



088992

0CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/3/2008	.	
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1 The Committee on Environmental Preservation and Conservation
 2 (Saunders) recommended the following **amendment**:

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Paragraph (a) of subsection (1) of section
8 201.15, Florida Statutes, is amended to read:

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



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16 (1) Sixty-two and sixty-three hundredths percent of the
17 remaining taxes collected under this chapter shall be used for
18 the following purposes:

19 (a) Amounts as shall be necessary to pay the debt service
20 on, or fund debt service reserve funds, rebate obligations, or
21 other amounts payable with respect to Preservation 2000 bonds
22 issued pursuant to s. 375.051 and Florida Forever bonds issued
23 pursuant to s. 215.618, shall be paid into the State Treasury to
24 the credit of the Land Acquisition Trust Fund to be used for such
25 purposes. The amount transferred to the Land Acquisition Trust
26 Fund shall not exceed \$300 million in fiscal year 1999-2000 and
27 thereafter for Preservation 2000 bonds and bonds issued to refund
28 Preservation 2000 bonds, and \$300 million in fiscal year 2000-
29 2001 and thereafter for Florida Forever bonds. The annual amount
30 transferred to the Land Acquisition Trust Fund for Florida
31 Forever bonds shall not exceed \$30 million in the first fiscal
32 year in which bonds are issued. The limitation on the amount
33 transferred shall be increased by an additional \$30 million in
34 each subsequent fiscal year, but shall not exceed a total of \$300
35 million in any fiscal year for all bonds issued. It is the intent
36 of the Legislature that all bonds issued to fund the Florida
37 Forever Act be retired by December 31, 2040 ~~2030~~. Except for
38 bonds issued to refund previously issued bonds, no series of
39 bonds may be issued pursuant to this paragraph unless such bonds
40 are approved and the debt service for the remainder of the fiscal
41 year in which the bonds are issued is specifically appropriated
42 in the General Appropriations Act. For purposes of refunding
43 Preservation 2000 bonds, amounts designated within this section
44 for Preservation 2000 and Florida Forever bonds may be
45 transferred between the two programs to the extent provided for

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46 | in the documents authorizing the issuance of the bonds. The
47 | Preservation 2000 bonds and Florida Forever bonds shall be
48 | equally and ratably secured by moneys distributable to the Land
49 | Acquisition Trust Fund pursuant to this section, except to the
50 | extent specifically provided otherwise by the documents
51 | authorizing the issuance of the bonds. No moneys transferred to
52 | the Land Acquisition Trust Fund pursuant to this paragraph, or
53 | earnings thereon, shall be used or made available to pay debt
54 | service on the Save Our Coast revenue bonds.

55 | Section 2. Subsection (1) of section 215.618, Florida
56 | Statutes, is amended to read:

57 | 215.618 Bonds for acquisition and improvement of land,
58 | water areas, and related property interests and resources.--

59 | (1) (a) The issuance of Florida Forever bonds, not to exceed
60 | \$5.3 ~~\$3~~ billion, to finance or refinance the cost of acquisition
61 | and improvement of land, water areas, and related property
62 | interests and resources, in urban and rural settings, for the
63 | purposes of restoration, conservation, recreation, water resource
64 | development, or historical preservation, and for capital
65 | improvements to lands and water areas that accomplish
66 | environmental restoration, enhance public access and recreational
67 | enjoyment, promote long-term management goals, and facilitate
68 | water resource development is hereby authorized, subject to the
69 | provisions of s. 259.105 and pursuant to s. 11(e), Art. VII of
70 | the State Constitution. Florida Forever bonds may also be issued
71 | to refund Preservation 2000 bonds issued pursuant to s. 375.051.
72 | The \$5.3 ~~\$3~~ billion limitation on the issuance of Florida Forever
73 | bonds does not apply to refunding bonds. The duration of each
74 | series of Florida Forever bonds issued may not exceed 20 annual
75 | maturities. Preservation 2000 bonds and Florida Forever bonds

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76 shall be equally and ratably secured by moneys distributable to
77 the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a),
78 except to the extent specifically provided otherwise by the
79 documents authorizing the issuance of the bonds.

