

By the Committee on Environmental Preservation

592-2293-06

1 A bill to be entitled
2 An act relating to state lands; amending s.
3 253.002, F.S.; clarifying the duties of the
4 Department of Environmental Protection, the
5 water management districts, and the Department
6 of Agriculture and Consumer Services with
7 respect to state lands; authorizing the Board
8 of Trustees of the Internal Improvement Trust
9 Fund to delegate certain duties; amending s.
10 253.025, F.S.; conforming a cross-reference;
11 amending s. 253.03, F.S., relating to the
12 administration of state lands by the board of
13 trustees; requiring that an inventory of
14 publicly owned lands identify lands exchanged
15 by the state and surplus lands sold by the
16 state; requiring the Department of Revenue to
17 submit current tax roll data to the board of
18 trustees and to the Division of State Lands to
19 be used for inventory purposes; amending s.
20 253.034, F.S.; reorganizing provisions for
21 clarity; revising and providing definitions;
22 clarifying requirements for the use of lands
23 acquired for greenways and trails; requiring
24 that all management agreements, leases, or
25 other instruments authorizing the use of state
26 lands be reviewed by the board of trustees or
27 its designee; authorizing the Division of State
28 Lands to review subleases for conservation
29 lands less than 160 acres in size; providing
30 for the Acquisition and Restoration Council to
31 review only land management plans for

1 conservation lands; revising requirements
2 relating to the disposal of state lands;
3 requiring that state lands determined to be
4 eligible for sale by the board of trustees be
5 designated as surplus lands; providing that
6 lands determined by the board to be eligible
7 for exchange may not be designated as surplus
8 lands; requiring that the sale or exchange of
9 state conservation lands result in a net
10 positive conservation benefit; authorizing the
11 Division of State Lands to recommend the sale
12 or exchange of nonconservation lands directly
13 to the board of trustees; providing presumption
14 that nonconservation lands are surplus lands;
15 requiring the Division of State Lands to
16 recommend to the board the sale or exchange of
17 nonconservation lands; providing an exception;
18 authorizing the Acquisition and Restoration
19 Council to recommend to the board of trustees
20 that the sale or management of state
21 conservation lands is more appropriate to a
22 county or other unit of local government;
23 expanding the purposes for which a county or
24 local government may use lands purchased from
25 or exchanged with the state; providing for the
26 Division of State Lands to recommend to the
27 board of trustees that the sale or management
28 of nonconservation lands is more appropriate to
29 a county or other unit of local government;
30 providing that local government uses of
31 nonconservation lands may not be limited by the

1 board of trustees; requiring that all requests
2 for the sale or exchange of state lands be
3 submitted in writing to the lead managing
4 agency; requiring that requests be reviewed by
5 the lead managing agency within a specified
6 timeframe; establishing a process for the
7 Division of State Lands or the Acquisition and
8 Restoration Council to hear requests not heard
9 by the lead managing agency in a timely
10 fashion; requiring that the denial of all
11 requests be made in writing and include the
12 reason for denial; requiring that the Division
13 of State Lands keep records documenting all
14 requests for the sale or exchange of state
15 lands; providing circumstances in which state
16 lands being sold or exchanged need not be
17 offered first to local or state governments;
18 requiring state agencies collecting information
19 that may be useful to the Division of State
20 Lands in preparing the state inventory of lands
21 to share that information with the division;
22 requiring that the state inventory of lands be
23 completed by a specified date; removing
24 obsolete language; amending s. 253.0341, F.S.;
25 providing for requests by counties and units of
26 local government for the sale or exchange of
27 state lands to be submitted in writing to the
28 board of trustees; authorizing the board of
29 trustees to sell or exchange state
30 nonconservation lands without a review by the
31 Division of State Lands; removing the authority

1 of the Acquisition and Restoration Council to
2 review the requests; requiring submission of
3 requests within a certain period of time;
4 providing an exception for property being
5 offered for sale or exchange by the state to a
6 county or unit of local government under
7 certain conditions; amending s. 253.111, F.S.;
8 revising certain inconsistent requirements in
9 notice provisions; amending s. 253.115, F.S.;
10 clarifying the requirements for public notice
11 and hearing prior to the sale, exchange, lease,
12 or grants of easement on, over, under, and
13 above state lands; amending s. 253.42, F.S.;
14 revising requirements for the exchange of state
15 lands by the board of trustees; providing for
16 the uses of exchanged lands by counties and
17 units of local government; providing that board
18 of trustees' rules may not limit the use of
19 exchanged lands by a county or unit of local
20 government; amending s. 259.032, F.S.; deleting
21 obsolete provisions relating to land
22 acquisitions; deleting provisions relating to
23 land management and payments in lieu of taxes;
24 clarifying that the board of trustees rather
25 than the Legislature may authorize the
26 department to pursue condemnation of property;
27 creating s. 259.0321, F.S.; establishing
28 additional procedures governing the management
29 of conservation lands; clarifying conditions
30 under which certain moneys in the Conservation
31 and Recreation Lands Trust Fund may be used for

1 management, maintenance, capital improvements,
2 and contractual services for conservation
3 lands; amending s. 259.0322, F.S.; providing
4 for payment in lieu of taxes to qualifying
5 counties and local governments; establishing
6 qualifications; providing conditions on which
7 payments are based; amending s. 259.035, F.S.;
8 clarifying a requirement that the Acquisition
9 and Restoration Council provide assistance to
10 the board of trustees in reviewing plans for
11 state conservation lands; deleting duplicative
12 rulemaking authority; amending s. 259.04, F.S.;
13 deleting obsolete provisions; clarifying a
14 requirement that the Acquisition and
15 Restoration Council or its successor provide
16 assistance to the board of trustees; amending
17 s. 259.105, F.S., relating to the Florida
18 Forever program; revising requirements for the
19 acquisition of inholdings and additions;
20 providing rulemaking authority to the board of
21 trustees; revising requirements for the
22 development of a project acquisition list;
23 recognizing the importance of military
24 installations in the state; requiring the
25 Acquisition and Restoration Council to give
26 increased priority to projects that buffer
27 military installations and other delineated
28 areas; deleting obsolete provisions; conforming
29 cross-references; amending ss. 201.15, 253.027,
30 259.036, 259.101, 259.1051, 260.015, 375.045,
31 and 380.0666, F.S.; clarifying certain

1 references and conforming cross-references to
2 changes made by the act; repealing ss. 253.421,
3 253.422, 270.07, and 270.08, F.S., relating to
4 lands proposed for exchange considered of equal
5 value; "Chapman Exchange" lands, the sale of
6 certain public lands without notice, and notice
7 requirements for the sale of public lands;
8 providing effective dates.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 253.002, Florida Statutes, is
13 amended to read:

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

16 253.002 Department of Environmental Protection, water
17 management districts, and Department of Agriculture and
18 Consumer Services; duties with respect to state lands.--

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

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

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

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

26 (2)(a) The Department of Environmental Protection
27 shall perform all staff duties and functions related to the
28 acquisition, administration, and disposition of all state
29 lands, the title to which is or will be vested in the Board of
30 Trustees of the Internal Improvement Trust Fund. Staff duties
31 and functions include the collection, compilation,

1 distribution, and mapping of data that documents all
2 state-owned lands and identifies conservation and
3 nonconservation lands, as those lands are defined in this
4 chapter. All lands titled in the name of the board or any
5 state agency shall be inventoried and mapped. Subject to
6 legislative appropriation, the department may contract with
7 the Florida Natural Areas Inventory at Florida State
8 University as necessary to implement the provisions of this
9 paragraph.

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

18 (3) A water management district shall perform all
19 staff duties and functions related to the review of
20 applications to use submerged lands owned by the board of
21 trustees for an activity regulated under part IV of chapter
22 373 and for which the district has permitting authority as
23 provided in an operating agreement adopted under s.
24 373.046(4). The board may delegate the authority for a water
25 management district to take final agency action, without any
26 action on behalf of the board, for the applications; however,
27 the responsibility of a district under this subsection is
28 subject to the department's general supervisory authority
29 established in s. 373.026(7).

30 (4)(a) The Department of Agriculture and Consumer
31 Services shall perform the staff duties and functions related

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

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

18 (5) The board is not limited or prohibited from
19 amending any authority delegated under this section and shall
20 adopt by rule any delegation of authority to take final agency
21 action without action by the board on applications for the
22 uses of sovereignty submerged lands authorized in this
23 section. Final agency actions taken by the department, a
24 district, or the Department of Agriculture and Consumer
25 Services, without action by the board, for applications to use
26 sovereignty submerged lands are subject to the provisions of
27 s. 373.4275.

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

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

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

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

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

24 253.03 Board of trustees to administer state lands;
25 lands enumerated.--

26 (8)(a) The Board of Trustees of the Internal
27 Improvement Trust Fund shall prepare, using tax roll data
28 provided by the Department of Revenue, an annual inventory of
29 all publicly owned lands within the state. Such inventory must
30 ~~shall~~ include all lands owned by any unit of state government
31 or local government; by the Federal Government, to the

1 greatest extent possible; and by any other public entity. The
2 inventory also must include a summary of all surplus lands
3 sold by the state and all lands exchanged by the state and
4 must indicate whether the lands sold or exchanged were
5 acquired or managed for conservation purposes or were
6 nonconservation lands. The board shall submit a summary report
7 of the inventory and a list of major discrepancies between the
8 inventory and the tax roll data to the President of the Senate
9 and the Speaker of the House of Representatives on or before
10 March 1 of each year.

11 (b) In addition to any other parcel data available,
12 the inventory shall include a legal description or proper
13 reference thereto, the number of acres or square feet within
14 the boundaries, and the assessed value of all publicly owned
15 uplands. To the greatest extent practicable, the legal
16 description or proper reference thereto and the number of
17 acres or square feet shall be determined for all publicly
18 owned submerged lands. For the purposes of this subsection,
19 the term "submerged lands" means publicly owned lands below
20 the ordinary high-water mark of fresh waters and below the
21 mean high-water line of salt waters extending seaward to the
22 outer jurisdiction of the state. By October 31 of each year,
23 the Department of Revenue shall furnish, in machine-readable
24 form, annual, current tax roll data for public lands to the
25 board and to the Division of State Lands to be used in
26 compiling the inventory required in this subsection and the
27 inventory required in s. 253.034(8).

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

30 253.034 State-owned lands; management; uses;
31 disposal.--

1 (1)(a) All lands acquired to fulfill the purposes of
2 ~~pursuant to~~ chapter 259 shall be managed to serve the public
3 interest by protecting and conserving land, air, water, and
4 the state's natural resources, which contribute to the public
5 health, welfare, and economy of the state. These lands shall
6 be managed to provide for areas of natural-resource-based
7 ~~natural resource based~~ recreation, and to ensure the survival
8 of plant and animal species and the conservation of finite and
9 renewable natural resources. The state's lands and natural
10 resources shall be managed using a stewardship ethic that
11 assures these resources will be available for the benefit and
12 enjoyment of all people of the state, ~~both present and future~~.
13 It is the intent of the Legislature that, where feasible and
14 consistent with the goals of protection and conservation of
15 natural resources associated with lands held in the public
16 trust by the Board of Trustees of the Internal Improvement
17 Trust Fund, public land not designated for single-use purposes
18 pursuant to paragraph (2)(b) be managed for multiple-use
19 purposes. All multiple-use land management strategies shall
20 address public access and enjoyment, resource conservation and
21 protection, ecosystem maintenance and protection, and
22 protection of threatened and endangered species, and the
23 degree to which public-private partnerships or endowments may
24 allow the entity with management responsibility to enhance its
25 ability to manage these lands. The council created in s.
26 259.035 shall recommend rules to the board of trustees, and
27 the board shall adopt rules necessary to carry out the
28 purposes of this section.

29 (b) Where necessary and appropriate for all
30 state-owned lands located in projects that are larger than
31 1,000 acres and that are managed for multiple uses, buffers

1 may be formed around any areas requiring special protection or
2 having special management needs. The total acreage used to
3 form any such buffers may not exceed more than one-half of the
4 total acreage of the entire project. Multiple uses within a
5 buffer area may be restricted to provide the necessary
6 buffering effect desired. Multiple use in this context
7 includes uses of land or resources by more than one management
8 entity, including private-sector land managers. Lands
9 identified as multiple-use lands in a land management plan
10 shall be managed to enhance and conserve the lands and
11 resources for the enjoyment of the people of the state.

12 (c) All submerged lands shall be considered single-use
13 lands and shall be managed primarily for the maintenance of
14 essentially natural conditions, the propagation of fish and
15 wildlife, and public recreation, including hunting and fishing
16 where deemed appropriate by the managing entity.

17 (d) Lands acquired for uses other than conservation,
18 outdoor resource-based recreation, or archaeological or
19 historic preservation may not be designated conservation lands
20 except as otherwise authorized under this section. These lands
21 include, but are not limited to, correction and detention
22 facilities, military installations and facilities, state
23 office buildings, maintenance yards, state university or state
24 community college campuses, agricultural field stations or
25 offices, tower sites, law enforcement and license facilities,
26 laboratories, hospitals, clinics, and other sites that possess
27 no significant natural or historical resources.

28 (e) Lands acquired by the state as a gift, through
29 donation, or by any other conveyance for which no
30 consideration was paid, and that are not managed for
31 conservation, outdoor resource-based recreation, or

1 archaeological or historic preservation under a land
2 management plan approved by the board of trustees are not
3 conservation lands.

