~~

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1 ~~subsection shall be made annually to qualifying counties and~~  
 2 ~~local governments after certification by the Department of~~  
 3 ~~Revenue that the amounts applied for are reasonably~~  
 4 ~~appropriate, based on the amount of actual taxes paid on the~~  
 5 ~~eligible property. With the assistance of the local government~~  
 6 ~~requesting payment in lieu of taxes, the state agency that~~  
 7 ~~acquired the land is responsible for preparing and submitting~~  
 8 ~~application requests for payment to the Department of Revenue~~  
 9 ~~for certification.~~

10       ~~(g) If the board of trustees conveys to a local~~  
 11 ~~government title to any land owned by the board, any payments~~  
 12 ~~in lieu of taxes on the land made to the local government~~  
 13 ~~shall be discontinued as of the date of the conveyance.~~

14  
 15 ~~For the purposes of this subsection, "local government"~~  
 16 ~~includes municipalities, the county school board, mosquito~~  
 17 ~~control districts, and any other local government entity which~~  
 18 ~~levies ad valorem taxes, with the exception of a water~~  
 19 ~~management district.~~

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

26       ~~(14) The board of trustees may adopt rules to further~~  
 27 ~~define the categories of land for acquisition under this~~  
 28 ~~chapter.~~

29       ~~(15) Within 90 days after receiving a certified letter~~  
 30 ~~from the owner of a property on the Conservation and~~  
 31 ~~Recreation Lands list or the priority list established~~

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1 ~~pursuant to s. 259.105 objecting to the property being~~  
 2 ~~included in an acquisition project, where such property is a~~  
 3 ~~project or part of a project which has not been listed for~~  
 4 ~~purchase in the current year's land acquisition work plan, the~~  
 5 ~~board of trustees shall delete the property from the list or~~  
 6 ~~from the boundary of an acquisition project on the list.~~

7 Section 10. Section 259.0321, Florida Statutes, is  
 8 created to read:

9 259.0321 Management of conservation lands; additional  
 10 requirements.--

11 (1) All lands acquired for conservation purposes and  
 12 managed under this chapter and s. 253.034 shall be managed:

13 (a) In a manner that will provide the greatest  
 14 combination of benefits to the public and to the resources  
 15 while conserving and protecting such lands and their natural  
 16 resources.

17 (b) For the purposes for which the lands were acquired  
 18 and to allow the public to have access to and use of these  
 19 lands where it is consistent with acquisition purposes and  
 20 would not harm the resources the state is seeking to protect  
 21 on the public's behalf.

22 (c) For public outdoor-recreation uses that are  
 23 compatible with the conservation and protection of public  
 24 lands. Such uses may include, but need not be limited to,  
 25 fishing, hunting, camping, bicycling, hiking, nature study,  
 26 swimming, boating, canoeing, horseback riding, diving, model  
 27 hobbyist activities, birding, sailing, jogging, and other  
 28 related outdoor activities that are compatible with the  
 29 purposes for which the lands were acquired.

30 (2)(a) Concurrent with its adoption of the list of  
 31 acquisition projects pursuant to s. 259.035, the board of

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1 trustees shall adopt a management prospectus for each project.

2 The management prospectus must delineate:

3 1. The management goals for the property;

4 2. The conditions that will affect the intensity of  
5 management;

6 3. An estimate of the revenue-generating potential of  
7 the property, if appropriate;

8 4. A timetable for implementing the various stages of  
9 management and for providing access to the public, if  
10 applicable;

11 5. A description of potential multiple-use activities  
12 as described in this section;

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

15 7. The anticipated costs of management and projected  
16 sources of revenue, including legislative appropriations, to  
17 fund management needs;

18 8. Recommendations as to how many employees will be  
19 needed to manage the property; and

20 9. Recommendations as to whether local governments,  
21 volunteer groups, the former landowner, or other interested  
22 parties can be involved in the management.

23 (b) Concurrent with the approval of the contract to  
24 acquire any interest in conservation lands pursuant to s.  
25 259.041, the board of trustees shall designate a lead managing  
26 agency and shall evaluate and amend, as appropriate, the  
27 management policy statement for the project as provided by s.  
28 259.035. For any fee simple acquisition that is or will be  
29 leased back for agricultural purposes or any acquisition of a  
30 less-than-fee interest in land that is or will be used for  
31 agricultural purposes, the board of trustees shall first

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1 consider designating a soil and water conservation district,  
2 created pursuant to chapter 582, to manage and monitor such  
3 interests.

4 (c) The agency designated by the board of trustees as  
5 the lead managing agency may contract with local governments  
6 and soil and water conservation districts to assist in  
7 management activities, including the responsibility of being  
8 the lead land manager. Such land management contracts may  
9 include a provision for the transfer of management funding  
10 that otherwise would have been expended to manage the property  
11 to the local government or soil and water conservation  
12 district from the Conservation and Recreation Lands Trust Fund  
13 in an amount adequate for the local government or soil and  
14 water conservation district to perform its contractual land  
15 management responsibilities and proportionate to its  
16 responsibilities.

17 (d) Immediately following the acquisition of any  
18 interest in lands under this chapter, the Department of  
19 Environmental Protection, acting on behalf of the board of  
20 trustees, may issue an interim assignment letter to the lead  
21 managing agency which will remain effective until the  
22 execution of a formal management agreement.

23 (3)(a) State, regional, or local governmental agencies  
24 or private entities designated to manage conservation lands  
25 under this section shall develop and adopt, with the approval  
26 of the board of trustees, an individual management plan for  
27 such lands. Private-sector entities may be used to expedite  
28 the development of the management plan. Management plans  
29 developed and adopted pursuant to this subsection must be  
30 submitted to the Division of State Lands for review under the  
31 provisions of s. 253.034.



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1       (b) Individual management plans for parcels larger  
2 than 160 acres shall be developed with input from an advisory  
3 group. Members of this advisory group shall include, at a  
4 minimum, representatives of the lead land managing agency,  
5 comanaging entities, local private property owners, the  
6 appropriate soil and water conservation district, a local  
7 conservation organization, and a local elected official. The  
8 advisory group shall conduct at least one public hearing  
9 within the county in which the parcel or project is located.  
10 For those parcels or projects that are within more than one  
11 county, at least one areawide public hearing is acceptable and  
12 the lead managing agency shall invite a local elected official  
13 from each county. The areawide public hearing shall be held in  
14 the county in which the core parcels are located. Notice of  
15 such public hearing shall be posted on the parcel or project  
16 designated for management, advertised in a paper of general  
17 circulation, and announced at a scheduled meeting of the local  
18 governing body before the actual public hearing. The  
19 management prospectus required pursuant to paragraph (2)(a)  
20 shall be available to the public for a period of 30 days prior  
21 to the public hearing.

22       (c) Once a plan is adopted, the managing agency or  
23 entity shall update the plan at least every 10 years as  
24 required in s. 253.034(5). Updated plans for parcels larger  
25 than 160 acres shall be developed with input from an advisory  
26 group. Such updated plans may include transfers of leasehold  
27 interests to appropriate conservation organizations or  
28 governmental entities designated by the Acquisition and  
29 Restoration Council created in s. 259.035, or its successor,  
30 for uses consistent with the purposes of the organizations and  
31 the protection, preservation, conservation, restoration, and

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1 proper management of the lands and their resources. Volunteer  
 2 management assistance is encouraged, including, but not  
 3 limited to, assistance by youth participating in programs  
 4 sponsored by state or local agencies, by volunteers sponsored  
 5 by environmental or civic organizations, and by individuals  
 6 participating in programs for committed delinquents and  
 7 adults.

8 (d) An individual management plan shall be adopted and  
 9 in place no later than 1 year after the essential parcel or  
 10 parcels identified in the list of acquisition projects have  
 11 been acquired. The Department of Environmental Protection  
 12 shall distribute only 75 percent of the acquisition funds to  
 13 which a state budget entity or water management district would  
 14 otherwise be entitled from the Florida Forever Trust Fund if  
 15 more than one-third of the management plans of that budget  
 16 entity or water management district are overdue.

17 (e) Individual management plans must conform to the  
 18 appropriate policies and guidelines of the state land  
 19 management plan and must include, but need not be limited to:

20 1. A statement of the purpose for which the lands were  
 21 acquired, the projected use or uses of the lands, and the  
 22 statutory authority for such use or uses.

23 2. Key management activities that are necessary to  
 24 preserve and protect natural resources, restore habitat,  
 25 control the spread of nonnative plants and animals, and  
 26 conduct prescribed burns and other appropriate  
 27 resource-management activities.

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

31 4. A priority schedule for conducting management

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1 activities which is based on the purposes for which the lands  
2 were acquired.

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

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

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

14  
15 By July 1 of each year, each governmental agency and each  
16 private entity designated to manage lands shall report to the  
17 Secretary of Environmental Protection on the progress of the  
18 funding, staffing, and resource management of every project  
19 for which the agency or entity is responsible.

20 (4)(a) An amount up to 1.5 percent of the cumulative  
21 total of funds ever deposited into the Florida Preservation  
22 2000 Trust Fund and the Florida Forever Trust Fund shall be  
23 made available for the purposes of management, maintenance,  
24 and capital improvements that are not eligible to be funded  
25 from bonds issued pursuant to s. 11(3), Art. VII of the State  
26 Constitution; for associated contractual services for lands,  
27 the title to which is vested in the board of trustees,  
28 acquired pursuant to s. 259.105 or previous conservation and  
29 recreation land acquisition programs; and for other  
30 conservation and recreation lands managed by a state agency.  
31 Of this amount, \$250,000 shall be transferred annually to the

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

13 (b) Each agency having management responsibilities  
 14 shall annually request from the Legislature funds sufficient  
 15 to fulfill such responsibilities. In requesting funds for  
 16 long-term management of all acquisitions pursuant to this  
 17 chapter and for associated contractual services, the managing  
 18 agencies shall recognize the following categories of  
 19 land-management needs:

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

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

30 3. Lands that are high-need tracts, having identified  
 31 needs that require unique site-specific resource management

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

6  
 7 In evaluating the management funding needs of lands based on  
 8 the categories in this paragraph, each lead managing agency  
 9 shall include the impacts of, and needs created or addressed  
 10 by, multiple-use management strategies.

