

FOR CONSIDERATION By the Committee on Environmental Preservation

592-1554B-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.; revising the requirements
11 governing the acquisition of state lands to
12 include procedures for acquiring state
13 conservation lands; revising appraisal
14 requirements to provide for two appraisals for
15 property valued at more than \$1 million;
16 providing that the state is not required to
17 appraise the value of donated lands;
18 authorizing the Department of Environmental
19 Protection to disclose certain appraisal
20 reports; requiring a general field inspection
21 of property when proposed purchases exceed
22 \$500,000; expanding the real estate services
23 that the board of trustees may obtain by
24 contract; authorizing the board of trustees to
25 approve the acquisition of lands for which the
26 purchase price does not exceed 150 percent of
27 appraised value; authorizing state agencies
28 that purchase property to offer up to 110
29 percent of appraised value; requiring that
30 contracts for the purchase of property
31 exceeding more than 50 percent of funds

1 allocated to the department under the Florida
2 Forever program be ratified by the Legislature;
3 amending s. 253.03, F.S., relating to the
4 administration of state lands by the board of
5 trustees; establishing that rules adopted by
6 the board of trustees may not authorize the
7 acquisition of property for more than a certain
8 appraised value; prohibiting the board of
9 trustees from modifying or waiving the
10 restriction on the purchase price to acquire
11 lands; requiring that an inventory of publicly
12 owned lands identify lands exchanged by the
13 state and surplus lands sold by the state;
14 requiring that the Department of Revenue submit
15 current tax roll data to the board of trustees
16 and to the Division of State Lands to be used
17 for inventory purposes; amending s. 253.034,
18 F.S.; revising definitions; clarifying
19 requirements for the use of lands acquired for
20 greenways and trails; requiring that all
21 management agreements, leases, or other
22 instruments authorizing the use of state lands
23 be reviewed by the board of trustees or its
24 designees; authorizing the Division of State
25 Lands to review subleases for conservation
26 lands less than 160 acres in size; providing
27 for the Acquisition and Restoration Council to
28 review only land management plans for
29 conservation lands; revising requirements
30 relating to the disposal of state lands;
31 requiring that state lands determined to be

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

1 Council to hear requests not heard by the lead
2 managing agency in a timely fashion; requiring
3 that the denial of all requests be made in
4 writing and include the reason for denial;
5 requiring that the Division of State Lands keep
6 records documenting all requests for the sale
7 or exchange of state lands; providing
8 circumstances in which state lands being sold
9 or exchanged need not be offered first to local
10 or state governments; requiring state agencies
11 collecting information that may be useful to
12 the Division of State Lands in preparing the
13 state inventory of lands to share that
14 information with the division; requiring that
15 the state inventory of lands be completed by a
16 specified date; amending s. 253.0341, F.S.;
17 providing for requests by counties and local
18 governments for the sale or exchange of state
19 lands to be submitted in writing directly to
20 the board of trustees; authorizing the board of
21 trustees to sell or exchange state
22 nonconservation lands without a review by the
23 Division of State Lands; removing the authority
24 of the Acquisition and Restoration Council to
25 review such requests; providing an exception
26 for property being offered by the state for
27 sale or exchange to a local government;
28 amending s. 253.111, F.S.; revising certain
29 inconsistent requirements relating to notice
30 provisions; amending s. 253.115, F.S.;
31 clarifying the requirements for public notice

1 and hearing prior to the sale, exchange, lease,
2 or grants of easements on, over, under, and
3 above state lands; amending s. 253.42, F.S.;
4 revising requirements for the exchange of state
5 lands by the board of trustees; establishing
6 conditions in which uses of property by a local
7 government are not subject to approval by the
8 board of trustees and may not be considered by
9 the board of trustees as a condition of
10 exchange; expanding the purposes for which
11 property exchanged by the state may be used by
12 a county or unit of local government; amending
13 s. 253.783, F.S.; clarifying requirements for
14 the disposal of surplus lands of former Cross
15 Florida Barge Canal; amending s. 259.032, F.S.;
16 deleting obsolete provisions relating to land
17 acquisitions; deleting provisions relating to
18 land management and payments in lieu of taxes;
19 clarifying that the board of trustees rather
20 than the Legislature may authorize the
21 department to pursue condemnation of property;
22 creating s. 259.0321, F.S.; establishing
23 additional procedures governing the management
24 of conservation lands; clarifying conditions
25 under which certain moneys in the Conservation
26 and Recreation Lands Trust Fund may be used for
27 management, maintenance, capital improvements,
28 and contractual services for conservation
29 lands; amending s. 259.0322, F.S.; providing
30 for payment in lieu of taxes to qualifying
31 counties and local governments; establishing

1 qualifications; providing conditions on which
2 payments are based; amending s. 259.035, F.S.;
3 clarifying a requirement that the Acquisition
4 and Restoration Council provide assistance to
5 the board of trustees in reviewing plans for
6 state conservation lands; deleting duplicative
7 rulemaking authority; amending s. 259.04, F.S.;
8 requiring that any contract to acquire lands in
9 which the purchase price exceeds more than 50
10 percent of the funds allocated to the
11 department under the Florida Forever program be
12 ratified by an act of the Legislature; amending
13 s. 259.041, F.S.; deleting provisions relating
14 to the acquisition of conservation lands;
15 authorizing state agencies to pay no more than
16 110 percent of appraised value to purchase
17 conservation lands; authorizing the board of
18 trustees to approve acquisitions of
19 conservation lands at 150 percent of appraised
20 value; limiting the maximum value of a property
21 to be purchased to no more than 150 percent of
22 appraised value; prohibiting the board of
23 trustees from waiving or modifying that
24 requirement; amending s. 259.105, F.S.,
25 relating to the Florida Forever program;
26 revising requirements for the acquisition of
27 inholdings and additions; providing rulemaking
28 authority to the board of trustees; revising
29 requirements for the development of a project
30 acquisition list; authorizing the use of
31 appropriated funds for the purposes of the

1 Florida Forever program; deleting obsolete
2 provisions; conforming cross-references;
3 amending ss. 201.15, 253.027, 255.25001,
4 259.036, 259.101, 259.1051, 260.015, 260.016,
5 369.317, 373.139, 375.045, 380.0666, and
6 589.07, F.S., relating to the distribution of
7 taxes, archaeological acquisitions,
8 governmental operations, management review
9 teams, the Florida Preservation 2000 Act, the
10 Florida Forever Trust Fund, land acquisition,
11 powers of the Department of Environmental
12 Protection, the Wekiva Parkway, property
13 acquisition, the Florida Preservation 2000
14 Trust Fund, powers of the land authority, and
15 acquisitions by the Division of Forestry;
16 clarifying certain references and conforming
17 cross-references to changes made by the act;
18 repealing ss. 253.03(14), 259.035(4), (5), and
19 (6), 270.07, 270.08, and 380.0677(7), F.S.,
20 relating to the use of appraisers and
21 contracting procedures by the Division of State
22 Lands, the authority of the Acquisition and
23 Restoration Council to rank projects, the sale
24 of certain public lands without notice, notice
25 requirements for the sale of public lands, and
26 appropriations for the Green Swamp Land
27 Authority; providing effective dates.

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

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

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

5 253.002 Department of Environmental Protection, water
6 management districts, and Department of Agriculture and
7 Consumer Services; duties with respect to state lands.--

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

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

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

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

15 (2)(a) The Department of Environmental Protection
16 shall perform all staff duties and functions related to the
17 acquisition, administration, and disposition of all state
18 lands, title to which is or will be vested in the Board of
19 Trustees of the Internal Improvement Trust Fund. Staff duties
20 and functions include the collection, compilation,
21 distribution, and mapping of data that documents all
22 state-owned lands and identifies conservation and
23 nonconservation lands, as those lands are defined in this
24 chapter. All lands titled in the name of the board or any
25 state agency shall be inventoried and mapped. Subject to
26 legislative appropriation, the department may contract with
27 the Florida Natural Areas Inventory at Florida State
28 University as necessary to implement the provisions of this
29 paragraph.

30 (b) Unless expressly prohibited by law, the board may
31 delegate to the department any statutory duty or obligation

1 relating to the acquisition, administration, or disposition of
2 lands, title to which is or will be vested in the board.
3 However, the ability to use, transfer, withdraw, or sell water
4 on or under lands, title to which shall be vested in the board
5 or any state agency, may not be negotiated by the board or
6 department as a condition of acquiring the property.

7 (3) A water management district shall perform all
8 staff duties and functions related to the review of
9 applications to use sovereignty submerged lands for an
10 activity regulated under part IV of chapter 373 and for which
11 the district has permitting authority as provided in an
12 operating agreement adopted pursuant to s. 373.046(4). The
13 board may delegate the authority for a water management
14 district to take final agency action, without any action on
15 behalf of the board, for such applications; however, the
16 responsibility of a district under this subsection is subject
17 to the department's general supervisory authority established
18 in s. 373.026(7).

19 (4) The Department of Agriculture and Consumer
20 Services shall perform the staff duties and functions related
21 to the review of applications and compliance with conditions
22 for the use of sovereignty submerged lands under
23 authorizations or leases issued pursuant to ss. 253.67-253.75
24 and 597.010. The board may delegate to the Department of
25 Agriculture and Consumer Services the authority to take final
26 agency action on behalf of the board concerning applications
27 for the use of sovereignty submerged lands for activities for
28 which that department is responsible pursuant to ss.
29 253.67-253.75 and 597.010. Upon issuing an aquaculture lease
30 or conducting other real property transactions relating to
31 aquaculture, the Department of Agriculture and Consumer

1 Services must send a copy of the lease or real property
2 document and the accompanying survey to the department.

3 (5) The board shall retain the authority to take final
4 agency action on establishing any areas for leasing, new
5 leases, expanding existing lease areas, or changing the type
6 of activities authorized in existing leases.

7 (6) The board is not limited or prohibited from
8 amending any authority delegated under this section, and shall
9 adopt by rule any delegation of authority to take final agency
10 action without action by the board on applications for the
11 uses of sovereignty submerged lands authorized in this
12 section. Final agency actions taken by the department, a
13 district, or the Department of Agriculture and Consumer
14 Services, without action by the board, for applications to use
15 sovereignty submerged lands are subject to s. 373.4275.

16 (7) Notwithstanding any other provisions of this
17 section, the board, the department, and the Department of
18 Legal Affairs retain the concurrent authority to assert or
19 defend title to sovereignty submerged lands.

20 Section 2. Section 253.025, Florida Statutes, is
21 amended to read:

22 253.025 Acquisition of state lands ~~for purposes other~~
23 ~~than preservation, conservation, and recreation.--~~

24 (1) The requirements of this section apply to the
25 acquisition of all state lands, the title to which must vest
26 in the Board of Trustees of the Internal Improvement Trust
27 Fund, except as otherwise provided by law. Conservation lands
28 being acquired to fulfill the requirements of chapter 259
29 shall be acquired according to the provisions of this section
30 and s. 259.041. Such lands, the title to which will vest in
31

1 the board pursuant to this section, shall be administered
2 pursuant to the provisions of s. 253.03.

3 ~~(2)(1)~~ Neither the Board of Trustees of the Internal
4 Improvement Trust Fund nor its duly authorized agent shall
5 commit the state, through any instrument of negotiated
6 contract or agreement for purchase, to the purchase of lands
7 with or without appurtenances unless the provisions of this
8 section have been fully complied with. However, the board of
9 trustees may substitute federally mandated acquisition
10 procedures for the provisions of this section when federal
11 funds are used ~~available and will be utilized~~ for the purchase
12 of lands, title to which will vest in the board of trustees,
13 and qualification for such federal funds requires compliance
14 with federally mandated acquisition procedures.

15 Notwithstanding any provisions in this section to the
16 contrary, if lands are being acquired by the board of trustees
17 for ~~the anticipated~~ sale, conveyance, or transfer to the
18 Federal Government pursuant to a joint state and federal
19 acquisition project, the board of trustees may use appraisals
20 obtained by the Federal Government in the acquisition of such
21 lands. The board of trustees may waive any provision of this
22 section when land is being conveyed from a state agency to the
23 board.

24 ~~(3)(2)~~ Prior to any state agency initiating any land
25 acquisition, except as pertains to the purchase of property
26 for transportation facilities and transportation corridors and
27 property for borrow pits for road building purposes, the
28 agency shall coordinate with the Division of State Lands to
29 determine if ~~the availability of~~ existing, ~~suitable~~
30 state-owned lands in the area are available and suitable for
31 ~~and~~ the public purpose for which the acquisition is being

1 proposed. If the state agency determines that existing
2 state-owned lands are not available and suitable ~~no suitable~~
3 ~~state-owned lands exist~~, the state agency may proceed to
4 acquire such lands by employing all available statutory
5 authority for acquisition.

6 ~~(4)(3)~~ Land acquisition procedures provided for in
7 this section are for voluntary, negotiated acquisitions.

8 ~~(5)(4)~~ For the purposes of this section, the term
9 "negotiations" does not include preliminary contacts with the
10 property owner to determine the availability of the property,
11 existing appraisal data, existing abstracts, and surveys.

12 ~~(6)(5)~~ Unless this requirement is first waived by the
13 board of trustees, the final purchase agreement must require
14 that the landowner provide evidence of marketable title in the
15 form of a commitment for title insurance or an abstract of
16 title, with a title opinion prior to the conveyance of title.
17 The acquiring agency shall provide evidence of marketable
18 title in cases in which the board of trustees does waive the
19 requirement for the landowner to provide evidence of
20 marketability. This subsection does not apply to the
21 acquisition of properties assessed at \$10,000 or less if the
22 Division of State Lands finds, after a review of the title,
23 that there is no apparent impediment to marketability or to
24 the management of the property by the state. Evidence of
25 ~~marketable title shall be provided by the landowner prior to~~
26 ~~the conveyance of title, as provided in the final agreement~~
27 ~~for purchase. Such evidence of marketability shall be in the~~
28 ~~form of title insurance or an abstract of title with a title~~
29 ~~opinion. The board of trustees may waive the requirement that~~
30 ~~the landowner provide evidence of marketable title, and, in~~
31 ~~such case, the acquiring agency shall provide evidence of~~

1 ~~marketable title. The board of trustees or its designee may~~
2 ~~waive the requirement of evidence of marketability for~~
3 ~~acquisitions of property assessed by the county property~~
4 ~~appraiser at \$10,000 or less, where the Division of State~~
5 ~~Lands finds, based upon such review of the title records as is~~
6 ~~reasonable under the circumstances, that there is no apparent~~
7 ~~impediment to marketability, or to management of the property~~
8 ~~by the state.~~

9 (7)(6) Prior to approval by the board of trustees or
10 the Department of Environmental Protection, when applicable,
11 of any agreement to purchase land pursuant to this chapter,
12 chapter 259, chapter 260, or chapter 375, and prior to
13 negotiations with the parcel owner to purchase any other land,
14 title to which will vest in the board of trustees, an
15 appraisal of the parcel shall be required as follows:

16 (a) Except as provided by law, the board of trustees
17 shall adopt by rule the method for determining the value of
18 parcels sought to be acquired by state agencies pursuant to
19 this chapter, chapter 259, chapter 260, or chapter 375. The
20 board may not approve any acquisition if the purchase price
21 agreed to by the seller exceeds more than 150 percent of
22 appraised value established pursuant to this section.

23 (b) Each parcel to be acquired shall have at least one
24 appraisal. Two appraisals are required when the estimated
25 value of the parcel exceeds \$1 million. However, if both
26 appraisals exceed \$1 million and differ significantly, a third
27 appraisal may be obtained. If a parcel is estimated to be
28 worth \$100,000 or less and the director of the Division of
29 State Lands finds that the cost of obtaining an outside
30 appraisal is not justified, an appraisal prepared by the
31 division may be used. The state is not required to appraise

1 the value of lands and appurtenances that are being donated to
2 the state.

3 (c) Appraisal fees and all direct incidental expenses
4 shall be paid by the agency proposing the acquisition. The
5 board of trustees shall approve qualified fee appraisal
6 organizations. All appraisals used for the acquisition of
7 lands pursuant to this section shall be prepared by a member
8 of an approved appraisal organization or by a state-certified
9 appraiser who meets the standards and criteria established in
10 rule by the board of trustees. Each fee appraiser selected to
11 appraise a particular parcel shall, prior to contracting with
12 the agency or a participant in a multiparty agreement, submit
13 to that agency or participant an affidavit substantiating that
14 he or she has no vested or fiduciary interest in such parcel.
15 ~~Prior to negotiations with the parcel owner to purchase land~~
16 ~~pursuant to this section, title to which will vest in the~~
17 ~~board of trustees, an appraisal of the parcel shall be~~
18 ~~required as follows:~~

19 ~~(a) Each parcel to be acquired shall have at least one~~
20 ~~appraisal. Two appraisals are required when the estimated~~
21 ~~value of the parcel exceeds \$1 million. When a parcel is~~
22 ~~estimated to be worth \$100,000 or less and the director of the~~
23 ~~Division of State Lands finds that the cost of an outside~~
24 ~~appraisal is not justified, a comparable sales analysis or~~
25 ~~other reasonably prudent procedures may be used by the~~
26 ~~division to estimate the value of the parcel, provided the~~
27 ~~public's interest is reasonably protected. The state is not~~
28 ~~required to appraise the value of lands and appurtenances that~~
29 ~~are being donated to the state.~~

30 ~~(b) Appraisal fees shall be paid by the agency~~
31 ~~proposing the acquisition. The board of trustees shall approve~~

1 ~~qualified fee appraisal organizations. All appraisals used for~~
2 ~~the acquisition of lands pursuant to this section shall be~~
3 ~~prepared by a member of an approved appraisal organization or~~
4 ~~by a state certified appraiser. The Division of State Lands~~
5 ~~shall adopt rules for selecting individuals to perform~~
6 ~~appraisals pursuant to this section. Each fee appraiser~~
7 ~~selected to appraise a particular parcel shall, prior to~~
8 ~~contracting with the agency, submit to that agency an~~
9 ~~affidavit substantiating that he or she has no vested or~~
10 ~~fiduciary interest in such parcel.~~

11 ~~(c) The board of trustees shall adopt by rule the~~
12 ~~minimum criteria, techniques, and methods to be used in the~~
13 ~~preparation of appraisal reports. Such rules shall~~
14 ~~incorporate, to the extent practicable, generally accepted~~
15 ~~appraisal standards. Any appraisal issued for acquisition of~~
16 ~~lands pursuant to this section must comply with the rules~~
17 ~~adopted by the board of trustees.~~

18 ~~(d) A certified survey must be approved by the~~
19 ~~Division of State Lands as being in compliance with made which~~
20 ~~meets the minimum requirements for upland parcels established~~
21 ~~in the Minimum Technical Standards for Land Surveying in~~
22 ~~Florida published by the Department of Business and~~
23 ~~Professional Regulation and which accurately portrays, to the~~
24 ~~greatest extent practicable, the condition of the parcel as it~~
25 ~~currently exists. The requirement for a certified survey may,~~
26 ~~in part or in whole, be waived by the board of trustees any~~
27 ~~time prior to submitting the agreement for purchase to the~~
28 ~~Division of State Lands. When an existing boundary map and~~
29 ~~description of a parcel are determined by the division to be~~
30 ~~sufficient for appraisal purposes, the division director may~~
31

1 temporarily waive the requirement for a survey until any time
2 prior to conveyance of title to the parcel.

3 (e) The fee appraiser and the review appraiser for the
4 agency shall not act in any way that may be construed as
5 negotiating with the property owner.