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

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

27 (b) "Single use" means the management of land for one
28 particular purpose to the exclusion of all other purposes,
29 except that the managing using ~~entity~~ shall have the option of
30 including in its management program compatible secondary
31 purposes that ~~which~~ will not detract from or interfere with

1 | the primary management purpose. The term includes ~~Such single~~
2 | ~~uses may include~~, but is ~~are~~ not limited necessarily
3 | ~~restricted~~ to, the use of agricultural lands for production of
4 | food and livestock, the use of improved sites and grounds for
5 | institutional purposes, and the use of lands for parks,
6 | preserves, wildlife management, archaeological or historic
7 | sites, or wilderness areas where the maintenance of
8 | essentially natural conditions is important. ~~All submerged~~
9 | ~~lands shall be considered single use lands and shall be~~
10 | ~~managed primarily for the maintenance of essentially natural~~
11 | ~~conditions, the propagation of fish and wildlife, and public~~
12 | ~~recreation, including hunting and fishing where deemed~~
13 | ~~appropriate by the managing entity.~~

14 | (c) "Conservation lands" means lands that are
15 | ~~currently~~ managed for conservation, outdoor resource-based
16 | recreation, or archaeological or historic preservation, except
17 | those lands that were acquired solely to facilitate the
18 | acquisition of other conservation lands. ~~Lands acquired for~~
19 | ~~uses other than conservation, outdoor resource based~~
20 | ~~recreation, or archaeological or historic preservation shall~~
21 | ~~not be designated conservation lands except as otherwise~~
22 | ~~authorized under this section. These lands shall include, but~~
23 | ~~not be limited to, the following: correction and detention~~
24 | ~~facilities, military installations and facilities, state~~
25 | ~~office buildings, maintenance yards, state university or state~~
26 | ~~community college campuses, agricultural field stations or~~
27 | ~~offices, tower sites, law enforcement and license facilities,~~
28 | ~~laboratories, hospitals, clinics, and other sites that possess~~
29 | ~~no significant natural or historical resources.~~ However, lands
30 | acquired solely to facilitate the acquisition of other
31 | conservation lands, and for which the land management plan has

1 not yet been completed or updated, may be evaluated by the
2 Board of Trustees of the Internal Improvement Trust Fund on a
3 case-by-case basis to determine if they will be designated
4 conservation lands.

5 (d) "Council" means the Acquisition and Restoration
6 Council created in s. 259.035.

7 (e) "Division" means the Division of State Lands
8 within the Department of Environmental Protection.

9
10 ~~Lands acquired by the state as a gift, through donation, or by~~
11 ~~any other conveyance for which no consideration was paid, and~~
12 ~~which are not managed for conservation, outdoor resource based~~
13 ~~recreation, or archaeological or historic preservation under a~~
14 ~~land management plan approved by the board of trustees are not~~
15 ~~conservation lands.~~

16 (3) In recognition that recreational trails purchased
17 with ~~rails to trails~~ funds of the greenways and trails program
18 ~~pursuant to s. 259.101(3)(g) or s. 259.105(3)(h)~~ have had
19 historic transportation uses and that their linear character
20 may extend many miles, transportation crossings shall be
21 allowed on recreational trails purchased pursuant to s.
22 259.101(3)(g) or s. 259.105(3)(h). Where these crossings are
23 determined to be necessary, the location and design must
24 balance the need to protect trails users from collisions with
25 automobiles and, to the greatest extent possible, the use of
26 overpasses and underpasses should be considered in order to
27 mitigate the effects on humans and environmental resources.
28 The value of the land shall be paid and based on fair market
29 value ~~the Legislature intends that when the necessity arises~~
30 ~~to serve public needs, after balancing the need to protect~~
31 ~~trail users from collisions with automobiles and a preference~~

1 ~~for the use of overpasses and underpasses to the greatest~~
2 ~~extent feasible and practical, transportation uses shall be~~
3 ~~allowed to cross recreational trails purchased pursuant to s.~~
4 ~~259.101(3)(g) or s. 259.105(3)(h). When these crossings are~~
5 ~~needed, the location and design should consider and mitigate~~
6 ~~the impact on humans and environmental resources, and the~~
7 ~~value of the land shall be paid based on fair market value.~~

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

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

21 (c) An entity managing or leasing state-owned lands
22 from the board, other than conservation lands, may not
23 sublease such lands without prior review by the division. ~~and,~~
24 ~~for conservation lands, by~~ The Acquisition and Restoration
25 Council created in s. 259.035 must review all requests to
26 sublease state-owned conservation lands, except for subleases
27 of conservation lands less than 160 acres in size which may be
28 reviewed by the division. ~~All management agreements, leases,~~
29 ~~or other instruments authorizing the use of lands owned by the~~
30 ~~board shall be reviewed for approval by the board or its~~
31

1 ~~designee. The council is not required to review subleases of~~
2 ~~parcels which are less than 160 acres in size.~~

3 (5)(a) Each lead manager of conservation lands shall
4 submit to the Division of State Lands a land management plan
5 at least every 10 years in a form and manner prescribed by
6 rule by the board and in accordance with the provisions of s.
7 259.032. Each lead manager of conservation lands shall also
8 update a land management plan whenever the manager proposes to
9 add new facilities or make substantive land use or management
10 changes that were not addressed in the approved plan, or
11 within 1 year after ~~of~~ the addition of significant new lands.
12 If a newly acquired property has a valid conservation plan
13 developed by a soil and conservation district, the
14 conservation plan shall be used to guide management of the
15 property until a formal land management plan is adopted.

16 (b) Each manager of nonconservation lands shall submit
17 to the Division of State Lands a land use plan at least every
18 10 years in a form and manner prescribed by rule by the board.
19 The division shall review each plan for compliance with the
20 requirements of this section ~~subsection~~ and the requirements
21 of the rules established by the board pursuant to this
22 paragraph ~~section~~.

23 (c) All land use plans, whether for single-use or
24 multiple-use properties, shall include an analysis of the
25 property to determine if any significant natural or cultural
26 resources are located on the property. Such resources include
27 archaeological and historic sites, state and federally listed
28 plant and animal species, and imperiled natural communities
29 and unique natural features. If such resources occur on the
30 property, the lead manager shall consult with the Division of
31 State Lands and other appropriate agencies to develop

1 management strategies to protect such resources. Land use
2 plans shall also provide for the control of invasive nonnative
3 plants and conservation of soil and water resources, including
4 a description of how the lead manager plans to control and
5 prevent soil erosion and soil or water contamination. Land use
6 plans submitted by a lead manager shall include reference to
7 appropriate statutory authority for such use or uses and shall
8 conform to the appropriate policies and guidelines of the
9 state land management plan.

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

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

25 (f) The Acquisition and Restoration Council shall
26 review each plan for the management of conservation lands for
27 compliance with the requirements of this section ~~subsection~~,
28 the requirements of chapter 259, and the requirements of the
29 rules established by the board pursuant to this section. The
30 council shall also consider ~~the propriety of the~~
31 recommendations of the managing entity with regard to the

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

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

20 (6) The Board of Trustees of the Internal Improvement
21 Trust Fund shall determine which lands, the title to which is
22 vested in the board, are eligible for sale or exchange. Any
23 lands that are determined to be eligible for sale shall be
24 designated by the board as surplus lands. Any lands that are
25 determined to be eligible for exchange shall be exchanged for
26 lands of equal or higher monetary value or, in the case of
27 conservation lands, a net positive conservation benefit and
28 may not be designated as surplus lands.

29 (a) For the sale of conservation lands as defined in
30 this section, the board shall determine that the lands are no
31 longer needed for the conservation purposes for which they

1 were acquired. Lands designated by the board as no longer
2 being needed for conservation purposes shall be reclassified
3 as nonconservation lands and shall be declared to be surplus
4 lands that may be sold by an affirmative vote of three members
5 of the board.

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

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

28 (d)1.(a) For the purposes of this subsection, all
29 lands acquired by the state prior to July 1, 1999, the title
30 to which is vested in the board, that were acquired using
31 proceeds from the Preservation 2000 bonds, the Conservation

1 and Recreation Lands Trust Fund, the Water Management Lands
2 Trust Fund, Environmentally Endangered Lands Program, and the
3 Save Our Coast Program ~~and titled to the board, which lands~~
4 ~~are identified as core parcels or within original project~~
5 ~~boundaries,~~ shall be deemed to have been acquired for
6 conservation purposes.

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

14 3. No lands acquired for use by the Department of
15 Corrections, the Department of Management Services for use as
16 state offices, the Department of Transportation, except those
17 specifically managed for conservation or recreation purposes,
18 or the State University System or the Florida Community
19 College System shall be designated as having been purchased
20 for conservation purposes.

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

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

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

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

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

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

29 2. Prior to any decision by the board to sell or
30 exchange nonconservation lands, the division shall determine
31

1 whether the request is compatible with the management
2 objectives for such lands.

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

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

29 3. If a county or other unit of local government does
30 not elect to acquire lands under the provisions of this
31 paragraph, the board may determine that the sale, lease,

1 exchange, or conveyance of the lands to other governmental
2 agencies is in the public interest and represents the best use
3 of the lands.

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

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

29 ~~2. Notwithstanding subparagraph 1., any surplus lands~~
30 ~~that were acquired by the state prior to 1958 by a gift or~~
31 ~~other conveyance for no consideration from a municipality, and~~

1 ~~which the department has filed by July 1, 2006, a notice of~~
2 ~~its intent to surplus, shall be first offered for reconveyance~~
3 ~~to such municipality at no cost, but for the fair market value~~
4 ~~of any building or other improvements to the land, unless~~
5 ~~otherwise provided in a deed restriction of record. This~~
6 ~~subparagraph expires July 1, 2006.~~

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

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

1 ~~2.b.~~ This subparagraph is subject to the Open
2 Government Sunset Review Act of 1995 in accordance with s.
3 119.15, and shall stand repealed on October 2, 2009, unless
4 reviewed and saved from repeal through reenactment by the
5 Legislature.

6 ~~3.2.~~ A unit of government that acquires title to lands
7 hereunder for less than appraised value may not sell or
8 transfer title to all or any portion of the lands to any
9 private owner for a period of 10 years. Any unit of government
10 seeking to transfer or sell lands pursuant to this paragraph
11 shall first allow the board of trustees to reacquire such
12 lands for the price at which the board sold such lands.

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

26 ~~(k)(i)~~ ~~After reviewing the recommendations of the~~
27 ~~council, the board shall determine whether lands identified~~
28 ~~for surplus are to be held for other public purposes or~~
29 ~~whether such lands are no longer needed.~~ The board may require
30 an agency to release its interest in land designated by the
31 board to be surplus land ~~such lands~~. For an agency that has

1 requested the use of land ~~a property~~ that was designated to be
2 ~~declared~~ as surplus, the said agency must have the land
3 ~~property~~ under lease within 6 months after ~~of~~ the date of
4 expiration of the notice provisions required under this
5 subsection and s. 253.111.

6 (1)1. Requests for the sale or exchange of state-owned
7 lands may be made by any public or private entity or person
8 and must be submitted in writing to the lead managing agency
9 for review. The lead managing agency shall have 90 days to
10 review the requests and make recommendations concerning the
11 sale or exchange to the council or its successor for the sale
12 or exchange of conservation lands or to the division for the
13 sale or exchange of lands other than conservation lands as
14 defined in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

1 such lands which is not in accordance with an approved land
2 management plan is subject to termination by the board.

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

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

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

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

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

24 (e) The use is consistent with the public interest.
25

26 A decision by the board of trustees pursuant to this section
27 shall be given a presumption of correctness. Moneys received
28 from the use of state lands pursuant to this section shall be
29 returned to the lead managing entity in accordance with the
30 provisions of s. 259.032(11)(d).
31

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

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

25 ~~(13) Notwithstanding the provisions of this section,~~
26 ~~funds from the sale of property by the Department of Highway~~
27 ~~Safety and Motor Vehicles located in Palm Beach County are~~
28 ~~authorized to be deposited into the Highway Safety Operating~~
29 ~~Trust Fund to facilitate the exchange as provided in the~~
30 ~~General Appropriations Act, provided that at the conclusion of~~
31

1 ~~both exchanges the values are equalized. This subsection~~
2 ~~expires July 1, 2006.~~

3 Section 5. Section 253.0341, Florida Statutes, is
4 amended to read:

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

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

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

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

4 Section 6. Section 253.111, Florida Statutes, is
5 amended to read:

6 (Substantial rewording of section. See
7 s. 253.111, F.S., for present text.)

8 253.111 Notice to board of county commissioners before
9 sale.--

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

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

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

31

1 (4) Within 30 days after receipt of a certified
2 resolution establishing the county's intent to purchase lands
3 sold pursuant to this section, the board shall convey such
4 land to the county at a price that is equal to the price paid
5 by the state at the time the land was purchased or, for lands
6 donated or given to the state, the appraised market value
7 established by generally accepted professional standards for
8 real estate appraisals.

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

15 (6) This section does not apply to:

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

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

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

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

28 Section 7. Section 253.115, Florida Statutes, is
29 amended to read:

30 253.115 Leases; grants of easement; sale of state
31 lands; public notice and hearings.--

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

27 (2) The board of trustees or, the department, ~~or a~~
28 ~~water management district, as is appropriate,~~ shall consider
29 comments and objections received in response to the public
30 notice required by this section in reaching its decision to
31 approve or deny use of state ~~board of trustees owned~~ lands for

1 a proposed activity. ~~If in the event that~~ substantive
2 objections are raised, the department ~~or water management~~
3 ~~district~~ may hold an informal public hearing in the county in
4 which the proposed activity lies. If the board of trustees or
5 the department, ~~or a water management district, as is~~
6 ~~appropriate,~~ determines that the sale, lease, exchange, or
7 granting of an easement is not contrary to the public
8 interest, or is in the public interest when required by law,
9 it may approve the proposed activity. The sale of sovereignty
10 submerged lands shall require a determination that the
11 proposed sale is in the public interest.

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

19 (4) Failure to provide the notice as set out in
20 subsections (1) and (3) shall not invalidate the sale,
21 exchange, lease, or easement.

22 (5) The notice and publication requirements of this
23 section do not apply to:

24 (a) The release of any reservations contained in
25 Murphy Act deeds or deeds of the board of trustees;

26 (b) Any conveyance of land lying landward of the line
27 of mean high water, which land does not exceed 5 acres in
28 area;

29 (c) Any lands covered by the provisions of ss.
30 253.12(6), (9), and (10), and 253.129;

31

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

3 (e) Sovereignty land easements for existing activities
4 completed prior to March 27, 1982;

5 (f) The conversion of existing marina licenses to
6 sovereignty land leases;

7 (g) Sovereignty land leases for registered and
8 existing unregistered grandfathered facilities;

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

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

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

13 (k) Homestead, railroad, or canal grants as provided
14 by law; or

15 (l) Lands conveyed pursuant to s. 253.111.