80 (b) Beginning July 1, 2010, the Legislature shall analyze
81 the state's debt ratio in relation to projected revenues prior to
82 the authorization of any bonds for land acquisition.

83 (c) By February 1, 2010, the Legislature shall complete an
84 analysis of potential revenue sources for Florida Forever.

85 Section 3. Subsection (6) of section 253.025, Florida
86 Statutes, is amended to read:

87 253.025 Acquisition of state lands for purposes other than
88 preservation, conservation, and recreation.--

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

93 (a) Each parcel to be acquired shall have at least one
94 appraisal. Two appraisals are required when the estimated value
95 of the parcel exceeds \$1 million. When a parcel is estimated to
96 be worth \$100,000 or less and the director of the Division of
97 State Lands finds that the cost of an outside appraisal is not
98 justified, a comparable sales analysis or other reasonably
99 prudent procedures may be used by the division to estimate the
100 value of the parcel, provided the public's interest is reasonably
101 protected. The state is not required to appraise the value of
102 lands and appurtenances that are being donated to the state.

103 (b) Appraisal fees shall be paid by the agency proposing
104 the acquisition. The board of trustees shall approve qualified
105 fee appraisal organizations. All appraisals used for the



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106 acquisition of lands pursuant to this section shall be prepared
107 by a member of an approved appraisal organization or by a state-
108 certified appraiser. The Board of Trustees ~~Division of State~~
109 ~~Lands~~ shall adopt rules for selecting individuals to perform
110 appraisals pursuant to this section. Each fee appraiser selected
111 to appraise a particular parcel shall, prior to contracting with
112 the agency, submit to that agency an affidavit substantiating
113 that he or she has no vested or fiduciary interest in such
114 parcel.

115 (c) The board of trustees shall adopt by rule the minimum
116 criteria, techniques, and methods to be used in the preparation
117 of appraisal reports. Such rules shall incorporate, to the extent
118 practicable, generally accepted appraisal standards. Any
119 appraisal issued for acquisition of lands pursuant to this
120 section must comply with the rules adopted by the board of
121 trustees. A certified survey must be made which meets the minimum
122 requirements for upland parcels established in the Minimum
123 Technical Standards for Land Surveying in Florida published by
124 the Department of Business and Professional Regulation and which
125 accurately portrays, to the greatest extent practicable, the
126 condition of the parcel as it currently exists. The requirement
127 for a certified survey may, in part or in whole, be waived by the
128 board of trustees any time prior to submitting the agreement for
129 purchase to the Division of State Lands. When an existing
130 boundary map and description of a parcel are determined by the
131 division to be sufficient for appraisal purposes, the division
132 director may temporarily waive the requirement for a survey until
133 any time prior to conveyance of title to the parcel. The fee
134 appraiser and the review appraiser for the agency shall not act

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135 in any way that may be construed as negotiating with the property
136 owner.

137 (d) Appraisal reports are confidential and exempt from the
138 provisions of s. 119.07(1), for use by the agency and the board
139 of trustees, until an option contract is executed or, if no
140 option contract is executed, until 2 weeks before a contract or
141 agreement for purchase is considered for approval by the board of
142 trustees. However, the Division of State Lands may disclose
143 appraisal information to public agencies or nonprofit
144 organizations that agree to maintain the confidentiality of the
145 reports or information when joint acquisition of property is
146 contemplated, or when a public agency or nonprofit organization
147 enters into a written agreement with the division to purchase and
148 hold property for subsequent resale to the division. In addition,
149 the division may use, as its own, appraisals obtained by a public
150 agency or nonprofit organization, provided the appraiser is
151 selected from the division's list of appraisers and the appraisal
152 is reviewed and approved by the division. For the purposes of
153 this paragraph, "nonprofit organization" means an organization
154 whose purpose is the preservation of natural resources, and which
155 is exempt from federal income tax under s. 501(c)(3) of the
156 Internal Revenue Code. The agency may release an appraisal report
157 when the passage of time has rendered the conclusions of value in
158 the report invalid.