6 (f)(d) Generally, appraisal reports are confidential
7 and exempt from the provisions of s. 119.07(1), for use by the
8 agency and the board of trustees, until an option contract is
9 executed or, if no option contract is executed, until 2 weeks
10 before a contract or agreement for purchase is considered for
11 approval by the board of trustees. However, the department may
12 disclose appraisal reports to landowners during negotiations
13 for acquisitions using alternatives to fee simple techniques
14 authorized in chapter 259 if the department determines that
15 disclosure of such reports will bring the proposed acquisition
16 to closure. The Division of State Lands may also disclose
17 appraisal information to public agencies or nonprofit
18 organizations that agree to maintain the confidentiality of
19 the reports or information when joint acquisition of property
20 is contemplated, or when a public agency or nonprofit
21 organization enters into a written multiparty agreement with
22 the division to purchase and hold property for subsequent
23 resale to the division. In addition, the division may use, as
24 its own, appraisals obtained by a public agency or nonprofit
25 organization, provided the appraiser is selected from the
26 division's list of appraisers and the appraisal is reviewed
27 and approved by the division. For the purposes of this chapter
28 and chapter 259, the term ~~paragraph~~, "nonprofit organization"
29 means an organization whose purposes include ~~purpose is~~ the
30 preservation of natural resources, and which is exempt from
31 federal income tax under s. 501(c)(3) of the Internal Revenue

1 Code. The agency may release an appraisal report when the
2 passage of time has rendered the conclusions of value in the
3 report invalid or when the acquiring agency has terminated
4 negotiations.

5 ~~(g)(e)~~ Prior to acceptance of an appraisal, the agency
6 shall submit a copy of such report to the Division of State
7 Lands. The division shall review such report for compliance
8 with the rules of the board of trustees. With respect to
9 proposed purchases in excess of ~~\$500,000~~\$250,000, this review
10 shall include a general field inspection of the subject
11 property by the review appraiser. The review appraiser may
12 reject an appraisal report following a desk review, but may
13 not approve ~~is prohibited from approving~~ an appraisal report
14 in excess of ~~\$500,000~~\$250,000 without a field review. Any
15 questions of applicability of laws affecting an appraisal
16 shall be addressed by the legal office of the agency.

17 ~~(h)(f)~~ The appraisal report shall be accompanied by
18 the sales history of the parcel for at least the prior 5
19 years. Such sales history shall include all parties and
20 considerations with the amount of consideration verified, if
21 possible. If a sales history would not be useful, or its cost
22 prohibitive compared to the value of a parcel, the sales
23 history may be waived by the Secretary of Environmental
24 Protection or the director of the Division of State Lands. The
25 board of trustees ~~department~~ shall adopt a rule specifying
26 guidelines for waiver of a sales history.

27 ~~(i)(g)~~ The board of trustees or the Division of State
28 Lands may consider an appraisal acquired by a seller, or any
29 part thereof, in negotiating to purchase a parcel, but such
30 appraisal may not be used in lieu of an appraisal required by
31

1 | this subsection or to determine the maximum offer allowed by
2 | law.

3 | ~~(8)(7)~~(a) When the owner is represented by an agent or
4 | broker, negotiations may not be initiated or continued until a
5 | written statement verifying such agent's or broker's legal or
6 | fiduciary relationship with the owner is on file with the
7 | agency.

8 | (b) The board of trustees or any state agency may
9 | contract for real estate acquisition services, including, but
10 | not limited to, surveying, mapping, environmental audits,
11 | title work, and legal and other professional assistance to
12 | review acquisition agreements and other documents and to
13 | perform acquisition closings. However, the department shall
14 | use outside counsel for the review of any agreements or
15 | documents or to perform acquisition closings, unless
16 | department staff can conduct the same activity in 15 days or
17 | less contracts for real estate commission fees.

18 | (c) Upon the initiation of negotiations, the acquiring
19 | ~~state~~ agency shall notify ~~inform~~ the owner in writing that
20 | final purchase approval is ~~all agreements for purchase are~~
21 | subject to approval by the board of trustees.

22 | (d) All offers or counteroffers shall be documented in
23 | writing and shall be confidential and exempt from the
24 | provisions of s. 119.07(1) until an option contract is
25 | executed, or if no option contract is executed, until 2 weeks
26 | before a contract or agreement for purchase is considered for
27 | approval by the board of trustees. The acquiring agency shall
28 | maintain complete and accurate records of all offers and
29 | counteroffers for all projects.

30 | (e)1. ~~The board of trustees shall adopt by rule the~~
31 | ~~method for determining the value of parcels sought to be~~

1 ~~acquired by state agencies pursuant to this section.~~ No offer
2 by a state agency, ~~except an offer by an agency acquiring~~
3 ~~lands pursuant to s. 259.041,~~ may exceed more than 110 percent
4 of the value for that property ~~parcel~~ as determined pursuant
5 to the highest approved appraisal ~~or the value determined~~
6 ~~pursuant to the rules of the board of trustees, whichever~~
7 ~~value is less.~~

8 2. In the case of a joint acquisition by a state
9 agency and a local government or other entity apart from the
10 state, the joint purchase price may not exceed 150 percent of
11 the value for the property ~~a parcel~~ as determined in
12 accordance with the limits prescribed in subparagraph 1. The
13 state agency share of a joint purchase offer may not exceed
14 what the agency may offer singly as prescribed by subparagraph
15 1.

16 3. The provisions of this paragraph do not apply to
17 the acquisition of historically unique or significant property
18 as determined by the Division of Historical Resources of the
19 Department of State.

20 (f) When making an offer to a landowner, a state
21 agency shall consider the desirability of a single cash
22 payment in relation to the maximum offer allowed by law.

23 (g) The acquiring agency may ~~state shall have the~~
24 ~~authority to~~ reimburse the owner for the cost of the survey
25 when deemed appropriate by the head of the agency or his or
26 her designee. The reimbursement shall not be considered a part
27 of the purchase price.

28 (h) A final offer shall be in the form of an option
29 contract or agreement for purchase and shall be signed and
30 attested to by the owner and the representative of the agency.
31 ~~Before the agency executes the option contract or agreement~~

1 ~~for purchase, the contract or agreement shall be reviewed for~~
2 ~~form and legality by legal staff of the agency.~~ Before the
3 agency signs the agreement for purchase or exercises the
4 option contract, the provisions of s. 286.23 shall be complied
5 with. Within 10 days after the signing of the agreement for
6 purchase, the state agency shall furnish the Division of State
7 Lands with the original of the agreement for purchase along
8 with copies of the disclosure notice, evidence of
9 marketability, the accepted appraisal report, the fee
10 appraiser's affidavit, a statement that the inventory of
11 existing state-owned lands was examined and contained no
12 available suitable land in the area, and a statement outlining
13 the public purpose for which the acquisition is being made and
14 the statutory authority therefor.

15 (i) Within 45 days after ~~of~~ receipt by the Division of
16 State Lands of the agreement for purchase and the required
17 documentation, the board of trustees or, ~~when the purchase~~
18 ~~price does not exceed \$100,000,~~ its designee shall either
19 reject or approve the agreement. An approved agreement for
20 purchase is binding on both parties. Any agreement that ~~which~~
21 has been disapproved shall be returned to the agency, along
22 with a statement as to the deficiencies of the agreement or
23 the supporting documentation. An agreement for purchase which
24 has been disapproved by the board of trustees or its designee
25 may be resubmitted when such deficiencies have been corrected.

26 (9) A project proposed for acquisition pursuant to s.
27 259.105(3)(b) or the Florida Forever list pursuant to s.
28 259.105(8) which is adopted by the Acquisition and Restoration
29 Council and approved by the board of trustees, and for which
30 the purchase price exceeds more than 50 percent of the funds
31 allocated to the department under the provisions of the

1 Florida Forever program created in s. 259.105, shall be
2 ratified by an act of the Legislature before any contract for
3 the proposed acquisition is binding on the state.

4 ~~(10)(8)(a) No dedication, gift, grant, or bequest of~~
5 ~~lands and appurtenances may be accepted by the board of~~
6 ~~trustees until the receiving state agency supplies sufficient~~
7 ~~evidence of marketability of title.~~ The board of trustees may
8 not accept by dedication, gift, grant, or bequest any lands
9 and appurtenances that are determined to be as being owned by
10 the state either in fee or by virtue of the state's
11 sovereignty or which are so encumbered so as to preclude the
12 use of such lands and appurtenances for any reasonable public
13 purpose. The board of trustees may accept a dedication, gift,
14 grant, or bequest of lands and appurtenances without formal
15 evidence of marketability, or when the title is nonmarketable,
16 if the board or its designee determines that such lands and
17 appurtenances have value and are reasonably manageable by the
18 state, and that their acceptance would serve the public
19 interest. The state is not required to appraise the value of
20 such donated lands and appurtenances as a condition of
21 receipt.

22 (b) No deed filed in the public records to donate
23 lands to the Board of Trustees of the Internal Improvement
24 Trust Fund shall be construed to transfer title to or vest
25 title in the board of trustees unless there shall also be
26 filed in the public records, a document indicating that the
27 board of trustees has agreed to accept the transfer of title
28 to such donated lands.

29 ~~(11)(9)~~ Any conveyance to the board of trustees of fee
30 title shall be made by no less than a special warranty deed,
31 unless the conveyance is from the Federal Government, the

1 county government, or another state agency or, in the event of
2 a gift or donation by quitclaim deed, if the board of
3 trustees, or its designee, determines that the acceptance of
4 such quitclaim deed is in the best interest of the public. A
5 quitclaim deed may also be accepted to aid in clearing title
6 or boundary questions. ~~The title to lands acquired pursuant to~~
7 ~~this section shall vest in the board of trustees as provided~~
8 ~~in s. 253.03(1). All such lands, title to which is vested in~~
9 ~~the board pursuant to this section, shall be administered~~
10 ~~pursuant to the provisions of s. 253.03.~~

11 ~~(12)(10)~~ The board of trustees may purchase tax
12 certificates or tax deeds issued in accordance with chapter
13 197 relating to property eligible for purchase under this
14 section.

15 ~~(13)(11)~~ The Auditor General shall conduct audits of
16 acquisitions and divestitures which, according to his or her
17 preliminary assessments of board-approved acquisitions and
18 divestitures, he or she deems necessary. These preliminary
19 assessments shall be initiated not later than 60 days
20 following the final approval by the board of land acquisitions
21 under this section. If an audit is conducted, the Auditor
22 General shall submit an audit report to the board of trustees,
23 the President of the Senate, the Speaker of the House of
24 Representatives, and their designees.

25 ~~(14)(12)~~ The board of trustees may adopt rules
26 pursuant to ss. 120.536(1) and 120.54 to administer the
27 provisions of this section, including rules governing the
28 terms and conditions of land purchases. Such rules must
29 address with specificity, but need not be limited to:

30 (a) The procedures to be followed in the acquisition
31 process, including selection of appraisers, surveyors, title

1 agents, and closing agents, and the content of appraisal
2 reports.

3 (b) The determination of the value of parcels that the
4 state has an interest to acquire.

5 (c) Special requirements when multiple landowners are
6 involved in an acquisition.

7 (d) Requirements for obtaining option agreements in
8 writing so that the interests of the state are fully
9 protected. and all affected agencies shall adopt and may
10 modify or repeal such rules and regulations as are necessary
11 to carry out the purposes of this section, including rules
12 governing the terms and conditions of land purchases. Such
13 rules shall address the procedures to be followed, when
14 multiple landowners are involved in an acquisition, in
15 obtaining written option agreements so that the interests of
16 the state are fully protected.

17 (15)(13)(a) The Board of Trustees of the Internal
18 Improvement Trust Fund may deed property to the Department of
19 Agriculture and Consumer Services, so that the department is
20 ~~shall be~~ able to sell, convey, transfer, exchange, trade, or
21 purchase land on which a forestry facility resides for money
22 or other more suitable property on which to relocate the
23 facility. Any sale or purchase of property by the Department
24 of Agriculture and Consumer Services shall follow the
25 requirements of subsections (6)-(10)(5)-(9). Any sale must
26 ~~shall~~ be at fair market value, and any trade shall ensure that
27 the state is getting at least an equal value for the property.
28 Except as provided in subsections (6)-(10)(5)-(9), the
29 Department of Agriculture and Consumer Services is excluded
30 from following the provisions of this chapter and chapters 259
31 and 375. This exclusion does shall not apply to lands deemed

1 to be acquired for conservation purposes pursuant to s.
2 253.034(6)(d) ~~in accordance with s. 253.034(6)(a) or (b).~~

3 (b) In the case of a sale by the Department of
4 Agriculture and Consumer Services of a forestry facility, the
5 proceeds of the sale shall go into the Department of
6 Agriculture and Consumer Services Relocation and Construction
7 Trust Fund. The department may request that the Legislature
8 ~~The Legislature may, at the request of the department,~~
9 appropriate such money within the trust fund to the department
10 for purchase of land and construction of a facility to replace
11 the disposed facility. All proceeds ~~other than land,~~ from any
12 sale, conveyance, exchange, trade, or transfer conducted as
13 provided for in this subsection shall be placed within the
14 department's Relocation and Construction Trust Fund.

15 (c) The Legislature may appropriate additional funds
16 to the trust fund ~~Additional funds may be added from time to~~
17 ~~time by the Legislature~~ to further the relocation and
18 construction of forestry facilities. In the instance where an
19 equal trade of land occurs, money from the trust fund may be
20 appropriated for building construction even though no money
21 was received from the trade.

22 (d) There is ~~hereby~~ created in the Department of
23 Agriculture and Consumer Services the Relocation and
24 Construction Trust Fund. The trust fund is to be used for the
25 sole purpose of effectuating the orderly relocation of the
26 forestry fire towers and work centers.

27 ~~(16)(14)~~ Any agency that acquires land on behalf of
28 the board of trustees is authorized to request disbursement of
29 payments for real estate closings in accordance with a written
30 authorization from an ultimate beneficiary to allow a third
31 party authorized by law to receive such payment provided the

1 Chief Financial Officer determines that such disbursement is
2 consistent with good business practices and can be completed
3 in a manner minimizing costs and risks to the state.

4 ~~(17)(a)(15)~~ Pursuant to s. 944.10, the Department of
5 Corrections is responsible for obtaining appraisals and
6 entering into option agreements and agreements for the
7 purchase of state correctional facility sites.

8 (b) Pursuant to s. 985.41, the Department of Juvenile
9 Justice shall obtain appraisals and enter into option
10 agreements and agreements for the purchase of sites for state
11 juvenile justice facilities.

12 (c) An option agreement or agreement for purchase is
13 not binding upon the state until it is approved by the Board
14 of Trustees of the Internal Improvement Trust Fund. The
15 provisions of paragraphs (7)(c), (d), (e), and (f) and (8)(b)
16 and (c) apply to all appraisals, offers, and counteroffers of
17 the Department of Corrections for state correction facility
18 sites and the Department of Juvenile Justice for state
19 juvenile justice facility sites. An option agreement or
20 agreement for purchase is not binding upon the state until it
21 is approved by the Board of Trustees of the Internal
22 Improvement Trust Fund. The provisions of paragraphs (6)(b),
23 (c), and (d) and (7)(b), (c), and (d) apply to all appraisals,
24 offers, and counteroffers of the Department of Corrections for
25 state correctional facility sites.

26 ~~(18)(16)~~ Many parcels of land acquired pursuant to
27 this section may contain cattle-dipping vats as defined in s.
28 376.301. The state is encouraged to continue with the
29 acquisition of such lands including the cattle-dipping vat.

30 ~~(17)~~ Pursuant to s. 985.41, the Department of Juvenile
31 Justice is responsible for obtaining appraisals and entering

1 ~~into option agreements and agreements for the purchase of~~
2 ~~state juvenile justice facility sites. An option agreement or~~
3 ~~agreement for purchase is not binding upon the state until it~~
4 ~~is approved by the Board of Trustees of the Internal~~
5 ~~Improvement Trust Fund. The provisions of paragraphs (6)(b),~~
6 ~~(c), and (d) and (7)(b), (c), and (d) apply to all appraisals,~~
7 ~~offers, and counteroffers of the Department of Juvenile~~
8 ~~Justice for state juvenile justice facility sites.~~

9 Section 3. Paragraph (a) of subsection (7) and
10 paragraphs (a) and (b) of subsection (8) of section 253.03,
11 Florida Statutes, are amended to read:

12 253.03 Board of trustees to administer state lands;
13 lands enumerated.--

14 (7)(a) The Board of Trustees of the Internal
15 Improvement Trust Fund is hereby authorized and directed to
16 administer all state-owned lands and shall be responsible for
17 the creation of an overall and comprehensive plan of
18 development concerning the acquisition, management, and
19 disposition of state-owned lands so as to ensure maximum
20 benefit and use. The Board of Trustees of the Internal
21 Improvement Trust Fund has authority to adopt rules pursuant
22 to ss. 120.536(1) and 120.54 to implement the provisions of
23 this act, except that such rules may not authorize the
24 acquisition of any land for which the purchase price exceeds
25 more than 150 percent of appraised value as provided for in s.
26 253.025. This exception may not be waived or modified by the
27 board.

28 (8)(a) The Board of Trustees of the Internal
29 Improvement Trust Fund shall prepare, using tax roll data
30 provided by the Department of Revenue, an annual inventory of
31 all publicly owned lands within the state. Such inventory

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

13 (b) In addition to any other parcel data available,
14 the inventory shall include a legal description or proper
15 reference thereto, the number of acres or square feet within
16 the boundaries, and the assessed value of all publicly owned
17 uplands. To the greatest extent practicable, the legal
18 description or proper reference thereto and the number of
19 acres or square feet shall be determined for all publicly
20 owned submerged lands. For the purposes of this subsection,
21 the term "submerged lands" means publicly owned lands below
22 the ordinary high-water mark of fresh waters and below the
23 mean high-water line of salt waters extending seaward to the
24 outer jurisdiction of the state. By October 31 of each year,
25 the Department of Revenue shall furnish, in machine-readable
26 form, annual, current tax roll data for public lands to the
27 board and to the Division of State Lands to be used in
28 compiling the inventory and the inventory required in s.
29 253.034(8).

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

1 253.034 State-owned lands; management; uses;
2 disposal.--
3 (1)(a) All lands acquired to fulfill the purposes of
4 ~~pursuant to~~ chapter 259 shall be managed to serve the public
5 interest by protecting and conserving land, air, water, and
6 the state's natural resources, which contribute to the public
7 health, welfare, and economy of the state. These lands shall
8 be managed to provide for areas of natural-resource-based
9 ~~natural resource based~~ recreation, and to ensure the survival
10 of plant and animal species and the conservation of finite and
11 renewable natural resources. The state's lands and natural
12 resources shall be managed using a stewardship ethic that
13 assures these resources will be available for the benefit and
14 enjoyment of all people of the state, ~~both present and future~~.
15 It is the intent of the Legislature that, where feasible and
16 consistent with the goals of protection and conservation of
17 natural resources associated with lands held in the public
18 trust by the Board of Trustees of the Internal Improvement
19 Trust Fund, public land not designated for single-use purposes
20 pursuant to paragraph (2)(b) be managed for multiple-use
21 purposes. All multiple-use land management strategies shall
22 address public access and enjoyment, resource conservation and
23 protection, ecosystem maintenance and protection, and
24 protection of threatened and endangered species, and the
25 degree to which public-private partnerships or endowments may
26 allow the entity with management responsibility to enhance its
27 ability to manage these lands. The council created in s.
28 259.035 shall recommend rules to the board of trustees, and
29 the board shall adopt rules necessary to carry out the
30 purposes of this section.
31

1 (b) Where necessary and appropriate for all
2 state-owned lands located in projects that are larger than
3 1,000 acres and that are managed for multiple uses, buffers
4 may be formed around any areas requiring special protection or
5 having special management needs. The total acreage used to
6 form any such buffers may not exceed more than one-half of the
7 total acreage of the entire project. Multiple uses within a
8 buffer area may be restricted to provide the necessary
9 buffering effect desired. Multiple use in this context
10 includes uses of land or resources by more than one management
11 entity, including private-sector land managers. Lands
12 identified as multiple-use lands in a land management plan
13 shall be managed to enhance and conserve the lands and
14 resources for the enjoyment of the people of the state.