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

23 ~~(7) In the disposition of parcels of state owned~~
24 ~~uplands, the Board of Trustees of the Internal Improvement~~
25 ~~Trust Fund may procure real estate sales services, including~~
26 ~~open listings, exclusive listings, or auction or other~~
27 ~~appropriate services, to facilitate the sale of such lands.~~

28 Section 8. Section 253.42, Florida Statutes, is
29 amended to read:

30 253.42 Board of trustees may exchange lands.--The
31 provisions of this section apply to all lands owned by, vested

1 in, or titled in the name of the board whether the lands were
2 purchased ~~acquired~~ by the state ~~as a purchase~~, or acquired
3 through gift, donation, or any other conveyance for which no
4 consideration was paid.

5 (1) Subject to the provisions of ss. 253.034 and
6 253.0341, the board of trustees may exchange any lands owned
7 by, vested in, or titled in the name of the board for other
8 lands in the state owned by counties, other units of local
9 government ~~governments~~, individuals, or private or public
10 corporations, and may fix the terms and conditions of any such
11 exchange. Any nonconservation lands that were acquired by the
12 state through gift, donation, or any other conveyance for
13 which no consideration was paid must first be offered in
14 exchange ~~at no cost~~ to a county or unit of local government
15 unless otherwise provided in a deed restriction of record or
16 other legal impediment, and so long as the use proposed by the
17 county or unit of local government is for a public purpose.
18 For conservation lands acquired by the state through gift,
19 donation, or any other conveyance for which no consideration
20 was paid, the state may request land of equal conservation
21 value from the county or unit of local government but no other
22 consideration.

23 (2) In exchanging conservation ~~state-owned~~ lands
24 purchased ~~not acquired~~ by the state ~~through gift, donation, or~~
25 ~~any other conveyance for which no consideration was paid~~, with
26 counties or units of local government ~~governments~~, the board
27 shall require an exchange of equal value. Equal value is
28 defined as the conservation benefit of the lands being offered
29 for exchange by a county or unit of local government being
30 equal or greater in conservation benefit than the state-owned
31 lands. Such exchanges may include cash transactions if based

1 on an appropriate measure of value of the state-owned land,
2 but must also include the determination of a net-positive
3 conservation benefit by the Acquisition and Restoration
4 Council as provided in s. 253.034, ~~irrespective of appraised~~
5 ~~value.~~

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

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

23 Section 9. Section 259.032, Florida Statutes, is
24 amended to read:

25 259.032 Conservation and Recreation Lands Trust Fund;
26 purpose.--

27 ~~(1) It is the policy of the state that the citizens of~~
28 ~~this state shall be assured public ownership of natural areas~~
29 ~~for purposes of maintaining this state's unique natural~~
30 ~~resources; protecting air, land, and water quality; promoting~~
31 ~~water resource development to meet the needs of natural~~

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

23 (1)(2)(a) The Conservation and Recreation Lands Trust
24 Fund is established within the Department of Environmental
25 Protection. The fund shall be used as a nonlapsing, revolving
26 fund exclusively for the purposes of this section. The fund
27 shall be credited with proceeds from the following excise
28 taxes:

29 1. The excise taxes on documents as provided in s.
30 201.15; and
31

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

3
4 The Department of Revenue shall credit to the fund each month
5 the proceeds from such taxes as provided in this paragraph.

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

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

29 ~~(3) The Governor and Cabinet, sitting as the Board of~~
30 ~~Trustees of the Internal Improvement Trust Fund, may allocate~~
31

1 ~~moneys from the fund in any one year to acquire the fee or any~~
2 ~~lesser interest in lands for the following public purposes:~~
3 ~~(a) To conserve and protect environmentally unique and~~
4 ~~irreplaceable lands that contain native, relatively unaltered~~
5 ~~flora and fauna representing a natural area unique to, or~~
6 ~~scarce within, a region of this state or a larger geographic~~
7 ~~area;~~
8 ~~(b) To conserve and protect lands within designated~~
9 ~~areas of critical state concern, if the proposed acquisition~~
10 ~~relates to the natural resource protection purposes of the~~
11 ~~designation;~~
12 ~~(c) To conserve and protect native species habitat or~~
13 ~~endangered or threatened species, emphasizing long term~~
14 ~~protection for endangered or threatened species designated G 1~~
15 ~~or G 2 by the Florida Natural Areas Inventory, and especially~~
16 ~~those areas that are special locations for breeding and~~
17 ~~reproduction;~~
18 ~~(d) To conserve, protect, manage, or restore important~~
19 ~~ecosystems, landscapes, and forests, if the protection and~~
20 ~~conservation of such lands is necessary to enhance or protect~~
21 ~~significant surface water, groundwater, coastal, recreational,~~
22 ~~timber, or fish or wildlife resources which cannot otherwise~~
23 ~~be accomplished through local and state regulatory programs;~~
24 ~~(e) To promote water resource development that~~
25 ~~benefits natural systems and citizens of the state;~~
26 ~~(f) To facilitate the restoration and subsequent~~
27 ~~health and vitality of the Florida Everglades;~~
28 ~~(g) To provide areas, including recreational trails,~~
29 ~~for natural resource based recreation and other outdoor~~
30 ~~recreation on any part of any site compatible with~~
31 ~~conservation purposes;~~

1 ~~(h) To preserve significant archaeological or historic~~
2 ~~sites; or~~

3 ~~(i) To conserve urban open spaces suitable for~~
4 ~~greenways or outdoor recreation which are compatible with~~
5 ~~conservation purposes.~~

6 ~~(4) Lands acquired under this section shall be for use~~
7 ~~as state designated parks, recreation areas, preserves,~~
8 ~~reserves, historic or archaeological sites, geologic or~~
9 ~~botanical sites, recreational trails, forests, wilderness~~
10 ~~areas, wildlife management areas, urban open space, or other~~
11 ~~state designated recreation or conservation lands; or they~~
12 ~~shall qualify for such state designation and use if they are~~
13 ~~to be managed by other governmental agencies or nonstate~~
14 ~~entities as provided for in this section.~~

15 (2)(5) The board of trustees may allocate, in any
16 year, an amount not to exceed 5 percent of the money credited
17 to the fund in that year, such allocation to be used for the
18 initiation and maintenance of a natural areas inventory to aid
19 in the identification of areas to be acquired pursuant to this
20 section.

21 (3)(6) Moneys in the fund not needed to meet
22 obligations incurred under this section shall be deposited
23 with the Chief Financial Officer to the credit of the fund and
24 may be invested in the manner provided by law. Interest
25 received on such investments shall be credited to the
26 Conservation and Recreation Lands Trust Fund.

27 (4)(7) The board of trustees may enter into any
28 contract necessary to accomplish the purposes of this section.
29 The lead land managing agencies designated by the board of
30 trustees also are directed by the Legislature to enter into
31 contracts or interagency agreements with other governmental

1 entities, including local soil and water conservation
2 districts, or private land managers who have the expertise to
3 perform specific management activities which a lead agency
4 lacks, or which would cost more to provide in-house. Such
5 activities shall include, but not be limited to, controlled
6 burning, road and ditch maintenance, mowing, and wildlife
7 assessments.

8 ~~(8) Lands to be considered for purchase under this~~
9 ~~section are subject to the selection procedures of s. 259.035~~
10 ~~and related rules and shall be acquired in accordance with~~
11 ~~acquisition procedures for state lands provided for in s.~~
12 ~~259.041, except as otherwise provided by the Legislature. An~~
13 ~~inholding or an addition to a project selected for purchase~~
14 ~~pursuant to this chapter is not subject to the selection~~
15 ~~procedures of s. 259.035 if the estimated value of such~~
16 ~~inholding or addition does not exceed \$500,000. When at least~~
17 ~~90 percent of the acreage of a project has been purchased~~
18 ~~pursuant to this chapter, the project may be removed from the~~
19 ~~list and the remaining acreage may continue to be purchased.~~

20 (5) At the discretion of the board, moneys from the
21 fund may be used for title work, appraisal fees, environmental
22 audits, and survey costs related to acquisition expenses for
23 conservation lands to be purchased, donated, or exchanged
24 ~~acquired, donated, or exchanged which qualify under the~~
25 ~~categories of this section, at the discretion of the board.~~

26 (6) When the board of trustees Legislature has
27 authorized the Department of Environmental Protection to
28 condemn a specific parcel of land and such parcel has already
29 been approved for acquisition for conservation purposes under
30 ~~this section,~~ the land may be acquired in accordance with the
31 provisions of chapter 73 or chapter 74, and the fund may be

1 used to pay the condemnation award and all costs, including a
2 reasonable attorney's fee, associated with condemnation.

3 ~~(9) All lands managed under this chapter and s.~~
4 ~~253.034 shall be:~~

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

7 ~~(b) Managed for public outdoor recreation which is~~
8 ~~compatible with the conservation and protection of public~~
9 ~~lands. Such management may include, but not be limited to, the~~
10 ~~following public recreational uses: fishing, hunting,~~
11 ~~camping, bicycling, hiking, nature study, swimming, boating,~~
12 ~~canoeing, horseback riding, diving, model hobbyist activities,~~
13 ~~birding, sailing, jogging, and other related outdoor~~
14 ~~activities compatible with the purposes for which the lands~~
15 ~~were acquired.~~

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

18 ~~(d) Concurrent with its adoption of the annual~~
19 ~~Conservation and Recreation Lands list of acquisition projects~~
20 ~~pursuant to s. 259.035, the board of trustees shall adopt a~~
21 ~~management prospectus for each project. The management~~
22 ~~prospectus shall delineate:~~

- 23 ~~1. The management goals for the property;~~
- 24 ~~2. The conditions that will affect the intensity of~~
25 ~~management;~~
- 26 ~~3. An estimate of the revenue generating potential of~~
27 ~~the property, if appropriate;~~
- 28 ~~4. A timetable for implementing the various stages of~~
29 ~~management and for providing access to the public, if~~
30 ~~applicable;~~

31

1 ~~5. A description of potential multiple use activities~~
2 ~~as described in this section and s. 253.034;~~

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

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

8 ~~8. Recommendations as to how many employees will be~~
9 ~~needed to manage the property, and recommendations as to~~
10 ~~whether local governments, volunteer groups, the former~~
11 ~~landowner, or other interested parties can be involved in the~~
12 ~~management.~~

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

27 ~~(f) State agencies designated to manage lands acquired~~
28 ~~under this chapter may contract with local governments and~~
29 ~~soil and water conservation districts to assist in management~~
30 ~~activities, including the responsibility of being the lead~~
31 ~~land manager. Such land management contracts may include a~~

1 ~~provision for the transfer of management funding to the local~~
2 ~~government or soil and water conservation district from the~~
3 ~~Conservation and Recreation Lands Trust Fund in an amount~~
4 ~~adequate for the local government or soil and water~~
5 ~~conservation district to perform its contractual land~~
6 ~~management responsibilities and proportionate to its~~
7 ~~responsibilities, and which otherwise would have been expended~~
8 ~~by the state agency to manage the property.~~

9 ~~(g) Immediately following the acquisition of any~~
10 ~~interest in lands under this chapter, the Department of~~
11 ~~Environmental Protection, acting on behalf of the board of~~
12 ~~trustees, may issue to the lead managing entity an interim~~
13 ~~assignment letter to be effective until the execution of a~~
14 ~~formal lease.~~

15 ~~(10)(a) State, regional, or local governmental~~
16 ~~agencies or private entities designated to manage lands under~~
17 ~~this section shall develop and adopt, with the approval of the~~
18 ~~board of trustees, an individual management plan for each~~
19 ~~project designed to conserve and protect such lands and their~~
20 ~~associated natural resources. Private sector involvement in~~
21 ~~management plan development may be used to expedite the~~
22 ~~planning process.~~

23 ~~(b) Individual management plans required by s.~~
24 ~~253.034(5), for parcels over 160 acres, shall be developed~~
25 ~~with input from an advisory group. Members of this advisory~~
26 ~~group shall include, at a minimum, representatives of the lead~~
27 ~~land managing agency, comanaging entities, local private~~
28 ~~property owners, the appropriate soil and water conservation~~
29 ~~district, a local conservation organization, and a local~~
30 ~~elected official. The advisory group shall conduct at least~~
31 ~~one public hearing within the county in which the parcel or~~

1 ~~project is located. For those parcels or projects that are~~
2 ~~within more than one county, at least one areawide public~~
3 ~~hearing shall be acceptable and the lead managing agency shall~~
4 ~~invite a local elected official from each county. The areawide~~
5 ~~public hearing shall be held in the county in which the core~~
6 ~~parcels are located. Notice of such public hearing shall be~~
7 ~~posted on the parcel or project designated for management,~~
8 ~~advertised in a paper of general circulation, and announced at~~
9 ~~a scheduled meeting of the local governing body before the~~
10 ~~actual public hearing. The management prospectus required~~
11 ~~pursuant to paragraph (9)(d) shall be available to the public~~
12 ~~for a period of 30 days prior to the public hearing.~~

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

30 ~~(d) For each project for which lands are acquired~~
31 ~~after July 1, 1995, an individual management plan shall be~~

1 ~~adopted and in place no later than 1 year after the essential~~
2 ~~parcel or parcels identified in the annual Conservation and~~
3 ~~Recreation Lands report prepared pursuant to s. 259.035(2)(a)~~
4 ~~have been acquired. Beginning in fiscal year 1998 1999, the~~
5 ~~Department of Environmental Protection shall distribute only~~
6 ~~75 percent of the acquisition funds to which a budget entity~~
7 ~~or water management district would otherwise be entitled from~~
8 ~~the Preservation 2000 Trust Fund to any budget entity or any~~
9 ~~water management district that has more than one third of its~~
10 ~~management plans overdue.~~

11 ~~(c) Individual management plans shall conform to the~~
12 ~~appropriate policies and guidelines of the state land~~
13 ~~management plan and shall include, but not be limited to:~~

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

17 ~~2. Key management activities necessary to preserve and~~
18 ~~protect natural resources and restore habitat, and for~~
19 ~~controlling the spread of nonnative plants and animals, and~~
20 ~~for prescribed fire and other appropriate resource management~~
21 ~~activities.~~