11 (c) All revenues generated through multiple-use  
 12 management or compatible secondary-use management shall be  
 13 returned to the lead agency responsible for such management  
 14 and shall be used to pay for management activities on all  
 15 conservation and recreation lands under the agency's  
 16 jurisdiction. In addition, such revenues shall be segregated  
 17 in an agency trust fund and shall remain available to the  
 18 agency in subsequent fiscal years to support land management  
 19 appropriations. For the purposes of this paragraph, compatible  
 20 secondary-use management are those activities described in  
 21 subsection (1) which are undertaken on parcels designated as  
 22 single use pursuant to s. 253.034(2)(b).

23 (d) Up to one-fifth of the funds provided for under  
 24 paragraph (a) shall be reserved by the board of trustees for  
 25 interim management of acquisitions and for associated  
 26 contractual services in order to ensure the conservation and  
 27 protection of natural resources on project sites and to allow  
 28 limited public recreational use of lands. Interim management  
 29 activities may include, but need not be limited to, resource  
 30 assessments, control of invasive, nonnative species, habitat  
 31 restoration, fencing, law enforcement, controlled burning, and

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1 public access consistent with preliminary determinations made  
2 pursuant to paragraph (2)(d). The board of trustees shall make  
3 these interim funds available immediately upon purchase.

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

14 Section 11. Section 259.0322, Florida Statutes, is  
15 amended to read:

16 259.0322 Payment in lieu of taxes; qualifying  
17 counties; reinstatement of payments in lieu of taxes;  
18 duration.--

19 (1)(a) The Legislature shall annually make available  
20 sufficient funds from the Conservation and Recreation Lands  
21 Trust Fund to the department for payment in lieu of taxes to  
22 qualifying counties and local governments, as defined in  
23 paragraph (b), for all actual tax losses incurred as a result  
24 of acquisitions for state agencies by the board of trustees  
25 under the Florida Forever program during any year. Reserved  
26 funds not used for payments in lieu of taxes in any year shall  
27 revert to the fund to be used for land management in  
28 accordance with the provisions of s. 259.0321.

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

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

1 11.031.

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

4 3. To Glades County, where a privately owned and  
5 operated prison leased to the state has recently been opened  
6 and where privately owned and operated juvenile justice  
7 facilities leased to the state have recently been constructed  
8 and opened, a payment in an amount that offsets the loss of  
9 property tax revenue, which funds have already been  
10 appropriated and allocated from the Department of Correction's  
11 budget for the purpose of reimbursing amounts equal to lost ad  
12 valorem taxes.

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

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

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

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

4 (f) Payment in lieu of taxes pursuant to this  
5 subsection shall be made annually to qualifying counties and  
6 local governments after certification by the Department of  
7 Revenue that the amounts applied for are reasonably  
8 appropriate, based on the amount of actual taxes paid on the  
9 eligible property. With the assistance of the local government  
10 requesting payment in lieu of taxes, the state agency that  
11 acquired the land shall prepare and submit the application  
12 request for payment to the Department of Revenue for  
13 certification.

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

18  
19 For the purposes of this subsection, the term "local  
20 government" includes municipalities, the county school board,  
21 mosquito control districts, and any other local government  
22 entity that levies ad valorem taxes, with the exception of a  
23 water management district.

24 (2) If the Department of Environmental Protection has  
25 made a payment in lieu of taxes to a governmental entity and  
26 subsequently suspended such payment, the department shall  
27 reinstitute appropriate payments and continue the payments in  
28 consecutive years until the governmental entity has received a  
29 total of 10 payments for each tax loss.

30 Section 12. Section 259.035, Florida Statutes, is  
31 amended to read:



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1           259.035 Acquisition and Restoration Council.--

2           (1) There is created the Acquisition and Restoration  
3 Council.

4           (a) The council shall be composed of nine voting  
5 members, four of whom shall be appointed by the Governor.  
6 These four appointees shall be from scientific disciplines  
7 related to land, water, or environmental sciences. They shall  
8 serve 4-year terms, except that, initially, to provide for  
9 staggered terms, two of the appointees shall serve 2-year  
10 terms. All subsequent appointments shall be for 4-year terms.  
11 No appointee shall serve more than 6 years. The Governor may  
12 at any time fill a vacancy for the unexpired term of a member  
13 appointed under this paragraph.

14           (b) The five remaining appointees shall be composed of  
15 the Secretary of Environmental Protection, the director of the  
16 Division of Forestry of the Department of Agriculture and  
17 Consumer Services, the executive director of the Fish and  
18 Wildlife Conservation Commission, the director of the Division  
19 of Historical Resources of the Department of State, and the  
20 secretary of the Department of Community Affairs, or their  
21 respective designees.

22           (c) The Governor shall appoint the chair of the  
23 council, and a vice chair shall be elected from among the  
24 members.

25           (d) The council shall hold periodic meetings at the  
26 request of the chair.

27           (e) The Department of Environmental Protection shall  
28 provide primary staff support to the council and shall ensure  
29 that council meetings are electronically recorded. Such  
30 recording shall be preserved pursuant to chapters 119 and 257.

31           (f) The board of trustees has authority to adopt rules

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1 pursuant to ss. 120.536(1) and 120.54 to implement the  
2 provisions of this section.

3 (2) The four members of the council appointed by the  
4 Governor shall receive \$75 per day while engaged in the  
5 business of the council, as well as expenses and per diem for  
6 travel, including attendance at meetings, as allowed state  
7 officers and employees while in the performance of their  
8 duties, pursuant to s. 112.061.

9 (3) The council shall provide assistance to the board  
10 of trustees in reviewing the recommendations and plans for  
11 state-owned conservation lands required under ss. 253.034 and  
12 259.0321 ~~259.032~~. The council shall, in reviewing such  
13 recommendations and plans, consider the optimization of  
14 multiple-use and conservation strategies to accomplish the  
15 provisions of s. ~~funded pursuant to ss. 259.101(3)(a) and~~  
16 ~~259.105(3)(b).~~

17 ~~(4) The council may use existing rules adopted by the~~  
18 ~~board of trustees, until it develops and recommends amendments~~  
19 ~~to those rules, to competitively evaluate, select, and rank~~  
20 ~~projects eligible for the Conservation and Recreation Lands~~  
21 ~~list pursuant to ss. 259.032(3) and 259.101(4) and, beginning~~  
22 ~~no later than May 1, 2001, for Florida Forever funds pursuant~~  
23 ~~to s. 259.105(3)(b). In developing or amending the rules, the~~  
24 ~~council shall give weight to the criteria included in s.~~  
25 ~~259.105(10). The board of trustees shall review the~~  
26 ~~recommendations and shall adopt rules necessary to administer~~  
27 ~~this section.~~

28 ~~(5) An affirmative vote of five members of the council~~  
29 ~~is required in order to change a project boundary or to place~~  
30 ~~a proposed project on a list developed pursuant to subsection~~  
31 ~~(4). Any member of the council who by family or a business~~

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1 ~~relationship has a connection with all or a portion of any~~  
2 ~~proposed project shall declare the interest before voting on~~  
3 ~~its inclusion on a list.~~

4       (4)(6) Projects proposed for acquisition ~~The proposal~~  
5 ~~for a project pursuant to this section or s. 259.105(3)(b) may~~  
6 be implemented only if adopted by the council and approved by  
7 the board of trustees. The council shall consider and evaluate  
8 in writing the merits and demerits of each project that is  
9 proposed for ~~Conservation and Recreation Lands, Florida~~  
10 ~~Preservation 2000, or Florida Forever funding and shall ensure~~  
11 that each proposed project will meet a stated public purpose  
12 for the restoration, conservation, or preservation of  
13 environmentally sensitive lands and water areas or for  
14 providing outdoor recreational opportunities. The council also  
15 shall determine whether the project conforms, where  
16 applicable, with the comprehensive plan developed pursuant to  
17 s. 259.04(1)(a), the comprehensive multipurpose outdoor  
18 recreation plan developed pursuant to s. 375.021, the state  
19 lands management plan adopted pursuant to s. 253.03(7), the  
20 water management districts 5-year ~~resources~~ work plans  
21 developed pursuant to s. 373.199, and the provisions of s.  
22 259.032, s. 259.101, or s. 259.105, whichever is applicable.

23       Section 13. Subsection (1) of section 259.04, Florida  
24 Statutes, is amended to read:

25           259.04 Board; powers and duties.--

26           (1) ~~For projects and acquisitions selected for~~  
27 ~~purchase pursuant to ss. 259.035, 259.101, and 259.105:~~

28           (a) The board is given the responsibility, authority,  
29 and power to develop and execute a comprehensive, statewide  
30 5-year plan to conserve, restore, and protect environmentally  
31 endangered lands, ecosystems, lands necessary for outdoor

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1 recreational needs, and other lands as identified in ss.  
 2 ~~259.032~~, 259.101, and 259.105. This plan shall be kept current  
 3 through continual reevaluation and revision. The Acquisition  
 4 and Restoration Council created in s. 259.035 ~~advisory council~~  
 5 or its successor shall assist the board in the development,  
 6 reevaluation, and revision of the plan.

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

14 (c) Within 45 days after the Acquisition and  
 15 Restoration ~~advisory~~ Council or its successor submits the list  
 16 ~~lists~~ of projects created pursuant to s. 259.105(8) to the  
 17 board, the board shall approve, in whole or in part, the list  
 18 ~~lists of projects~~ in the order of priority in which such  
 19 projects are presented. To the greatest extent practicable,  
 20 projects on the list ~~lists~~ shall be acquired in their approved  
 21 order of priority.