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (5)(a) Each lead manager of conservation lands shall
8 submit to the Division of State Lands a land management plan
9 at least every 10 years in a form and manner prescribed by
10 rule by the board and in accordance with the provisions of s.
11 259.0321 ~~s. 259.032~~. Each lead manager of conservation lands
12 shall also update a land management plan whenever the manager
13 proposes to add new facilities or make substantive land use or
14 management changes that were not addressed in the approved
15 plan, or within 1 year after ~~of~~ the addition of significant
16 new lands.

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

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

1 | consult with the Division of State Lands and other appropriate
2 | agencies to develop management strategies to protect such
3 | resources. Land management ~~use~~ plans shall also provide for
4 | the control of invasive nonnative plants and conservation of
5 | soil and water resources, including a description of how the
6 | lead manager plans to control and prevent soil erosion and
7 | soil or water contamination. Land management ~~use~~ plans
8 | submitted by a lead manager shall include reference to
9 | appropriate statutory authority for such use or uses and shall
10 | conform to the appropriate policies and guidelines of the
11 | state land management plan. If a newly acquired property has a
12 | valid conservation plan developed by a soil and conservation
13 | district, the conservation plan shall be used to guide
14 | management of the property until a formal land management plan
15 | is adopted.

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

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

31 |

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

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

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

1 determined to be eligible for exchange shall be exchanged for
2 lands of equal or higher monetary value or, in the case of
3 conservation lands, a net positive conservation benefit, and
4 may not be designated as surplus lands.

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

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

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

1 ~~make a determination that the lands are no longer needed and~~
2 ~~may dispose of them by an affirmative vote of at least three~~
3 ~~members.~~

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

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

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

28 (e)(e) At least every 10 years, as a component of each
29 land management plan ~~or land use plan~~ and in a form and manner
30 prescribed by rule by the board, each lead manager shall
31 evaluate and indicate to the board those lands that are not

1 being used for the purpose for which they were originally
2 leased. For conservation lands, the council shall review and
3 shall recommend to the board whether such lands should remain
4 ~~be retained~~ in public ownership or be sold or exchanged
5 ~~disposed of~~ by the board. For nonconservation lands, the
6 division shall review such lands and shall recommend to the
7 board whether such lands should remain ~~be retained~~ in public
8 ownership or be sold or exchanged ~~disposed of~~ by the board.

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

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

24 2. Prior to any decision by the board to sell or
25 exchange nonconservation lands, the division shall determine
26 whether the request is compatible with the management
27 objectives for such lands.

28 (h)1. In reviewing conservation lands, the title to
29 which is vested in the board, the council must consider
30 whether such lands are more appropriately owned or managed by
31 the county or other unit of local government in which the

1 lands are located. The council must recommend to the board
2 whether the sale or exchange of such lands is in the best
3 interest of the state and the county or other unit of local
4 government for use as a public school, public library, fire or
5 law enforcement substation, or government, judicial, or
6 recreation center, or to comply with the capital improvement
7 elements or a concurrency requirement of a local comprehensive
8 land use plan as required in s. 163.3177. Such lands shall be
9 offered to the county or unit of local government for a period
10 of 30 days.

11 2. In reviewing nonconservation lands, the title to
12 which is vested in the board, the division must consider
13 whether such lands are more appropriately owned or managed by
14 the county or other unit of local government in which the
15 lands are located, and shall recommend to the board whether
16 the sale or exchange of such lands is in the best interest of
17 the state and the county or other unit of local government.
18 Such lands shall be offered to the county or unit of local
19 government for a period of 30 days. Local government uses of
20 lands conveyed under the provisions of this subparagraph may
21 not be limited by the board.

22 3. If a county or other unit of local government does
23 not elect to acquire lands under the provisions of this
24 paragraph, the board may determine that the sale, lease,
25 exchange, or conveyance of such lands to other governmental
26 agencies is in the public interest and represents the best use
27 of such lands.

28 4. Lands for which a county, other unit of local
29 government, or other governmental agencies have expressed no
30 interest shall be available for sale or exchange on the
31 private market.

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

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

31

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

8 ~~1.a.~~ A written valuation of surplus land being sold
9 ~~determined to be surplus~~ pursuant to this subsection, and
10 related documents used to form the valuation or which pertain
11 to the valuation, are confidential and exempt from s.
12 119.07(1) and s. 24(a), Art. I of the State Constitution until
13 2 weeks before the contract or agreement regarding the
14 ~~purchase, exchange, or disposal~~ of the surplus land is first
15 considered for approval by the board. Notwithstanding the
16 exemption provided under this subparagraph, the division may
17 disclose appraisals, valuations, or valuation information
18 regarding surplus land during negotiations for the sale ~~or~~
19 ~~exchange~~ of the land, during the marketing effort or bidding
20 process associated with the sale, ~~disposal, or exchange~~ of the
21 land to facilitate closure of such effort or process, when the
22 passage of time has made the conclusions of value invalid, or
23 when negotiations or marketing efforts concerning the land are
24 concluded.

25 ~~2.b.~~ This subparagraph is subject to the Open
26 Government Sunset Review Act of 1995 in accordance with s.
27 119.15, and shall stand repealed on October 2, 2009, unless
28 reviewed and saved from repeal through reenactment by the
29 Legislature.

30 ~~3.2.~~ A unit of government that acquires title to lands
31 hereunder for less than appraised value may not sell or

1 transfer title to all or any portion of the lands to any
2 private owner for a period of 10 years. Any unit of government
3 seeking to transfer or sell lands pursuant to this paragraph
4 shall first allow the board of trustees to reacquire such
5 lands for the price at which the board sold such lands.

6 ~~(j)(h)~~ Where land designated by the board to be
7 surplus land was ~~a unit of government~~ acquired ~~land~~ by gift,
8 donation, grant, quitclaim deed, or other such conveyance
9 where no monetary consideration was exchanged, the purchase
10 price of such land ~~sold as surplus~~ may be based on one
11 appraisal. ~~If in the event that~~ a single appraisal yields a
12 value equal to or greater than \$1 million, a second appraisal
13 is required. The individual or entity requesting the surplus
14 land shall select and use appraisers from the list of approved
15 appraisers maintained by the Division of State Lands in
16 accordance with s. 253.025(7)(b) and shall ~~s. 253.025(6)(b)~~.
17 ~~The individual or entity requesting the surplus is to incur~~
18 all costs of the appraisals.

19 ~~(k)(i)~~ ~~After reviewing the recommendations of the~~
20 ~~council, the board shall determine whether lands identified~~
21 ~~for surplus are to be held for other public purposes or~~
22 ~~whether such lands are no longer needed.~~ The board may require
23 an agency to release its interest in land designated by the
24 board to be surplus land ~~such lands~~. For an agency that has
25 requested the use of land a property that was designated to be
26 ~~declared~~ as surplus, the said agency must have the land
27 ~~property~~ under lease within 6 months after ~~of~~ the date of
28 expiration of the notice provisions required under this
29 subsection and s. 253.111.

30 ~~(l)(j)~~ 1. Requests for the sale or exchange of lands
31 may be made by any public or private entity or person and must

1 be submitted in writing to the lead managing agency for
2 review. The lead managing agency shall have 90 days to review
3 such requests and make recommendations concerning the sale or
4 exchange to the council or its successor for the sale or
5 exchange of conservation lands or to the division for the sale
6 or exchange of lands other than conservation lands as defined
7 in this section.

8 2. A request for the sale or exchange of lands which
9 has not been reviewed by the lead managing agency shall be
10 forwarded to the division for lands other than conservation
11 lands or to the council or its successor for conservation
12 lands. A request for the sale or exchange of lands other than
13 conservation lands shall be immediately scheduled for review
14 by the division, but must be reviewed not later than 15 days
15 after receipt by the division.

16 3. If the lead managing agency, the council or its
17 successor, or the division recommends that the board deny a
18 request for the sale or exchange of lands, the denial must be
19 in writing and include the reason for the denial.

20 4. Records documenting all requests for the sale or
21 exchange of lands, the title to which is vested in the board,
22 and approvals or denials of those requests shall be kept by
23 the Division of State Lands. Denial of a request for the sale
24 or exchange of state-owned lands must be submitted to the
25 requesting entity in writing and must specifically provide the
26 reason for denial. Copies of requests for the sale or exchange
27 of lands shall be forwarded to the division unless the lead
28 managing agency forwards the original written request when
29 submitting a recommendation concerning the sale or exchange of
30 lands.

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

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

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

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

4 ~~(p)(n)~~ The board may adopt rules to implement the
5 provisions of this section, which may include procedures for
6 administering ~~surplus land~~ requests for the sale or exchange
7 of lands and criteria for when the division may approve
8 requests on behalf of the board for the sale or exchange of
9 nonconservation lands ~~to surplus nonconservation lands on~~
10 ~~behalf of the board~~.

11 (7) This section shall not be construed so as to
12 affect:

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

15 (b) The exclusive use of ~~state-owned~~ land, the title
16 to which is vested in the board, which is subject to a lease
17 by the Board of Trustees of the Internal Improvement Trust
18 Fund of such ~~state-owned~~ land for private uses and purposes.

19 (c) Sovereignty lands not leased for private uses and
20 purposes.

21 (8)(a) Notwithstanding other provisions of this
22 section, the Division of State Lands is directed to prepare a
23 state inventory of all federal lands and all lands titled in
24 the name of the state, a state agency, a water management
25 district, or a local government on a county-by-county basis.
26 To facilitate the development of the state inventory, each
27 county shall direct the appropriate county office with
28 authority over the information to provide the division with a
29 county inventory of all lands identified as federal lands and
30 lands titled in the name of the state, a state agency, a water
31 management district, or a local government. At the request of

1 the division, state agencies collecting information from the
2 counties which will assist the division in completing the
3 state inventory shall provide such information to the
4 division. The state inventory shall be completed by October 1,
5 2006.

6 (b) The state inventory must distinguish between lands
7 purchased by the state or a water management district as part
8 of a core parcel or within original project boundaries, as
9 those terms are used to meet the ~~surplus~~ requirements of
10 subsection (6) for the sale or exchange of lands, and lands
11 purchased by the state, a state agency, or a water management
12 district which are not essential or necessary for conservation
13 purposes.

14 (c) In any county having a population of 75,000 or
15 less, or a county having a population of 100,000 or less that
16 is contiguous to a county having a population of 75,000 or
17 less, in which more than 50 percent of the lands within the
18 county boundary are federal lands and lands titled in the name
19 of the state, a state agency, a water management district, or
20 a local government, those lands titled in the name of the
21 state or a state agency which are not essential or necessary
22 to meet conservation purposes may, upon request of a public or
23 private entity, be made available for purchase through the
24 ~~state's surplus~~ ing process created in subsection (6).

25 Rights-of-way for existing, proposed, or anticipated
26 transportation facilities are exempt from the requirements of
27 this paragraph. Priority consideration shall be given to
28 buyers, public or private, willing to return the property to
29 productive use so long as the property can be reentered onto
30 the county ad valorem tax roll. Property acquired with
31 matching funds from a local government shall not be made

1 available for purchase without the consent of the local
2 government.

3 (9) Land management plans required to be submitted by
4 the Department of Corrections, the Department of Juvenile
5 Justice, the Department of Children and Family Services, or
6 the Department of Education are not subject to the provisions
7 for review by the division or the council or its successor
8 described in subsection (5). Management plans filed by these
9 agencies shall be made available to the public for a period of
10 90 days at the administrative offices of the parcel or project
11 affected by the management plan and at the Tallahassee offices
12 of each agency. Any plans not objected to during the public
13 comment period shall be deemed approved. Any plans for which
14 an objection is filed shall be submitted to the Board of
15 Trustees of the Internal Improvement Trust Fund for
16 consideration. The Board of Trustees of the Internal
17 Improvement Trust Fund shall approve the plan with or without
18 modification, or reject the plan. The use or possession of
19 any such lands which is not in accordance with an approved
20 land management plan is subject to termination by the board.

21 (10) In addition to the uses for which conservation
22 lands are being managed pursuant to subsection (1) and chapter
23 259, the following additional uses of conservation lands
24 acquired pursuant to ~~the Florida Forever program and other~~
25 state-funded conservation land acquisition ~~purchase~~ programs
26 shall be authorized, upon a finding by the board of trustees,
27 if they meet the criteria specified in paragraphs (a)-(e):
28 water resource development projects, water supply development
29 projects, stormwater management projects, linear facilities,
30 and sustainable agriculture and forestry. Such additional
31 uses are authorized where:

1 (a) The proposed use is not inconsistent with the
2 management plan for such lands;

3 (b) The proposed use is compatible with the natural
4 ecosystem and resource values of such lands;

5 (c) The proposed use is appropriately located on such
6 lands and ~~where~~ due consideration has been ~~is~~ given to the use
7 of other available lands;

8 (d) The using entity reasonably compensates the board
9 of trustees ~~titleholder~~ for such use based upon an appropriate
10 measure of value; and

11 (e) The use is consistent with the public interest.
12

13 A decision by the board of trustees pursuant to this section
14 shall be given a presumption of correctness. Moneys received
15 from the use of state lands pursuant to this section shall be
16 returned to the lead managing entity in accordance with the
17 provisions of s. 259.032(11)(d).

18 (11) Lands listed as projects for acquisition shall
19 ~~may~~ be managed to maintain or enhance those resources the
20 state is seeking to protect by acquiring the land for
21 ~~conservation pursuant to s. 259.032,~~ on an interim basis by a
22 private party in anticipation of a state purchase and in
23 accordance with a contractual arrangement between the
24 acquiring agency and the private party, which ~~that~~ may include
25 management service contracts, leases, cost-share arrangements
26 or resource conservation agreements. ~~Lands designated as~~
27 ~~eligible under this subsection shall be managed to maintain or~~
28 ~~enhance the resources the state is seeking to protect by~~
29 ~~acquiring the land.~~ Funding for these contractual arrangements
30 may originate from the documentary stamp tax revenue deposited
31 into the Conservation and Recreation Lands Trust Fund and

1 Water Management Lands Trust Fund. No more than 5 percent of
2 funds allocated under the trust funds shall be expended for
3 this purpose.

4 (12) Any lands available to governmental employees,
5 including water management district employees, for hunting or
6 other recreational purposes shall also be made available to
7 the general public for such purposes, subject to the
8 constitutional authority of the Fish and Wildlife Conservation
9 Commission to regulate hunting and fishing on state and water
10 management district lands.

11 ~~(13) Notwithstanding the provisions of this section,~~
12 ~~funds from the sale of property by the Department of Highway~~
13 ~~Safety and Motor Vehicles located in Palm Beach County are~~
14 ~~authorized to be deposited into the Highway Safety Operating~~
15 ~~Trust Fund to facilitate the exchange as provided in the~~
16 ~~General Appropriations Act, provided that at the conclusion of~~
17 ~~both exchanges the values are equalized. This subsection~~
18 ~~expires July 1, 2006.~~

19 Section 5. Section 253.0341, Florida Statutes, is
20 amended to read:

21 253.0341 Surplus of state-owned lands to counties or
22 local governments.--Counties and other units of local
23 governments may submit written surplus requests for the
24 sale or exchange of state-owned lands directly to the board of
25 trustees. County or local government requests for the state to
26 sell or exchange state lands ~~surplus conservation or~~
27 ~~nonconservation lands, whether for purchase or exchange,~~ shall
28 be expedited throughout the surplus process. Property
29 jointly acquired by the state and other entities may ~~shall~~ not
30 be sold or exchanged ~~surplused~~ without the consent of all
31 joint owners.

1 (1) The decision to sell or exchange state surplus
2 ~~state owned~~ nonconservation lands may be made by the board
3 without a review of, or a recommendation on, the request from
4 ~~the Acquisition and Restoration Council or~~ the Division of
5 State Lands. ~~Such~~ Requests for such nonconservation lands
6 shall be considered by the board within 60 days after ~~of~~ the
7 board's receipt of the written request.

8 (2) County or local government written requests for
9 the sale or exchange of state surplus ~~ing of state owned~~
10 conservation lands are subject to review of, and
11 recommendation on, the request to the board by the Acquisition
12 and Restoration Council. Requests to sell or exchange surplus
13 conservation lands shall be considered by the board within 120
14 days after ~~of~~ the board's receipt of the request.

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

18 Section 6. Section 253.111, Florida Statutes, is
19 amended to read:

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

22 253.111 Notice to board of county commissioners before
23 sale.--

24 (1) The Board of Trustees of the Internal Improvement
25 Trust Fund may not sell any lands to which they hold title and
26 for which an application for sale has been received by the
27 board unless and until an opportunity to purchase such land is
28 offered to the county in which such land is located. If the
29 board receives an application for the sale of lands, the board
30 shall notify the board of county commissioners of the county
31

1 in which such lands are located, prior to considering any
2 private offers, that such lands are available for sale.

3 (2) Notification to counties of the availability of
4 state lands for which an application for sale has been
5 received by the board shall be given by registered mail,
6 return receipt requested, to the board of county commissioners
7 of the county in which the lands are located.

8 (3) Within 40 days after receipt of notification from
9 the board of trustees, the board of county commissioners of
10 the county in which the lands are located shall determine by
11 resolution whether or not to purchase such lands. Any
12 resolution approving the purchase of such lands shall be
13 certified and forwarded to the Board of Trustees of the
14 Internal Improvement Trust Fund.

15 (4) Within 30 days after receipt of a certified
16 resolution establishing the county's intent to purchase lands
17 sold pursuant to this section, the board shall convey such
18 land to the county at a price that is equal to the price paid
19 by the state at the time the land was purchased or, for lands
20 donated or given to the state, the appraised market value
21 established by generally accepted professional standards for
22 real estate appraisals.

23 (5) Notwithstanding the provisions of this section,
24 riparian owners with respect to lands being sold by the board
25 have a right to purchase such lands at a price and upon
26 conditions and terms established by the board. Riparian owners
27 may waive this prior right and, if such rights are waived,
28 this section applies to the sale of such lands.

29 (6) This section does not apply to:

30 (a) The sale or exchange of lands as approved by the
31 board pursuant to s. 253.034;

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

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

4 **(7) This section does not restrict any right otherwise**
5 **granted to the board by this chapter to convey land to which**
6 **they hold title to the state or any department, office,**
7 **authority, board, bureau, commission, institution, court,**
8 **tribunal, agency, or other instrumentality of or under the**
9 **state. As used in this section, the term "lands" means all**
10 **lands, the title to which is vested in the board.**

11 Section 7. Section 253.115, Florida Statutes, is
12 amended to read:

13 253.115 **Leases; grants of easement; sale of state**
14 **lands; public notice and hearings.--**

15 (1) After receiving an application in compliance with
16 such forms as may be required by this chapter requesting the
17 board to sell, exchange, **or lease state lands,** or grant an
18 easement on, over, under, above, or across any land to which
19 it holds title, the board must provide notice of the
20 application **for the sale, lease, exchange, or grant of**
21 **easement. Notice shall be sent to the applicant, to persons**
22 **who have requested to be on a mailing list, and to each owner**
23 **of land lying within 500 feet of the land that is the subject**
24 **of the request, addressed to such owner as the owner's name**
25 **appears on the latest county tax assessment roll.** The notice
26 shall include the name and address of the applicant; a brief
27 description of the proposed activity and any mitigation; the
28 location of the proposed activity, including whether it is
29 located within an Outstanding Florida Water or aquatic
30 preserve; a map identifying the location of the proposed
31 activity subject to the application; a diagram of the limits

1 of the proposed activity; and a name or number identifying the
2 application and the office where the application can be
3 inspected, and any other information required by rule. ~~A copy~~
4 ~~of this notice shall be sent to those persons who have~~
5 ~~requested to be on a mailing list and to each owner of land~~
6 ~~lying within 500 feet of the land proposed to be leased, sold,~~
7 ~~exchanged, or subject to an easement, addressed to such owner~~
8 ~~as the owner's name and address appears on the latest county~~
9 ~~tax assessment roll.~~

10 (2) The board of trustees or, the department, ~~or a~~
11 ~~water management district, as is appropriate,~~ shall consider
12 comments and objections received in response to the public
13 notice required by this section in reaching its decision to
14 approve or deny use of state ~~board of trustees owned~~ lands for
15 a proposed activity. ~~If~~ In the event that substantive
16 objections are raised, the department ~~or water management~~
17 ~~district~~ may hold an informal public hearing in the county in
18 which the proposed activity lies. If the board of trustees or,
19 the department, ~~or a water management district, as is~~
20 ~~appropriate,~~ determines that the sale, lease, exchange, or
21 granting of an easement is not contrary to the public
22 interest, or is in the public interest when required by law,
23 it may approve the proposed activity. The sale of sovereignty
24 submerged lands shall require a determination that the
25 proposed sale is in the public interest.