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

25 ~~4. A priority schedule for conducting management~~
26 ~~activities, based on the purposes for which the lands were~~
27 ~~acquired.~~

28 ~~5. A cost estimate for conducting priority management~~
29 ~~activities, to include recommendations for cost effective~~
30 ~~methods of accomplishing those activities.~~

31

1 ~~6. A cost estimate for conducting other management~~
2 ~~activities which would enhance the natural resource value or~~
3 ~~public recreation value for which the lands were acquired. The~~
4 ~~cost estimate shall include recommendations for cost effective~~
5 ~~methods of accomplishing those activities.~~

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

9 ~~(f) The Division of State Lands shall submit a copy of~~
10 ~~each individual management plan for parcels which exceed 160~~
11 ~~acres in size to each member of the Land Acquisition and~~
12 ~~Management Advisory Council or its successor, which shall:~~

13 ~~1. Within 60 days after receiving a plan from the~~
14 ~~division, review each plan for compliance with the~~
15 ~~requirements of this subsection and with the requirements of~~
16 ~~the rules established by the board pursuant to this~~
17 ~~subsection.~~

18 ~~2. Consider the propriety of the recommendations of~~
19 ~~the managing agency with regard to the future use or~~
20 ~~protection of the property.~~

21 ~~3. After its review, submit the plan, along with its~~
22 ~~recommendations and comments, to the board of trustees, with~~
23 ~~recommendations as to whether to approve the plan as~~
24 ~~submitted, approve the plan with modifications, or reject the~~
25 ~~plan.~~

26 ~~(g) The board of trustees shall consider the~~
27 ~~individual management plan submitted by each state agency and~~
28 ~~the recommendations of the Land Acquisition and Management~~
29 ~~Advisory Council, or its successor, and the Division of State~~
30 ~~Lands and shall approve the plan with or without modification~~
31 ~~or reject such plan. The use or possession of any lands owned~~

1 ~~by the board of trustees which is not in accordance with an~~
2 ~~approved individual management plan is subject to termination~~
3 ~~by the board of trustees.~~

4
5 ~~By July 1 of each year, each governmental agency and each~~
6 ~~private entity designated to manage lands shall report to the~~
7 ~~Secretary of Environmental Protection on the progress of~~
8 ~~funding, staffing, and resource management of every project~~
9 ~~for which the agency or entity is responsible.~~

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

21 ~~(b) An amount up to 1.5 percent of the cumulative~~
22 ~~total of funds ever deposited into the Florida Preservation~~
23 ~~2000 Trust Fund and the Florida Forever Trust Fund shall be~~
24 ~~made available for the purposes of management, maintenance,~~
25 ~~and capital improvements not eligible for funding pursuant to~~
26 ~~s. 11(c), Art. VII of the State Constitution, and for~~
27 ~~associated contractual services, for lands acquired pursuant~~
28 ~~to this section, s. 259.101, s. 259.105, or previous programs~~
29 ~~for the acquisition of lands for conservation and recreation,~~
30 ~~including state forests, to which title is vested in the board~~
31 ~~of trustees and other conservation and recreation lands~~

1 | ~~managed by a state agency. Of this amount, \$250,000 shall be~~
2 | ~~transferred annually to the Plant Industry Trust Fund within~~
3 | ~~the Department of Agriculture and Consumer Services for the~~
4 | ~~purpose of implementing the Endangered or Threatened Native~~
5 | ~~Flora Conservation Grants Program pursuant to s. 581.185(11).~~
6 | ~~Each agency with management responsibilities shall annually~~
7 | ~~request from the Legislature funds sufficient to fulfill such~~
8 | ~~responsibilities. For the purposes of this paragraph, capital~~
9 | ~~improvements shall include, but need not be limited to,~~
10 | ~~perimeter fencing, signs, firelanes, access roads and trails,~~
11 | ~~and minimal public accommodations, such as primitive~~
12 | ~~campsites, garbage receptacles, and toilets. Any equipment~~
13 | ~~purchased with funds provided pursuant to this paragraph may~~
14 | ~~be used for the purposes described in this paragraph on any~~
15 | ~~conservation and recreation lands managed by a state agency.~~

16 | ~~(c) In requesting funds provided for in paragraph (b)~~
17 | ~~for long term management of all acquisitions pursuant to this~~
18 | ~~chapter and for associated contractual services, the managing~~
19 | ~~agencies shall recognize the following categories of land~~
20 | ~~management needs:~~

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

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

1 ~~3. Lands which are high need tracts, with identified~~
2 ~~needs requiring unique site specific resource management and~~
3 ~~protection. These lands generally are sites with historic~~
4 ~~significance, unique natural features, or very high intensity~~
5 ~~public use, or sites that require extra funds to stabilize or~~
6 ~~protect resources, such as lands with heavy infestations of~~
7 ~~nonnative, invasive plants.~~

8
9 ~~In evaluating the management funding needs of lands based on~~
10 ~~the above categories, the lead land managing agencies shall~~
11 ~~include in their considerations the impacts of, and needs~~
12 ~~created or addressed by, multiple use management strategies.~~

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

25 ~~(e) Up to one fifth of the funds provided for in~~
26 ~~paragraph (b) shall be reserved by the board of trustees for~~
27 ~~interim management of acquisitions and for associated~~
28 ~~contractual services, to ensure the conservation and~~
29 ~~protection of natural resources on project sites and to allow~~
30 ~~limited public recreational use of lands. Interim management~~
31 ~~activities may include, but not be limited to, resource~~

1 ~~assessments, control of invasive, nonnative species, habitat~~
2 ~~restoration, fencing, law enforcement, controlled burning, and~~
3 ~~public access consistent with preliminary determinations made~~
4 ~~pursuant to paragraph (9)(g). The board of trustees shall make~~
5 ~~these interim funds available immediately upon purchase.~~

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

16 ~~(g) In addition to the purposes specified in paragraph~~
17 ~~(b), funds from the 1.5 percent of the cumulative total of~~
18 ~~funds ever deposited into the Florida Preservation 2000 Trust~~
19 ~~Fund and the Florida Forever Trust Fund may be appropriated~~
20 ~~for the 2005-2006 fiscal year for the construction of~~
21 ~~replacement museum facilities. This paragraph expires July 1,~~
22 ~~2006.~~

23 ~~(12)(a) Beginning July 1, 1999, the Legislature shall~~
24 ~~make available sufficient funds annually from the Conservation~~
25 ~~and Recreation Lands Trust Fund to the department for payment~~
26 ~~in lieu of taxes to qualifying counties and local governments~~
27 ~~as defined in paragraph (b) for all actual tax losses incurred~~
28 ~~as a result of board of trustees acquisitions for state~~
29 ~~agencies under the Florida Forever program or the Florida~~
30 ~~Preservation 2000 program during any year. Reserved funds not~~
31 ~~used for payments in lieu of taxes in any year shall revert to~~

1 ~~the fund to be used for land management in accordance with the~~
2 ~~provisions of this section.~~

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

4 ~~1. To all counties that have a population of 150,000~~
5 ~~or fewer. Population levels shall be determined pursuant to s.~~
6 ~~11.031.~~

7 ~~2. To all local governments located in eligible~~
8 ~~counties.~~

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

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

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

29 ~~(e) If property which was subject to ad valorem~~
30 ~~taxation was acquired by a tax exempt entity for ultimate~~
31 ~~conveyance to the state under this chapter, payment in lieu of~~

1 ~~taxes shall be made for such property based upon the average~~
2 ~~amount of taxes paid on the property for the 3 years prior to~~
3 ~~its being removed from the tax rolls. The department shall~~
4 ~~certify to the Department of Revenue those properties that may~~
5 ~~be eligible under this provision. Once eligibility has been~~
6 ~~established, that county or local government shall receive 10~~
7 ~~consecutive annual payments for each tax loss, and no further~~
8 ~~eligibility determination shall be made during that period.~~

9 ~~(f) Payment in lieu of taxes pursuant to this~~
10 ~~subsection shall be made annually to qualifying counties and~~
11 ~~local governments after certification by the Department of~~
12 ~~Revenue that the amounts applied for are reasonably~~
13 ~~appropriate, based on the amount of actual taxes paid on the~~
14 ~~eligible property. With the assistance of the local government~~
15 ~~requesting payment in lieu of taxes, the state agency that~~
16 ~~acquired the land is responsible for preparing and submitting~~
17 ~~application requests for payment to the Department of Revenue~~
18 ~~for certification.~~

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

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

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

1 ~~pursuant to subsection (12); or for the purposes of subsection~~
2 ~~(5), shall be available for the acquisition of land pursuant~~
3 ~~to this section.~~

4 ~~(14) The board of trustees may adopt rules to further~~
5 ~~define the categories of land for acquisition under this~~
6 ~~chapter.~~

7 ~~(15) Within 90 days after receiving a certified letter~~
8 ~~from the owner of a property on the Conservation and~~
9 ~~Recreation Lands list or the priority list established~~
10 ~~pursuant to s. 259.105 objecting to the property being~~
11 ~~included in an acquisition project, where such property is a~~
12 ~~project or part of a project which has not been listed for~~
13 ~~purchase in the current year's land acquisition work plan, the~~
14 ~~board of trustees shall delete the property from the list or~~
15 ~~from the boundary of an acquisition project on the list.~~

16 Section 10. Section 259.0321, Florida Statutes, is
17 created to read:

18 259.0321 Management of conservation lands; additional
19 requirements.--

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

22 (a) In a manner that will provide the greatest
23 combination of benefits to the public and to the resources
24 while conserving and protecting such lands and their natural
25 resources.

26 (b) For the purposes for which the lands were acquired
27 and to allow the public to have access to and use of these
28 lands where it is consistent with acquisition purposes and
29 would not harm the resources the state is seeking to protect
30 on the public's behalf.

31

1 (c) For public outdoor-recreation uses that are
2 compatible with the conservation and protection of public
3 lands. Such uses may include, but need not be limited to,
4 fishing, hunting, camping, bicycling, hiking, nature study,
5 swimming, boating, canoeing, horseback riding, diving, model
6 hobbyist activities, birding, sailing, jogging, and other
7 related outdoor activities that are compatible with the
8 purposes for which the lands were acquired.

9 (2)(a) Concurrent with its adoption of the list of
10 acquisition projects pursuant to s. 259.035, the board of
11 trustees shall adopt a management prospectus for each project.

12 The management prospectus must delineate:

- 13 1. The management goals for the property;
- 14 2. The conditions that will affect the intensity of
15 management;
- 16 3. An estimate of the revenue-generating potential of
17 the property, if appropriate;
- 18 4. A timetable for implementing the various stages of
19 management and for providing access to the public, if
20 applicable;
- 21 5. A description of potential multiple-use activities
22 as described in this section;
- 23 6. Provisions for protecting existing infrastructure
24 and for ensuring the security of the project upon acquisition;
- 25 7. The anticipated costs of management and projected
26 sources of revenue, including legislative appropriations, to
27 fund management needs;
- 28 8. Recommendations as to how many employees will be
29 needed to manage the property; and

1 9. Recommendations as to whether local governments,
2 volunteer groups, the former landowner, or other interested
3 parties can be involved in the management.

4 (b) Concurrent with the approval of the contract to
5 acquire any interest in conservation lands pursuant to s.
6 259.041, the board of trustees shall designate a lead managing
7 agency and shall evaluate and amend, as appropriate, the
8 management policy statement for the project as provided by s.
9 259.035. For any fee simple acquisition that is or will be
10 leased back for agricultural purposes or any acquisition of a
11 less-than-fee interest in land that is or will be used for
12 agricultural purposes, the board of trustees shall first
13 consider designating a soil and water conservation district,
14 created pursuant to chapter 582, to manage and monitor such
15 interests.

16 (c) The agency designated by the board of trustees as
17 the lead managing agency may contract with local governments
18 and soil and water conservation districts to assist in
19 management activities, including the responsibility of being
20 the lead land manager. Such land management contracts may
21 include a provision for the transfer of management funding
22 that otherwise would have been expended to manage the property
23 to the local government or soil and water conservation
24 district from the Conservation and Recreation Lands Trust Fund
25 in an amount adequate for the local government or soil and
26 water conservation district to perform its contractual land
27 management responsibilities and proportionate to its
28 responsibilities.

29 (d) Immediately following the acquisition of any
30 interest in lands under this chapter, the Department of
31 Environmental Protection, acting on behalf of the board of

1 trustees, may issue an interim assignment letter to the lead
2 managing agency which will remain effective until the
3 execution of a formal management agreement.

4 (3)(a) State, regional, or local governmental agencies
5 or private entities designated to manage conservation lands
6 under this section shall develop and adopt, with the approval
7 of the board of trustees, an individual management plan for
8 such lands. Private-sector entities may be used to expedite
9 the development of the management plan. Management plans
10 developed and adopted pursuant to this subsection must be
11 submitted to the Division of State Lands for review under the
12 provisions of s. 253.034.

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

1 shall be available to the public for a period of 30 days prior
2 to the public hearing.

3 (c) Once a plan is adopted, the managing agency or
4 entity shall update the plan at least every 10 years as
5 required in s. 253.034(5). Updated plans for parcels larger
6 than 160 acres shall be developed with input from an advisory
7 group. Such updated plans may include transfers of leasehold
8 interests to appropriate conservation organizations or
9 governmental entities designated by the Acquisition and
10 Restoration Council created in s. 259.035, or its successor,
11 for uses consistent with the purposes of the organizations and
12 the protection, preservation, conservation, restoration, and
13 proper management of the lands and their resources. Volunteer
14 management assistance is encouraged, including, but not
15 limited to, assistance by youth participating in programs
16 sponsored by state or local agencies, by volunteers sponsored
17 by environmental or civic organizations, and by individuals
18 participating in programs for committed delinquents and
19 adults.

20 (d) An individual management plan shall be adopted and
21 in place no later than 1 year after the essential parcel or
22 parcels identified in the list of acquisition projects have
23 been acquired. The Department of Environmental Protection
24 shall distribute only 75 percent of the acquisition funds to
25 which a state budget entity or water management district would
26 otherwise be entitled from the Florida Forever Trust Fund if
27 more than one-third of the management plans of that budget
28 entity or water management district are overdue.