22 (d) The board is authorized to acquire, by purchase,  
 23 gift, or devise or otherwise, the fee title or any lesser  
 24 interest of lands, water areas, and related resources for  
 25 environmentally endangered lands.

26 Section 14. Section 259.105, Florida Statutes, is  
 27 amended to read:

28 259.105 The Florida Forever Act.--

29 (1) This section may be cited as the "Florida Forever  
 30 Act."

31 (2)(a) The Legislature finds and declares that:

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1           1. The Preservation 2000 program provided tremendous  
2 financial resources for purchasing environmentally significant  
3 lands to protect those lands from imminent development,  
4 thereby assuring present and future generations access to  
5 important open spaces and recreation and conservation lands.

6           2. The continued alteration and development of  
7 Florida's natural areas to accommodate the state's rapidly  
8 growing population have contributed to the degradation of  
9 water resources, the fragmentation and destruction of wildlife  
10 habitats, the loss of outdoor recreation space, and the  
11 diminishment of wetlands, forests, and public beaches.

12           3. The potential development of Florida's remaining  
13 natural areas and escalation of land values require a  
14 continuation of government efforts to restore, bring under  
15 public protection, or acquire lands and water areas to  
16 preserve the state's invaluable quality of life.

17           4. Florida's groundwater, surface waters, and springs  
18 are under tremendous pressure due to population growth and  
19 economic expansion and require special protection and  
20 restoration efforts. To ensure that sufficient quantities of  
21 water are available to meet the current and future needs of  
22 the natural systems and citizens of the state, and assist in  
23 achieving the planning goals of the department and the water  
24 management districts, water resource development projects on  
25 public lands, where compatible with the resource values of and  
26 management objectives for the lands, are appropriate.

27           5. The needs of urban Florida for high-quality outdoor  
28 recreational opportunities, greenways, trails, and open space  
29 have not been fully met by previous acquisition programs.  
30 Through such programs as the Florida Communities Trust and the  
31 Florida Recreation Development Assistance Program, the state

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1 shall place additional emphasis on acquiring, protecting,  
 2 preserving, and restoring open space, greenways, and  
 3 recreation properties within urban areas where pristine  
 4 natural communities or water bodies no longer exist because of  
 5 the proximity of developed property.

6           6. Many of Florida's unique ecosystems, such as the  
 7 Florida Everglades, are facing ecological collapse due to  
 8 Florida's burgeoning population. To preserve these valuable  
 9 ecosystems for future generations, parcels of land must be  
 10 acquired to facilitate ecosystem restoration.

11           7. Access to public lands to support a broad range of  
 12 outdoor recreational opportunities and the development of  
 13 necessary infrastructure, where compatible with the resource  
 14 values of and management objectives for such lands, promotes  
 15 an appreciation for Florida's natural assets and improves the  
 16 quality of life.

17           8. Acquisition of lands, in fee simple or in any  
 18 lesser interest, should be based on a comprehensive assessment  
 19 of Florida's natural resources and planned so as to protect  
 20 the integrity of ecological systems and provide multiple  
 21 benefits, including preservation of fish and wildlife habitat,  
 22 recreation space for urban as well as rural areas, and water  
 23 recharge.

24           9. The state has embraced performance-based program  
 25 budgeting as a tool to evaluate the achievements of publicly  
 26 funded agencies, build in accountability, and reward those  
 27 agencies which are able to consistently achieve quantifiable  
 28 goals. While previous and existing state environmental  
 29 programs have achieved varying degrees of success, few of  
 30 these programs can be evaluated as to the extent of their  
 31 achievements, primarily because performance measures,

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1 standards, outcomes, and goals were not established at the  
 2 outset. Therefore, the Florida Forever program shall be  
 3 developed and implemented in the context of measurable state  
 4 goals and objectives.

5       10. It is the intent of the Legislature to change the  
 6 focus and direction of the state's major land acquisition  
 7 programs and to extend funding and bonding capabilities, so  
 8 that future generations may enjoy the natural resources of  
 9 Florida.

10       (b) The Legislature recognizes that acquisition is  
 11 only one way to achieve the aforementioned goals and  
 12 encourages the development of creative partnerships between  
 13 governmental agencies and private landowners. Land protection  
 14 agreements and similar tools should be used, where  
 15 appropriate, to bring environmentally sensitive tracts under  
 16 an acceptable level of protection at a lower financial cost to  
 17 the public, and to provide private landowners with the  
 18 opportunity to enjoy and benefit from their property.

19       (c) Public agencies or other entities that receive  
 20 funds under this section are encouraged to better coordinate  
 21 their expenditures so that project acquisitions, when combined  
 22 with acquisitions under Preservation 2000, Save Our Rivers,  
 23 the Florida Communities Trust, and other public land  
 24 acquisition programs, will form more complete patterns of  
 25 protection for natural areas and functioning ecosystems, to  
 26 better accomplish the intent of this section.

27       (d) A long-term financial commitment to managing  
 28 Florida's public lands must accompany any new land acquisition  
 29 program to ensure that the natural resource values of such  
 30 lands are protected, that the public has the opportunity to  
 31 enjoy the lands to their fullest potential, and that the state

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1 achieves the full benefits of its investment of public  
2 dollars.

3 (e) With limited dollars available for restoration and  
4 acquisition of land and water areas and for providing  
5 long-term management and capital improvements, a competitive  
6 selection process can select those projects best able to meet  
7 the goals of Florida Forever and maximize the efficient use of  
8 the program's funding.

9 (f) To ensure success and provide accountability to  
10 the citizens of this state, it is the intent of the  
11 Legislature that any bond proceeds used pursuant to this  
12 section be used to implement the goals and objectives of this  
13 act ~~recommended by the Florida Forever Advisory Council~~ as  
14 approved by the Board of Trustees of the Internal Improvement  
15 Trust Fund and the Legislature.

16 (g) As it has with previous land acquisition programs,  
17 the Legislature recognizes the desires of the citizens of this  
18 state to prosper through economic development and to preserve  
19 the natural areas and recreational open space of Florida. The  
20 Legislature further recognizes the urgency of restoring the  
21 natural functions of public lands or water bodies before they  
22 are degraded to a point where recovery may never occur, yet  
23 acknowledges the difficulty of ensuring adequate funding for  
24 restoration efforts in light of other equally critical  
25 financial needs of the state. It is the Legislature's desire  
26 and intent to fund the implementation of this section and to  
27 do so in a fiscally responsible manner, by issuing bonds to be  
28 repaid with documentary stamp tax revenue.

29 (h) The Legislature further recognizes the importance  
30 of state and federal military installations in protecting and  
31 preserving the state and its natural resources, and in



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1 contributing to the economic prosperity of the state. It is  
 2 therefore the Legislature's intent that where the goals of the  
 3 Florida Forever program overlap with the protection needs of  
 4 military installations, agencies receiving funds under the  
 5 Florida Forever program shall cooperate with the state's  
 6 military partners to protect and buffer military  
 7 installations, including areas identified as clear zones,  
 8 accident potential zones, air installation compatible use  
 9 zones, and other buffer zones as delineated by the state's  
 10 military partners.

11 (3) Less the costs of issuing and the costs of funding  
 12 reserve accounts and other costs associated with bonds, the  
 13 proceeds of bonds issued pursuant to this section shall be  
 14 deposited into the Florida Forever Trust Fund created by s.  
 15 259.1051. The proceeds shall be distributed by the Department  
 16 of Environmental Protection in the following manner:

17 (a) Thirty-five percent to the Department of  
 18 Environmental Protection for the acquisition of lands and  
 19 capital project expenditures necessary to implement the water  
 20 management districts' priority lists developed pursuant to s.  
 21 373.199. The funds are to be distributed to the water  
 22 management districts as provided in subsection (11). A  
 23 minimum of 50 percent of the total funds provided over the  
 24 life of the Florida Forever program pursuant to this paragraph  
 25 shall be used for the acquisition of lands.

26 (b) Thirty-five percent to the Department of  
 27 Environmental Protection for the acquisition of lands and  
 28 capital project expenditures described in this section. Of the  
 29 proceeds distributed pursuant to this paragraph, it is the  
 30 intent of the Legislature that an increased priority be given  
 31 to those acquisitions which achieve a combination of

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1 conservation goals, including protecting Florida's water  
2 resources and natural groundwater recharge, and those  
3 acquisitions which protect and buffer military installations  
4 where such needs are delineated by the state's military  
5 partners. Capital project expenditures may not exceed 10  
6 percent of the funds allocated pursuant to this paragraph.

7 (c) Twenty-two percent to the Department of Community  
8 Affairs for use by the Florida Communities Trust for the  
9 purposes of part III of chapter 380, as described and limited  
10 by this subsection, and grants to local governments or  
11 nonprofit environmental organizations that are tax exempt  
12 under s. 501(c)(3) of the United States Internal Revenue Code  
13 for the acquisition of community-based projects, urban open  
14 spaces, parks, and greenways to implement local government  
15 comprehensive plans. From funds available to the trust and  
16 used for land acquisition, 75 percent shall be matched by  
17 local governments on a dollar-for-dollar basis. The  
18 Legislature intends that the Florida Communities Trust  
19 emphasize funding projects in low-income or otherwise  
20 disadvantaged communities. At least 30 percent of the total  
21 allocation provided to the trust shall be used in Standard  
22 Metropolitan Statistical Areas, but one-half of that amount  
23 shall be used in localities in which the project site is  
24 located in built-up commercial, industrial, or mixed-use areas  
25 and functions to intersperse open spaces within congested  
26 urban core areas. From funds allocated to the trust, no less  
27 than 5 percent shall be used to acquire lands for recreational  
28 trail systems, provided that in the event these funds are not  
29 needed for such projects, they will be available for other  
30 trust projects. Local governments may use federal grants or  
31 loans, private donations, or environmental mitigation funds,

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1 including environmental mitigation funds required pursuant to  
 2 s. 338.250, for any part or all of any local match required  
 3 for acquisitions funded through the Florida Communities Trust.  
 4 Any lands purchased by nonprofit organizations using funds  
 5 allocated under this paragraph must provide for such lands to  
 6 remain permanently in public use through a reversion of title  
 7 to local or state government, conservation easement, or other  
 8 appropriate mechanism. Projects funded with funds allocated  
 9 to the Trust shall be selected in a competitive process  
 10 measured against criteria adopted in rule by the Trust.