26 (3) The board may also publish, or require an
27 applicant to publish, in a newspaper of general circulation
28 within the affected area, a notice of receipt of the
29 application and a notice of intended agency action. The board
30 shall also provide notice of intended agency action to the
31

1 applicant and to those who have requested a copy of the
2 intended agency action for that application.

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

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

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

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

13 (c) Any lands covered by the provisions of ss.
14 253.12(6), (9), and (10), and 253.129;

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

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

19 (f) The conversion of existing marina licenses to
20 sovereignty land leases;

21 (g) Sovereignty land leases for registered and
22 existing unregistered grandfathered facilities;

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

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

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

27 (k) Homestead, railroad, or canal grants as provided
28 by law; or

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

30 (6) The board may establish alternative notice
31 requirements to those in subsections (1) and (3), including a

1 waiver of notice, if adopted by rule, for proposed activities
2 under this section which also qualify for a general permit
3 pursuant to chapter 373. Such alternative notice requirements
4 shall take into account the nature and scope of the proposed
5 activities and the effect on other persons.

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

11 Section 8. Section 253.42, Florida Statutes, is
12 amended to read:

13 253.42 Board of trustees may exchange lands.--The
14 provisions of this section apply to all lands owned by, vested
15 in, or titled in the name of the board whether the lands were
16 purchased ~~acquired~~ by the state ~~as a purchase~~, or acquired
17 through gift, donation, or any other conveyance for which no
18 consideration was paid.

19 (1) Subject to the provisions of ss. 253.034 and
20 253.0341, the board of trustees may exchange any lands owned
21 by, vested in, or titled in the name of the board for other
22 lands in the state owned by counties, local governments,
23 individuals, or private or public corporations, and may fix
24 the terms and conditions of any such exchange. Any
25 nonconservation lands that were acquired by the state through
26 gift, donation, or any other conveyance for which no
27 consideration was paid must first be offered in exchange at no
28 ~~cost~~ to a county or local government unless otherwise provided
29 in a deed restriction of record or other legal impediment, and
30 so long as the use proposed by the county or local government
31 is for a public purpose. For conservation lands acquired by

1 | the state through gift, donation, or any other conveyance for
2 | which no consideration was paid, the state may request land of
3 | equal conservation value from the county or local government
4 | but no other consideration.

5 | (2) In exchanging state conservation ~~state owned~~ lands
6 | ~~purchased not acquired~~ by the state ~~through gift, donation, or~~
7 | ~~any other conveyance for which no consideration was paid~~, with
8 | counties or local governments, the board shall require an
9 | exchange of equal value. Equal value is defined as the
10 | conservation benefit of the lands being offered for exchange
11 | by a county or local government being equal or greater in
12 | conservation benefit than the state-owned lands. Such
13 | exchanges may include cash transactions if based on an
14 | appropriate measure of value of the state-owned land, but must
15 | also include the determination of a net-positive conservation
16 | benefit by the Acquisition and Restoration Council as provided
17 | in s. 253.034, ~~irrespective of appraised value.~~

18 | (3) The board shall select and agree upon the state
19 | lands to be exchanged, shall agree to ~~and~~ the lands to be
20 | conveyed to the state, and shall pay or receive any sum of
21 | money deemed necessary by the board for the purpose of
22 | equalizing the value of the exchanged property. The board is
23 | authorized to make and enter into contracts or agreements for
24 | such purpose or purposes.

25 | (4) The public purposes of lands exchanged under the
26 | provisions of this section with a county or local government
27 | include public schools, public libraries, fire or law
28 | enforcement substations, and governmental, judicial, or
29 | recreational centers. Public purposes may also include the
30 | capital improvement elements or the concurrency requirements
31 | that are required under a local comprehensive land use plan as

1 provided in s. 163.3177. The use of lands exchanged under this
2 section by a county or unit of local government may not be
3 limited by rules of the board.

4 Section 9. Section 253.783, Florida Statutes, is
5 amended to read:

6 253.783 Additional powers and duties of the
7 department; disposition of surplus lands of the former Cross
8 Florida Barge Canal; payments to counties.--

9 (1) The department shall make no expenditures for the
10 purpose of acquiring land for constructing, operating, or
11 promoting a canal across the peninsula of Florida connecting
12 the waters of the Atlantic Ocean with the waters of the Gulf
13 of Mexico via the St. Johns River.

14 (2) It is declared to be in the public interest that
15 the department shall do and is hereby authorized to do any and
16 all things and incur and pay, for the public purposes
17 described herein, any and all expenses necessary, convenient,
18 and proper to:

19 (a) Offer any land of the former Cross Florida Barge
20 Canal which is declared to be surplus, at current appraised
21 value, to the counties in which the surplus land lies, for
22 acquisition for specific public purposes. Any county, at its
23 option, may elect to acquire any lands so offered without
24 monetary payment. The fair market value of any lands ~~parcels~~
25 so transferred shall be subtracted from the county's
26 reimbursement under paragraph (e). These offers will be made
27 within 3 calendar months after the date the management plan is
28 adopted and will be valid for 180 days after the date of the
29 offer.

30 (b) Extend the second right of refusal, at current
31 appraised value, to the original owner from whom the Canal

1 Authority of the State of Florida or the United States Army
2 Corps of Engineers acquired the land of the former Cross
3 Florida Barge Canal or the original owner's heirs. These
4 offers shall be made by public advertisement in not fewer than
5 three newspapers of general circulation within the area of the
6 canal route, one of which shall be a newspaper in the county
7 in which the lands declared to be surplus are located. The
8 public advertisements shall be run for a period of 14 days.
9 These offers will be valid for 30 days after the expiration
10 date of any offers made under paragraph (a), or 30 days after
11 the date publication begins, whichever is later.

12 (c) Extend the third right of refusal, at current
13 appraised value, to any person having a leasehold interest in
14 the land of the former Cross Florida Barge Canal from the
15 canal authority. These offers shall be advertised as provided
16 in paragraph (b) and will be valid for 30 days after the
17 expiration date of the offers made under paragraph (b), or 30
18 days after the date publication begins, whichever is later.

19 (d) Offer surplus lands of the former Cross Florida
20 Barge Canal which are not purchased or transferred under
21 paragraphs (a)-(c) to the highest bidder at public sale. Such
22 surplus lands and the public sale shall be described and
23 advertised in a newspaper of general circulation within the
24 county in which the lands are located not less than 14
25 calendar days prior to the date on which the public sale is to
26 be held. The current appraised value of such surplus lands
27 will be the minimum acceptable bid.

28 (e) Refund to the counties of the Cross Florida Canal
29 Navigation District moneys ~~pursuant to this paragraph~~ from the
30 funds derived from the conveyance of lands of the project to
31 the Federal Government or any agency thereof, pursuant to s.

1 253.781, and from the sales of surplus lands of the former
2 Cross Florida Barge Canal pursuant to this section. Following
3 federal deauthorization of the project, such refunds shall
4 consist of the \$9,340,720 principal in ad valorem taxes
5 contributed by the counties and the interest which had accrued
6 on that amount from the time of payment to June 30, 1985. In
7 no event shall the counties be paid less than the aggregate
8 sum of \$32 million in cash or the appraised values of the
9 surplus lands. Such refunds shall be in proportion to the ad
10 valorem tax share paid to the Cross Florida Canal Navigation
11 District by the respective counties. Should the funds derived
12 from the conveyance of lands of the project to the Federal
13 Government for payment or from the sale of surplus land be
14 inadequate to pay the total of the principal plus interest,
15 first priority shall be given to repaying the principal and
16 second priority shall be given to repaying the interest.
17 Interest to be refunded to the counties shall be compounded
18 annually at the following rates: 1937-1950, 4 percent;
19 1951-1960, 5 percent; 1961-1970, 6 percent; 1971-1975, 7
20 percent; 1976-June 30, 1985, 8 percent. In computing interest,
21 amounts already repaid to the counties shall not be subject to
22 further assessments of interest. Any partial repayments
23 provided to the counties under this act shall be considered as
24 contributing to the total repayment owed to the counties.
25 Should the funds generated by conveyance to the Federal
26 Government and sales of surplus lands be more than sufficient
27 to repay said counties in accordance with this section, such
28 excess funds may be used for the maintenance of the greenways
29 corridor.

30 ~~(f) Carry out the purposes of this act.~~

31

1 Section 10. Section 259.032, Florida Statutes, is
2 amended to read:

3 259.032 Conservation and Recreation Lands Trust Fund;
4 purpose.--

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

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

7 1. The excise taxes on documents as provided in s.
8 201.15; and

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

11
12 The Department of Revenue shall credit to the fund each month
13 the proceeds from such taxes as provided in this paragraph.

14 (b) There shall annually be transferred from the
15 Conservation and Recreation Lands Trust Fund to the Land
16 Acquisition Trust Fund that amount, not to exceed \$20 million
17 annually, as shall be necessary to pay the debt service on, or
18 fund debt service reserve funds, rebate obligations, or other
19 amounts with respect to bonds issued pursuant to s. 375.051 to
20 acquire lands ~~on the established priority list developed~~
21 ~~pursuant to this section~~; however, no moneys transferred to
22 the Land Acquisition Trust Fund pursuant to this paragraph, or
23 earnings thereon, shall be used or made available to pay debt
24 service on the Save Our Coast revenue bonds. Amounts
25 transferred annually from the Conservation and Recreation
26 Lands Trust Fund to the Land Acquisition Trust Fund pursuant
27 to this paragraph shall have the highest priority over other
28 payments or transfers from the Conservation and Recreation
29 Lands Trust Fund, and no other payments or transfers shall be
30 made from the Conservation and Recreation Lands Trust Fund
31

1 until such transfers to the Land Acquisition Trust Fund have
2 been made.

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

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

11 ~~(a) To conserve and protect environmentally unique and~~
12 ~~irreplaceable lands that contain native, relatively unaltered~~
13 ~~flora and fauna representing a natural area unique to, or~~
14 ~~scarce within, a region of this state or a larger geographic~~
15 ~~area;~~

16 ~~(b) To conserve and protect lands within designated~~
17 ~~areas of critical state concern, if the proposed acquisition~~
18 ~~relates to the natural resource protection purposes of the~~
19 ~~designation;~~

20 ~~(c) To conserve and protect native species habitat or~~
21 ~~endangered or threatened species, emphasizing long term~~
22 ~~protection for endangered or threatened species designated G 1~~
23 ~~or G 2 by the Florida Natural Areas Inventory, and especially~~
24 ~~those areas that are special locations for breeding and~~
25 ~~reproduction;~~

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

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

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

5 ~~(g) To provide areas, including recreational trails,~~
6 ~~for natural resource based recreation and other outdoor~~
7 ~~recreation on any part of any site compatible with~~
8 ~~conservation purposes;~~

9 ~~(h) To preserve significant archaeological or historic~~
10 ~~sites; or~~

11 ~~(i) To conserve urban open spaces suitable for~~
12 ~~greenways or outdoor recreation which are compatible with~~
13 ~~conservation purposes.~~

14 ~~(4) Lands acquired under this section shall be for use~~
15 ~~as state designated parks, recreation areas, preserves,~~
16 ~~reserves, historic or archaeological sites, geologic or~~
17 ~~botanical sites, recreational trails, forests, wilderness~~
18 ~~areas, wildlife management areas, urban open space, or other~~
19 ~~state designated recreation or conservation lands; or they~~
20 ~~shall qualify for such state designation and use if they are~~
21 ~~to be managed by other governmental agencies or nonstate~~
22 ~~entities as provided for in this section.~~

23 (2)(5) The board of trustees may allocate, in any
24 year, an amount not to exceed 5 percent of the money credited
25 to the fund in that year, such allocation to be used for the
26 initiation and maintenance of a natural areas inventory to aid
27 in the identification of areas to be acquired pursuant to this
28 section.

29 (3)(6) Moneys in the fund not needed to meet
30 obligations incurred under this section shall be deposited
31 with the Chief Financial Officer to the credit of the fund and

1 may be invested in the manner provided by law. Interest
2 received on such investments shall be credited to the
3 Conservation and Recreation Lands Trust Fund.

4 ~~(4)(7)~~ The board of trustees may enter into any
5 contract necessary to accomplish the purposes of this section.
6 The lead land managing agencies designated by the board of
7 trustees also are directed by the Legislature to enter into
8 contracts or interagency agreements with other governmental
9 entities, including local soil and water conservation
10 districts, or private land managers who have the expertise to
11 perform specific management activities which a lead agency
12 lacks, or which would cost more to provide in-house. Such
13 activities shall include, but not be limited to, controlled
14 burning, road and ditch maintenance, mowing, and wildlife
15 assessments.

16 ~~(8) Lands to be considered for purchase under this~~
17 ~~section are subject to the selection procedures of s. 259.035~~
18 ~~and related rules and shall be acquired in accordance with~~
19 ~~acquisition procedures for state lands provided for in s.~~
20 ~~259.041, except as otherwise provided by the Legislature. An~~
21 ~~inholding or an addition to a project selected for purchase~~
22 ~~pursuant to this chapter is not subject to the selection~~
23 ~~procedures of s. 259.035 if the estimated value of such~~
24 ~~inholding or addition does not exceed \$500,000. When at least~~
25 ~~90 percent of the acreage of a project has been purchased~~
26 ~~pursuant to this chapter, the project may be removed from the~~
27 ~~list and the remaining acreage may continue to be purchased.~~

28 (5) At the discretion of the board, moneys from the
29 fund may be used for title work, appraisal fees, environmental
30 audits, and survey costs related to acquisition expenses for
31 conservation lands to be purchased, donated, or exchanged

1 ~~acquired, donated, or exchanged which qualify under the~~
2 ~~categories of this section, at the discretion of the board.~~

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

11 ~~(9) All lands managed under this chapter and s.~~
12 ~~253.034 shall be:~~

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

15 ~~(b) Managed for public outdoor recreation which is~~
16 ~~compatible with the conservation and protection of public~~
17 ~~lands. Such management may include, but not be limited to, the~~
18 ~~following public recreational uses: fishing, hunting,~~
19 ~~camping, bicycling, hiking, nature study, swimming, boating,~~
20 ~~canoeing, horseback riding, diving, model hobbyist activities,~~
21 ~~birding, sailing, jogging, and other related outdoor~~
22 ~~activities compatible with the purposes for which the lands~~
23 ~~were acquired.~~

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

26 ~~(d) Concurrent with its adoption of the annual~~
27 ~~Conservation and Recreation Lands list of acquisition projects~~
28 ~~pursuant to s. 259.035, the board of trustees shall adopt a~~
29 ~~management prospectus for each project. The management~~
30 ~~prospectus shall delineate:~~

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

- 1 ~~2. The conditions that will affect the intensity of~~
- 2 ~~management;~~
- 3 ~~3. An estimate of the revenue generating potential of~~
- 4 ~~the property, if appropriate;~~
- 5 ~~4. A timetable for implementing the various stages of~~
- 6 ~~management and for providing access to the public, if~~
- 7 ~~applicable;~~
- 8 ~~5. A description of potential multiple use activities~~
- 9 ~~as described in this section and s. 253.034;~~
- 10 ~~6. Provisions for protecting existing infrastructure~~
- 11 ~~and for ensuring the security of the project upon acquisition;~~
- 12 ~~7. The anticipated costs of management and projected~~
- 13 ~~sources of revenue, including legislative appropriations, to~~
- 14 ~~fund management needs; and~~
- 15 ~~8. Recommendations as to how many employees will be~~
- 16 ~~needed to manage the property, and recommendations as to~~
- 17 ~~whether local governments, volunteer groups, the former~~
- 18 ~~landowner, or other interested parties can be involved in the~~
- 19 ~~management.~~
- 20 ~~(c) Concurrent with the approval of the acquisition~~
- 21 ~~contract pursuant to s. 259.041(3)(c) for any interest in~~
- 22 ~~lands, the board of trustees shall designate an agency or~~
- 23 ~~agencies to manage such lands and shall evaluate and amend, as~~
- 24 ~~appropriate, the management policy statement for the project~~
- 25 ~~as provided by s. 259.035, consistent with the purposes for~~
- 26 ~~which the lands are acquired. For any fee simple acquisition~~
- 27 ~~of a parcel which is or will be leased back for agricultural~~
- 28 ~~purposes, or any acquisition of a less than fee interest in~~
- 29 ~~land that is or will be used for agricultural purposes, the~~
- 30 ~~Board of Trustees of the Internal Improvement Trust Fund shall~~
- 31 ~~first consider having a soil and water conservation district,~~

1 ~~created pursuant to chapter 582, manage and monitor such~~
2 ~~interests.~~

3 ~~(f) State agencies designated to manage lands acquired~~
4 ~~under this chapter may contract with local governments and~~
5 ~~soil and water conservation districts to assist in management~~
6 ~~activities, including the responsibility of being the lead~~
7 ~~land manager. Such land management contracts may include a~~
8 ~~provision for the transfer of management funding to the local~~
9 ~~government or soil and water conservation district from the~~
10 ~~Conservation and Recreation Lands Trust Fund in an amount~~
11 ~~adequate for the local government or soil and water~~
12 ~~conservation district to perform its contractual land~~
13 ~~management responsibilities and proportionate to its~~
14 ~~responsibilities, and which otherwise would have been expended~~
15 ~~by the state agency to manage the property.~~

16 ~~(g) Immediately following the acquisition of any~~
17 ~~interest in lands under this chapter, the Department of~~
18 ~~Environmental Protection, acting on behalf of the board of~~
19 ~~trustees, may issue to the lead managing entity an interim~~
20 ~~assignment letter to be effective until the execution of a~~
21 ~~formal lease.~~

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

30 ~~(b) Individual management plans required by s.~~
31 ~~253.034(5), for parcels over 160 acres, shall be developed~~

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

20 ~~(c) Once a plan is adopted, the managing agency or~~
21 ~~entity shall update the plan at least every 10 years in a form~~
22 ~~and manner prescribed by rule of the board of trustees. Such~~
23 ~~updates, for parcels over 160 acres, shall be developed with~~
24 ~~input from an advisory group. Such plans may include transfers~~
25 ~~of leasehold interests to appropriate conservation~~
26 ~~organizations or governmental entities designated by the Land~~
27 ~~Acquisition and Management Advisory Council or its successor,~~
28 ~~for uses consistent with the purposes of the organizations and~~
29 ~~the protection, preservation, conservation, restoration, and~~
30 ~~proper management of the lands and their resources. Volunteer~~
31 ~~management assistance is encouraged, including, but not~~

1 ~~limited to, assistance by youths participating in programs~~
2 ~~sponsored by state or local agencies, by volunteers sponsored~~
3 ~~by environmental or civic organizations, and by individuals~~
4 ~~participating in programs for committed delinquents and~~
5 ~~adults.~~

6 ~~(d) For each project for which lands are acquired~~
7 ~~after July 1, 1995, an individual management plan shall be~~
8 ~~adopted and in place no later than 1 year after the essential~~
9 ~~parcel or parcels identified in the annual Conservation and~~
10 ~~Recreation Lands report prepared pursuant to s. 259.035(2)(a)~~
11 ~~have been acquired. Beginning in fiscal year 1998-1999, the~~
12 ~~Department of Environmental Protection shall distribute only~~
13 ~~75 percent of the acquisition funds to which a budget entity~~
14 ~~or water management district would otherwise be entitled from~~
15 ~~the Preservation 2000 Trust Fund to any budget entity or any~~
16 ~~water management district that has more than one third of its~~
17 ~~management plans overdue.~~