159 (e) Prior to acceptance of an appraisal, the agency shall
160 submit a copy of such report to the Division of State Lands. The
161 division shall review such report for compliance with the rules
162 of the board of trustees. ~~With respect to proposed purchases in~~
163 ~~excess of \$250,000, this review shall include a general field~~
164 ~~inspection of the subject property by the review appraiser. The~~

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165 ~~review appraiser may reject an appraisal report following a desk~~
166 ~~review, but is prohibited from approving an appraisal report in~~
167 ~~excess of \$250,000 without a field review.~~ Any questions of
168 applicability of laws affecting an appraisal shall be addressed
169 by the legal office of the agency.

170 (f) The appraisal report shall be accompanied by the sales
171 history of the parcel for at least the prior 5 years. Such sales
172 history shall include all parties and considerations with the
173 amount of consideration verified, if possible. If a sales history
174 would not be useful, or its cost prohibitive compared to the
175 value of a parcel, the sales history may be waived by the board
176 ~~of trustees Secretary of Environmental Protection or the director~~
177 ~~of the Division of State Lands.~~ The board of trustees ~~department~~
178 shall adopt a rule specifying guidelines for waiver of a sales
179 history.

180 (g) The board of trustees may consider an appraisal
181 acquired by a seller, or any part thereof, in negotiating to
182 purchase a parcel, but such appraisal may not be used in lieu of
183 an appraisal required by this subsection or to determine the
184 maximum offer allowed by law.

185 Section 4. Section 253.0325, Florida Statutes, is amended
186 to read:

187 253.0325 Modernization of state lands records.--

188 (1) The Department of Environmental Protection shall
189 initiate an ongoing computerized information systems program to
190 modernize its state lands records and documents that relate to
191 all lands that have been acquired by all agencies under the
192 Florida Preservation 2000 act pursuant to s. 259.101 or the
193 Florida Forever Act pursuant to s. 259.105. All recipients of
194 Florida Forever funds shall annually submit its records for lands

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195 acquired for compilation of state lands records by the department
196 which title is vested in the Board of Trustees of the Internal
197 Improvement Trust Fund. The program shall include, at a minimum:

198 (a) A document management component to automate the storage
199 and retrieval of information contained in state lands records.

200 (b) A land records management component to organize the
201 records by key elements present in the data.

202 (c) An evaluation component which includes the collection
203 of resource and environmental data.

204 (d) A mapping component to generate and store maps of
205 state-owned parcels using data from the land records management
206 and evaluation components.

207 (2) At all stages of its records modernization program, the
208 department shall seek to ensure information systems compatibility
209 within the department and with other state, local, and regional
210 governmental agencies. The department also shall seek to promote
211 standardization in the collection of information regarding state-
212 owned lands by federal, state, regional, and local agencies.

213 (3) The information collected and stored as a result of the
214 department's modernization of state lands records shall not be
215 considered a final or complete accounting of lands which the
216 state owns or to which the state may claim ownership.

217 Section 5. Subsections (5) and (6) are amended and
218 subsection (14) is added of section 253.034, Florida Statutes, to
219 read:

220 253.034 State-owned lands; uses.—

221 (5) Each manager of conservation lands shall submit to the
222 Division of State Lands a land management plan at least every 10
223 years in a form and manner prescribed by rule by the board and in
224 accordance with the provisions of s. 259.032. Each manager of