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

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

4 2. Key management activities that are necessary to
5 preserve and protect natural resources, restore habitat,
6 control the spread of nonnative plants and animals, and
7 conduct prescribed burns and other appropriate
8 resource-management activities.

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

12 4. A priority schedule for conducting management
13 activities which is based on the purposes for which the lands
14 were acquired.

15 5. A cost estimate for conducting priority management
16 activities, including recommendations for cost-effective
17 methods of accomplishing those activities.

18 6. A cost estimate for conducting other management
19 activities that would enhance the natural resource value or
20 public recreation value for which the lands were acquired. The
21 cost estimate must include recommendations for cost-effective
22 methods of accomplishing those activities.

23 7. A determination of the public uses and public
24 access that are consistent with the purposes for which the
25 lands were acquired.

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 the
30 funding, staffing, and resource management of every project
31 for which the agency or entity is responsible.

1 (4)(a) An amount up to 1.5 percent of the cumulative
2 total of funds ever deposited into the Florida Preservation
3 2000 Trust Fund and the Florida Forever Trust Fund shall be
4 made available for the purposes of management, maintenance,
5 and capital improvements that are not eligible to be funded
6 from bonds issued pursuant to s. 11(3), Art. VII of the State
7 Constitution; for associated contractual services for lands,
8 the title to which is vested in the board of trustees,
9 acquired pursuant to s. 259.105 or previous conservation and
10 recreation land acquisition programs; and for other
11 conservation and recreation lands managed by a state agency.
12 Of this amount, \$250,000 shall be transferred annually to the
13 Plant Industry Trust Fund within the Department of Agriculture
14 and Consumer Services for the purpose of implementing the
15 Endangered or Threatened Native Flora Conservation Grants
16 Program pursuant to s. 581.185(11). For the purposes of this
17 paragraph, capital improvements include, but need not be
18 limited to, perimeter fencing, signs, firelanes, access roads
19 and trails, and minimal public accommodations, such as
20 primitive campsites, garbage receptacles, and toilets. Any
21 equipment purchased with funds provided pursuant to this
22 paragraph may be used for the purposes described in this
23 paragraph on any conservation and recreation lands managed by
24 a state agency.

25 (b) Each agency having management responsibilities
26 shall annually request from the Legislature funds sufficient
27 to fulfill such responsibilities. In requesting funds for
28 long-term management of all acquisitions pursuant to this
29 chapter and for associated contractual services, the managing
30 agencies shall recognize the following categories of
31 land-management needs:

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

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

11 3. Lands that are high-need tracts, having identified
12 needs that require unique site-specific resource management
13 and protection. These lands generally are sites that have
14 historic significance, unique natural features, or very high
15 intensity public use, or sites that require extra funds to
16 stabilize or protect resources, such as lands with heavy
17 infestations of nonnative, invasive plants.

18
19 In evaluating the management funding needs of lands based on
20 the categories in this paragraph, each lead managing agency
21 shall include the impacts of, and needs created or addressed
22 by, multiple-use management strategies.

23 (c) All revenues generated through multiple-use
24 management or compatible secondary-use management shall be
25 returned to the lead agency responsible for such management
26 and shall be used to pay for management activities on all
27 conservation and recreation lands under the agency's
28 jurisdiction. In addition, such revenues shall be segregated
29 in an agency trust fund and shall remain available to the
30 agency in subsequent fiscal years to support land management
31 appropriations. For the purposes of this paragraph, compatible

1 secondary-use management are those activities described in
2 subsection (1) which are undertaken on parcels designated as
3 single use pursuant to s. 253.034(2)(b).

4 (d) Up to one-fifth of the funds provided for under
5 paragraph (a) shall be reserved by the board of trustees for
6 interim management of acquisitions and for associated
7 contractual services in order to ensure the conservation and
8 protection of natural resources on project sites and to allow
9 limited public recreational use of lands. Interim management
10 activities may include, but need not be limited to, resource
11 assessments, control of invasive, nonnative species, habitat
12 restoration, fencing, law enforcement, controlled burning, and
13 public access consistent with preliminary determinations made
14 pursuant to paragraph (2)(d). The board of trustees shall make
15 these interim funds available immediately upon purchase.

16 (e) The department shall set long-range and annual
17 goals for the control and removal of nonnative, invasive plant
18 species on public lands. Such goals must differentiate between
19 aquatic plant species and upland plant species. In setting
20 such goals, the department may rank, in order of adverse
21 impact, species that impede or destroy the functioning of
22 natural systems. Up to one-fourth of the funds provided for in
23 paragraph (a) may be used by the agencies receiving those
24 funds for control and removal of nonnative, invasive species
25 on public lands.

26 Section 11. Section 259.0322, Florida Statutes, is
27 amended to read:

28 259.0322 Payment in lieu of taxes; qualifying
29 counties; reinstatement of payments in lieu of taxes;
30 duration.--

31

1 (1)(a) The Legislature shall annually make available
2 sufficient funds from the Conservation and Recreation Lands
3 Trust Fund to the department for payment in lieu of taxes to
4 qualifying counties and local governments, as defined in
5 paragraph (b), for all actual tax losses incurred as a result
6 of acquisitions for state agencies by the board of trustees
7 under the Florida Forever program during any year. Reserved
8 funds not used for payments in lieu of taxes in any year shall
9 revert to the fund to be used for land management in
10 accordance with the provisions of s. 259.0321.

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

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

15 2. To all local governments located in eligible
16 counties.

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

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

30 (d) The payment amount shall be based on the average
31 amount of actual taxes paid on the property for the 3 years

1 preceding acquisition. Applications for payment in lieu of
2 taxes shall be made no later than January 31 of the year
3 following acquisition. No payment in lieu of taxes shall be
4 made for properties that were exempt from ad valorem taxation
5 for the year immediately preceding acquisition.

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

17 (f) Payment in lieu of taxes pursuant to this
18 subsection shall be made annually to qualifying counties and
19 local governments after certification by the Department of
20 Revenue that the amounts applied for are reasonably
21 appropriate, based on the amount of actual taxes paid on the
22 eligible property. With the assistance of the local government
23 requesting payment in lieu of taxes, the state agency that
24 acquired the land shall prepare and submit the application
25 request for payment to the Department of Revenue for
26 certification.

27 (g) If the board of trustees conveys to a local
28 government title to any land owned by the board, any payments
29 in lieu of taxes on the land made to the local government
30 shall be discontinued as of the date of the conveyance.
31

1 For the purposes of this subsection, the term "local
2 government" includes municipalities, the county school board,
3 mosquito control districts, and any other local government
4 entity that levies ad valorem taxes, with the exception of a
5 water management district.

6 (2) If the Department of Environmental Protection has
7 made a payment in lieu of taxes to a governmental entity and
8 subsequently suspended such payment, the department shall
9 reinstitute appropriate payments and continue the payments in
10 consecutive years until the governmental entity has received a
11 total of 10 payments for each tax loss.

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

14 259.035 Acquisition and Restoration Council.--

15 (1) There is created the Acquisition and Restoration
16 Council.

17 (a) The council shall be composed of nine voting
18 members, four of whom shall be appointed by the Governor.
19 These four appointees shall be from scientific disciplines
20 related to land, water, or environmental sciences. They shall
21 serve 4-year terms, except that, initially, to provide for
22 staggered terms, two of the appointees shall serve 2-year
23 terms. All subsequent appointments shall be for 4-year terms.
24 No appointee shall serve more than 6 years. The Governor may
25 at any time fill a vacancy for the unexpired term of a member
26 appointed under this paragraph.

27 (b) The five remaining appointees shall be composed of
28 the Secretary of Environmental Protection, the director of the
29 Division of Forestry of the Department of Agriculture and
30 Consumer Services, the executive director of the Fish and
31 Wildlife Conservation Commission, the director of the Division

1 of Historical Resources of the Department of State, and the
2 secretary of the Department of Community Affairs, or their
3 respective designees.

4 (c) The Governor shall appoint the chair of the
5 council, and a vice chair shall be elected from among the
6 members.

7 (d) The council shall hold periodic meetings at the
8 request of the chair.

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

13 (f) The board of trustees has authority to adopt rules
14 pursuant to ss. 120.536(1) and 120.54 to implement the
15 provisions of this section.

16 (2) The four members of the council appointed by the
17 Governor shall receive \$75 per day while engaged in the
18 business of the council, as well as expenses and per diem for
19 travel, including attendance at meetings, as allowed state
20 officers and employees while in the performance of their
21 duties, pursuant to s. 112.061.

22 (3) The council shall provide assistance to the board
23 of trustees in reviewing the recommendations and plans for
24 state-owned conservation lands required under ss. 253.034 and
25 259.0321 ~~259.032~~. The council shall, in reviewing such
26 recommendations and plans, consider the optimization of
27 multiple-use and conservation strategies to accomplish the
28 provisions ~~of s. funded pursuant to ss. 259.101(3)(a) and~~
29 ~~259.105(3)(b).~~

30 ~~(4) The council may use existing rules adopted by the~~
31 ~~board of trustees, until it develops and recommends amendments~~

1 ~~to those rules, to competitively evaluate, select, and rank~~
2 ~~projects eligible for the Conservation and Recreation Lands~~
3 ~~list pursuant to ss. 259.032(3) and 259.101(4) and, beginning~~
4 ~~no later than May 1, 2001, for Florida Forever funds pursuant~~
5 ~~to s. 259.105(3)(b). In developing or amending the rules, the~~
6 ~~council shall give weight to the criteria included in s.~~
7 ~~259.105(10). The board of trustees shall review the~~
8 ~~recommendations and shall adopt rules necessary to administer~~
9 ~~this section.~~

10 ~~(5) An affirmative vote of five members of the council~~
11 ~~is required in order to change a project boundary or to place~~
12 ~~a proposed project on a list developed pursuant to subsection~~
13 ~~(4). Any member of the council who by family or a business~~
14 ~~relationship has a connection with all or a portion of any~~
15 ~~proposed project shall declare the interest before voting on~~
16 ~~its inclusion on a list.~~

17 ~~(4)(6) Projects proposed for acquisition The proposal~~
18 ~~for a project pursuant to this section or s. 259.105(3)(b) may~~
19 ~~be implemented only if adopted by the council and approved by~~
20 ~~the board of trustees. The council shall consider and evaluate~~
21 ~~in writing the merits and demerits of each project that is~~
22 ~~proposed for Conservation and Recreation Lands, Florida~~
23 ~~Preservation 2000, or Florida Forever funding and shall ensure~~
24 ~~that each proposed project will meet a stated public purpose~~
25 ~~for the restoration, conservation, or preservation of~~
26 ~~environmentally sensitive lands and water areas or for~~
27 ~~providing outdoor recreational opportunities. The council also~~
28 ~~shall determine whether the project conforms, where~~
29 ~~applicable, with the comprehensive plan developed pursuant to~~
30 ~~s. 259.04(1)(a), the comprehensive multipurpose outdoor~~
31 ~~recreation plan developed pursuant to s. 375.021, the state~~

1 lands management plan adopted pursuant to s. 253.03(7), the
2 water management districts 5-year resources work plans
3 developed pursuant to s. 373.199, and the provisions of s.
4 259.032, s. 259.101, or s. 259.105, whichever is applicable.

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

7 259.04 Board; powers and duties.--

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

10 (a) The board is given the responsibility, authority,
11 and power to develop and execute a comprehensive, statewide
12 5-year plan to conserve, restore, and protect environmentally
13 endangered lands, ecosystems, lands necessary for outdoor
14 recreational needs, and other lands as identified in ss.
15 ~~259.032,~~ 259.101, and 259.105. This plan shall be kept current
16 through continual reevaluation and revision. The Acquisition
17 and Restoration Council created in s. 259.035 ~~advisory council~~
18 or its successor shall assist the board in the development,
19 reevaluation, and revision of the plan.

20 (b) The board may enter into contracts with the
21 government of the United States or any agency or
22 instrumentality thereof; the state or any county,
23 municipality, district authority, or political subdivision; or
24 any private corporation, partnership, association, or person
25 providing for or relating to the conservation or protection of
26 certain lands in accomplishing the purposes of this chapter.

27 (c) Within 45 days after the Acquisition and
28 Restoration ~~advisory~~ Council or its successor submits the list
29 ~~lists~~ of projects created pursuant to s. 259.105(8) to the
30 board, the board shall approve, in whole or in part, the list
31 ~~lists of projects~~ in the order of priority in which such

1 projects are presented. To the greatest extent practicable,
2 projects on the list ~~lists~~ shall be acquired in their approved
3 order of priority.

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

8 Section 14. Section 259.105, Florida Statutes, is
9 amended to read:

10 259.105 The Florida Forever Act.--

11 (1) This section may be cited as the "Florida Forever
12 Act."

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

14 1. The Preservation 2000 program provided tremendous
15 financial resources for purchasing environmentally significant
16 lands to protect those lands from imminent development,
17 thereby assuring present and future generations access to
18 important open spaces and recreation and conservation lands.

19 2. The continued alteration and development of
20 Florida's natural areas to accommodate the state's rapidly
21 growing population have contributed to the degradation of
22 water resources, the fragmentation and destruction of wildlife
23 habitats, the loss of outdoor recreation space, and the
24 diminishment of wetlands, forests, and public beaches.

25 3. The potential development of Florida's remaining
26 natural areas and escalation of land values require a
27 continuation of government efforts to restore, bring under
28 public protection, or acquire lands and water areas to
29 preserve the state's invaluable quality of life.

30 4. Florida's groundwater, surface waters, and springs
31 are under tremendous pressure due to population growth and

1 economic expansion and require special protection and
2 restoration efforts. To ensure that sufficient quantities of
3 water are available to meet the current and future needs of
4 the natural systems and citizens of the state, and assist in
5 achieving the planning goals of the department and the water
6 management districts, water resource development projects on
7 public lands, where compatible with the resource values of and
8 management objectives for the lands, are appropriate.

9 5. The needs of urban Florida for high-quality outdoor
10 recreational opportunities, greenways, trails, and open space
11 have not been fully met by previous acquisition programs.
12 Through such programs as the Florida Communities Trust and the
13 Florida Recreation Development Assistance Program, the state
14 shall place additional emphasis on acquiring, protecting,
15 preserving, and restoring open space, greenways, and
16 recreation properties within urban areas where pristine
17 natural communities or water bodies no longer exist because of
18 the proximity of developed property.