11 (d) Two percent to the Department of Environmental  
 12 Protection for grants to qualified local government entities  
 13 for the acquisition or development of land for public outdoor  
 14 recreation purposes pursuant to s. 375.075.

15 (e) One and five-tenths percent to the Department of  
 16 Environmental Protection for the purchase of inholdings and  
 17 additions to state parks and for capital project expenditures  
 18 as described in this section. Capital project expenditures may  
 19 not exceed 10 percent of the funds allocated under this  
 20 paragraph. For the purposes of this paragraph, "state park"  
 21 means any real property in the state which is under the  
 22 jurisdiction of the Division of Recreation and Parks of the  
 23 department, or which may come under its jurisdiction.

24 (f) One and five-tenths percent to the Division of  
 25 Forestry of the Department of Agriculture and Consumer  
 26 Services to fund the acquisition of state forest inholdings  
 27 and additions pursuant to s. 589.07, the implementation of  
 28 reforestation plans or sustainable forestry management  
 29 practices, and for capital project expenditures as described  
 30 in this section. Capital project expenditures may not exceed  
 31 10 percent of the funds allocated under this paragraph.

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1 (g) One and five-tenths percent to the Fish and  
2 Wildlife Conservation Commission to fund the acquisition of  
3 inholdings and additions to lands managed by the commission  
4 which are important to the conservation of fish and wildlife  
5 and for capital project expenditures as described in this  
6 section. Capital project expenditures may not exceed 10  
7 percent of the funds allocated under this paragraph.

8 (h) One and five-tenths percent to the Department of  
9 Environmental Protection for the Florida Greenways and Trails  
10 Program, to acquire greenways and trails or greenways and  
11 trail systems pursuant to chapter 260, including, but not  
12 limited to, abandoned railroad rights-of-way and the Florida  
13 National Scenic Trail and for capital project expenditures as  
14 described in this section. Capital project expenditures may  
15 not exceed 10 percent of the funds allocated under this  
16 paragraph.

17 (i) It is the intent of the Legislature that proceeds  
18 of Florida Forever bonds distributed under this section shall  
19 be expended in an efficient and fiscally responsible manner.  
20 An agency that receives proceeds from Florida Forever bonds  
21 under this section may not maintain a balance of unencumbered  
22 funds in its Florida Forever subaccount beyond 3 fiscal years  
23 from the date of deposit of funds from each bond issue. Any  
24 funds that have not been expended or encumbered after 3 fiscal  
25 years from the date of deposit shall be distributed by the  
26 Legislature at its next regular session for use in the Florida  
27 Forever program.

28 (j)1. For the purposes of paragraphs (d), (e), (f),  
29 and (g), the agencies that ~~which~~ receive the funds shall  
30 develop their individual acquisition or restoration lists.  
31 Proposed additions may be acquired if they are identified

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1 within the original project boundary, the land management plan  
 2 required pursuant to ss. ~~s.~~ 253.034(5) and 259.0321, or the  
 3 management prospectus required pursuant to s. 259.0321(2)(a)  
 4 ~~s. 259.032(9)(d)~~.

5 2. An inholding or an addition to a project selected  
 6 for purchase as provided under subparagraph 1. is not subject  
 7 to the selection procedures of this chapter if the estimated  
 8 value of such inholding or addition does not exceed \$500,000.  
 9 When at least 90 percent of the acreage of a project has been  
 10 purchased pursuant to this chapter, the project may be removed  
 11 from the list and the remaining acreage may continue to be  
 12 purchased.

13 3. Proposed additions of property outside the original  
 14 project boundary not meeting the requirements of this  
 15 paragraph shall be submitted to the Acquisition and  
 16 Restoration Council for approval. The council may ~~only~~  
 17 approve the proposed addition if it meets two or more of the  
 18 following criteria: serves as a link or corridor to other  
 19 publicly owned property; enhances the protection or management  
 20 of the property; ~~adds would add~~ a desirable resource to the  
 21 property; ~~creates would create~~ a more manageable boundary  
 22 configuration; has a high resource value that is otherwise  
 23 ~~would be~~ unprotected; or can be acquired at less than fair  
 24 market value. The board of trustees is directed to adopt rules  
 25 pursuant to ss. 120.536(1) and 120.54 which govern the  
 26 acquisition of additions to projects not identified for  
 27 acquisition pursuant to subparagraph 1.

28 (4) It is the intent of the Legislature that projects  
 29 or acquisitions funded pursuant to paragraphs (3)(a) and (b)  
 30 contribute to the achievement of the following goals:

31 (a) Enhance the coordination and completion of land

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1 acquisition projects, as measured by:

2           1. The number of acres acquired through the state's  
3 land acquisition programs that contribute to the completion of  
4 Florida Preservation 2000 projects or projects begun before  
5 Preservation 2000;

6           2. The number of acres protected through the use of  
7 alternatives to fee simple acquisition; or

8           3. The number of shared acquisition projects among  
9 Florida Forever funding partners and partners with other  
10 funding sources, including local governments and the Federal  
11 Government.

12           (b) Increase the protection of Florida's biodiversity  
13 at the species, natural community, and landscape levels, as  
14 measured by:

15           1. The number of acres acquired of significant  
16 strategic habitat conservation areas;

17           2. The number of acres acquired of highest priority  
18 conservation areas for Florida's rarest species;

19           3. The number of acres acquired of significant  
20 landscapes, landscape linkages, and conservation corridors,  
21 giving priority to completing linkages;

22           4. The number of acres acquired of underrepresented  
23 native ecosystems;

24           5. The number of landscape-sized protection areas of  
25 at least 50,000 acres that exhibit a mosaic of predominantly  
26 intact or restorable natural communities established through  
27 new acquisition projects or augmentations to previous  
28 projects; or

29           6. The percentage increase in the number of  
30 occurrences of endangered species, threatened species, or  
31 species of special concern on publicly managed conservation

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1 areas.

2 (c) Protect, restore, and maintain the quality and  
3 natural functions of land, water, and wetland systems of the  
4 state, as measured by:

5 1. The number of acres of publicly owned land  
6 identified as needing restoration, acres undergoing  
7 restoration, and acres with restoration activities completed;

8 2. The percentage of water segments that fully meet,  
9 partially meet, or do not meet their designated uses as  
10 reported in the Department of Environmental Protection's State  
11 Water Quality Assessment 305(b) Report;

12 3. The percentage completion of targeted capital  
13 improvements in surface water improvement and management plans  
14 created under s. 373.453(2), regional or master stormwater  
15 management system plans, or other adopted restoration plans;

16 4. The number of acres acquired that protect natural  
17 floodplain functions;

18 5. The number of acres acquired that protect surface  
19 waters of the state;

20 6. The number of acres identified for acquisition to  
21 minimize damage from flooding and the percentage of those  
22 acres acquired;

23 7. The number of acres acquired that protect fragile  
24 coastal resources;

25 8. The number of acres of functional wetland systems  
26 protected;

27 9. The percentage of miles of critically eroding  
28 beaches contiguous with public lands that are restored or  
29 protected from further erosion;

30 10. The percentage of public lakes and rivers in which  
31 invasive, nonnative aquatic plants are under maintenance

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1 control; or

2 11. The number of acres of public conservation lands  
3 in which upland invasive, exotic plants are under maintenance  
4 control.

5 (d) Ensure that sufficient quantities of water are  
6 available to meet the current and future needs of natural  
7 systems and the citizens of the state, as measured by:

8 1. The number of acres acquired which provide  
9 retention and storage of surface water in naturally occurring  
10 storage areas, such as lakes and wetlands, consistent with the  
11 maintenance of water resources or water supplies and  
12 consistent with district water supply plans;

13 2. The quantity of water made available through the  
14 water resource development component of a district water  
15 supply plan for which a water management district is  
16 responsible; or

17 3. The number of acres acquired of groundwater  
18 recharge areas critical to springs, sinks, aquifers, other  
19 natural systems, or water supply.

20 (e) Increase natural resource-based public  
21 recreational and educational opportunities, as measured by:

22 1. The number of acres acquired that are available for  
23 natural resource-based public recreation or education;

24 2. The miles of trails that are available for public  
25 recreation, giving priority to those that provide significant  
26 connections including those that will assist in completing the  
27 Florida National Scenic Trail; or

28 3. The number of new resource-based recreation  
29 facilities, by type, made available on public land.

30 (f) Preserve significant archaeological or historic  
31 sites, as measured by:



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1           1. The increase in the number of and percentage of  
 2 historic and archaeological properties listed in the Florida  
 3 Master Site File or National Register of Historic Places which  
 4 are protected or preserved for public use; or

5           2. The increase in the number and percentage of  
 6 historic and archaeological properties that are in state  
 7 ownership.

8           (g) Increase the amount of forestland available for  
 9 sustainable management of natural resources, as measured by:

10           1. The number of acres acquired that are available for  
 11 sustainable forest management;

12           2. The number of acres of state-owned forestland  
 13 managed for economic return in accordance with current best  
 14 management practices;

15           3. The number of acres of forestland acquired that  
 16 will serve to maintain natural groundwater recharge functions;  
 17 or

18           4. The percentage and number of acres identified for  
 19 restoration actually restored by reforestation.

20           (h) Increase the amount of open space available in  
 21 urban areas, as measured by:

22           1. The percentage of local governments that  
 23 participate in land acquisition programs and acquire open  
 24 space in urban cores; or

25           2. The percentage and number of acres of purchases of  
 26 open space within urban service areas.