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225 | conservation lands shall also update a land management plan
226 | whenever the manager proposes to add new facilities or make
227 | substantive land use or management changes that were not
228 | addressed in the approved plan, or within 1 year of the addition
229 | of significant new lands. Each manager of nonconservation lands
230 | shall submit to the Division of State Lands a land use plan at
231 | least every 10 years in a form and manner prescribed by rule by
232 | the board. The division shall review each plan for compliance
233 | with the requirements of this subsection and the requirements of
234 | the rules established by the board pursuant to this section. All
235 | land use plans, whether for single-use or multiple-use
236 | properties, shall include an analysis of the property to
237 | determine if any significant natural or cultural resources are
238 | located on the property. Such resources include archaeological
239 | and historic sites, state and federally listed plant and animal
240 | species, and imperiled natural communities and unique natural
241 | features. If such resources occur on the property, the manager
242 | shall consult with the Division of State Lands and other
243 | appropriate agencies to develop management strategies to protect
244 | such resources. Land use plans shall also provide for the control
245 | of invasive nonnative plants and conservation of soil and water
246 | resources, including a description of how the manager plans to
247 | control and prevent soil erosion and soil or water contamination.
248 | Land use plans submitted by a manager shall include reference to
249 | appropriate statutory authority for such use or uses and shall
250 | conform to the appropriate policies and guidelines of the state
251 | land management plan. Plans for managed areas larger than 1,000
252 | acres shall contain an analysis of the multiple-use potential of
253 | the property, which analysis shall include the potential of the
254 | property to generate revenues to enhance the management of the

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255 property. Additionally, the plan shall contain an analysis of the
256 potential use of private land managers to facilitate the
257 restoration or management of these lands. In those cases where a
258 newly acquired property has a valid conservation plan that was
259 developed by a soil and conservation district, such plan shall be
260 used to guide management of the property until a formal land use
261 plan is completed.

262 (a) State lands shall be managed to ensure the conservation
263 of the state's plant and animal species and to assure the
264 accessibility of state lands for the benefit and enjoyment of all
265 people of the state, both present and future. Each land
266 management plan shall provide a desired outcome, and shall
267 describe both short-term and long-term management goals and
268 include measurable objectives to achieve those goals. Short-term
269 goals shall be achievable within a two year planning period and
270 long-term goals shall be achievable within a ten year planning
271 period. These short-term and long-term management goals shall be
272 the basis for all subsequent land management activities .

273 (b) Short-term and long-term management goals shall include
274 measureable objectives for the following, as appropriate:

- 275 1. Habitat restoration and improvement.
- 276 2. Public access and recreational opportunities.
- 277 3. Hydrological preservation and restoration.
- 278 4. Sustainable forest management.
- 279 5. Exotic and invasive species maintenance and control.
- 280 6. Capital facilities and infrastructure.
- 281 7. Cultural and historical resources.

282 (c) The land management plan shall at a minimum contain the
283 following elements:

- 284 1. Physical description of the land.



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285 2. A quantitative data description of the land that
286 includes an inventory of forest and other natural resources;
287 exotic and invasive plants; hydrological features;
288 infrastructure, including recreational facilities; and other
289 significant land, cultural or historical features. The inventory
290 shall reflect the number of acres for each resource and feature,
291 when appropriate. The inventory shall be of such detail that
292 objective measures and benchmarks can be established for each
293 tract of land and monitored during the lifetime of the plan. All
294 quantitative data collected shall be aggregated, standardized,
295 collected and presented in an electronic format to allow for
296 uniform management reporting and analysis. The information
297 collected by the Department of Environmental Protection pursuant
298 to s. 253.0325(2) shall be available to the land manager and
299 their assignee.

300 3. A detailed description of each short-term and long-term
301 land management goals, the associated measureable objectives and
302 the related activities that are to be performed to meet the land
303 management objectives. Each land management objective must be
304 addressed by the land management plan and where practicable no
305 land management objective shall be performed to the detriment of
306 the other land management objectives.

307 4. A schedule of land management activities shall be
308 prepared that contains short-term and long-term land management
309 goals and the related measureable objective and activities. The
310 schedule shall include for each activity a timeline for
311 completion, quantitative measures, and detailed expense and
312 manpower budgets. The schedule is to provide a management tool
313 that facilitates development of performance measures.



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314 5. A summary budget for the scheduled land management
315 activities of the land management plan. The summary budget shall
316 be prepared in such a manner that it facilitates computing an
317 aggregate of land management costs for all state managed
318 lands utilizing the categories described in s. 259.037(3).