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

24 7. Access to public lands to support a broad range of
25 outdoor recreational opportunities and the development of
26 necessary infrastructure, where compatible with the resource
27 values of and management objectives for such lands, promotes
28 an appreciation for Florida's natural assets and improves the
29 quality of life.

30 8. Acquisition of lands, in fee simple or in any
31 lesser interest, should be based on a comprehensive assessment

1 of Florida's natural resources and planned so as to protect
2 the integrity of ecological systems and provide multiple
3 benefits, including preservation of fish and wildlife habitat,
4 recreation space for urban as well as rural areas, and water
5 recharge.

6 9. The state has embraced performance-based program
7 budgeting as a tool to evaluate the achievements of publicly
8 funded agencies, build in accountability, and reward those
9 agencies which are able to consistently achieve quantifiable
10 goals. While previous and existing state environmental
11 programs have achieved varying degrees of success, few of
12 these programs can be evaluated as to the extent of their
13 achievements, primarily because performance measures,
14 standards, outcomes, and goals were not established at the
15 outset. Therefore, the Florida Forever program shall be
16 developed and implemented in the context of measurable state
17 goals and objectives.

18 10. It is the intent of the Legislature to change the
19 focus and direction of the state's major land acquisition
20 programs and to extend funding and bonding capabilities, so
21 that future generations may enjoy the natural resources of
22 Florida.

23 (b) The Legislature recognizes that acquisition is
24 only one way to achieve the aforementioned goals and
25 encourages the development of creative partnerships between
26 governmental agencies and private landowners. Land protection
27 agreements and similar tools should be used, where
28 appropriate, to bring environmentally sensitive tracts under
29 an acceptable level of protection at a lower financial cost to
30 the public, and to provide private landowners with the
31 opportunity to enjoy and benefit from their property.

1 (c) Public agencies or other entities that receive
2 funds under this section are encouraged to better coordinate
3 their expenditures so that project acquisitions, when combined
4 with acquisitions under Preservation 2000, Save Our Rivers,
5 the Florida Communities Trust, and other public land
6 acquisition programs, will form more complete patterns of
7 protection for natural areas and functioning ecosystems, to
8 better accomplish the intent of this section.

9 (d) A long-term financial commitment to managing
10 Florida's public lands must accompany any new land acquisition
11 program to ensure that the natural resource values of such
12 lands are protected, that the public has the opportunity to
13 enjoy the lands to their fullest potential, and that the state
14 achieves the full benefits of its investment of public
15 dollars.

16 (e) With limited dollars available for restoration and
17 acquisition of land and water areas and for providing
18 long-term management and capital improvements, a competitive
19 selection process can select those projects best able to meet
20 the goals of Florida Forever and maximize the efficient use of
21 the program's funding.

22 (f) To ensure success and provide accountability to
23 the citizens of this state, it is the intent of the
24 Legislature that any bond proceeds used pursuant to this
25 section be used to implement the goals and objectives of this
26 ~~act recommended by the Florida Forever Advisory Council~~ as
27 approved by the Board of Trustees of the Internal Improvement
28 Trust Fund and the Legislature.

29 (g) As it has with previous land acquisition programs,
30 the Legislature recognizes the desires of the citizens of this
31 state to prosper through economic development and to preserve

1 | the natural areas and recreational open space of Florida. The
2 | Legislature further recognizes the urgency of restoring the
3 | natural functions of public lands or water bodies before they
4 | are degraded to a point where recovery may never occur, yet
5 | acknowledges the difficulty of ensuring adequate funding for
6 | restoration efforts in light of other equally critical
7 | financial needs of the state. It is the Legislature's desire
8 | and intent to fund the implementation of this section and to
9 | do so in a fiscally responsible manner, by issuing bonds to be
10 | repaid with documentary stamp tax revenue.

11 | (h) The Legislature further recognizes the importance
12 | of state and federal military installations in protecting and
13 | preserving the state and its natural resources and in
14 | contributing to the economic prosperity of the state. It is
15 | therefore the Legislature's intent that where the goals of the
16 | Florida Forever program overlap with the protection needs of
17 | military installations, agencies receiving funds under the
18 | Florida Forever program shall cooperate with the state's
19 | military partners to protect and buffer military
20 | installations, including areas identified as clear zones,
21 | accident potential zones, air installation compatible use
22 | zones, and other buffer zones as delineated by the state's
23 | military partners.

24 | (3) Less the costs of issuing and the costs of funding
25 | reserve accounts and other costs associated with bonds, the
26 | proceeds of bonds issued pursuant to this section shall be
27 | deposited into the Florida Forever Trust Fund created by s.
28 | 259.1051. The proceeds shall be distributed by the Department
29 | of Environmental Protection in the following manner:

30 | (a) Thirty-five percent to the Department of
31 | Environmental Protection for the acquisition of lands and

1 capital project expenditures necessary to implement the water
2 management districts' priority lists developed pursuant to s.
3 373.199. The funds are to be distributed to the water
4 management districts as provided in subsection (11). A
5 minimum of 50 percent of the total funds provided over the
6 life of the Florida Forever program pursuant to this paragraph
7 shall be used for the acquisition of lands.

8 (b) Thirty-five percent to the Department of
9 Environmental Protection for the acquisition of lands and
10 capital project expenditures described in this section. Of the
11 proceeds distributed pursuant to this paragraph, it is the
12 intent of the Legislature that an increased priority be given
13 to those acquisitions which achieve a combination of
14 conservation goals, including protecting Florida's water
15 resources and natural groundwater recharge, and those
16 acquisitions that protect and buffer military installations
17 where such needs are delineated by the state's military
18 partners. Capital project expenditures may not exceed 10
19 percent of the funds allocated pursuant to this paragraph.

20 (c) Twenty-two percent to the Department of Community
21 Affairs for use by the Florida Communities Trust for the
22 purposes of part III of chapter 380, as described and limited
23 by this subsection, and grants to local governments or
24 nonprofit environmental organizations that are tax exempt
25 under s. 501(c)(3) of the United States Internal Revenue Code
26 for the acquisition of community-based projects, urban open
27 spaces, parks, and greenways to implement local government
28 comprehensive plans. From funds available to the trust and
29 used for land acquisition, 75 percent shall be matched by
30 local governments on a dollar-for-dollar basis. The
31 Legislature intends that the Florida Communities Trust

1 emphasize funding projects in low-income or otherwise
2 disadvantaged communities. At least 30 percent of the total
3 allocation provided to the trust shall be used in Standard
4 Metropolitan Statistical Areas, but one-half of that amount
5 shall be used in localities in which the project site is
6 located in built-up commercial, industrial, or mixed-use areas
7 and functions to intersperse open spaces within congested
8 urban core areas. From funds allocated to the trust, no less
9 than 5 percent shall be used to acquire lands for recreational
10 trail systems, provided that in the event these funds are not
11 needed for such projects, they will be available for other
12 trust projects. Local governments may use federal grants or
13 loans, private donations, or environmental mitigation funds,
14 including environmental mitigation funds required pursuant to
15 s. 338.250, for any part or all of any local match required
16 for acquisitions funded through the Florida Communities Trust.
17 Any lands purchased by nonprofit organizations using funds
18 allocated under this paragraph must provide for such lands to
19 remain permanently in public use through a reversion of title
20 to local or state government, conservation easement, or other
21 appropriate mechanism. Projects funded with funds allocated
22 to the Trust shall be selected in a competitive process
23 measured against criteria adopted in rule by the Trust.

24 (d) Two percent to the Department of Environmental
25 Protection for grants to qualified local government entities
26 for the acquisition or development of land for public outdoor
27 recreation purposes pursuant to s. 375.075.

28 (e) One and five-tenths percent to the Department of
29 Environmental Protection for the purchase of inholdings and
30 additions to state parks and for capital project expenditures
31 as described in this section. Capital project expenditures may

1 | not exceed 10 percent of the funds allocated under this
2 | paragraph. For the purposes of this paragraph, "state park"
3 | means any real property in the state which is under the
4 | jurisdiction of the Division of Recreation and Parks of the
5 | department, or which may come under its jurisdiction.

6 | (f) One and five-tenths percent to the Division of
7 | Forestry of the Department of Agriculture and Consumer
8 | Services to fund the acquisition of state forest inholdings
9 | and additions pursuant to s. 589.07, the implementation of
10 | reforestation plans or sustainable forestry management
11 | practices, and for capital project expenditures as described
12 | in this section. Capital project expenditures may not exceed
13 | 10 percent of the funds allocated under this paragraph.

14 | (g) One and five-tenths percent to the Fish and
15 | Wildlife Conservation Commission to fund the acquisition of
16 | inholdings and additions to lands managed by the commission
17 | which are important to the conservation of fish and wildlife
18 | and for capital project expenditures as described in this
19 | section. Capital project expenditures may not exceed 10
20 | percent of the funds allocated under this paragraph.

21 | (h) One and five-tenths percent to the Department of
22 | Environmental Protection for the Florida Greenways and Trails
23 | Program, to acquire greenways and trails or greenways and
24 | trail systems pursuant to chapter 260, including, but not
25 | limited to, abandoned railroad rights-of-way and the Florida
26 | National Scenic Trail and for capital project expenditures as
27 | described in this section. Capital project expenditures may
28 | not exceed 10 percent of the funds allocated under this
29 | paragraph.

30 | (i) It is the intent of the Legislature that proceeds
31 | of Florida Forever bonds distributed under this section shall

1 | be expended in an efficient and fiscally responsible manner.
2 | An agency that receives proceeds from Florida Forever bonds
3 | under this section may not maintain a balance of unencumbered
4 | funds in its Florida Forever subaccount beyond 3 fiscal years
5 | from the date of deposit of funds from each bond issue. Any
6 | funds that have not been expended or encumbered after 3 fiscal
7 | years from the date of deposit shall be distributed by the
8 | Legislature at its next regular session for use in the Florida
9 | Forever program.

10 | (j)1. For the purposes of paragraphs (d), (e), (f),
11 | and (g), the agencies ~~that which~~ receive the funds shall
12 | develop their individual acquisition or restoration lists.
13 | Proposed additions may be acquired if they are identified
14 | within the original project boundary, the land management plan
15 | required pursuant to ~~ss. s-~~ 253.034(5) and 259.0321, or the
16 | management prospectus required pursuant to s. 259.0321(2)(a)
17 | ~~s. 259.032(9)(d)~~.

18 | 2. An inholding or an addition to a project selected
19 | for purchase as provided under subparagraph 1. is not subject
20 | to the selection procedures of this chapter if the estimated
21 | value of such inholding or addition does not exceed \$500,000.
22 | When at least 90 percent of the acreage of a project has been
23 | purchased pursuant to this chapter, the project may be removed
24 | from the list and the remaining acreage may continue to be
25 | purchased.

26 | 3. Proposed additions of property outside the original
27 | project boundary not meeting the requirements of this
28 | paragraph shall be submitted to the Acquisition and
29 | Restoration Council for approval. The council may ~~only~~
30 | approve the proposed addition if it meets two or more of the
31 | following criteria: serves as a link or corridor to other

1 publicly owned property; enhances the protection or management
2 of the property; ~~adds would add~~ a desirable resource to the
3 property; ~~creates would create~~ a more manageable boundary
4 configuration; has a high resource value that is otherwise
5 ~~would be~~ unprotected; or can be acquired at less than fair
6 market value. The board of trustees is directed to adopt rules
7 pursuant to ss. 120.536(1) and 120.54 which govern the
8 acquisition of additions to projects not identified for
9 acquisition pursuant to subparagraph 1.

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

13 (a) Enhance the coordination and completion of land
14 acquisition projects, as measured by:

15 1. The number of acres acquired through the state's
16 land acquisition programs that contribute to the completion of
17 Florida Preservation 2000 projects or projects begun before
18 Preservation 2000;

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

21 3. The number of shared acquisition projects among
22 Florida Forever funding partners and partners with other
23 funding sources, including local governments and the Federal
24 Government.

25 (b) Increase the protection of Florida's biodiversity
26 at the species, natural community, and landscape levels, as
27 measured by:

28 1. The number of acres acquired of significant
29 strategic habitat conservation areas;

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

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

4 4. The number of acres acquired of underrepresented
5 native ecosystems;

6 5. The number of landscape-sized protection areas of
7 at least 50,000 acres that exhibit a mosaic of predominantly
8 intact or restorable natural communities established through
9 new acquisition projects or augmentations to previous
10 projects; or

11 6. The percentage increase in the number of
12 occurrences of endangered species, threatened species, or
13 species of special concern on publicly managed conservation
14 areas.

15 (c) Protect, restore, and maintain the quality and
16 natural functions of land, water, and wetland systems of the
17 state, as measured by:

18 1. The number of acres of publicly owned land
19 identified as needing restoration, acres undergoing
20 restoration, and acres with restoration activities completed;

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

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

29 4. The number of acres acquired that protect natural
30 floodplain functions;

31

- 1 5. The number of acres acquired that protect surface
2 waters of the state;
- 3 6. The number of acres identified for acquisition to
4 minimize damage from flooding and the percentage of those
5 acres acquired;
- 6 7. The number of acres acquired that protect fragile
7 coastal resources;
- 8 8. The number of acres of functional wetland systems
9 protected;
- 10 9. The percentage of miles of critically eroding
11 beaches contiguous with public lands that are restored or
12 protected from further erosion;
- 13 10. The percentage of public lakes and rivers in which
14 invasive, nonnative aquatic plants are under maintenance
15 control; or
- 16 11. The number of acres of public conservation lands
17 in which upland invasive, exotic plants are under maintenance
18 control.
- 19 (d) Ensure that sufficient quantities of water are
20 available to meet the current and future needs of natural
21 systems and the citizens of the state, as measured by:
- 22 1. The number of acres acquired which provide
23 retention and storage of surface water in naturally occurring
24 storage areas, such as lakes and wetlands, consistent with the
25 maintenance of water resources or water supplies and
26 consistent with district water supply plans;
- 27 2. The quantity of water made available through the
28 water resource development component of a district water
29 supply plan for which a water management district is
30 responsible; or
31

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

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

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

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

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

14 (f) Preserve significant archaeological or historic
15 sites, as measured by:

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

20 2. The increase in the number and percentage of
21 historic and archaeological properties that are in state
22 ownership.