27           (i) Recognize the importance of the role military  
 28 installations play in protecting and preserving the state's  
 29 natural resources as measured by the percentage and number of  
 30 acres acquired to protect and buffer military installations.

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1 Florida Forever projects and acquisitions funded pursuant to  
2 paragraph (3)(c) shall be measured by goals developed by rule  
3 by the Florida Communities Trust Governing Board created in s.  
4 380.504.

5 (5)(a) All lands acquired pursuant to this section  
6 shall be managed for multiple-use purposes, where compatible  
7 with the resource values of and management objectives for such  
8 lands. As used in this section, "multiple-use" includes, but  
9 is not limited to, outdoor recreational activities as  
10 described in ss. 253.034 and 259.0321(2)(c) ~~259.032(9)(b)~~,  
11 water resource development projects, and sustainable forestry  
12 management.

13 (b) Upon a decision by the entity in which title to  
14 lands acquired pursuant to this section has vested, such lands  
15 may be designated single use as defined in s. 253.034(2)(b).

16 (6) ~~As provided in this section,~~ A water resource or  
17 water supply development project may be allowed only if the  
18 following conditions are met: minimum flows and levels have  
19 been established for those waters, if any, which may  
20 reasonably be expected to experience significant harm to water  
21 resources as a result of the project; the project complies  
22 with all applicable permitting requirements; and the project  
23 is consistent with the regional water supply plan, if any, of  
24 the water management district and with relevant recovery or  
25 prevention strategies if required pursuant to s. 373.0421(2).

26 (7)(a) Beginning no later than July 1, 2001, and every  
27 year thereafter, the Acquisition and Restoration Council shall  
28 accept applications from state agencies, local governments,  
29 nonprofit and for-profit organizations, private land trusts,  
30 and individuals for project proposals eligible for funding  
31 pursuant to paragraph (3)(b). The council shall evaluate the

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1 proposals received pursuant to this subsection to ensure that  
2 they meet at least one of the criteria under subsection (9).

3 (b) Project applications shall contain, at a minimum,  
4 the following:

5 1. A minimum of two numeric performance measures that  
6 directly relate to the overall goals adopted by the council.  
7 Each performance measure shall include a baseline measurement,  
8 which is the current situation; a performance standard which  
9 the project sponsor anticipates the project will achieve; and  
10 the performance measurement itself, which should reflect the  
11 incremental improvements the project accomplishes towards  
12 achieving the performance standard.

13 2. Proof that property owners within any proposed  
14 acquisition have been notified of their inclusion in the  
15 proposed project. Any property owner may request the removal  
16 of such property from further consideration by submitting a  
17 request to the project sponsor or the Acquisition and  
18 Restoration Council by certified mail. Upon receiving this  
19 request, the council shall delete the property from the  
20 proposed project; however, the board of trustees, at the time  
21 it votes to approve the proposed project lists pursuant to  
22 subsection(15) ~~(16)~~, may add the property back on to the  
23 project lists if at least three members of the board determine  
24 ~~it determines by a super majority of its members~~ that such  
25 property is critical to achieve the purposes of the project.

26 (c) The title to lands acquired under this section  
27 shall vest in the Board of Trustees of the Internal  
28 Improvement Trust Fund, except that title to lands acquired by  
29 a water management district shall vest in the name of that  
30 district and lands acquired by a local government shall vest  
31 in the name of the purchasing local government.

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1           (8)(a) The Acquisition and Restoration Council shall  
 2 develop, at least annually, a project list that must include  
 3 those projects approved for funding under the Preservation  
 4 2000 program or earlier conservation programs which were  
 5 contained on the former Conservation and Recreation Lands  
 6 list, and shall add those projects submitted for funding  
 7 pursuant to subsection (7).

8           (b) An affirmative vote of five members of the council  
 9 is required in order to change a project boundary or add a new  
 10 project to the list. Any member of the council who through a  
 11 family or business relationship has a connection with any  
 12 project proposed to be added to the list shall declare such  
 13 interest prior to voting for inclusion of that project on the  
 14 list. ~~The Acquisition and Restoration Council shall develop a~~  
 15 ~~project list that shall represent those projects submitted~~  
 16 ~~pursuant to subsection (7).~~

17           (9) The Acquisition and Restoration Council shall  
 18 develop a grouping process to ~~recommend rules for adoption by~~  
 19 ~~the board of trustees to~~ competitively evaluate, select, and  
 20 rank projects eligible for Florida Forever funds pursuant to  
 21 ~~subsection (8) paragraph (3)(b) and for additions to the~~  
 22 ~~Conservation and Recreation Lands list pursuant to ss. 259.032~~  
 23 ~~and 259.101(4).~~ In developing the grouping process, which must  
 24 be adopted as a rule by the board of trustees ~~these proposed~~  
 25 rules, the Acquisition and Restoration Council shall give  
 26 weight to the following criteria:

27           (a) The project meets multiple goals described in  
 28 subsection (4).

29           (b) The project is part of an ongoing governmental  
 30 effort to restore, protect, or develop land areas or water  
 31 resources.

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1           (c) The project enhances or facilitates management of  
2 properties already under public ownership.

3           (d) The project has significant archaeological or  
4 historic value.

5           (e) The project has funding sources that are  
6 identified and assured through at least the first 2 years of  
7 the project.

8           (f) The project contributes to the solution of water  
9 resource problems on a regional basis.

10           (g) The project has a significant portion of its land  
11 area in imminent danger of development, in imminent danger of  
12 losing its significant natural attributes or recreational open  
13 space, or in imminent danger of subdivision which would result  
14 in multiple ownership and make acquisition of the project  
15 costly or less likely to be accomplished.

16           (h) The project implements an element from a plan  
17 developed by an ecosystem management team.

18           (i) The project is one of the components of the  
19 Everglades restoration effort.

20           (j) The project may be purchased at 80 percent of  
21 appraised value.

22           (k) The project may be acquired, in whole or in part,  
23 using alternatives to fee simple, including but not limited  
24 to, purchase of development rights, hunting rights,  
25 agricultural or silvicultural rights, or mineral rights or  
26 obtaining conservation easements or flowage easements.

27           (l) The project is a joint acquisition, either among  
28 public agencies, nonprofit organizations, or private entities,  
29 or by a public-private partnership.

30           (10) The Acquisition and Restoration Council shall  
31 give increased priority to those projects for which matching

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1 funds are available and to project elements previously  
 2 identified on an acquisition list pursuant to this section  
 3 that can be acquired at 80 percent or less of appraised value.  
 4 Where the goals of the Florida Forever program overlap with  
 5 the protection needs of military installations, the council  
 6 shall also give increased priority to projects that protect  
 7 and buffer military installations and areas identified as  
 8 clear zones, accident potential zones, air installation  
 9 compatible use zones, or other buffer zones delineated by the  
 10 state's military partners.

11 (11) For the purposes of funding projects pursuant to  
 12 paragraph (3)(a), the Secretary of Environmental Protection  
 13 shall ensure that each water management district receives the  
 14 following percentage of funds annually:

15 (a) Thirty-five percent to the South Florida Water  
 16 Management District, of which amount \$25 million for 2 years  
 17 beginning in fiscal year 2000-2001 shall be transferred by the  
 18 Department of Environmental Protection into the Save Our  
 19 Everglades Trust Fund and shall be used exclusively to  
 20 implement the comprehensive plan under s. 373.470.

21 (b) Twenty-five percent to the Southwest Florida Water  
 22 Management District.

23 (c) Twenty-five percent to the St. John's River Water  
 24 Management District.

25 (d) Seven and one-half percent to the Suwannee River  
 26 Water Management District.

27 (e) Seven and one-half percent to the Northwest  
 28 Florida Water Management District.

29 (12) It is the intent of the Legislature that in  
 30 developing the list of projects for funding pursuant to  
 31 paragraph (3)(a), that these funds not be used to abrogate the

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1 financial responsibility of those point and nonpoint sources  
 2 that have contributed to the degradation of water or land  
 3 areas. Therefore, an increased priority shall be given by the  
 4 water management district governing boards to those projects  
 5 that have secured a cost-sharing agreement allocating  
 6 responsibility for the cleanup of point and nonpoint sources.

7 ~~(13) An affirmative vote of five members of the~~  
 8 ~~Acquisition and Restoration Council shall be required in order~~  
 9 ~~to place a proposed project on the list developed pursuant to~~  
 10 ~~subsection (8). Any member of the council who by family or a~~  
 11 ~~business relationship has a connection with any project~~  
 12 ~~proposed to be ranked shall declare such interest prior to~~  
 13 ~~voting for a project's inclusion on the list.~~

14 ~~(13)~~(14) Each year that bonds are to be issued  
 15 pursuant to this section, the Acquisition and Restoration  
 16 Council shall review the most current approved project list  
 17 and shall, by the first board meeting in May, present to the  
 18 Board of Trustees of the Internal Improvement Trust Fund for  
 19 approval a priority list ~~listing~~ of projects developed  
 20 pursuant to subsection (8). The board of trustees may remove  
 21 projects from the list developed pursuant to this subsection,  
 22 but may not add projects or rearrange project rankings. The  
 23 list approved by the board shall be named the Florida Forever  
 24 list and shall be the only list designating conservation  
 25 properties to be acquired by the state or any of its agencies  
 26 or designees under the Florida Forever program.

27 ~~(14)~~(15) The Acquisition and Restoration Council shall  
 28 at least annually submit to the board of trustees, with its  
 29 list of projects, a report that includes, but shall not be  
 30 limited to, the following information for each project listed:

31 (a) The stated purpose for inclusion.

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1 (b) Projected costs to achieve the project goals.

2 (c) An interim management budget.

3 (d) Specific performance measures.

4 (e) Plans for public access.

5 (f) An identification of the essential parcel or  
6 parcels within the project without which the project cannot be  
7 properly managed.

8 (g) Where applicable, an identification of those  
9 projects or parcels within projects which should be acquired  
10 in fee simple or in less than fee simple.

11 (h) An identification of those lands being purchased  
12 for conservation purposes.