319 ~~(d)~~(a) The Division of State Lands shall make available to
320 the public a copy of each land management plan for parcels that
321 exceed 160 acres in size. The council shall review each plan for
322 compliance with the requirements of this subsection, the
323 requirements of chapter 259, and the requirements of the rules
324 established by the board pursuant to this section. The council
325 shall also consider the propriety of the recommendations of the
326 managing entity with regard to the future use of the property,
327 the protection of fragile or nonrenewable resources, the
328 potential for alternative or multiple uses not recognized by the
329 managing entity, and the possibility of disposal of the property
330 by the board. After its review, the council shall submit the
331 plan, along with its recommendations and comments, to the board.
332 The council shall specifically recommend to the board whether to
333 approve the plan as submitted, approve the plan with
334 modifications, or reject the plan.

335 ~~(e)~~(b) The Board of Trustees of the Internal Improvement
336 Trust Fund shall consider the land management plan submitted by
337 each entity and the recommendations of the council and the
338 Division of State Lands and shall approve the plan with or
339 without modification or reject such plan. The use or possession
340 of any such lands that is not in accordance with an approved land
341 management plan is subject to termination by the board.

342 (6) The Board of Trustees of the Internal Improvement Trust
343 Fund shall determine which lands, the title to which is vested in

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344 the board, may be surplused. For conservation lands, the board
345 shall make a determination that the lands are no longer needed
346 for conservation purposes and may dispose of them by an
347 affirmative vote of at least three members. In the case of a land
348 exchange involving the disposition of conservation lands, the
349 board must determine by an affirmative vote of at least three
350 members that the exchange will result in a net positive
351 conservation benefit. For all other lands, the board shall make a
352 determination that the lands are no longer needed and may dispose
353 of them by an affirmative vote of at least three members.

354 (a) For the purposes of this subsection, all lands acquired
355 by the state prior to July 1, 1999, using proceeds from the
356 Preservation 2000 bonds, the Conservation and Recreation Lands
357 Trust Fund, the Water Management Lands Trust Fund,
358 Environmentally Endangered Lands Program, and the Save Our Coast
359 Program and titled to the board, which lands are identified as
360 core parcels or within original project boundaries, shall be
361 deemed to have been acquired for conservation purposes.

362 (b) For any lands purchased by the state on or after July
363 1, 1999, a determination shall be made by the board prior to
364 acquisition as to those parcels that shall be designated as
365 having been acquired for conservation purposes. No lands acquired
366 for use by the Department of Corrections, the Department of
367 Management Services for use as state offices, the Department of
368 Transportation, except those specifically managed for
369 conservation or recreation purposes, or the State University
370 System or the Florida Community College System shall be
371 designated as having been purchased for conservation purposes.

372 (c) At least every 10 years, as a component of each land
373 management plan or land use plan and in a form and manner



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374 prescribed by rule by the board, each manager shall evaluate and
375 indicate to the board those lands that are not being used for the
376 purpose for which they were originally leased. For conservation
377 lands, the council shall review and shall recommend to the board
378 whether such lands should be retained in public ownership or
379 disposed of by the board. For nonconservation lands, the division
380 shall review such lands and shall recommend to the board whether
381 such lands should be retained in public ownership or disposed of
382 by the board.

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

388 (e) Prior to any decision by the board to surplus lands,
389 the Acquisition and Restoration Council shall review and make
390 recommendations to the board concerning the request for
391 surplusing. The council shall determine whether the request for
392 surplusing is compatible with the resource values of and
393 management objectives for such lands.

394 (f)1. In reviewing lands owned by the board, the council
395 shall consider whether such lands would be more appropriately
396 owned or managed by the county or other unit of local government
397 in which the land is located. The council shall recommend to the
398 board whether a sale, lease, or other conveyance to a local
399 government would be in the best interests of the state and local
400 government. The provisions of this paragraph in no way limit the
401 provisions of ss. 253.111 and 253.115. Such lands shall be
402 offered to the state, county, or local government for a period of
403 45 ~~30~~ days. Permittable uses for such surplus lands may include

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404 public schools; public libraries; fire or law enforcement
405 substations; governmental, judicial, or recreational centers; and
406 affordable housing meeting the criteria of s. 420.0004(3). County
407 or local government requests for surplus lands shall be expedited
408 throughout the surplusing process. If the county or local
409 government does not elect to purchase such lands in accordance
410 with s. 253.111, then any surplusing determination involving
411 other governmental agencies shall be made upon the board deciding
412 the best public use of the lands. Surplus properties in which
413 governmental agencies have expressed no interest shall then be
414 available for sale on the private market.