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

25 1. The number of acres acquired that are available for
26 sustainable forest management;

27 2. The number of acres of state-owned forestland
28 managed for economic return in accordance with current best
29 management practices;

30
31

1 3. The number of acres of forestland acquired that
2 will serve to maintain natural groundwater recharge functions;
3 or

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

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

8 1. The percentage of local governments that
9 participate in land acquisition programs and acquire open
10 space in urban cores; or

11 2. The percentage and number of acres of purchases of
12 open space within urban service areas.

13 (i) Recognize the importance of the role military
14 installations play in protecting and preserving the state's
15 natural resources as measured by the percentage and number of
16 acres acquired to protect and buffer military installations.

17
18 Florida Forever projects and acquisitions funded pursuant to
19 paragraph (3)(c) shall be measured by goals developed by rule
20 by the Florida Communities Trust Governing Board created in s.
21 380.504.

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

30
31

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

4 (6) ~~As provided in this section,~~ A water resource or
5 water supply development project may be allowed only if the
6 following conditions are met: minimum flows and levels have
7 been established for those waters, if any, which may
8 reasonably be expected to experience significant harm to water
9 resources as a result of the project; the project complies
10 with all applicable permitting requirements; and the project
11 is consistent with the regional water supply plan, if any, of
12 the water management district and with relevant recovery or
13 prevention strategies if required pursuant to s. 373.0421(2).

14 (7)(a) Beginning no later than July 1, 2001, and every
15 year thereafter, the Acquisition and Restoration Council shall
16 accept applications from state agencies, local governments,
17 nonprofit and for-profit organizations, private land trusts,
18 and individuals for project proposals eligible for funding
19 pursuant to paragraph (3)(b). The council shall evaluate the
20 proposals received pursuant to this subsection to ensure that
21 they meet at least one of the criteria under subsection (9).

22 (b) Project applications shall contain, at a minimum,
23 the following:

24 1. A minimum of two numeric performance measures that
25 directly relate to the overall goals adopted by the council.
26 Each performance measure shall include a baseline measurement,
27 which is the current situation; a performance standard which
28 the project sponsor anticipates the project will achieve; and
29 the performance measurement itself, which should reflect the
30 incremental improvements the project accomplishes towards
31 achieving the performance standard.

1 2. Proof that property owners within any proposed
2 acquisition have been notified of their inclusion in the
3 proposed project. Any property owner may request the removal
4 of such property from further consideration by submitting a
5 request to the project sponsor or the Acquisition and
6 Restoration Council by certified mail. Upon receiving this
7 request, the council shall delete the property from the
8 proposed project; however, the board of trustees, at the time
9 it votes to approve the proposed project lists pursuant to
10 subsection(15)(16), may add the property back on to the
11 project lists if at least three members of the board determine
12 ~~it determines by a super majority of its members~~ that such
13 property is critical to achieve the purposes of the project.

14 (c) The title to lands acquired under this section
15 shall vest in the Board of Trustees of the Internal
16 Improvement Trust Fund, except that title to lands acquired by
17 a water management district shall vest in the name of that
18 district and lands acquired by a local government shall vest
19 in the name of the purchasing local government.

20 (8)(a) The Acquisition and Restoration Council shall
21 develop, at least annually, a project list that must include
22 those projects approved for funding under the Preservation
23 2000 program or earlier conservation programs which were
24 contained on the former Conservation and Recreation Lands
25 list, and shall add those projects submitted for funding
26 pursuant to subsection (7).

27 (b) An affirmative vote of five members of the council
28 is required in order to change a project boundary or add a new
29 project to the list. Any member of the council who through a
30 family or business relationship has a connection with any
31 project proposed to be added to the list shall declare such

1 interest prior to voting for inclusion of that project on the
2 list. ~~The Acquisition and Restoration Council shall develop a~~
3 ~~project list that shall represent those projects submitted~~
4 ~~pursuant to subsection (7).~~

5 (9) The Acquisition and Restoration Council shall
6 develop a grouping process to recommend rules for adoption by
7 ~~the board of trustees to~~ competitively evaluate, select, and
8 rank projects eligible for Florida Forever funds pursuant to
9 subsection (8) paragraph (3)(b) and for additions to the
10 ~~Conservation and Recreation Lands list pursuant to ss. 259.032~~
11 ~~and 259.101(4).~~ In developing the grouping process, which must
12 be adopted as a rule by the board of trustees ~~these proposed~~
13 ~~rules~~, the Acquisition and Restoration Council shall give
14 weight to the following criteria:

15 (a) The project meets multiple goals described in
16 subsection (4).

17 (b) The project is part of an ongoing governmental
18 effort to restore, protect, or develop land areas or water
19 resources.

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

22 (d) The project has significant archaeological or
23 historic value.

24 (e) The project has funding sources that are
25 identified and assured through at least the first 2 years of
26 the project.

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

29 (g) The project has a significant portion of its land
30 area in imminent danger of development, in imminent danger of
31 losing its significant natural attributes or recreational open

1 space, or in imminent danger of subdivision which would result
2 in multiple ownership and make acquisition of the project
3 costly or less likely to be accomplished.

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

6 (i) The project is one of the components of the
7 Everglades restoration effort.

8 (j) The project may be purchased at 80 percent of
9 appraised value.

10 (k) The project may be acquired, in whole or in part,
11 using alternatives to fee simple, including but not limited
12 to, purchase of development rights, hunting rights,
13 agricultural or silvicultural rights, or mineral rights or
14 obtaining conservation easements or flowage easements.

15 (l) The project is a joint acquisition, either among
16 public agencies, nonprofit organizations, or private entities,
17 or by a public-private partnership.

18 (10) The Acquisition and Restoration Council shall
19 give increased priority to those projects for which matching
20 funds are available and to project elements previously
21 identified on an acquisition list pursuant to this section
22 that can be acquired at 80 percent or less of appraised value.

23 Where the goals of the Florida Forever program overlap with
24 the protection needs of military installations, the council
25 shall also give increased priority to projects that protect
26 any buffer military installations and areas identified as
27 clear zones, accident potential zones, air installation
28 compatible use zones, or other buffer zones delineated by the
29 state's military partners.

30 (11) For the purposes of funding projects pursuant to
31 paragraph (3)(a), the Secretary of Environmental Protection

1 shall ensure that each water management district receives the
2 following percentage of funds annually:

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

9 (b) Twenty-five percent to the Southwest Florida Water
10 Management District.

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

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

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

17 (12) It is the intent of the Legislature that in
18 developing the list of projects for funding pursuant to
19 paragraph (3)(a), that these funds not be used to abrogate the
20 financial responsibility of those point and nonpoint sources
21 that have contributed to the degradation of water or land
22 areas. Therefore, an increased priority shall be given by the
23 water management district governing boards to those projects
24 that have secured a cost-sharing agreement allocating
25 responsibility for the cleanup of point and nonpoint sources.

26 ~~(13) An affirmative vote of five members of the~~
27 ~~Acquisition and Restoration Council shall be required in order~~
28 ~~to place a proposed project on the list developed pursuant to~~
29 ~~subsection (8). Any member of the council who by family or a~~
30 ~~business relationship has a connection with any project~~

31

1 ~~proposed to be ranked shall declare such interest prior to~~
2 ~~voting for a project's inclusion on the list.~~

3 ~~(13)~~(14) Each year that bonds are to be issued
4 pursuant to this section, the Acquisition and Restoration
5 Council shall review the most current approved project list
6 and shall, by the first board meeting in May, present to the
7 Board of Trustees of the Internal Improvement Trust Fund for
8 approval a priority list ~~listing~~ of projects developed
9 pursuant to subsection (8). The board of trustees may remove
10 projects from the list developed pursuant to this subsection,
11 but may not add projects or rearrange project rankings. The
12 list approved by the board shall be named the Florida Forever
13 list and shall be the only list designating conservation
14 properties to be acquired by the state or any of its agencies
15 or designees under the Florida Forever program.

16 ~~(14)~~(15) The Acquisition and Restoration Council shall
17 at least annually submit to the board of trustees, with its
18 list of projects, a report that includes, but shall not be
19 limited to, the following information for each project listed:

- 20 (a) The stated purpose for inclusion.
21 (b) Projected costs to achieve the project goals.
22 (c) An interim management budget.
23 (d) Specific performance measures.
24 (e) Plans for public access.
25 (f) An identification of the essential parcel or
26 parcels within the project without which the project cannot be
27 properly managed.
28 (g) Where applicable, an identification of those
29 projects or parcels within projects which should be acquired
30 in fee simple or in less than fee simple.
31

1 (h) An identification of those lands being purchased
2 for conservation purposes.

3 (i) A management policy statement for the project and
4 a management prospectus pursuant to s. 259.0321(2)(a) ~~s.~~
5 ~~259.032(9)(d)~~.

6 (j) An estimate of land value based on county tax
7 assessed values.

8 (k) A map delineating project boundaries.

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

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

14 (n) A designation of the management agency or
15 agencies.

16 ~~(15)(16)~~ All proposals for projects pursuant to
17 subsection (7) ~~paragraph (3)(b) or subsection (20)~~ shall be
18 implemented only if adopted by the Acquisition and Restoration
19 Council and approved by the board of trustees. The council
20 shall consider and evaluate in writing the merits and demerits
21 of each project that is proposed for Florida Forever funding
22 ~~and each proposed addition to the Conservation and Recreation~~
23 ~~Lands list program~~. The council shall ensure that each
24 proposed project will meet a stated public purpose for the
25 restoration, conservation, or preservation of environmentally
26 sensitive lands and water areas or for providing outdoor
27 recreational opportunities ~~and that each proposed addition to~~
28 ~~the Conservation and Recreation Lands list will meet the~~
29 ~~public purposes under s. 259.032(3) and, when applicable, s.~~
30 ~~259.101(4)~~. The council also shall determine whether the
31 project or addition conforms, where applicable, with the

1 comprehensive plan developed pursuant to s. 259.04(1)(a), the
2 comprehensive multipurpose outdoor recreation plan developed
3 pursuant to s. 375.021, the state lands management plan
4 adopted pursuant to s. 253.03(7), the water management
5 district resources work plans developed pursuant to s.
6 373.199, and the provisions of this section.

7 ~~(16)~~~~(17)~~(a) The Board of Trustees of the Internal
8 Improvement Trust Fund, or, in the case of water management
9 district lands, the owning water management district, may
10 authorize the granting of a lease, easement, or license for
11 the use of certain lands acquired pursuant to this section,
12 for certain uses that are determined by the appropriate board
13 to be compatible with the resource values of and management
14 objectives for such lands.

15 (b) Any existing lease, easement, or license acquired
16 for incidental public or private use on, under, or across any
17 lands acquired pursuant to this section shall be presumed to
18 be compatible with the purposes for which such lands were
19 acquired.

20 (c) Notwithstanding the provisions of paragraph (a),
21 no such lease, easement, or license shall be entered into by
22 the Department of Environmental Protection or other
23 appropriate state agency if the granting of such lease,
24 easement, or license would adversely affect the exclusion of
25 the interest on any revenue bonds issued to fund the
26 acquisition of the affected lands from gross income for
27 federal income tax purposes, pursuant to Internal Revenue
28 Service regulations.

29 ~~(17)~~~~(18)~~ The Acquisition and Restoration Council shall
30 recommend adoption of rules by the board of trustees necessary
31 to implement the provisions of this section relating to:

1 solicitation, scoring, selecting, and ranking of Florida
2 Forever project proposals; disposing of or leasing lands or
3 water areas selected for funding through the Florida Forever
4 program; and the process of reviewing and recommending for
5 approval or rejection the land management plans associated
6 with publicly owned properties. Rules promulgated pursuant to
7 this subsection shall be submitted to the President of the
8 Senate and the Speaker of the House of Representatives, for
9 review by the Legislature, no later than 30 days prior to the
10 2001 Regular Session and shall become effective only after
11 legislative review. In its review, the Legislature may reject,
12 modify, or take no action relative to such rules. The board of
13 trustees shall conform such rules to changes made by the
14 Legislature, or, if no action was taken by the Legislature,
15 such rules shall become effective.

16 ~~(18)(19)~~ Lands listed as projects for acquisition
17 under the Florida Forever program may be managed for
18 conservation pursuant to s. 259.0321 ~~s. 259.032~~, on an interim
19 basis by a private party in anticipation of a state purchase
20 in accordance with a contractual arrangement between the
21 acquiring agency and the private party that may include
22 management service contracts, leases, cost-share arrangements,
23 or resource conservation agreements. Lands designated as
24 eligible under this subsection shall be managed to maintain or
25 enhance the resources the state is seeking to protect by
26 acquiring the land. Funding for these contractual arrangements
27 may originate from the documentary stamp tax revenue deposited
28 into the Conservation and Recreation Lands Trust Fund and
29 Water Management Lands Trust Fund. No more than 5 percent of
30 funds allocated under the trust funds shall be expended for
31 this purpose.