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

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

24 ~~2. Key management activities necessary to preserve and~~
25 ~~protect natural resources and restore habitat, and for~~
26 ~~controlling the spread of nonnative plants and animals, and~~
27 ~~for prescribed fire and other appropriate resource management~~
28 ~~activities.~~

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

1 ~~4. A priority schedule for conducting management~~
2 ~~activities, based on the purposes for which the lands were~~
3 ~~acquired.~~

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

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

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

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

19 ~~1. Within 60 days after receiving a plan from the~~
20 ~~division, review each plan for compliance with the~~
21 ~~requirements of this subsection and with the requirements of~~
22 ~~the rules established by the board pursuant to this~~
23 ~~subsection.~~

24 ~~2. Consider the propriety of the recommendations of~~
25 ~~the managing agency with regard to the future use or~~
26 ~~protection of the property.~~

27 ~~3. After its review, submit the plan, along with its~~
28 ~~recommendations and comments, to the board of trustees, with~~
29 ~~recommendations as to whether to approve the plan as~~
30 ~~submitted, approve the plan with modifications, or reject the~~
31 ~~plan.~~

1 ~~(g) The board of trustees shall consider the~~
2 ~~individual management plan submitted by each state agency and~~
3 ~~the recommendations of the Land Acquisition and Management~~
4 ~~Advisory Council, or its successor, and the Division of State~~
5 ~~Lands and shall approve the plan with or without modification~~
6 ~~or reject such plan. The use or possession of any lands owned~~
7 ~~by the board of trustees which is not in accordance with an~~
8 ~~approved individual management plan is subject to termination~~
9 ~~by the board of trustees.~~

10
11 ~~By July 1 of each year, each governmental agency and each~~
12 ~~private entity designated to manage lands shall report to the~~
13 ~~Secretary of Environmental Protection on the progress of~~
14 ~~funding, staffing, and resource management of every project~~
15 ~~for which the agency or entity is responsible.~~

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

27 ~~(b) An amount up to 1.5 percent of the cumulative~~
28 ~~total of funds ever deposited into the Florida Preservation~~
29 ~~2000 Trust Fund and the Florida Forever Trust Fund shall be~~
30 ~~made available for the purposes of management, maintenance,~~
31 ~~and capital improvements not eligible for funding pursuant to~~

1 ~~s. 11(c), Art. VII of the State Constitution, and for~~
2 ~~associated contractual services, for lands acquired pursuant~~
3 ~~to this section, s. 259.101, s. 259.105, or previous programs~~
4 ~~for the acquisition of lands for conservation and recreation,~~
5 ~~including state forests, to which title is vested in the board~~
6 ~~of trustees and other conservation and recreation lands~~
7 ~~managed by a state agency. Of this amount, \$250,000 shall be~~
8 ~~transferred annually to the Plant Industry Trust Fund within~~
9 ~~the Department of Agriculture and Consumer Services for the~~
10 ~~purpose of implementing the Endangered or Threatened Native~~
11 ~~Flora Conservation Grants Program pursuant to s. 581.185(11).~~
12 ~~Each agency with management responsibilities shall annually~~
13 ~~request from the Legislature funds sufficient to fulfill such~~
14 ~~responsibilities. For the purposes of this paragraph, capital~~
15 ~~improvements shall include, but need not be limited to,~~
16 ~~perimeter fencing, signs, firelanes, access roads and trails,~~
17 ~~and minimal public accommodations, such as primitive~~
18 ~~campsites, garbage receptacles, and toilets. Any equipment~~
19 ~~purchased with funds provided pursuant to this paragraph may~~
20 ~~be used for the purposes described in this paragraph on any~~
21 ~~conservation and recreation lands managed by a state agency.~~

22 ~~(c) In requesting funds provided for in paragraph (b)~~
23 ~~for long term management of all acquisitions pursuant to this~~
24 ~~chapter and for associated contractual services, the managing~~
25 ~~agencies shall recognize the following categories of land~~
26 ~~management needs:~~

27 ~~1. Lands which are low need tracts, requiring basic~~
28 ~~resource management and protection, such as state reserves,~~
29 ~~state preserves, state forests, and wildlife management areas.~~
30 ~~These lands generally are open to the public but have no more~~
31 ~~than minimum facilities development.~~

1 ~~2. Lands which are moderate need tracts, requiring~~
2 ~~more than basic resource management and protection, such as~~
3 ~~state parks and state recreation areas. These lands generally~~
4 ~~have extra restoration or protection needs, higher~~
5 ~~concentrations of public use, or more highly developed~~
6 ~~facilities.~~

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

14
15 ~~In evaluating the management funding needs of lands based on~~
16 ~~the above categories, the lead land managing agencies shall~~
17 ~~include in their considerations the impacts of, and needs~~
18 ~~created or addressed by, multiple use management strategies.~~

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

31

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

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

23 ~~(g) In addition to the purposes specified in paragraph~~
24 ~~(b), funds from the 1.5 percent of the cumulative total of~~
25 ~~funds ever deposited into the Florida Preservation 2000 Trust~~
26 ~~Fund and the Florida Forever Trust Fund may be appropriated~~
27 ~~for the 2005-2006 fiscal year for the construction of~~
28 ~~replacement museum facilities. This paragraph expires July 1,~~
29 ~~2006.~~

30 ~~(12)(a) Beginning July 1, 1999, the Legislature shall~~
31 ~~make available sufficient funds annually from the Conservation~~

1 ~~and Recreation Lands Trust Fund to the department for payment~~
2 ~~in lieu of taxes to qualifying counties and local governments~~
3 ~~as defined in paragraph (b) for all actual tax losses incurred~~
4 ~~as a result of board of trustees acquisitions for state~~
5 ~~agencies under the Florida Forever program or the Florida~~
6 ~~Preservation 2000 program during any year. Reserved funds not~~
7 ~~used for payments in lieu of taxes in any year shall revert to~~
8 ~~the fund to be used for land management in accordance with the~~
9 ~~provisions of this section.~~

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

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

14 ~~2. To all local governments located in eligible~~
15 ~~counties.~~

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

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

29 ~~(d) The payment amount shall be based on the average~~
30 ~~amount of actual taxes paid on the property for the 3 years~~
31 ~~preceding acquisition. Applications for payment in lieu of~~

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

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

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

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

30
31

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

6 ~~(13) Moneys credited to the fund each year which are~~
7 ~~not used for management, maintenance, or capital improvements~~
8 ~~pursuant to subsection (11); for payment in lieu of taxes~~
9 ~~pursuant to subsection (12); or for the purposes of subsection~~
10 ~~(5), shall be available for the acquisition of land pursuant~~
11 ~~to this section.~~

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

15 ~~(15) Within 90 days after receiving a certified letter~~
16 ~~from the owner of a property on the Conservation and~~
17 ~~Recreation Lands list or the priority list established~~
18 ~~pursuant to s. 259.105 objecting to the property being~~
19 ~~included in an acquisition project, where such property is a~~
20 ~~project or part of a project which has not been listed for~~
21 ~~purchase in the current year's land acquisition work plan, the~~
22 ~~board of trustees shall delete the property from the list or~~
23 ~~from the boundary of an acquisition project on the list.~~

24 Section 11. Section 259.0321, Florida Statutes, is
25 created to read:

26 259.0321 Management of conservation lands; additional
27 requirements.--

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

30 (a) In a manner that will provide the greatest
31 combination of benefits to the public and to the resources

1 while conserving and protecting such lands and their natural
2 resources.

3 (b) For the purposes for which the lands were acquired
4 and to allow the public to have access to and use of these
5 lands where it is consistent with acquisition purposes and
6 would not harm the resources the state is seeking to protect
7 on the public's behalf.

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

16 (2)(a) Concurrent with its adoption of the list of
17 acquisition projects pursuant to s. 259.035, the board of
18 trustees shall adopt a management prospectus for each project.
19 The management prospectus must delineate:

20 1. The management goals for the property;

21 2. The conditions that will affect the intensity of
22 management;

23 3. An estimate of the revenue-generating potential of
24 the property, if appropriate;

25 4. A timetable for implementing the various stages of
26 management and for providing access to the public, if
27 applicable;

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

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

1 7. The anticipated costs of management and projected
2 sources of revenue, including legislative appropriations, to
3 fund management needs;

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

6 9. Recommendations as to whether local governments,
7 volunteer groups, the former landowner, or other interested
8 parties can be involved in the management.

9 (b) Concurrent with the approval of the contract to
10 acquire any interest in conservation lands pursuant to s.
11 253.025, the board of trustees shall designate a lead managing
12 agency and shall evaluate and amend, as appropriate, the
13 management policy statement for the project as provided by s.
14 259.035. For any fee simple acquisition that is or will be
15 leased back for agricultural purposes or any acquisition of a
16 less-than-fee interest in land that is or will be used for
17 agricultural purposes, the board of trustees shall first
18 consider designating a soil and water conservation district,
19 created pursuant to chapter 582, to manage and monitor such
20 interests.

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

1 management responsibilities and proportionate to its
2 responsibilities.

3 (d) Immediately following the acquisition of any
4 interest in lands under this chapter, the Department of
5 Environmental Protection, acting on behalf of the board of
6 trustees, may issue an interim assignment letter to the lead
7 managing agency which will remain effective until the
8 execution of a formal management agreement.

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

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

1 such public hearing shall be posted on the parcel or project
2 designated for management, advertised in a paper of general
3 circulation, and announced at a scheduled meeting of the local
4 governing body before the actual public hearing. The
5 management prospectus required pursuant to paragraph (2)(a)
6 shall be available to the public for a period of 30 days prior
7 to the public hearing.

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

25 (d) An individual management plan shall be adopted and
26 in place no later than 1 year after the essential parcel or
27 parcels identified in the list of acquisition projects have
28 been acquired. The Department of Environmental Protection
29 shall distribute only 75 percent of the acquisition funds to
30 which a state budget entity or water management district would
31 otherwise be entitled from the Florida Forever Trust Fund if

1 more than one-third of the management plans of that budget
2 entity or water management district are overdue.

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

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

9 2. Key management activities that are necessary to
10 preserve and protect natural resources, restore habitat,
11 control the spread of nonnative plants and animals, and
12 conduct prescribed burns and other appropriate
13 resource-management activities.

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

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

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

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

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

31

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

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

30 (b) Each agency having management responsibilities
31 shall annually request from the Legislature funds sufficient

1 to fulfill such responsibilities. In requesting funds for
2 long-term management of all acquisitions pursuant to this
3 chapter and for associated contractual services, the managing
4 agencies shall recognize the following categories of
5 land-management needs:

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

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

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

23
24 In evaluating the management funding needs of lands based on
25 the categories in this paragraph, each lead managing agency
26 shall include the impacts of, and needs created or addressed
27 by, multiple-use management strategies.

28 (c) All revenues generated through multiple-use
29 management or compatible secondary-use management shall be
30 returned to the lead agency responsible for such management
31 and shall be used to pay for management activities on all

1 conservation and recreation lands under the agency's
2 jurisdiction. In addition, such revenues shall be segregated
3 in an agency trust fund and shall remain available to the
4 agency in subsequent fiscal years to support land management
5 appropriations. For the purposes of this paragraph, compatible
6 secondary-use management are those activities described in
7 subsection (1) which are undertaken on parcels designated as
8 single use pursuant to s. 253.034(2)(b).

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

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

1 Section 12. Section 259.0322, Florida Statutes, is
2 amended to read:

3 259.0322 Payment in lieu of taxes; qualifying
4 counties; reinstatement of payments in lieu of taxes;
5 duration.--

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

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

17 1. To all counties that have a population of 150,000
18 or fewer. Population levels shall be determined pursuant to s.
19 11.031.

20 2. To all local governments located in eligible
21 counties.

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

31

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

5 (d) The payment amount shall be based on the average
6 amount of actual taxes paid on the property for the 3 years
7 preceding acquisition. Applications for payment in lieu of
8 taxes shall be made no later than January 31 of the year
9 following acquisition. No payment in lieu of taxes shall be
10 made for properties that were exempt from ad valorem taxation
11 for the year immediately preceding acquisition.

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

23 (f) Payment in lieu of taxes pursuant to this
24 subsection shall be made annually to qualifying counties and
25 local governments after certification by the Department of
26 Revenue that the amounts applied for are reasonably
27 appropriate, based on the amount of actual taxes paid on the
28 eligible property. With the assistance of the local government
29 requesting payment in lieu of taxes, the state agency that
30 acquired the land shall prepare and submit the application
31

1 request for payment to the Department of Revenue for
2 certification.

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

7
8 For the purposes of this subsection, the term "local
9 government" includes municipalities, the county school board,
10 mosquito control districts, and any other local government
11 entity that levies ad valorem taxes, with the exception of a
12 water management district.

13 (2) If the Department of Environmental Protection has
14 made a payment in lieu of taxes to a governmental entity and
15 subsequently suspended such payment, the department shall
16 reinstitute appropriate payments and continue the payments in
17 consecutive years until the governmental entity has received a
18 total of 10 payments for each tax loss.

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

21 259.035 Acquisition and Restoration Council.--

22 (1) There is created the Acquisition and Restoration
23 Council.

24 (a) The council shall be composed of nine voting
25 members, four of whom shall be appointed by the Governor.
26 These four appointees shall be from scientific disciplines
27 related to land, water, or environmental sciences. They shall
28 serve 4-year terms, except that, initially, to provide for
29 staggered terms, two of the appointees shall serve 2-year
30 terms. All subsequent appointments shall be for 4-year terms.
31 No appointee shall serve more than 6 years. The Governor may

1 at any time fill a vacancy for the unexpired term of a member
2 appointed under this paragraph.

3 (b) The five remaining appointees shall be composed of
4 the Secretary of Environmental Protection, the director of the
5 Division of Forestry of the Department of Agriculture and
6 Consumer Services, the executive director of the Fish and
7 Wildlife Conservation Commission, the director of the Division
8 of Historical Resources of the Department of State, and the
9 secretary of the Department of Community Affairs, or their
10 respective designees.

11 (c) The Governor shall appoint the chair of the
12 council, and a vice chair shall be elected from among the
13 members.

14 (d) The council shall hold periodic meetings at the
15 request of the chair.

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

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

23 (2) The four members of the council appointed by the
24 Governor shall receive \$75 per day while engaged in the
25 business of the council, as well as expenses and per diem for
26 travel, including attendance at meetings, as allowed state
27 officers and employees while in the performance of their
28 duties, pursuant to s. 112.061.

29 (3) The council shall provide assistance to the board
30 of trustees in reviewing the recommendations and plans for
31 state-owned conservation lands required under ss. 253.034 and

1 259.0321 ~~259.032~~. The council shall, in reviewing such
2 recommendations and plans, consider the optimization of
3 multiple-use and conservation strategies to accomplish the
4 provisions of s. ~~funded pursuant to ss. 259.101(3)(a) and~~
5 ~~259.105(3)(b).~~

6 ~~(4) The council may use existing rules adopted by the~~
7 ~~board of trustees, until it develops and recommends amendments~~
8 ~~to those rules, to competitively evaluate, select, and rank~~
9 ~~projects eligible for the Conservation and Recreation Lands~~
10 ~~list pursuant to ss. 259.032(3) and 259.101(4) and, beginning~~
11 ~~no later than May 1, 2001, for Florida Forever funds pursuant~~
12 ~~to s. 259.105(3)(b). In developing or amending the rules, the~~
13 ~~council shall give weight to the criteria included in s.~~
14 ~~259.105(10). The board of trustees shall review the~~
15 ~~recommendations and shall adopt rules necessary to administer~~
16 ~~this section.~~

17 ~~(5) An affirmative vote of five members of the council~~
18 ~~is required in order to change a project boundary or to place~~
19 ~~a proposed project on a list developed pursuant to subsection~~
20 ~~(4). Any member of the council who by family or a business~~
21 ~~relationship has a connection with all or a portion of any~~
22 ~~proposed project shall declare the interest before voting on~~
23 ~~its inclusion on a list.~~

24 ~~(4)(6)~~ Projects proposed for acquisition ~~The proposal~~
25 ~~for a project pursuant to this section or s. 259.105(3)(b) may~~
26 ~~be implemented only if adopted by the council and approved by~~
27 ~~the board of trustees. The council shall consider and evaluate~~
28 ~~in writing the merits and demerits of each project that is~~
29 ~~proposed for Conservation and Recreation Lands, Florida~~
30 ~~Preservation 2000, or Florida Forever funding and shall ensure~~
31 ~~that each proposed project will meet a stated public purpose~~

1 for the restoration, conservation, or preservation of
2 environmentally sensitive lands and water areas or for
3 providing outdoor recreational opportunities. The council also
4 shall determine whether the project conforms, where
5 applicable, with the comprehensive plan developed pursuant to
6 s. 259.04(1)(a), the comprehensive multipurpose outdoor
7 recreation plan developed pursuant to s. 375.021, the state
8 lands management plan adopted pursuant to s. 253.03(7), the
9 water management districts 5-year resources work plans
10 developed pursuant to s. 373.199, and the provisions of s.
11 259.032, s. 259.101, or s. 259.105, whichever is applicable.

12 Section 14. Subsection (1) of section 259.04, Florida
13 Statutes, is amended to read:

14 259.04 Board; powers and duties.--

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

17 (a) The board is given the responsibility, authority,
18 and power to develop and execute a comprehensive, statewide
19 5-year plan to conserve, restore, and protect environmentally
20 endangered lands, ecosystems, lands necessary for outdoor
21 recreational needs, and other lands as identified in ss.
22 ~~259.032,~~ 259.101, and 259.105. This plan shall be kept current
23 through continual reevaluation and revision. The Acquisition
24 and Restoration Council created in s. 259.035 ~~advisory council~~
25 or its successor shall assist the board in the development,
26 reevaluation, and revision of the plan.

27 (b) The board may enter into contracts with the
28 government of the United States or any agency or
29 instrumentality thereof; the state or any county,
30 municipality, district authority, or political subdivision; or
31 any private corporation, partnership, association, or person

1 providing for or relating to the conservation or protection of
2 certain lands in accomplishing the purposes of this chapter.

3 (c) Within 45 days after the Acquisition and
4 Restoration ~~advisory~~ Council or its successor submits the list
5 ~~lists~~ of projects created pursuant to s. 259.105(8) to the
6 board, the board shall approve, in whole or in part, the list
7 ~~lists of projects~~ in the order of priority in which such
8 projects are presented. To the greatest extent practicable,
9 projects on the list ~~lists~~ shall be acquired in their approved
10 order of priority.

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

15 (e) Notwithstanding any other provision of law, a
16 project proposed for acquisition under s. 259.105(3)(b) or the
17 Florida Forever list developed pursuant to s. 259.105(8) which
18 is adopted by the Acquisition and Restoration Council and
19 approved by the board of trustees, and for which the total
20 purchase price exceeds more than 50 percent of the funds
21 allocated to the department under the Florida Forever program
22 created in s. 259.105, must be ratified by an act of the
23 Legislature before any contract for the proposed acquisition
24 is binding on the state.