13 (i) A management policy statement for the project and  
14 a management prospectus pursuant to s. 259.0321(2)(a) ~~s.~~  
15 ~~259.032(9)(d)~~.

16 (j) An estimate of land value based on county tax  
17 assessed values.

18 (k) A map delineating project boundaries.

19 (l) An assessment of the project's ecological value,  
20 outdoor recreational value, forest resources, wildlife  
21 resources, ownership pattern, utilization, and location.

22 (m) A discussion of whether alternative uses are  
23 proposed for the property and what those uses are.

24 (n) A designation of the management agency or  
25 agencies.

26 ~~(15)(16)~~ All proposals for projects pursuant to  
27 subsection (7) ~~paragraph (3)(b) or subsection (20)~~ shall be  
28 implemented only if adopted by the Acquisition and Restoration  
29 Council and approved by the board of trustees. The council  
30 shall consider and evaluate in writing the merits and demerits  
31 of each project that is proposed for Florida Forever funding



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1 ~~and each proposed addition to the Conservation and Recreation~~  
2 ~~lands list program.~~ The council shall ensure that each  
3 proposed project will meet a stated public purpose for the  
4 restoration, conservation, or preservation of environmentally  
5 sensitive lands and water areas or for providing outdoor  
6 recreational opportunities ~~and that each proposed addition to~~  
7 ~~the Conservation and Recreation Lands list will meet the~~  
8 ~~public purposes under s. 259.032(3) and, when applicable, s.~~  
9 ~~259.101(4).~~ The council also shall determine whether the  
10 project or addition conforms, where applicable, with the  
11 comprehensive plan developed pursuant to s. 259.04(1)(a), the  
12 comprehensive multipurpose outdoor recreation plan developed  
13 pursuant to s. 375.021, the state lands management plan  
14 adopted pursuant to s. 253.03(7), the water management  
15 district resources work plans developed pursuant to s.  
16 373.199, and the provisions of this section.

17 ~~(16)(17)~~(a) The Board of Trustees of the Internal  
18 Improvement Trust Fund, or, in the case of water management  
19 district lands, the owning water management district, may  
20 authorize the granting of a lease, easement, or license for  
21 the use of certain lands acquired pursuant to this section,  
22 for certain uses that are determined by the appropriate board  
23 to be compatible with the resource values of and management  
24 objectives for such lands.

25 (b) Any existing lease, easement, or license acquired  
26 for incidental public or private use on, under, or across any  
27 lands acquired pursuant to this section shall be presumed to  
28 be compatible with the purposes for which such lands were  
29 acquired.

30 (c) Notwithstanding the provisions of paragraph (a),  
31 no such lease, easement, or license shall be entered into by

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1 the Department of Environmental Protection or other  
 2 appropriate state agency if the granting of such lease,  
 3 easement, or license would adversely affect the exclusion of  
 4 the interest on any revenue bonds issued to fund the  
 5 acquisition of the affected lands from gross income for  
 6 federal income tax purposes, pursuant to Internal Revenue  
 7 Service regulations.

8       ~~(17)(18)~~ The Acquisition and Restoration Council shall  
 9 recommend adoption of rules by the board of trustees necessary  
 10 to implement the provisions of this section relating to:  
 11 solicitation, scoring, selecting, and ranking of Florida  
 12 Forever project proposals; disposing of or leasing lands or  
 13 water areas selected for funding through the Florida Forever  
 14 program; and the process of reviewing and recommending for  
 15 approval or rejection the land management plans associated  
 16 with publicly owned properties. Rules promulgated pursuant to  
 17 this subsection shall be submitted to the President of the  
 18 Senate and the Speaker of the House of Representatives, for  
 19 review by the Legislature, no later than 30 days prior to the  
 20 2001 Regular Session and shall become effective only after  
 21 legislative review. In its review, the Legislature may reject,  
 22 modify, or take no action relative to such rules. The board of  
 23 trustees shall conform such rules to changes made by the  
 24 Legislature, or, if no action was taken by the Legislature,  
 25 such rules shall become effective.

26       ~~(18)(19)~~ Lands listed as projects for acquisition  
 27 under the Florida Forever program may be managed for  
 28 conservation pursuant to s. 259.0321 ~~s. 259.032~~, on an interim  
 29 basis by a private party in anticipation of a state purchase  
 30 in accordance with a contractual arrangement between the  
 31 acquiring agency and the private party that may include

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1 management service contracts, leases, cost-share arrangements,  
 2 or resource conservation agreements. Lands designated as  
 3 eligible under this subsection shall be managed to maintain or  
 4 enhance the resources the state is seeking to protect by  
 5 acquiring the land. Funding for these contractual arrangements  
 6 may originate from the documentary stamp tax revenue deposited  
 7 into the Conservation and Recreation Lands Trust Fund and  
 8 Water Management Lands Trust Fund. No more than 5 percent of  
 9 funds allocated under the trust funds shall be expended for  
 10 this purpose.

11 ~~(20) The Acquisition and Restoration Council, as~~  
 12 ~~successors to the Land Acquisition and Management Advisory~~  
 13 ~~Council, may amend existing Conservation and Recreation Lands~~  
 14 ~~projects and add to or delete from the 2000 Conservation and~~  
 15 ~~Recreation Lands list until funding for the Conservation and~~  
 16 ~~Recreation Lands program has been expended. The amendments to~~  
 17 ~~the 2000 Conservation and Recreation Lands list will be~~  
 18 ~~reported to the board of trustees in conjunction with the~~  
 19 ~~council's report developed pursuant to subsection (15).~~

20 Section 15. Subsection (13) of section 201.15, Florida  
 21 Statutes, is amended to read:

22 201.15 Distribution of taxes collected.--All taxes  
 23 collected under this chapter shall be distributed as follows  
 24 and shall be subject to the service charge imposed in s.  
 25 215.20(1), except that such service charge shall not be levied  
 26 against any portion of taxes pledged to debt service on bonds  
 27 to the extent that the amount of the service charge is  
 28 required to pay any amounts relating to the bonds:

29 (13) The distribution of proceeds deposited into the  
 30 Water Management Lands Trust Fund and the Conservation and  
 31 Recreation Lands Trust Fund, pursuant to subsections (4) and

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1 (5), shall not be used for land acquisition, but may be used  
 2 for preacquisition costs associated with land purchases. The  
 3 Legislature intends that the Florida Forever program supplant  
 4 the acquisition programs formerly authorized under s. ~~ss.~~  
 5 259.032, as established in chapter 94-240, Laws of Florida,  
 6 and s. 373.59. ~~Prior to the 2005 Regular Session of the~~  
 7 ~~Legislature, the Acquisition and Restoration Council shall~~  
 8 ~~review and make recommendations to the Legislature concerning~~  
 9 ~~the need to repeal this provision. Based on these~~  
 10 ~~recommendations, the Legislature shall review the need to~~  
 11 ~~repeal this provision during the 2005 Regular Session.~~

12 Section 16. Effective July 1, 2007, subsection (13) of  
 13 section 201.15, Florida Statutes, as amended by section 1 of  
 14 chapter 2005-92, Laws of Florida, is amended to read:

15 201.15 Distribution of taxes collected.--All taxes  
 16 collected under this chapter shall be distributed as follows  
 17 and shall be subject to the service charge imposed in s.  
 18 215.20(1), except that such service charge shall not be levied  
 19 against any portion of taxes pledged to debt service on bonds  
 20 to the extent that the amount of the service charge is  
 21 required to pay any amounts relating to the bonds:

22 (13) The distribution of proceeds deposited into the  
 23 Water Management Lands Trust Fund and the Conservation and  
 24 Recreation Lands Trust Fund, pursuant to subsections (4) and  
 25 (5), shall not be used for land acquisition, but may be used  
 26 for preacquisition costs associated with land purchases. The  
 27 Legislature intends that the Florida Forever program supplant  
 28 the acquisition programs formerly authorized under s. ~~ss.~~  
 29 259.032, as established in chapter 94-240, Laws of Florida,  
 30 and s. 373.59. ~~Prior to the 2005 Regular Session of the~~  
 31 ~~Legislature, the Acquisition and Restoration Council shall~~

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1 ~~review and make recommendations to the Legislature concerning~~  
 2 ~~the need to repeal this provision. Based on these~~  
 3 ~~recommendations, the Legislature shall review the need to~~  
 4 ~~repeal this provision during the 2005 Regular Session.~~

5 Section 17. Paragraph (b) of subsection (5) of section  
 6 253.027, Florida Statutes, is amended to read:

7 253.027 Emergency archaeological property  
 8 acquisition.--

9 (5) ACCOUNT EXPENDITURES.--

10 (b) No moneys shall be spent from the account for  
 11 excavation or restoration of the properties acquired. Funds  
 12 may be spent for preliminary surveys to determine if the sites  
 13 meet the criteria of this section. An amount not to exceed  
 14 \$100,000 may also be spent from the account to inventory and  
 15 evaluate archaeological and historic resources on properties  
 16 purchased, or proposed for purchase, pursuant to s. 259.105 ~~s.~~  
 17 ~~259.032~~.

18 Section 18. Subsections (1) and (4) of section  
 19 259.036, Florida Statutes, are amended to read:

20 259.036 Management review teams.--

21 (1) To determine whether conservation, preservation,  
 22 and recreation lands titled in the name of the Board of  
 23 Trustees of the Internal Improvement Trust Fund are being  
 24 managed for the purposes for which they were acquired and in  
 25 accordance with a land management plan adopted pursuant to s.  
 26 259.0321 ~~s. 259.032~~, the board of trustees, acting through the  
 27 Department of Environmental Protection, shall cause periodic  
 28 management reviews to be conducted as follows:

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

31 1. One individual who is from the county or local

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1 community in which the parcel or project is located and who is  
2 selected by the county commission in the county which is most  
3 impacted by the acquisition.

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

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

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

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

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

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

16         8. A member of a conservation organization.