1 ~~(20) The Acquisition and Restoration Council, as~~
2 ~~successors to the Land Acquisition and Management Advisory~~
3 ~~Council, may amend existing Conservation and Recreation Lands~~
4 ~~projects and add to or delete from the 2000 Conservation and~~
5 ~~Recreation Lands list until funding for the Conservation and~~
6 ~~Recreation Lands program has been expended. The amendments to~~
7 ~~the 2000 Conservation and Recreation Lands list will be~~
8 ~~reported to the board of trustees in conjunction with the~~
9 ~~council's report developed pursuant to subsection (15).~~

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

12 201.15 Distribution of taxes collected.--All taxes
13 collected under this chapter shall be distributed as follows
14 and shall be subject to the service charge imposed in s.
15 215.20(1), except that such service charge shall not be levied
16 against any portion of taxes pledged to debt service on bonds
17 to the extent that the amount of the service charge is
18 required to pay any amounts relating to the bonds:

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

1 ~~recommendations, the Legislature shall review the need to~~
2 ~~repeal this provision during the 2005 Regular Session.~~

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

6 201.15 Distribution of taxes collected.--All taxes
7 collected under this chapter shall be distributed as follows
8 and shall be subject to the service charge imposed in s.
9 215.20(1), except that such service charge shall not be levied
10 against any portion of taxes pledged to debt service on bonds
11 to the extent that the amount of the service charge is
12 required to pay any amounts relating to the bonds:

13 (13) The distribution of proceeds deposited into the
14 Water Management Lands Trust Fund and the Conservation and
15 Recreation Lands Trust Fund, pursuant to subsections (4) and
16 (5), shall not be used for land acquisition, but may be used
17 for preacquisition costs associated with land purchases. The
18 Legislature intends that the Florida Forever program supplant
19 the acquisition programs formerly authorized under s. ss.
20 259.032, as established in chapter 94-240, Laws of Florida,
21 and s. 373.59. Prior to the 2005 Regular Session of the
22 Legislature, the Acquisition and Restoration Council shall
23 review and make recommendations to the Legislature concerning
24 the need to repeal this provision. Based on these
25 recommendations, the Legislature shall review the need to
26 repeal this provision during the 2005 Regular Session.

27 Section 17. Paragraph (b) of subsection (5) of section
28 253.027, Florida Statutes, is amended to read:

29 253.027 Emergency archaeological property
30 acquisition.--

31 (5) ACCOUNT EXPENDITURES.--

1 (b) No moneys shall be spent from the account for
2 excavation or restoration of the properties acquired. Funds
3 may be spent for preliminary surveys to determine if the sites
4 meet the criteria of this section. An amount not to exceed
5 \$100,000 may also be spent from the account to inventory and
6 evaluate archaeological and historic resources on properties
7 purchased, or proposed for purchase, pursuant to s. 259.105 ~~s.~~
8 ~~259.032~~.

9 Section 18. Subsections (1) and (4) of section
10 259.036, Florida Statutes, are amended to read:

11 259.036 Management review teams.--

12 (1) To determine whether conservation, preservation,
13 and recreation lands titled in the name of the Board of
14 Trustees of the Internal Improvement Trust Fund are being
15 managed for the purposes for which they were acquired and in
16 accordance with a land management plan adopted pursuant to s.
17 259.0321 ~~s. 259.032~~, the board of trustees, acting through the
18 Department of Environmental Protection, shall cause periodic
19 management reviews to be conducted as follows:

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

22 1. One individual who is from the county or local
23 community in which the parcel or project is located and who is
24 selected by the county commission in the county which is most
25 impacted by the acquisition.

26 2. One individual from the Division of Recreation and
27 Parks of the department.

28 3. One individual from the Division of Forestry of the
29 Department of Agriculture and Consumer Services.

30 4. One individual from the Fish and Wildlife
31 Conservation Commission.

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

3 6. A private land manager mutually agreeable to the
4 state agency representatives.

5 7. A member of the local soil and water conservation
6 district board of supervisors.

7 8. A member of a conservation organization.

8 (b) The staff of the Division of State Lands shall act
9 as the review team coordinator for the purposes of
10 establishing schedules for the reviews and other staff
11 functions. The Legislature shall appropriate funds necessary
12 to implement land management review team functions.

13 (4) In the event a land management plan has not been
14 adopted within the timeframes specified in s. 259.0321(3) ~~s.~~
15 ~~259.032(10)~~, the department may direct a management review of
16 the property, to be conducted by the land management review
17 team. The review shall consider the extent to which the land
18 is being managed for the purposes for which it was acquired
19 and the degree to which actual management practices are in
20 compliance with the management policy statement and management
21 prospectus for that property.

22 Section 19. Subsection (3) of section 259.101, Florida
23 Statutes, is amended to read:

24 259.101 Florida Preservation 2000 Act.--

25 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
26 costs of issuance, the costs of funding reserve accounts, and
27 other costs with respect to the bonds, the proceeds of bonds
28 issued pursuant to this act shall be deposited into the
29 Florida Preservation 2000 Trust Fund created by s. 375.045. In
30 fiscal year 2000-2001, for each Florida Preservation 2000
31 program described in paragraphs (a)-(g), that portion of each

1 program's total remaining cash balance which, as of June 30,
2 2000, is in excess of that program's total remaining
3 appropriation balances shall be redistributed by the
4 department and deposited into the Save Our Everglades Trust
5 Fund for land acquisition. For purposes of calculating the
6 total remaining cash balances for this redistribution, the
7 Florida Preservation 2000 Series 2000 bond proceeds, including
8 interest thereon, and the fiscal year 1999-2000 General
9 Appropriations Act amounts shall be deducted from the
10 remaining cash and appropriation balances, respectively. The
11 remaining proceeds shall be distributed by the Department of
12 Environmental Protection in the following manner:

13 (a) Fifty percent to the Department of Environmental
14 Protection for the purchase of public lands as described in s.
15 259.032 as established in chapter 94-240, Laws of Florida. Of
16 this 50 percent, at least one-fifth shall be used for the
17 acquisition of coastal lands.

18 (b) Thirty percent to the Department of Environmental
19 Protection for the purchase of water management lands pursuant
20 to s. 373.59, to be distributed among the water management
21 districts as provided in that section. Funds received by each
22 district may also be used for acquisition of lands necessary
23 to implement surface water improvement and management plans or
24 for acquisition of lands necessary to implement the Everglades
25 Construction Project authorized by s. 373.4592.

26 (c) Ten percent to the Department of Community Affairs
27 to provide land acquisition grants and loans to local
28 governments through the Florida Communities Trust pursuant to
29 part III of chapter 380. From funds allocated to the trust,
30 \$3 million annually shall be used by the Division of State
31 Lands within the Department of Environmental Protection to

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

23 | (d) Two and nine-tenths percent to the Department of
24 | Environmental Protection for the purchase of inholdings and
25 | additions to state parks. For the purposes of this paragraph,
26 | "state park" means all real property in the state under the
27 | jurisdiction of the Division of Recreation and Parks of the
28 | department, or which may come under its jurisdiction.

29 | (e) Two and nine-tenths percent to the Division of
30 | Forestry of the Department of Agriculture and Consumer
31 |

1 Services to fund the acquisition of state forest inholdings
2 and additions pursuant to s. 589.07.

3 (f) Two and nine-tenths percent to the Fish and
4 Wildlife Conservation Commission to fund the acquisition of
5 inholdings and additions to lands managed by the commission
6 which are important to the conservation of fish and wildlife.

7 (g) One and three-tenths percent to the Department of
8 Environmental Protection for the Florida Greenways and Trails
9 Program, to acquire greenways and trails or greenways and
10 trails systems pursuant to chapter 260, including, but not
11 limited to, abandoned railroad rights-of-way and the Florida
12 National Scenic Trail.

13
14 Local governments may use federal grants or loans, private
15 donations, or environmental mitigation funds, including
16 environmental mitigation funds required pursuant to s.
17 338.250, for any part or all of any local match required for
18 the purposes described in this subsection. Bond proceeds
19 allocated pursuant to paragraph (c) may be used to purchase
20 lands on the priority lists developed pursuant to s. 259.105
21 ~~s. 259.035~~. Title to lands purchased pursuant to paragraphs
22 (a), (d), (e), (f), and (g) shall be vested in the Board of
23 Trustees of the Internal Improvement Trust Fund. Title to
24 lands purchased pursuant to paragraph (c) may be vested in the
25 Board of Trustees of the Internal Improvement Trust Fund. The
26 board of trustees shall hold title to land protection
27 agreements and conservation easements that were or will be
28 acquired pursuant to s. 380.0677, and the Southwest Florida
29 Water Management District and the St. Johns River Water
30 Management District shall monitor such agreements and
31

1 easements within their respective districts until the state
2 assumes this responsibility.

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

5 259.1051 Florida Forever Trust Fund.--

6 (1) There is created the Florida Forever Trust Fund to
7 carry out the purposes of s. ss. 259.032, as established in
8 chapter 94-240, Laws of Florida, and ss. 259.105~~7~~ and 375.031.

9 The Florida Forever Trust Fund shall be held and administered
10 by the Department of Environmental Protection. Proceeds from
11 the sale of bonds, except proceeds of refunding bonds, issued
12 under s. 215.618 and payable from moneys transferred to the
13 Land Acquisition Trust Fund under s. 201.15(1)(a), not to
14 exceed \$3 billion, must be deposited into this trust fund to
15 be distributed and used as provided in s. 259.105(3). The bond
16 resolution adopted by the governing board of the Division of
17 Bond Finance of the State Board of Administration may provide
18 for additional provisions that govern the disbursement of the
19 bond proceeds.

20 Section 21. Paragraph (c) of subsection (1) of section
21 260.015, Florida Statutes, is amended to read:

22 260.015 Acquisition of land.--

23 (1) The department is authorized to acquire by gift or
24 purchase the fee simple absolute title or any lesser interest
25 in land, including easements, for the purposes of this chapter
26 pursuant to the provisions of chapter 375, except that:

27 (c) Projects acquired under this chapter shall not be
28 subject to the evaluation and selection procedures of s.
29 259.105 ~~s. 259.035~~, regardless of the estimated value of such
30 projects. All projects shall be acquired in accordance with
31 the acquisition procedures of chapter 259, except that the

1 department may use the appraisal procedure used by the
2 Department of Transportation to acquire transportation
3 rights-of-way.

4 Section 22. Section 375.045, Florida Statutes, is
5 amended to read:

6 375.045 Florida Preservation 2000 Trust Fund.--

7 (1) There is created the Florida Preservation 2000
8 Trust Fund to carry out the purposes of s. ~~ss.~~ 259.032, as
9 established in chapter 94-240, Laws of Florida, and ss.
10 259.101~~7~~ and 375.031. The Florida Preservation 2000 Trust Fund
11 shall be held and administered by the Department of
12 Environmental Protection. Proceeds from the sale of revenue
13 bonds issued pursuant to s. 375.051 and payable from moneys
14 transferred to the Land Acquisition Trust Fund pursuant to s.
15 201.15(1)(a), not to exceed \$3 billion, shall be deposited
16 into this trust fund to be distributed as provided in s.
17 259.101(3). The bond resolution adopted by the governing board
18 of the Division of Bond Finance may provide for additional
19 provisions that govern the disbursement of the bond proceeds.

20 (2) The Department of Environmental Protection shall
21 distribute revenues from the Florida Preservation 2000 Trust
22 Fund only to programs of state agencies or local governments
23 as set out in s. 259.101(3). Excluding distributions to the
24 Save Our Everglades Trust Fund, such distributions shall be
25 spent by the recipient within 90 days after the date on which
26 the Department of Environmental Protection initiates the
27 transfer.

28 (3) Any agency or district which acquires lands using
29 Preservation 2000 funds, as distributed pursuant to this
30 section and s. 259.101(3), shall manage the lands to make them
31 available for public recreational use, provided that the

1 recreational use does not interfere with the protection of
2 natural resource values. Any such agency or district may enter
3 into agreements with the Department of Environmental
4 Protection or other appropriate state agencies to transfer
5 management authority to or to lease to such agencies lands
6 purchased with Preservation 2000 funds, for the purpose of
7 managing the lands to make them available for public
8 recreational use. The water management districts and the
9 Department of Environmental Protection shall take action to
10 control the growth of nonnative invasive plant species on
11 lands they manage which are purchased with Preservation 2000
12 funds.

13 (4) The Department of Environmental Protection shall
14 ensure that the proceeds from the sale of revenue bonds issued
15 pursuant to s. 375.051 and payable from moneys transferred to
16 the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a)
17 shall be administered and expended in a manner that ensures
18 compliance of each issue of revenue bonds that are issued on
19 the basis that interest thereon will be excluded from gross
20 income for federal income tax purposes, with the applicable
21 provisions of the United States Internal Revenue Code and the
22 regulations promulgated thereunder, to the extent necessary to
23 preserve the exclusion of interest on such revenue bonds from
24 gross income for federal income tax purposes. The Department
25 of Environmental Protection shall have the authority to
26 administer the use and disbursement of the proceeds of such
27 revenue bonds or require that the use and disbursement thereof
28 be administered in such a manner as shall be necessary to
29 implement strategies to maximize any available benefits under
30 the applicable provisions of the United States Internal
31 Revenue Code or regulations promulgated thereunder, to the

1 extent not inconsistent with the purposes identified in s.
2 259.101(3).

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

9
10 Upon a determination by the Department of Environmental
11 Protection that proceeds being held in the trust fund to
12 support distributions outside the Department of Environmental
13 Protection are not likely to be disbursed in accordance with
14 the foregoing considerations, the Department of Environmental
15 Protection shall petition the Governor and Cabinet to allow
16 for the immediate disbursement of such funds for the
17 acquisition of projects approved for purchase pursuant to the
18 provisions of chapter 259.

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

21 380.0666 Powers of land authority.--The land authority
22 shall have all the powers necessary or convenient to carry out
23 and effectuate the purposes and provisions of this act,
24 including the following powers, which are in addition to all
25 other powers granted by other provisions of this act:

26 (13) To identify parcels of land within the area or
27 areas of critical state concern that would be appropriate
28 acquisitions by the state from the Florida Forever
29 ~~Conservation and Recreational Lands~~ Trust Fund and recommend
30 such acquisitions to the advisory council established pursuant
31 to s. 259.035 or its successor.

1 Section 24. Sections 253.421, 253.422, 270.07, and
2 270.08, Florida Statutes, are repealed.

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

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 2070

9 The committee substitute removes provisions of the original
10 bill transferring land acquisition procedures from chapter
11 259, F.S., to chapter 253, F.S. A presumption that
12 nonconservation lands are surplus lands and eligible to be
13 sold or exchanged, except when no sale or exchange is
14 justified in writing to the Board of Trustees by the Division
15 of State Lands, is provided. The uses for which local
16 governments may use surplus or exchanged property are expanded
17 to include affordable housing projects. The Florida Forever
18 program is revised to provide that the acquisition of lands
19 that buffer and protect military installations must be given
20 increased priority for acquisition by agencies that receive
21 Florida Forever funds. Sections 253.421 and 253.422, F.S.,
22 relating to the exchange of certain property, are repealed.
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