25 Section 15. Section 259.041, Florida Statutes, is
26 amended to read:

27 259.041 Acquisition of state-owned lands for
28 preservation, conservation, and recreation purposes;
29 additional requirements.--

30 (1) ~~Neither the Board of Trustees of the Internal~~
31 ~~Improvement Trust Fund nor its duly authorized agent shall~~

1 ~~commit the state, through any instrument of negotiated~~
2 ~~contract or agreement for purchase, to the purchase of lands~~
3 ~~with or without appurtenances unless the provisions of this~~
4 ~~section have been fully complied with. Except for the~~
5 ~~requirements of subsections (3), (14), and (15), the board of~~
6 ~~trustees may waive any requirements of this section, may waive~~
7 ~~any rules adopted pursuant to this section, notwithstanding~~
8 ~~chapter 120, or may substitute other reasonably prudent~~
9 ~~procedures, provided the public's interest is reasonably~~
10 ~~protected. The title to lands acquired pursuant to this~~
11 ~~section shall vest in the board of trustees as provided in s.~~
12 ~~253.03(1), unless otherwise provided by law, and all such~~
13 ~~titled lands shall be administered pursuant to the provisions~~
14 ~~of s. 253.03.~~

15 ~~(2) The board of trustees has authority to adopt rules~~
16 ~~pursuant to ss. 120.536(1) and 120.54 to implement the~~
17 ~~provisions of this section, including rules governing the~~
18 ~~terms and conditions of land purchases. Such rules shall~~
19 ~~address with specificity, but not be limited to:~~

20 ~~(a) The procedures to be followed in the acquisition~~
21 ~~process, including selection of appraisers, surveyors, title~~
22 ~~agents and closing agents, and the content of appraisal~~
23 ~~reports.~~

24 ~~(b) The determination of the value of parcels which~~
25 ~~the state has an interest to acquire.~~

26 ~~(c) Special requirements when multiple landowners are~~
27 ~~involved in an acquisition.~~

28 ~~(d) Requirements for obtaining written option~~
29 ~~agreements so that the interests of the state are fully~~
30 ~~protected.~~

31

1 ~~(1)(3)~~ No agreement to acquire conservation lands real
2 ~~property~~ for the purposes described in this chapter and real
3 property for the purposes described in, chapter 260, or
4 chapter 375, title to which will vest in the board of
5 trustees, may bind the state unless and until the agreement
6 has been reviewed by the Division of State Lands and approved
7 by the Department of Environmental Protection as complying
8 with the requirements of this section and any rules adopted
9 pursuant to this section. ~~If where~~ any of the following
10 conditions exist, the agreement shall be submitted to and
11 approved by the board of trustees:

12 (a) The purchase price agreed to by the seller exceeds
13 110 percent of the appraised value ~~the value as established~~
14 ~~pursuant to the rules of the board of trustees;~~

15 (b) The contract price agreed to by the seller and
16 acquiring agency exceeds \$1 million;

17 (c) The acquisition is the initial purchase in a
18 project; or

19 (d) Other conditions that the board of trustees may
20 adopt by rule. Such conditions may include, but not be limited
21 to, projects where title to the property being acquired is
22 considered nonmarketable or is encumbered in such a way as to
23 significantly affect its management.

24
25 The board of trustees may not approve any acquisition if the
26 purchase price agreed to by the seller exceeds more than 150
27 percent of appraised value as established pursuant to s.

28 253.025. ~~If where~~ approval of the board of trustees is
29 required pursuant to this subsection, the acquiring agency
30 must provide a justification as to why it is in the public's
31 interest to acquire the parcel or project. Approval of the

1 board of trustees also is required for projects the department
2 recommends acquiring pursuant to subsections ~~(4) and (5)~~ ~~(14)~~
3 ~~and (15)~~. Review and approval of agreements for acquisitions
4 for Florida Greenways and Trails Program properties pursuant
5 to chapter 260 may be waived by the department in any contract
6 with nonprofit corporations that have agreed to assist the
7 department with this program.

8 ~~(4) Land acquisition procedures provided for in this~~
9 ~~section and related rules are for voluntary, negotiated~~
10 ~~acquisitions.~~

11 ~~(5) For the purposes of this section, the term~~
12 ~~"negotiations" does not include preliminary contacts with the~~
13 ~~property owner to determine the availability of the property,~~
14 ~~existing appraisal data, existing abstracts, and surveys.~~

15 ~~(6) Evidence of marketable title in the form of a~~
16 ~~commitment for title insurance or an abstract of title with a~~
17 ~~title opinion shall be obtained prior to the conveyance of~~
18 ~~title, as provided in the final agreement for purchase.~~

19 ~~(7) Prior to approval by the board of trustees or,~~
20 ~~when applicable, the Department of Environmental Protection,~~
21 ~~of any agreement to purchase land pursuant to this chapter,~~
22 ~~chapter 260, or chapter 375, and prior to negotiations with~~
23 ~~the parcel owner to purchase any other land, title to which~~
24 ~~will vest in the board of trustees, an appraisal of the parcel~~
25 ~~shall be required as follows:~~

26 ~~(a) The board of trustees shall adopt by rule the~~
27 ~~method for determining the value of parcels sought to be~~
28 ~~acquired by state agencies pursuant to this section.~~

29 ~~(b) Each parcel to be acquired shall have at least one~~
30 ~~appraisal. Two appraisals are required when the estimated~~
31 ~~value of the parcel exceeds \$500,000. However, when both~~

1 ~~appraisals exceed \$500,000 and differ significantly, a third~~
2 ~~appraisal may be obtained. When a parcel is estimated to be~~
3 ~~worth \$100,000 or less and the director of the Division of~~
4 ~~State Lands finds that the cost of obtaining an outside~~
5 ~~appraisal is not justified, an appraisal prepared by the~~
6 ~~division may be used.~~

7 ~~(c) Appraisal fees and associated costs shall be paid~~
8 ~~by the agency proposing the acquisition. The board of trustees~~
9 ~~shall approve qualified fee appraisal organizations. All~~
10 ~~appraisals used for the acquisition of lands pursuant to this~~
11 ~~section shall be prepared by a member of an approved appraisal~~
12 ~~organization or by a state certified appraiser who meets the~~
13 ~~standards and criteria established in rule by the board of~~
14 ~~trustees. Each fee appraiser selected to appraise a particular~~
15 ~~parcel shall, prior to contracting with the agency or a~~
16 ~~participant in a multiparty agreement, submit to that agency~~
17 ~~or participant an affidavit substantiating that he or she has~~
18 ~~no vested or fiduciary interest in such parcel.~~

19 ~~(d) The fee appraiser and the review appraiser for the~~
20 ~~agency shall not act in any way that may be construed as~~
21 ~~negotiating with the property owner.~~

22 ~~(e) Generally, appraisal reports are confidential and~~
23 ~~exempt from the provisions of s. 119.07(1), for use by the~~
24 ~~agency and the board of trustees, until an option contract is~~
25 ~~executed or, if no option contract is executed, until 2 weeks~~
26 ~~before a contract or agreement for purchase is considered for~~
27 ~~approval by the board of trustees. However, the department has~~
28 ~~the authority, at its discretion, to disclose appraisal~~
29 ~~reports to private landowners during negotiations for~~
30 ~~acquisitions using alternatives to fee simple techniques, if~~
31 ~~the department determines that disclosure of such reports will~~

1 ~~bring the proposed acquisition to closure. The Division of~~
2 ~~State Lands may also disclose appraisal information to public~~
3 ~~agencies or nonprofit organizations that agree to maintain the~~
4 ~~confidentiality of the reports or information when joint~~
5 ~~acquisition of property is contemplated, or when a public~~
6 ~~agency or nonprofit organization enters into a written~~
7 ~~multiparty agreement with the division to purchase and hold~~
8 ~~property for subsequent resale to the division. In addition,~~
9 ~~the division may use, as its own, appraisals obtained by a~~
10 ~~public agency or nonprofit organization, provided the~~
11 ~~appraiser is selected from the division's list of appraisers~~
12 ~~and the appraisal is reviewed and approved by the division.~~
13 ~~For the purposes of this chapter, "nonprofit organization"~~
14 ~~means an organization whose purposes include the preservation~~
15 ~~of natural resources, and which is exempt from federal income~~
16 ~~tax under s. 501(c)(3) of the Internal Revenue Code. The~~
17 ~~agency may release an appraisal report when the passage of~~
18 ~~time has rendered the conclusions of value in the report~~
19 ~~invalid or when the acquiring agency has terminated~~
20 ~~negotiations.~~

21 ~~(f) The Division of State Lands may use, as its own,~~
22 ~~appraisals obtained by a public agency or nonprofit~~
23 ~~organization, provided that the appraiser is selected from the~~
24 ~~division's list of appraisers and the appraisal is reviewed~~
25 ~~and approved by the division. For the purposes of this~~
26 ~~chapter, the term "nonprofit organization" means an~~
27 ~~organization whose purposes include the preservation of~~
28 ~~natural resources and which is exempt from federal income tax~~
29 ~~under s. 501(c)(3) of the Internal Revenue Code.~~

30
31

1 ~~Notwithstanding the provisions of this subsection, on behalf~~
2 ~~of the board and before the appraisal of parcels approved for~~
3 ~~purchase under this chapter, the Secretary of Environmental~~
4 ~~Protection or the director of the Division of State Lands may~~
5 ~~enter into option contracts to buy such parcels. Any such~~
6 ~~option contract shall state that the final purchase price is~~
7 ~~subject to approval by the board or, when applicable, the~~
8 ~~secretary and that the final purchase price may not exceed the~~
9 ~~maximum offer allowed by law. The consideration for such an~~
10 ~~option may not exceed \$1,000 or 0.01 percent of the estimate~~
11 ~~by the department of the value of the parcel, whichever amount~~
12 ~~is greater.~~

13 ~~(8)(a) When the owner is represented by an agent or~~
14 ~~broker, negotiations may not be initiated or continued until a~~
15 ~~written statement verifying such agent's or broker's legal or~~
16 ~~fiduciary relationship with the owner is on file with the~~
17 ~~agency.~~

18 ~~(b) The board of trustees or any state agency may~~
19 ~~contract for real estate acquisition services, including, but~~
20 ~~not limited to, surveying, mapping, environmental audits,~~
21 ~~title work, and legal and other professional assistance to~~
22 ~~review acquisition agreements and other documents and to~~
23 ~~perform acquisition closings. However, the department shall~~
24 ~~use outside counsel for review of any agreements or documents,~~
25 ~~or to perform acquisition closings unless department staff can~~
26 ~~conduct the same activity in 15 days or less.~~

27 ~~(c) All offers or counteroffers shall be documented in~~
28 ~~writing and shall be confidential and exempt from the~~
29 ~~provisions of s. 119.07(1) until an option contract is~~
30 ~~executed, or if no option contract is executed, until 2 weeks~~
31 ~~before a contract or agreement for purchase is considered for~~

1 ~~approval by the board of trustees. The agency shall maintain~~
2 ~~complete and accurate records of all offers and counteroffers~~
3 ~~for all projects.~~

4 ~~(9)(a) A final offer shall be in the form of an option~~
5 ~~contract or agreement for purchase and shall be signed and~~
6 ~~attested to by the owner and the representative of the agency.~~
7 ~~Before the agency signs the agreement for purchase or~~
8 ~~exercises the option contract, the provisions of s. 286.23~~
9 ~~shall be complied with. Within 10 days after the signing of~~
10 ~~the agreement for purchase, the state agency shall furnish the~~
11 ~~Division of State Lands with the original of the agreement for~~
12 ~~purchase along with copies of the disclosure notice, evidence~~
13 ~~of marketability, the accepted appraisal report, the fee~~
14 ~~appraiser's affidavit, a statement that the inventory of~~
15 ~~existing state owned lands was examined and contained no~~
16 ~~available suitable land in the area, and a statement outlining~~
17 ~~the public purpose for which the acquisition is being made and~~
18 ~~the statutory authority therefor.~~

19 ~~(b) Within 45 days after receipt by the Division of~~
20 ~~State Lands of the agreement for purchase and the required~~
21 ~~documentation, the board of trustees or its designee shall~~
22 ~~either reject or approve the agreement. An approved agreement~~
23 ~~for purchase is binding on both parties. Any agreement which~~
24 ~~has been disapproved shall be returned to the agency, along~~
25 ~~with a statement as to the deficiencies of the agreement or~~
26 ~~the supporting documentation. An agreement for purchase which~~
27 ~~has been disapproved by the board of trustees or its designee~~
28 ~~may be resubmitted when such deficiencies have been corrected.~~

29 ~~(10)(a) The board of trustees may accept a dedication,~~
30 ~~gift, grant, or bequest of lands and appurtenances without~~
31 ~~formal evidence of marketability, or when the title is~~

1 ~~nonmarketable, if the board or its designee determines that~~
2 ~~such lands and appurtenances have value and are reasonably~~
3 ~~manageable by the state and that their acceptance would serve~~
4 ~~the public interest. The state is not required to appraise the~~
5 ~~value of such donated lands and appurtenances as a condition~~
6 ~~of receipt. No deed filed in the public records to donate~~
7 ~~lands to the Board of Trustees of the Internal Improvement~~
8 ~~Trust Fund shall be construed to transfer title to or vest~~
9 ~~title in the board of trustees unless there also shall be~~
10 ~~filed in the public records, a document indicating that the~~
11 ~~board of trustees has agreed to accept the transfer of title~~
12 ~~to such donated lands.~~

13 ~~(b) The board of trustees may not accept by~~
14 ~~dedication, gift, grant, or bequest any lands and~~
15 ~~appurtenances that are determined to be owned by the state~~
16 ~~either in fee or by virtue of the state's sovereignty or which~~
17 ~~are so encumbered as to preclude the use of such lands and~~
18 ~~appurtenances for any reasonable public purpose.~~

19 ~~(2)(c)~~ Notwithstanding any other provision of law, the
20 maximum value of a parcel to be purchased by the board of
21 trustees as determined by the highest approved appraisal or as
22 determined pursuant to the rules of the board of trustees
23 shall not be increased or decreased as a result of a change of
24 zoning, permitted land uses, or changes in market forces or
25 prices that occur within 1 year after the date the Department
26 of Environmental Protection or board of trustees approves a
27 contract to purchase the parcel. In no case shall the maximum
28 value of a property to be purchased exceed 150 percent of the
29 highest approved appraisal.

30 ~~(3)(11)(a)~~ The Legislature finds that, with the
31 increasing pressures on the natural areas of this state and on

1 open space suitable for recreational use, the state must
2 develop creative techniques to maximize the use of acquisition
3 and management funds. The Legislature also finds that public
4 ~~the state's conservation and recreational~~ land acquisition
5 agencies should be encouraged to augment ~~their~~ traditional,
6 fee simple acquisition programs with the use of alternatives
7 to fee simple acquisition techniques. Additionally, the
8 Legislature finds that generations of private landowners have
9 been good stewards of their land, protecting or restoring
10 native habitats and ecosystems to the benefit of the natural
11 resources of this state, its heritage, and its citizens. The
12 Legislature also finds that using alternatives to fee simple
13 acquisition by public land acquisition agencies will achieve
14 the following public policy goals:

- 15 1. Allow more lands to be brought under public
16 protection for preservation, conservation, and recreation
17 ~~recreational~~ purposes with less expenditure of public funds.
- 18 2. Retain, on local government tax rolls, some portion
19 of or interest in lands which are under public protection.
- 20 3. Reduce long-term management costs by allowing
21 private property owners to continue acting as stewards of
22 their land, where appropriate.

23
24 Therefore, it is the intent of the Legislature that public
25 land acquisition agencies develop ~~programs to pursue~~
26 alternatives to fee simple acquisition and ~~to~~ educate private
27 landowners about such alternatives and the benefits of such
28 alternatives. It is also the intent of the Legislature that a
29 portion of the ~~shares of Preservation 2000 and Florida Forever~~
30 bond proceeds be used to purchase eligible properties using
31 alternatives to fee simple acquisition.

1 (b) All project applications shall identify, within
2 their acquisition plans, those projects which require ~~a full~~
3 fee simple interest ~~to achieve the public policy goals,~~
4 together with the reasons fee simple full title is ~~determined~~
5 ~~to be~~ necessary. The state agencies and the water management
6 districts may use alternatives to fee simple acquisition to
7 achieve the public policy goals of this subsection and to
8 bring the remaining projects in their acquisition plans under
9 public protection. For the purposes of this subsection, the
10 terms ~~term~~ "alternatives to fee simple acquisition" and "less
11 than fee simple acquisitions" include ~~includes~~, but are ~~is~~ not
12 limited to: purchase of development rights; obtaining
13 conservation easements; obtaining flowage easements; purchase
14 of timber rights, mineral rights, or hunting rights; purchase
15 of agricultural interests or silvicultural interests; entering
16 into land protection agreements as defined in s. 380.0677(4);
17 fee simple acquisitions with reservations; creating life
18 estates; or any other acquisition technique which achieves the
19 public policy goals listed in paragraph (a). It is presumed
20 that a private landowner retains the full range of uses for
21 all the rights or interests in the landowner's land which are
22 not specifically acquired by the public agency. The lands upon
23 which hunting rights are specifically acquired pursuant to
24 this paragraph shall be available for hunting in accordance
25 with the management plan or hunting regulations adopted by the
26 ~~Florida~~ Fish and Wildlife Conservation Commission, unless the
27 hunting rights are purchased specifically to protect
28 activities on adjacent lands.

29 (c) When developing the acquisition plan pursuant to
30 s. 259.105 the Acquisition and Restoration Council may give
31 preference to those less than fee simple acquisitions that

1 provide any public access. However, the Legislature
2 recognizes that public access is not always appropriate for
3 certain less than fee simple acquisitions; therefore no
4 proposed less than fee simple acquisition shall be rejected
5 simply because public access may ~~would~~ be limited.

6 (d) Beginning in fiscal year 1999-2000, the department
7 and each water management district shall implement initiatives
8 to use alternatives to fee simple acquisition and to educate
9 private landowners about such alternatives. The department and
10 the water management districts may enter into joint
11 acquisition agreements to jointly fund the purchase of lands
12 using alternatives to fee simple techniques.

13 (e) The Legislature finds that the lack of direct
14 sales comparison information has served as an impediment to
15 successful implementation of alternatives to fee simple
16 acquisition. It is the intent of the Legislature that, in the
17 absence of direct comparable sales information, appraisals of
18 alternatives to fee simple acquisitions be based on the
19 difference between the full fee simple valuation and the value
20 of the interests remaining with the seller after acquisition.

21 (f) The public agency which is ~~has been~~ assigned
22 management responsibility shall inspect and monitor any less
23 than fee simple interest according to the terms of the
24 purchase agreement relating to such interest.

25 ~~(12) Any conveyance to the board of trustees of fee~~
26 ~~title shall be made by no less than a special warranty deed,~~
27 ~~unless the conveyance is from the Federal Government, the~~
28 ~~county government, or another state agency or, in the event of~~
29 ~~a gift or donation by quitclaim deed, if the board of~~
30 ~~trustees, or its designee, determines that the acceptance of~~
31 ~~such quitclaim deed is in the best interest of the public. A~~

1 ~~quitclaim deed may also be accepted to aid in clearing title~~
2 ~~or boundary questions.~~

3 ~~(13) The board of trustees may purchase tax~~
4 ~~certificates or tax deeds issued in accordance with chapter~~
5 ~~197 relating to property eligible for purchase under this~~
6 ~~section.~~

7 ~~(4)(14)~~ The board of trustees, by majority vote of all
8 of its members, voting at a regularly scheduled and advertised
9 meeting, may direct the department to exercise the power of
10 eminent domain pursuant to the provisions of chapters 73 and
11 74 to acquire any of the properties on the acquisition list
12 established by the Acquisition and Restoration Council ~~and~~
13 ~~acquisition selection committee~~ and approved by the board of
14 trustees. However, the board of trustees may only make such a
15 vote under the following circumstances:

16 (a) The state has made at least two bona fide offers
17 to purchase the land through negotiation and, notwithstanding
18 those offers, an impasse between the state and the landowner
19 was reached.

20 (b) The land is of special importance to the state
21 because of one or more of the following reasons:

22 1. It involves an endangered or natural resource and
23 is in imminent danger of development.

24 2. It is of unique value to the state and the failure
25 to acquire it will result in irreparable loss to the state.

26 3. The failure of the state to acquire it will
27 seriously impair the state's ability to manage or protect
28 other state-owned lands.

29
30 Pursuant to this subsection, the department may exercise
31 condemnation authority directly or by contracting with the

1 Department of Transportation or a water management district to
2 provide that service. If the Department of Transportation or a
3 water management district enters such a contract with the
4 department, the Department of Transportation or a water
5 management district may use statutorily approved methods and
6 procedures ordinarily used by the agency for condemnation
7 purposes.