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

22         (4) In the event a land management plan has not been  
23 adopted within the timeframes specified in s. 259.0321(3) ~~s.~~  
24 ~~259.032(10)~~, the department may direct a management review of  
25 the property, to be conducted by the land management review  
26 team. The review shall consider the extent to which the land  
27 is being managed for the purposes for which it was acquired  
28 and the degree to which actual management practices are in  
29 compliance with the management policy statement and management  
30 prospectus for that property.

31         Section 19. Subsection (3) of section 259.101, Florida

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1 Statutes, is amended to read:

2           259.101 Florida Preservation 2000 Act.--

3           (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the  
4 costs of issuance, the costs of funding reserve accounts, and  
5 other costs with respect to the bonds, the proceeds of bonds  
6 issued pursuant to this act shall be deposited into the  
7 Florida Preservation 2000 Trust Fund created by s. 375.045. In  
8 fiscal year 2000-2001, for each Florida Preservation 2000  
9 program described in paragraphs (a)-(g), that portion of each  
10 program's total remaining cash balance which, as of June 30,  
11 2000, is in excess of that program's total remaining  
12 appropriation balances shall be redistributed by the  
13 department and deposited into the Save Our Everglades Trust  
14 Fund for land acquisition. For purposes of calculating the  
15 total remaining cash balances for this redistribution, the  
16 Florida Preservation 2000 Series 2000 bond proceeds, including  
17 interest thereon, and the fiscal year 1999-2000 General  
18 Appropriations Act amounts shall be deducted from the  
19 remaining cash and appropriation balances, respectively. The  
20 remaining proceeds shall be distributed by the Department of  
21 Environmental Protection in the following manner:

22           (a) Fifty percent to the Department of Environmental  
23 Protection for the purchase of public lands as described in s.  
24 259.032 as established in chapter 94-240, Laws of Florida. Of  
25 this 50 percent, at least one-fifth shall be used for the  
26 acquisition of coastal lands.

27           (b) Thirty percent to the Department of Environmental  
28 Protection for the purchase of water management lands pursuant  
29 to s. 373.59, to be distributed among the water management  
30 districts as provided in that section. Funds received by each  
31 district may also be used for acquisition of lands necessary

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1 to implement surface water improvement and management plans or  
2 for acquisition of lands necessary to implement the Everglades  
3 Construction Project authorized by s. 373.4592.

4 (c) Ten percent to the Department of Community Affairs  
5 to provide land acquisition grants and loans to local  
6 governments through the Florida Communities Trust pursuant to  
7 part III of chapter 380. From funds allocated to the trust,  
8 \$3 million annually shall be used by the Division of State  
9 Lands within the Department of Environmental Protection to  
10 implement the Green Swamp Land Protection Initiative  
11 specifically for the purchase of conservation easements, as  
12 defined in s. 380.0677(4), of lands, or severable interests or  
13 rights in lands, in the Green Swamp Area of Critical State  
14 Concern. From funds allocated to the trust, \$3 million  
15 annually shall be used by the Monroe County Comprehensive Plan  
16 Land Authority specifically for the purchase of any real  
17 property interest in either those lands subject to the Rate of  
18 Growth Ordinances adopted by local governments in Monroe  
19 County or those lands within the boundary of an approved  
20 Conservation and Recreation Lands project located within the  
21 Florida Keys or Key West Areas of Critical State Concern;  
22 however, title to lands acquired within the boundary of an  
23 approved Conservation and Recreation Lands project may, in  
24 accordance with an approved joint acquisition agreement, vest  
25 in the Board of Trustees of the Internal Improvement Trust  
26 Fund. Of the remaining funds allocated to the trust after the  
27 above transfers occur, one-half shall be matched by local  
28 governments on a dollar-for-dollar basis. To the extent  
29 allowed by federal requirements for the use of bond proceeds,  
30 the trust shall expend Preservation 2000 funds to carry out  
31 the purposes of part III of chapter 380.



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1           (d) Two and nine-tenths percent to the Department of  
 2 Environmental Protection for the purchase of inholdings and  
 3 additions to state parks. For the purposes of this paragraph,  
 4 "state park" means all real property in the state under the  
 5 jurisdiction of the Division of Recreation and Parks of the  
 6 department, or which may come under its jurisdiction.

7           (e) Two and nine-tenths percent to the Division of  
 8 Forestry of the Department of Agriculture and Consumer  
 9 Services to fund the acquisition of state forest inholdings  
 10 and additions pursuant to s. 589.07.

11           (f) Two and nine-tenths percent to the Fish and  
 12 Wildlife Conservation Commission to fund the acquisition of  
 13 inholdings and additions to lands managed by the commission  
 14 which are important to the conservation of fish and wildlife.

15           (g) One and three-tenths percent to the Department of  
 16 Environmental Protection for the Florida Greenways and Trails  
 17 Program, to acquire greenways and trails or greenways and  
 18 trails systems pursuant to chapter 260, including, but not  
 19 limited to, abandoned railroad rights-of-way and the Florida  
 20 National Scenic Trail.

21  
 22 Local governments may use federal grants or loans, private  
 23 donations, or environmental mitigation funds, including  
 24 environmental mitigation funds required pursuant to s.  
 25 338.250, for any part or all of any local match required for  
 26 the purposes described in this subsection. Bond proceeds  
 27 allocated pursuant to paragraph (c) may be used to purchase  
 28 lands on the priority lists developed pursuant to s. 259.105  
 29 ~~s. 259.035~~. Title to lands purchased pursuant to paragraphs  
 30 (a), (d), (e), (f), and (g) shall be vested in the Board of  
 31 Trustees of the Internal Improvement Trust Fund. Title to

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1 lands purchased pursuant to paragraph (c) may be vested in the  
 2 Board of Trustees of the Internal Improvement Trust Fund. The  
 3 board of trustees shall hold title to land protection  
 4 agreements and conservation easements that were or will be  
 5 acquired pursuant to s. 380.0677, and the Southwest Florida  
 6 Water Management District and the St. Johns River Water  
 7 Management District shall monitor such agreements and  
 8 easements within their respective districts until the state  
 9 assumes this responsibility.

10 Section 20. Subsection (1) of section 259.1051,  
 11 Florida Statutes, is amended to read:

12 259.1051 Florida Forever Trust Fund.--

13 (1) There is created the Florida Forever Trust Fund to  
 14 carry out the purposes of s. ~~ss.~~ 259.032, as established in  
 15 chapter 94-240, Laws of Florida, and ss. 259.105~~7~~ and 375.031.  
 16 The Florida Forever Trust Fund shall be held and administered  
 17 by the Department of Environmental Protection. Proceeds from  
 18 the sale of bonds, except proceeds of refunding bonds, issued  
 19 under s. 215.618 and payable from moneys transferred to the  
 20 Land Acquisition Trust Fund under s. 201.15(1)(a), not to  
 21 exceed \$3 billion, must be deposited into this trust fund to  
 22 be distributed and used as provided in s. 259.105(3). The bond  
 23 resolution adopted by the governing board of the Division of  
 24 Bond Finance of the State Board of Administration may provide  
 25 for additional provisions that govern the disbursement of the  
 26 bond proceeds.

27 Section 21. Paragraph (c) of subsection (1) of section  
 28 260.015, Florida Statutes, are amended to read:

29 260.015 Acquisition of land.--

30 (1) The department is authorized to acquire by gift or  
 31 purchase the fee simple absolute title or any lesser interest

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1 in land, including easements, for the purposes of this chapter  
2 pursuant to the provisions of chapter 375, except that:

3 (c) Projects acquired under this chapter shall not be  
4 subject to the evaluation and selection procedures of s.  
5 259.105 ~~s. 259.035~~, regardless of the estimated value of such  
6 projects. All projects shall be acquired in accordance with  
7 the acquisition procedures of chapter 259, except that the  
8 department may use the appraisal procedure used by the  
9 Department of Transportation to acquire transportation  
10 rights-of-way.

11 Section 22. Section 375.045, Florida Statutes, is  
12 amended to read:

13 375.045 Florida Preservation 2000 Trust Fund.--

14 (1) There is created the Florida Preservation 2000  
15 Trust Fund to carry out the purposes of s. ~~ss.~~ 259.032, as  
16 established in chapter 94-240, Laws of Florida, and ss.  
17 259.101~~7~~ and 375.031. The Florida Preservation 2000 Trust Fund  
18 shall be held and administered by the Department of  
19 Environmental Protection. Proceeds from the sale of revenue  
20 bonds issued pursuant to s. 375.051 and payable from moneys  
21 transferred to the Land Acquisition Trust Fund pursuant to s.  
22 201.15(1)(a), not to exceed \$3 billion, shall be deposited  
23 into this trust fund to be distributed as provided in s.  
24 259.101(3). The bond resolution adopted by the governing board  
25 of the Division of Bond Finance may provide for additional  
26 provisions that govern the disbursement of the bond proceeds.

27 (2) The Department of Environmental Protection shall  
28 distribute revenues from the Florida Preservation 2000 Trust  
29 Fund only to programs of state agencies or local governments  
30 as set out in s. 259.101(3). Excluding distributions to the  
31 Save Our Everglades Trust Fund, such distributions shall be

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1 spent by the recipient within 90 days after the date on which  
2 the Department of Environmental Protection initiates the  
3 transfer.

4       (3) Any agency or district which acquires lands using  
5 Preservation 2000 funds, as distributed pursuant to this  
6 section and s. 259.101(3), shall manage the lands to make them  
7 available for public recreational use, provided that the  
8 recreational use does not interfere with the protection of  
9 natural resource values. Any such agency or district may enter  
10 into agreements with the Department of Environmental  
11 Protection or other appropriate state agencies to transfer  
12 management authority to or to lease to such agencies lands  
13 purchased with Preservation 2000 funds, for the purpose of  
14 managing the lands to make them available for public  
15 recreational use. The water management districts and the  
16 Department of Environmental Protection shall take action to  
17 control the growth of nonnative invasive plant species on  
18 lands they manage which are purchased with Preservation 2000  
19 funds.