8 ~~(5)(15)~~ The board of trustees, by an affirmative vote
9 of at least three of its members, may direct the department to
10 purchase lands on an immediate basis using up to 15 percent of
11 the funds allocated to the department pursuant to ~~s. ss.~~
12 ~~259.101(3)(a)~~ and 259.105 for the acquisition of lands that:

13 (a) Are listed or placed at auction by the Federal
14 Government as part of the Resolution Trust Corporation sale of
15 lands from failed savings and loan associations;

16 (b) Are listed or placed at auction by the Federal
17 Government as part of the Federal Deposit Insurance
18 Corporation sale of lands from failed banks; or

19 (c) Will be developed or otherwise lost to potential
20 public ownership, or for which federal matching funds will be
21 lost, by the time the land can be purchased under the program
22 within which the land is listed for acquisition.

23
24 For such acquisitions, the board of trustees may waive or
25 modify all procedures required for land acquisition pursuant
26 to this chapter and all competitive bid procedures required
27 pursuant to chapters 255 and 287. However, the requirement
28 that no more than 150 percent of the highest approved
29 appraised value may be expended for any acquisition may not be
30 waived or modified by the board. Lands acquired pursuant to
31 this subsection must, at the time of purchase, be on one of

1 | the acquisition lists established pursuant to this chapter, or
2 | be essential for water resource development, protection, or
3 | restoration, or a significant portion of the lands must
4 | contain natural communities or plant or animal species which
5 | are listed by the Florida Natural Areas Inventory as
6 | critically imperiled, imperiled, or rare, or as excellent
7 | quality occurrences of natural communities.

8 | ~~(16) The Auditor General shall conduct audits of~~
9 | ~~acquisitions and divestitures which he or she deems necessary,~~
10 | ~~according to his or her preliminary assessments of~~
11 | ~~board approved acquisitions and divestitures. These~~
12 | ~~preliminary assessments shall be initiated not later than 60~~
13 | ~~days following the final approval by the board of land~~
14 | ~~acquisitions under this section. If an audit is conducted, the~~
15 | ~~Auditor General shall submit an audit report to the board of~~
16 | ~~trustees, the President of the Senate, the Speaker of the~~
17 | ~~House of Representatives, and their designees.~~

18 | (6)(17) Title to lands to be held jointly by the board
19 | of trustees and a water management district and acquired
20 | pursuant to the procedures set out in s. 373.139 may be deemed
21 | to meet the standards necessary for ownership by the board of
22 | trustees, notwithstanding any provisions in this section or in
23 | related rules.

24 | ~~(18) Any agency authorized to acquire lands on behalf~~
25 | ~~of the board of trustees is authorized to request disbursement~~
26 | ~~of payments for real estate closings in accordance with a~~
27 | ~~written authorization from an ultimate beneficiary to allow a~~
28 | ~~third party authorized by law to receive such payment provided~~
29 | ~~the Chief Financial Officer determines that such disbursement~~
30 | ~~is consistent with good business practices and can be~~
31 | ~~completed in a manner minimizing costs and risks to the state.~~

1 ~~(19) Many parcels of land acquired pursuant to this~~
2 ~~section may contain cattle dipping vats as defined in s.~~
3 ~~376.301. The state is encouraged to continue with the~~
4 ~~acquisition of such lands including the cattle dipping vats.~~

5 Section 16. Section 259.105, Florida Statutes, is
6 amended to read:

7 259.105 The Florida Forever Act.--

8 (1) This section may be cited as the "Florida Forever
9 Act."

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

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

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

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

27 4. Florida's groundwater, surface waters, and springs
28 are under tremendous pressure due to population growth and
29 economic expansion and require special protection and
30 restoration efforts. To ensure that sufficient quantities of
31 water are available to meet the current and future needs of

1 the natural systems and citizens of the state, and assist in
2 achieving the planning goals of the department and the water
3 management districts, water resource development projects on
4 public lands, where compatible with the resource values of and
5 management objectives for the lands, are appropriate.

6 5. The needs of urban Florida for high-quality outdoor
7 recreational opportunities, greenways, trails, and open space
8 have not been fully met by previous acquisition programs.

9 Through such programs as the Florida Communities Trust and the
10 Florida Recreation Development Assistance Program, the state
11 shall place additional emphasis on acquiring, protecting,
12 preserving, and restoring open space, greenways, and
13 recreation properties within urban areas where pristine
14 natural communities or water bodies no longer exist because of
15 the proximity of developed property.

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

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

27 8. Acquisition of lands, in fee simple or in any
28 lesser interest, should be based on a comprehensive assessment
29 of Florida's natural resources and planned so as to protect
30 the integrity of ecological systems and provide multiple
31 benefits, including preservation of fish and wildlife habitat,

1 recreation space for urban as well as rural areas, and water
2 recharge.

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

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

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

29 (c) Public agencies or other entities that receive
30 funds under this section are encouraged to better coordinate
31 their expenditures so that project acquisitions, when combined

1 with acquisitions under Preservation 2000, Save Our Rivers,
2 the Florida Communities Trust, and other public land
3 acquisition programs, will form more complete patterns of
4 protection for natural areas and functioning ecosystems, to
5 better accomplish the intent of this section.

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

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

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

26 (g) As it has with previous land acquisition programs,
27 the Legislature recognizes the desires of the citizens of this
28 state to prosper through economic development and to preserve
29 the natural areas and recreational open space of Florida. The
30 Legislature further recognizes the urgency of restoring the
31 natural functions of public lands or water bodies before they

1 are degraded to a point where recovery may never occur, yet
2 acknowledges the difficulty of ensuring adequate funding for
3 restoration efforts in light of other equally critical
4 financial needs of the state. It is the Legislature's desire
5 and intent to fund the implementation of this section and to
6 do so in a fiscally responsible manner, by issuing bonds to be
7 repaid with documentary stamp tax revenue.

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

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

23 (b) Thirty-five percent to the Department of
24 Environmental Protection for the acquisition of lands and
25 capital project expenditures described in this section. Of the
26 proceeds distributed pursuant to this paragraph, it is the
27 intent of the Legislature that an increased priority be given
28 to those acquisitions which achieve a combination of
29 conservation goals, including protecting Florida's water
30 resources and natural groundwater recharge. Capital project
31

1 expenditures may not exceed 10 percent of the funds allocated
2 pursuant to this paragraph.

3 (c) Twenty-two percent to the Department of Community
4 Affairs for use by the Florida Communities Trust for the
5 purposes of part III of chapter 380, as described and limited
6 by this subsection, and grants to local governments or
7 nonprofit environmental organizations that are tax exempt
8 under s. 501(c)(3) of the United States Internal Revenue Code
9 for the acquisition of community-based projects, urban open
10 spaces, parks, and greenways to implement local government
11 comprehensive plans. From funds available to the trust and
12 used for land acquisition, 75 percent shall be matched by
13 local governments on a dollar-for-dollar basis. The
14 Legislature intends that the Florida Communities Trust
15 emphasize funding projects in low-income or otherwise
16 disadvantaged communities. At least 30 percent of the total
17 allocation provided to the trust shall be used in Standard
18 Metropolitan Statistical Areas, but one-half of that amount
19 shall be used in localities in which the project site is
20 located in built-up commercial, industrial, or mixed-use areas
21 and functions to intersperse open spaces within congested
22 urban core areas. From funds allocated to the trust, no less
23 than 5 percent shall be used to acquire lands for recreational
24 trail systems, provided that in the event these funds are not
25 needed for such projects, they will be available for other
26 trust projects. Local governments may use federal grants or
27 loans, private donations, or environmental mitigation funds,
28 including environmental mitigation funds required pursuant to
29 s. 338.250, for any part or all of any local match required
30 for acquisitions funded through the Florida Communities Trust.
31 Any lands purchased by nonprofit organizations using funds

1 allocated under this paragraph must provide for such lands to
2 remain permanently in public use through a reversion of title
3 to local or state government, conservation easement, or other
4 appropriate mechanism. Projects funded with funds allocated
5 to the Trust shall be selected in a competitive process
6 measured against criteria adopted in rule by the Trust.

7 (d) Two percent to the Department of Environmental
8 Protection for grants to qualified local government entities
9 for the acquisition or development of land for public outdoor
10 recreation purposes pursuant to s. 375.075.

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

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

28 (g) One and five-tenths percent to the Fish and
29 Wildlife Conservation Commission to fund the acquisition of
30 inholdings and additions to lands managed by the commission
31 which are important to the conservation of fish and wildlife

1 and for capital project expenditures as described in this
2 section. Capital project expenditures may not exceed 10
3 percent of the funds allocated under this paragraph.

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

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

24 (j)1. For the purposes of paragraphs (d), (e), (f),
25 and (g), the agencies that ~~which~~ receive the funds shall
26 develop their individual acquisition or restoration lists.
27 Proposed inholdings and additions may be acquired if they are
28 identified within the original project boundary, the land
29 management plan required pursuant to ss. s- 253.034(5) and
30 259.0321, or the management prospectus required pursuant to s.
31 259.0321(2)(a) s- 259.032(9)(d). An inholding or an addition

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

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

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

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

29 1. The number of acres acquired through the state's
30 land acquisition programs that contribute to the completion of
31

1 Florida Preservation 2000 projects or projects begun before
2 Preservation 2000;

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

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

9 (b) Increase the protection of Florida's biodiversity
10 at the species, natural community, and landscape levels, as
11 measured by:

12 1. The number of acres acquired of significant
13 strategic habitat conservation areas;

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

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

19 4. The number of acres acquired of underrepresented
20 native ecosystems;

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

26 6. The percentage increase in the number of
27 occurrences of endangered species, threatened species, or
28 species of special concern on publicly managed conservation
29 areas.

30
31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27
28 Florida Forever projects and acquisitions funded pursuant to
29 paragraph (3)(c) shall be measured by goals developed by rule
30 by the Florida Communities Trust Governing Board created in s.
31 380.504.

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

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

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

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

30 (b) Project applications shall contain, at a minimum,
31 the following:

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

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

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

28 (8)(a) The Acquisition and Restoration Council shall
29 develop, at least annually, a project list that must include
30 those projects approved for funding under the Preservation
31 2000 program or earlier conservation programs which were

1 contained on the former Conservation and Recreation Lands
2 list, and shall add those projects submitted for funding
3 pursuant to subsection (7).

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

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

23 (a) The project meets multiple goals described in
24 subsection (4).

25 (b) The project is part of an ongoing governmental
26 effort to restore, protect, or develop land areas or water
27 resources.

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

30 (d) The project has significant archaeological or
31 historic value.

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

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

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

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

14 (i) The project is one of the components of the
15 Everglades restoration effort.

16 (j) The project may be purchased at 80 percent of
17 appraised value.

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

23 (l) The project is a joint acquisition, either among
24 public agencies, nonprofit organizations, or private entities,
25 or by a public-private partnership.

26 (10) The Acquisition and Restoration Council shall
27 give increased priority to those projects for which matching
28 funds are available and to project elements previously
29 identified on an acquisition list pursuant to this section
30 that can be acquired at 80 percent or less of appraised value.
31

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

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

11 (b) Twenty-five percent to the Southwest Florida Water
12 Management District.

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

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

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

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

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

1 ~~business relationship has a connection with any project~~
2 ~~proposed to be ranked shall declare such interest prior to~~
3 ~~voting for a project's inclusion on the list.~~

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

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

- 22 (a) The stated purpose for inclusion.
23 (b) Projected costs to achieve the project goals.
24 (c) An interim management budget.
25 (d) Specific performance measures.
26 (e) Plans for public access.
27 (f) An identification of the essential parcel or
28 parcels within the project without which the project cannot be
29 properly managed.
30
31

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

4 (h) An identification of those lands being purchased
5 for conservation purposes.

6 (i) A management policy statement for the project and
7 a management prospectus pursuant to s. 259.0321(2)(a) ~~s.~~
8 ~~259.032(9)(d)~~.

9 (j) An estimate of land value based on county tax
10 assessed values.

11 (k) A map delineating project boundaries.

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

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

17 (n) A designation of the management agency or
18 agencies.

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

1 ~~public purposes under s. 259.032(3) and, when applicable, s.~~
2 ~~259.101(4).~~ The council also shall determine whether the
3 project or addition conforms, where applicable, with the
4 comprehensive plan developed pursuant to s. 259.04(1)(a), the
5 comprehensive multipurpose outdoor recreation plan developed
6 pursuant to s. 375.021, the state lands management plan
7 adopted pursuant to s. 253.03(7), the water management
8 district resources work plans developed pursuant to s.
9 373.199, and the provisions of this section.

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

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

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

1 ~~(17)~~~~(18)~~ The Acquisition and Restoration Council shall
2 recommend adoption of rules by the board of trustees necessary
3 to implement the provisions of this section relating to:
4 solicitation, scoring, selecting, and ranking of Florida
5 Forever project proposals; disposing of or leasing lands or
6 water areas selected for funding through the Florida Forever
7 program; and the process of reviewing and recommending for
8 approval or rejection the land management plans associated
9 with publicly owned properties. Rules promulgated pursuant to
10 this subsection shall be submitted to the President of the
11 Senate and the Speaker of the House of Representatives, for
12 review by the Legislature, no later than 30 days prior to the
13 2001 Regular Session and shall become effective only after
14 legislative review. In its review, the Legislature may reject,
15 modify, or take no action relative to such rules. The board of
16 trustees shall conform such rules to changes made by the
17 Legislature, or, if no action was taken by the Legislature,
18 such rules shall become effective.

19 ~~(18)~~~~(19)~~ Lands listed as projects for acquisition
20 under the Florida Forever program may be managed for
21 conservation pursuant to s. 259.0321 ~~s. 259.032~~, on an interim
22 basis by a private party in anticipation of a state purchase
23 in accordance with a contractual arrangement between the
24 acquiring agency and the private party that may include
25 management service contracts, leases, cost-share arrangements,
26 or resource conservation agreements. Lands designated as
27 eligible under this subsection shall be managed to maintain or
28 enhance the resources the state is seeking to protect by
29 acquiring the land. Funding for these contractual arrangements
30 may originate from the documentary stamp tax revenue deposited
31 into the Conservation and Recreation Lands Trust Fund and

1 Water Management Lands Trust Fund. No more than 5 percent of
2 funds allocated under the trust funds shall be expended for
3 this purpose.

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

13 Section 17. Subsection (13) of section 201.15, Florida
14 Statutes, is amended to read:

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

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

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

5 Section 18. Effective July 1, 2007, subsection (13) of
6 section 201.15, Florida Statutes, as amended by section 1 of
7 chapter 2005-92, Laws of Florida, is amended to read:

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

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

29 Section 19. Paragraph (b) of subsection (5) and
30 subsection (8) of section 253.027, Florida Statutes, are
31 amended to read:

1 253.027 Emergency archaeological property
2 acquisition.--
3 (5) ACCOUNT EXPENDITURES.--
4 (b) No moneys shall be spent from the account for
5 excavation or restoration of the properties acquired. Funds
6 may be spent for preliminary surveys to determine if the sites
7 meet the criteria of this section. An amount not to exceed
8 \$100,000 may also be spent from the account to inventory and
9 evaluate archaeological and historic resources on properties
10 purchased, or proposed for purchase, pursuant to s. 259.105 ~~s.~~
11 ~~259.032~~.
12 (8) WAIVER OF APPRAISALS OR SURVEYS.--The Board of
13 Trustees of the Internal Improvement Trust Fund may waive or
14 limit any appraisal or survey requirements in s. 253.025 ~~s.~~
15 ~~259.041~~, if necessary to effectuate the purposes of this
16 section. Fee simple title is not required to be conveyed if
17 some lesser interest will allow the preservation of the
18 archaeological resource. Properties purchased pursuant to this
19 section shall be considered archaeologically unique or
20 significant properties and may be purchased under the
21 provisions of s. 253.025(8) ~~s. 253.025(7)~~.
22 Section 20. Paragraph (b) of subsection (2) of section
23 255.25001, Florida Statutes, is amended to read:
24 255.25001 Suspension or delay of specified functions,
25 programs, and requirements relating to governmental
26 operations.--Notwithstanding the provisions of:
27 (2) Sections 253.025 and 255.25, the Department of
28 Management Services has the authority to promulgate rules
29 pursuant to chapter 120 to be used in determining whether a
30 lease-purchase of a state-owned office building is in the best
31 interests of the state, which rules provide:

1 (b) Procedures and document formats for the
2 advertisement, competitive bid process, including format of
3 submissions, and evaluation of lease-purchase acquisition
4 proposals for state-owned office buildings. The evaluation
5 process shall include but not be limited to the following:
6 1. A consideration of the cost of comparable operating
7 leases.
8 2. The appraised value of the facility as required by
9 s. 253.025.
10 3. A present value analysis of the proposed payment
11 stream.
12 4. The cost of financing the facility to be acquired.
13 5. The cost to repair identified physical defects.
14 6. The cost to remove identified hazardous substances.
15 7. An energy analysis.
16 8. A determination of who is responsible for
17 management and maintenance activities.

18
19 In order to minimize the cost of the evaluation process, the
20 Department of Management Services may develop a multistage
21 evaluation process to identify the most cost-efficient
22 proposals for extensive evaluation. The studies developed as a
23 result of this evaluation process shall be considered
24 confidential and exempt from the provisions of s. 119.07(1) to
25 the same extent that appraisal reports are considered
26 confidential and exempt from the provisions of s. 119.07(1) as
27 provided in s. 253.025(7)(c) ~~s. 253.025(6)(d)~~.

28 Section 21. Subsections (1) and (4) of section
29 259.036, Florida Statutes, are amended to read:

30 259.036 Management review teams.--
31

1 (1) To determine whether conservation, preservation,
2 and recreation lands titled in the name of the Board of
3 Trustees of the Internal Improvement Trust Fund are being
4 managed for the purposes for which they were acquired and in
5 accordance with a land management plan adopted pursuant to s.
6 259.0321 ~~s. 259.032~~, the board of trustees, acting through the
7 Department of Environmental Protection, shall cause periodic
8 management reviews to be conducted as follows:

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

11 1. One individual who is from the county or local
12 community in which the parcel or project is located and who is
13 selected by the county commission in the county which is most
14 impacted by the acquisition.

15 2. One individual from the Division of Recreation and
16 Parks of the department.

17 3. One individual from the Division of Forestry of the
18 Department of Agriculture and Consumer Services.

19 4. One individual from the Fish and Wildlife
20 Conservation Commission.

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

23 6. A private land manager mutually agreeable to the
24 state agency representatives.

25 7. A member of the local soil and water conservation
26 district board of supervisors.

27 8. A member of a conservation organization.

28 (b) The staff of the Division of State Lands shall act
29 as the review team coordinator for the purposes of
30 establishing schedules for the reviews and other staff
31

1 functions. The Legislature shall appropriate funds necessary
2 to implement land management review team functions.

3 (4) In the event a land management plan has not been
4 adopted within the timeframes specified in s. 259.0321(3) ~~s.~~
5 ~~259.032(10)~~, the department may direct a management review of
6 the property, to be conducted by the land management review
7 team. The review shall consider the extent to which the land
8 is being managed for the purposes for which it was acquired
9 and the degree to which actual management practices are in
10 compliance with the management policy statement and management
11 prospectus for that property.