20       (4) The Department of Environmental Protection shall  
21 ensure that the proceeds from the sale of revenue bonds issued  
22 pursuant to s. 375.051 and payable from moneys transferred to  
23 the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a)  
24 shall be administered and expended in a manner that ensures  
25 compliance of each issue of revenue bonds that are issued on  
26 the basis that interest thereon will be excluded from gross  
27 income for federal income tax purposes, with the applicable  
28 provisions of the United States Internal Revenue Code and the  
29 regulations promulgated thereunder, to the extent necessary to  
30 preserve the exclusion of interest on such revenue bonds from  
31 gross income for federal income tax purposes. The Department

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1 of Environmental Protection shall have the authority to  
 2 administer the use and disbursement of the proceeds of such  
 3 revenue bonds or require that the use and disbursement thereof  
 4 be administered in such a manner as shall be necessary to  
 5 implement strategies to maximize any available benefits under  
 6 the applicable provisions of the United States Internal  
 7 Revenue Code or regulations promulgated thereunder, to the  
 8 extent not inconsistent with the purposes identified in s.  
 9 259.101(3).

10 ~~(5) For the 2004-2005 fiscal year only, any~~  
 11 ~~unobligated moneys in the Florida Preservation 2000 Trust Fund~~  
 12 ~~resulting from interest earnings and from reversions of prior~~  
 13 ~~appropriations to any agency may be appropriated to the~~  
 14 ~~Florida Forever Trust Fund for use pursuant to s. 259.1051.~~  
 15 ~~This subsection expires July 1, 2005.~~

16  
 17 Upon a determination by the Department of Environmental  
 18 Protection that proceeds being held in the trust fund to  
 19 support distributions outside the Department of Environmental  
 20 Protection are not likely to be disbursed in accordance with  
 21 the foregoing considerations, the Department of Environmental  
 22 Protection shall petition the Governor and Cabinet to allow  
 23 for the immediate disbursement of such funds for the  
 24 acquisition of projects approved for purchase pursuant to the  
 25 provisions of chapter 259.

26 Section 23. Subsection (13) of section 380.0666,  
 27 Florida Statutes, is amended to read:

28 380.0666 Powers of land authority.--The land authority  
 29 shall have all the powers necessary or convenient to carry out  
 30 and effectuate the purposes and provisions of this act,  
 31 including the following powers, which are in addition to all

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1 other powers granted by other provisions of this act:

2 (13) To identify parcels of land within the area or  
3 areas of critical state concern that would be appropriate  
4 acquisitions by the state from the Florida Forever  
5 ~~Conservation and Recreational Lands~~ Trust Fund and recommend  
6 such acquisitions to the advisory council established pursuant  
7 to s. 259.035 or its successor.

8 Section 24. Sections 253,421, 253,422, 270.07, and  
9 270.08, Florida Statutes, are repealed.

10 Section 25. Except as otherwise expressly provided in  
11 this act, this act shall take effect July 1, 2006.

12

13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete everything before the enacting clause

17

18 and insert:

19

A bill to be entitled

20

An act relating to state lands; amending s.

21

253.002, F.S.; clarifying the duties of the

22

Department of Environmental Protection, the

23

water management districts, and the Department

24

of Agriculture and Consumer Services with

25

respect to state lands; authorizing the Board

26

of Trustees of the Internal Improvement Trust

27

Fund to delegate certain duties; amending s.

28

253.025, F.S.; conforming a cross-reference;

29

amending s. 253.03, F.S., relating to the

30

administration of state lands by the board of

31

trustees; requiring that an inventory of

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1 publicly owned lands identify lands exchanged  
2 by the state and surplus lands sold by the  
3 state; requiring the Department of Revenue to  
4 submit current tax roll data to the board of  
5 trustees and to the Division of State Lands to  
6 be used for inventory purposes; amending s.  
7 253.034, F.S.; reorganizing provisions for  
8 clarity; revising and providing definitions;  
9 clarifying requirements for the use of lands  
10 acquired for greenways and trails; requiring  
11 that all management agreements, leases, or  
12 other instruments authorizing the use of state  
13 lands be reviewed by the board of trustees or  
14 its designee; authorizing the Division of State  
15 Lands to review subleases for conservation  
16 lands less than 160 acres in size; providing  
17 for the Acquisition and Restoration Council to  
18 review only land management plans for  
19 conservation lands; revising requirements  
20 relating to the disposal of state lands;  
21 requiring that state lands determined to be  
22 eligible for sale by the board of trustees be  
23 designated as surplus lands; providing that  
24 lands determined by the board to be eligible  
25 for exchange may not be designated as surplus  
26 lands; requiring that the sale or exchange of  
27 state conservation lands result in a net  
28 positive conservation benefit; authorizing the  
29 Division of State Lands to recommend the sale  
30 or exchange of nonconservation lands directly  
31 to the board of trustees; providing presumption

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1 that nonconservation lands are surplus lands;  
2 requiring the Division of State Lands to  
3 recommend to the board the sale or exchange of  
4 nonconservation lands; providing an exception;  
5 authorizing the Acquisition and Restoration  
6 Council to recommend to the board of trustees  
7 that the sale or management of state  
8 conservation lands is more appropriate to a  
9 county or other unit of local government;  
10 expanding the purposes for which a county or  
11 local government may use lands purchased from  
12 or exchanged with the state; providing for the  
13 Division of State Lands to recommend to the  
14 board of trustees that the sale or management  
15 of nonconservation lands is more appropriate to  
16 a county or other unit of local government;  
17 providing that local government uses of  
18 nonconservation lands may not be limited by the  
19 board of trustees; requiring that all requests  
20 for the sale or exchange of state lands be  
21 submitted in writing to the lead managing  
22 agency; requiring that requests be reviewed by  
23 the lead managing agency within a specified  
24 timeframe; establishing a process for the  
25 Division of State Lands or the Acquisition and  
26 Restoration Council to hear requests not heard  
27 by the lead managing agency in a timely  
28 fashion; requiring that the denial of all  
29 requests be made in writing and include the  
30 reason for denial; requiring that the Division  
31 of State Lands keep records documenting all



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1 requests for the sale or exchange of state  
2 lands; providing circumstances in which state  
3 lands being sold or exchanged need not be  
4 offered first to local or state governments;  
5 requiring state agencies collecting information  
6 that may be useful to the Division of State  
7 Lands in preparing the state inventory of lands  
8 to share that information with the division;  
9 requiring that the state inventory of lands be  
10 completed by a specified date; removing  
11 obsolete language; amending s. 253.0341, F.S. ;  
12 providing for requests by counties and units of  
13 local government for the sale or exchange of  
14 state lands to be submitted in writing to the  
15 board of trustees; authorizing the board of  
16 trustees to sell or exchange state  
17 nonconservation lands without a review by the  
18 Division of State Lands; removing the authority  
19 of the Acquisition and Restoration Council to  
20 review the requests; requiring submission of  
21 requests within a certain period of time;  
22 providing an exception for property being  
23 offered for sale or exchange by the state to a  
24 county or unit of local government under  
25 certain conditions; amending s. 253.111, F.S. ;  
26 revising certain inconsistent requirements in  
27 notice provisions; amending s. 253.115, F.S. ;  
28 clarifying the requirements for public notice  
29 and hearing prior to the sale, exchange, lease,  
30 or grants of easement on, over, under, and  
31 above state lands; amending s. 253.42, F.S. ;

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1 revising requirements for the exchange of state  
2 lands by the board of trustees; providing for  
3 the uses of exchanged lands by counties and  
4 units of local government; providing that board  
5 of trustees' rules may not limit the use of  
6 exchanged lands by a county or unit of local  
7 government; amending s. 259.032, F.S.; deleting  
8 obsolete provisions relating to land  
9 acquisitions; deleting provisions relating to  
10 land management and payments in lieu of taxes;  
11 clarifying that the board of trustees rather  
12 than the Legislature may authorize the  
13 department to pursue condemnation of property;  
14 creating s. 259.0321, F.S.; establishing  
15 additional procedures governing the management  
16 of conservation lands; clarifying conditions  
17 under which certain moneys in the Conservation  
18 and Recreation Lands Trust Fund may be used for  
19 management, maintenance, capital improvements,  
20 and contractual services for conservation  
21 lands; amending s. 259.0322, F.S.; providing  
22 for payment in lieu of taxes to qualifying  
23 counties and local governments; establishing  
24 qualifications; providing conditions on which  
25 payments are based; amending s. 259.035, F.S.;  
26 clarifying a requirement that the Acquisition  
27 and Restoration Council provide assistance to  
28 the board of trustees in reviewing plans for  
29 state conservation lands; deleting duplicative  
30 rulemaking authority; amending s. 259.04, F.S.;

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1 requirement that the Acquisition and  
2 Restoration Council or its successor provide  
3 assistance to the board of trustees; amending  
4 s. 259.105, F.S., relating to the Florida  
5 Forever program; revising requirements for the  
6 acquisition of inholdings and additions;  
7 providing rulemaking authority to the board of  
8 trustees; revising requirements for the  
9 development of a project acquisition list;  
10 recognizing the importance of military  
11 installations in the state; requiring the  
12 Acquisition and Restoration Council to give  
13 increased priority to projects that buffer  
14 military installations and other delineated  
15 areas; deleting obsolete provisions; conforming  
16 cross-references; amending ss. 201.15, 253.027,  
17 259.036, 259.101, 259.1051, 260.015, 375.045,  
18 and 380.0666, F.S., clarifying certain  
19 references and conforming cross-references to  
20 changes made by the act; repealing ss. 253.421,  
21 253.422, 270.07, and 270.08, F.S., relating to  
22 lands proposed for exchange considered of equal  
23 value; "Chapman Exchange" lands; the sale of  
24 certain public lands without notice, notice  
25 requirements for the sale of public lands;  
26 providing an effective date.

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