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

14 259.101 Florida Preservation 2000 Act.--

15 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
16 costs of issuance, the costs of funding reserve accounts, and
17 other costs with respect to the bonds, the proceeds of bonds
18 issued pursuant to this act shall be deposited into the
19 Florida Preservation 2000 Trust Fund created by s. 375.045. In
20 fiscal year 2000-2001, for each Florida Preservation 2000
21 program described in paragraphs (a)-(g), that portion of each
22 program's total remaining cash balance which, as of June 30,
23 2000, is in excess of that program's total remaining
24 appropriation balances shall be redistributed by the
25 department and deposited into the Save Our Everglades Trust
26 Fund for land acquisition. For purposes of calculating the
27 total remaining cash balances for this redistribution, the
28 Florida Preservation 2000 Series 2000 bond proceeds, including
29 interest thereon, and the fiscal year 1999-2000 General
30 Appropriations Act amounts shall be deducted from the
31 remaining cash and appropriation balances, respectively. The

1 remaining proceeds shall be distributed by the Department of
2 Environmental Protection in the following manner:

3 (a) Fifty percent to the Department of Environmental
4 Protection for the purchase of public lands as described in s.
5 259.032 as established in chapter 94-240, Laws of Florida. Of
6 this 50 percent, at least one-fifth shall be used for the
7 acquisition of coastal lands.

8 (b) Thirty percent to the Department of Environmental
9 Protection for the purchase of water management lands pursuant
10 to s. 373.59, to be distributed among the water management
11 districts as provided in that section. Funds received by each
12 district may also be used for acquisition of lands necessary
13 to implement surface water improvement and management plans or
14 for acquisition of lands necessary to implement the Everglades
15 Construction Project authorized by s. 373.4592.

16 (c) Ten percent to the Department of Community Affairs
17 to provide land acquisition grants and loans to local
18 governments through the Florida Communities Trust pursuant to
19 part III of chapter 380. From funds allocated to the trust,
20 \$3 million annually shall be used by the Division of State
21 Lands within the Department of Environmental Protection to
22 implement the Green Swamp Land Protection Initiative
23 specifically for the purchase of conservation easements, as
24 defined in s. 380.0677(4), of lands, or severable interests or
25 rights in lands, in the Green Swamp Area of Critical State
26 Concern. From funds allocated to the trust, \$3 million
27 annually shall be used by the Monroe County Comprehensive Plan
28 Land Authority specifically for the purchase of any real
29 property interest in either those lands subject to the Rate of
30 Growth Ordinances adopted by local governments in Monroe
31 County or those lands within the boundary of an approved

1 Conservation and Recreation Lands project located within the
2 Florida Keys or Key West Areas of Critical State Concern;
3 however, title to lands acquired within the boundary of an
4 approved Conservation and Recreation Lands project may, in
5 accordance with an approved joint acquisition agreement, vest
6 in the Board of Trustees of the Internal Improvement Trust
7 Fund. Of the remaining funds allocated to the trust after the
8 above transfers occur, one-half shall be matched by local
9 governments on a dollar-for-dollar basis. To the extent
10 allowed by federal requirements for the use of bond proceeds,
11 the trust shall expend Preservation 2000 funds to carry out
12 the purposes of part III of chapter 380.

13 (d) Two and nine-tenths percent to the Department of
14 Environmental Protection for the purchase of inholdings and
15 additions to state parks. For the purposes of this paragraph,
16 "state park" means all real property in the state under the
17 jurisdiction of the Division of Recreation and Parks of the
18 department, or which may come under its jurisdiction.

19 (e) Two and nine-tenths percent to the Division of
20 Forestry of the Department of Agriculture and Consumer
21 Services to fund the acquisition of state forest inholdings
22 and additions pursuant to s. 589.07.

23 (f) Two and nine-tenths percent to the Fish and
24 Wildlife Conservation Commission to fund the acquisition of
25 inholdings and additions to lands managed by the commission
26 which are important to the conservation of fish and wildlife.

27 (g) One and three-tenths percent to the Department of
28 Environmental Protection for the Florida Greenways and Trails
29 Program, to acquire greenways and trails or greenways and
30 trails systems pursuant to chapter 260, including, but not
31

1 limited to, abandoned railroad rights-of-way and the Florida
2 National Scenic Trail.

3
4 Local governments may use federal grants or loans, private
5 donations, or environmental mitigation funds, including
6 environmental mitigation funds required pursuant to s.
7 338.250, for any part or all of any local match required for
8 the purposes described in this subsection. Bond proceeds
9 allocated pursuant to paragraph (c) may be used to purchase
10 lands on the priority lists developed pursuant to s. 259.105
11 ~~s. 259.035~~. Title to lands purchased pursuant to paragraphs
12 (a), (d), (e), (f), and (g) shall be vested in the Board of
13 Trustees of the Internal Improvement Trust Fund. Title to
14 lands purchased pursuant to paragraph (c) may be vested in the
15 Board of Trustees of the Internal Improvement Trust Fund. The
16 board of trustees shall hold title to land protection
17 agreements and conservation easements that were or will be
18 acquired pursuant to s. 380.0677, and the Southwest Florida
19 Water Management District and the St. Johns River Water
20 Management District shall monitor such agreements and
21 easements within their respective districts until the state
22 assumes this responsibility.

23 Section 23. Subsection (1) of section 259.1051,
24 Florida Statutes, is amended to read:

25 259.1051 Florida Forever Trust Fund.--

26 (1) There is created the Florida Forever Trust Fund to
27 carry out the purposes of s. ~~ss.~~ 259.032, as established in
28 chapter 94-240, Laws of Florida, and ~~ss.~~ 259.105~~7~~ and 375.031.
29 The Florida Forever Trust Fund shall be held and administered
30 by the Department of Environmental Protection. Proceeds from
31 the sale of bonds, except proceeds of refunding bonds, issued

1 | under s. 215.618 and payable from moneys transferred to the
2 | Land Acquisition Trust Fund under s. 201.15(1)(a), not to
3 | exceed \$3 billion, must be deposited into this trust fund to
4 | be distributed and used as provided in s. 259.105(3). The bond
5 | resolution adopted by the governing board of the Division of
6 | Bond Finance of the State Board of Administration may provide
7 | for additional provisions that govern the disbursement of the
8 | bond proceeds.

9 | Section 24. Paragraph (c) of subsection (1) and
10 | paragraphs (b) and (c) of subsection (2) of section 260.015,
11 | Florida Statutes, are amended to read:

12 | 260.015 Acquisition of land.--

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

17 | (c) Projects acquired under this chapter shall not be
18 | subject to the evaluation and selection procedures of s.
19 | 259.105 ~~s. 259.035~~, regardless of the estimated value of such
20 | projects. All projects shall be acquired in accordance with
21 | the acquisition procedures of chapter 259, except that the
22 | department may use the appraisal procedure used by the
23 | Department of Transportation to acquire transportation
24 | rights-of-way.

25 | (2) For purposes of the Florida Greenways and Trails
26 | Program, the board may:

27 | (b) Accept title to abandoned railroad rights-of-way
28 | which is conveyed by quitclaim deed through purchase,
29 | dedication, gift, grant, or settlement, notwithstanding s.
30 | 253.025(2) ~~s. 259.041(1)~~.

31 |

1 (c) Enter into an agreement or, upon delegation, the
2 department may enter into an agreement, with a nonprofit
3 corporation, as defined in s. 253.025(7)(f) ~~s. 259.041(7)(e)~~,
4 to assume responsibility for acquisition of lands pursuant to
5 this section. The agreement may transfer responsibility for
6 all matters which may be delegated or waived pursuant to s.
7 253.002(2)(b) ~~s. 259.041(1)~~.

8 Section 25. Paragraph (b) of subsection (3) of section
9 260.016, Florida Statutes, is amended to read:

10 260.016 General powers of the department.--

11 (3) The department or its designee is authorized to
12 negotiate with potentially affected private landowners as to
13 the terms under which such landowners would consent to the
14 public use of their lands as part of the greenways and trails
15 system. The department shall be authorized to agree to
16 incentives for a private landowner who consents to this public
17 use of his or her lands for conservation or recreational
18 purposes, including, but not limited to, the following:

19 (b) Agreement to exchange, subject to the approval of
20 the Board of Trustees of the Internal Improvement Trust Fund
21 or other applicable unit of government, ownership or other
22 rights of use of public lands for the ownership or other
23 rights of use of privately owned lands. Any exchange of
24 state-owned lands, title to which is vested in the Board of
25 Trustees of the Internal Improvement Trust Fund, for privately
26 owned lands shall be subject to the requirements of s. 253.034
27 ~~s. 259.041~~.

28 Section 26. Subsections (6) and (7) of section
29 369.317, Florida Statutes, are amended to read:

30 369.317 Wekiva Parkway.--

1 (6) The Orlando-Orange County Expressway Authority is
2 hereby granted the authority to act as a third-party
3 acquisition agent, pursuant to s. 253.025 ~~s. 259.041~~ on behalf
4 of the Board of Trustees or chapter 373 on behalf of the
5 governing board of the St. Johns River Water Management
6 District, for the acquisition of all necessary lands, property
7 and all interests in property identified herein, including fee
8 simple or less-than-fee simple interests. The lands subject to
9 this authority are identified in paragraph 10.a., State of
10 Florida, Office of the Governor, Executive Order 03-112 of
11 July 1, 2003, and in Recommendation 16 of the Wekiva Basin
12 Area Task Force created by Executive Order 2002-259, such
13 lands otherwise known as Neighborhood Lakes, a 1,587+/- acre
14 parcel located in Orange and Lake Counties within Sections 27,
15 28, 33, and 34 of Township 19 South, Range 28 East, and
16 Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
17 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake
18 County within Section 37, Township 19 South, Range 28 East;
19 New Garden Coal; a 1,605+/- acre parcel in Lake County within
20 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
21 East; Pine Plantation, a 617+/- acre tract consisting of eight
22 individual parcels within the Apopka City limits. The
23 Department of Transportation, the Department of Environmental
24 Protection, the St. Johns River Water Management District, and
25 other land acquisition entities shall participate and
26 cooperate in providing information and support to the
27 third-party acquisition agent. The land acquisition process
28 authorized by this paragraph shall begin no later than
29 December 31, 2004. Acquisition of the properties identified as
30 Neighborhood Lakes, Pine Plantation, and New Garden Coal, or
31 approval as a mitigation bank shall be concluded no later than

1 December 31, 2010. Department of Transportation and
2 Orlando-Orange County Expressway Authority funds expended to
3 purchase an interest in those lands identified in this
4 subsection shall be eligible as environmental mitigation for
5 road construction related impacts in the Wekiva Study Area.

6 (a) Acquisition of the land described in this section
7 is required to provide right of way for the Wekiva Parkway, a
8 limited access roadway linking State Road 429 to Interstate 4,
9 an essential component in meeting regional transportation
10 needs to provide regional connectivity, improve safety,
11 accommodate projected population and economic growth, and
12 satisfy critical transportation requirements caused by
13 increased traffic volume growth and travel demands.

14 (b) Acquisition of the lands described in this section
15 is also required to protect the surface water and groundwater
16 resources of Lake, Orange, and Seminole counties, otherwise
17 known as the Wekiva Study Area, including recharge within the
18 springshed that provides for the Wekiva River system.
19 Protection of this area is crucial to the long term viability
20 of the Wekiva River and springs and the central Florida
21 region's water supply. Acquisition of the lands described in
22 this section is also necessary to alleviate pressure from
23 growth and development affecting the surface and groundwater
24 resources within the recharge area.

25 (c) Lands acquired pursuant to this section that are
26 needed for transportation facilities for the Wekiva Parkway
27 shall be determined not necessary for conservation purposes
28 pursuant to ss. 253.034(6) and 373.089(5) and shall be
29 transferred to or retained by the Orlando-Orange County
30 Expressway Authority or the Department of Transportation upon
31

1 reimbursement of the full purchase price and acquisition
2 costs.

3 (7) The Department of Transportation, the Department
4 of Environmental Protection, the St. Johns River Water
5 Management District, Orlando-Orange County Expressway
6 Authority, and other land acquisition entities shall cooperate
7 and establish funding responsibilities and partnerships by
8 agreement to the extent funds are available to the various
9 entities. Properties acquired with Florida Forever funds shall
10 be in accordance with s. 259.105 ~~s. 259.041~~ or chapter 373.
11 The Orlando-Orange County Expressway Authority shall acquire
12 land in accordance with this section of law to the extent
13 funds are available from the various funding partners, but
14 shall not be required nor assumed to fund the land acquisition
15 beyond the agreement and funding provided by the various land
16 acquisition entities.

17 Section 27. Paragraph (a) of subsection (3) of section
18 373.139, Florida Statutes, is amended to read:

19 373.139 Acquisition of real property.--

20 (3) The initial 5-year work plan and any subsequent
21 modifications or additions thereto shall be adopted by each
22 water management district after a public hearing. Each water
23 management district shall provide at least 14 days' advance
24 notice of the hearing date and shall separately notify each
25 county commission within which a proposed work plan project or
26 project modification or addition is located of the hearing
27 date.

28 (a) Appraisal reports, offers, and counteroffers are
29 confidential and exempt from the provisions of s. 119.07(1)
30 until an option contract is executed or, if no option contract
31 is executed, until 30 days before a contract or agreement for

1 purchase is considered for approval by the governing board.
2 However, each district may, at its discretion, disclose
3 appraisal reports to private landowners during negotiations
4 for acquisitions using alternatives to fee simple techniques,
5 if the district determines that disclosure of such reports
6 will bring the proposed acquisition to closure. In the event
7 that negotiation is terminated by the district, the appraisal
8 report, offers, and counteroffers shall become available
9 pursuant to s. 119.07(1). Notwithstanding the provisions of
10 this section and s. 253.025 ~~s. 259.041~~, a district and the
11 Division of State Lands may share and disclose appraisal
12 reports, appraisal information, offers, and counteroffers when
13 joint acquisition of property is contemplated. A district and
14 the Division of State Lands shall maintain the confidentiality
15 of such appraisal reports, appraisal information, offers, and
16 counteroffers in conformance with this section and s. 259.041,
17 except in those cases in which a district and the division
18 have exercised discretion to disclose such information. A
19 district may disclose appraisal information, offers, and
20 counteroffers to a third party who has entered into a
21 contractual agreement with the district to work with or on the
22 behalf of or to assist the district in connection with land
23 acquisitions. The third party shall maintain the
24 confidentiality of such information in conformance with this
25 section. In addition, a district may use, as its own,
26 appraisals obtained by a third party provided the appraiser is
27 selected from the district's list of approved appraisers and
28 the appraisal is reviewed and approved by the district.

29 Section 28. Section 375.045, Florida Statutes, is
30 amended to read:

31 375.045 Florida Preservation 2000 Trust Fund.--

1 (1) There is created the Florida Preservation 2000
2 Trust Fund to carry out the purposes of s. ~~ss.~~ 259.032, as
3 established in chapter 94-240, Laws of Florida, and ss.
4 259.101~~7~~ and 375.031. The Florida Preservation 2000 Trust Fund
5 shall be held and administered by the Department of
6 Environmental Protection. Proceeds from the sale of revenue
7 bonds issued pursuant to s. 375.051 and payable from moneys
8 transferred to the Land Acquisition Trust Fund pursuant to s.
9 201.15(1)(a), not to exceed \$3 billion, shall be deposited
10 into this trust fund to be distributed as provided in s.
11 259.101(3). The bond resolution adopted by the governing board
12 of the Division of Bond Finance may provide for additional
13 provisions that govern the disbursement of the bond proceeds.

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

22 (3) Any agency or district which acquires lands using
23 Preservation 2000 funds, as distributed pursuant to this
24 section and s. 259.101(3), shall manage the lands to make them
25 available for public recreational use, provided that the
26 recreational use does not interfere with the protection of
27 natural resource values. Any such agency or district may enter
28 into agreements with the Department of Environmental
29 Protection or other appropriate state agencies to transfer
30 management authority to or to lease to such agencies lands
31 purchased with Preservation 2000 funds, for the purpose of

1 managing the lands to make them available for public
2 recreational use. The water management districts and the
3 Department of Environmental Protection shall take action to
4 control the growth of nonnative invasive plant species on
5 lands they manage which are purchased with Preservation 2000
6 funds.

7 (4) The Department of Environmental Protection shall
8 ensure that the proceeds from the sale of revenue bonds issued
9 pursuant to s. 375.051 and payable from moneys transferred to
10 the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a)
11 shall be administered and expended in a manner that ensures
12 compliance of each issue of revenue bonds that are issued on
13 the basis that interest thereon will be excluded from gross
14 income for federal income tax purposes, with the applicable
15 provisions of the United States Internal Revenue Code and the
16 regulations promulgated thereunder, to the extent necessary to
17 preserve the exclusion of interest on such revenue bonds from
18 gross income for federal income tax purposes. The Department
19 of Environmental Protection shall have the authority to
20 administer the use and disbursement of the proceeds of such
21 revenue bonds or require that the use and disbursement thereof
22 be administered in such a manner as shall be necessary to
23 implement strategies to maximize any available benefits under
24 the applicable provisions of the United States Internal
25 Revenue Code or regulations promulgated thereunder, to the
26 extent not inconsistent with the purposes identified in s.
27 259.101(3).

28 ~~(5) For the 2004 2005 fiscal year only, any~~
29 ~~unobligated moneys in the Florida Preservation 2000 Trust Fund~~
30 ~~resulting from interest earnings and from reversions of prior~~
31 ~~appropriations to any agency may be appropriated to the~~

1 ~~Florida Forever Trust Fund for use pursuant to s. 259.1051.~~
2 ~~This subsection expires July 1, 2005.~~

3
4 Upon a determination by the Department of Environmental
5 Protection that proceeds being held in the trust fund to
6 support distributions outside the Department of Environmental
7 Protection are not likely to be disbursed in accordance with
8 the foregoing considerations, the Department of Environmental
9 Protection shall petition the Governor and Cabinet to allow
10 for the immediate disbursement of such funds for the
11 acquisition of projects approved for purchase pursuant to the
12 provisions of chapter 259.

13 Section 29. Subsection (13) of section 380.0666,
14 Florida Statutes, is amended to read:

15 380.0666 Powers of land authority.--The land authority
16 shall have all the powers necessary or convenient to carry out
17 and effectuate the purposes and provisions of this act,
18 including the following powers, which are in addition to all
19 other powers granted by other provisions of this act:

20 (13) To identify parcels of land within the area or
21 areas of critical state concern that would be appropriate
22 acquisitions by the state from the Florida Forever
23 ~~Conservation and Recreational Lands~~ Trust Fund and recommend
24 such acquisitions to the advisory council established pursuant
25 to s. 259.035 or its successor.

26 Section 30. Section 589.07, Florida Statutes, is
27 amended to read:

28 589.07 Division may acquire lands for forest
29 purposes.--The Division of Forestry, on behalf of the state
30 and subject to the restrictions mentioned in s. 589.08, may
31 acquire lands, suitable for state forest purposes, by gift,

1 donation, contribution, purchase, or otherwise and may enter
2 into agreements with the Federal Government, or other agency,
3 for acquiring by gift, purchase, or otherwise, such lands as
4 are, in the judgment of the division, suitable and desirable
5 for state forests. The acquisition procedures for state lands
6 provided in s. 253.025 ~~s. 259.041~~ do not apply to acquisition
7 of land by the Division of Forestry.

8 Section 31. Subsection (14) of section 253.03,
9 subsections (4), (5), and (6) of section 259.035, section
10 270.07, 270.08, and subsection (7) of section 380.0677,
11 Florida Statutes, are repealed.

12 Section 32. Except as otherwise expressly provided in
13 this act, this act shall take effect July 1, 2006.

14
15 *****

16 SENATE SUMMARY

17 Revises various provisions governing the acquisition and
18 sale of state lands. Revises the requirements for
19 appraisals of land. Provides certain limitations on the
20 acquisition of land for which the purchase price exceeds
21 appraised value. Provides requirements for the review of
22 management agreements, leases, and other instruments by
23 the Board of Trustees of the Internal Improvement Trust
24 Fund. Provides duties of the Acquisition and Restoration
25 Council with respect to management plans and
26 recommendations to the board of trustees. Provides duties
27 for the Division of State Lands with respect to the sale
28 or management of nonconservation lands. Provides
29 procedures for offering state lands to local or state
30 governments. Revises procedures for the exchange of state
31 lands. Provides for the use of moneys in the Conservation
and Recreation Lands Trust Fund. Requires that certain
purchases be ratified by an act of the Legislature. (See
bill for details.)