415 2. Notwithstanding subparagraph 1., any parcel of surplus
416 lands less than 3 acres in size which was acquired by the state
417 before 1955 by gift or other conveyance or for \$1 consideration
418 from a fair association incorporated under chapter 616 for the
419 purpose of conducting and operating public fairs or expositions,
420 and concerning which the department has filed by July 1, 2008, a
421 notice of intent to dispose of as surplus lands, shall be offered
422 for reconveyance to such fair association for no consideration;
423 however, the agency that last held the lease from the board for
424 management of such lands may remove from the lands any
425 improvements, fixtures, goods, wares, and merchandise within 180
426 days after the effective date of the reconveyance. This
427 subparagraph expires July 1, 2008.

428 (g) The sale price of lands determined to be surplus
429 pursuant to this subsection and s. 253.82 shall be determined by
430 the division and shall take into consideration an appraisal of
431 the property, or, when the estimated value of the land is less
432 than \$100,000, a comparable sales analysis or a broker's opinion
433 of value. If the appraisal referenced in this paragraph yields a



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434 value equal to or greater than \$1 million, the division, in its
435 sole discretion, may require a second appraisal. The individual
436 or entity requesting to purchase the surplus parcel is required
437 to pay all appraisal costs, and the price paid by the state to
438 originally acquire the lands.

439 1.a. A written valuation of land determined to be surplus
440 pursuant to this subsection and s. 253.82, and related documents
441 used to form the valuation or which pertain to the valuation, are
442 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of
443 the State Constitution until 2 weeks before the contract or
444 agreement regarding the purchase, exchange, or disposal of the
445 surplus land is first considered for approval by the board.
446 Notwithstanding the exemption provided under this subparagraph,
447 the division may disclose appraisals, valuations, or valuation
448 information regarding surplus land during negotiations for the
449 sale or exchange of the land, during the marketing effort or
450 bidding process associated with the sale, disposal, or exchange
451 of the land to facilitate closure of such effort or process, when
452 the passage of time has made the conclusions of value invalid, or
453 when negotiations or marketing efforts concerning the land are
454 concluded.

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

459 2. A unit of government that acquires title to lands
460 hereunder for less than appraised value may not sell or transfer
461 title to all or any portion of the lands to any private owner for
462 a period of 10 years. Any unit of government seeking to transfer
463 or sell lands pursuant to this paragraph shall first allow the

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464 board of trustees to reacquire such lands for the price at which
465 the board sold such lands.

466 ~~(h) Where a unit of government acquired land by gift,~~
467 ~~donation, grant, quitclaim deed, or other such conveyance where~~
468 ~~no monetary consideration was exchanged, the price of land sold~~
469 ~~as surplus may be based on one appraisal. In the event that a~~
470 ~~single appraisal yields a value equal to or greater than \$1~~
471 ~~million, a second appraisal is required. The individual or entity~~
472 ~~requesting the surplus shall select and use appraisers from the~~
473 ~~list of approved appraisers maintained by the Division of State~~
474 ~~Lands in accordance with s. 253.025(6)(b). The individual or~~
475 ~~entity requesting the surplus is to incur all costs of the~~
476 ~~appraisals.~~

477 (h) ~~(i)~~ After reviewing the recommendations of the council,
478 the board shall determine whether lands identified for surplus
479 are to be held for other public purposes or whether such lands
480 are no longer needed. The board may require an agency to release
481 its interest in such lands. For an agency that has requested the
482 use of a property that was to be declared as surplus, said agency
483 must have the property under lease within 6 months of the date of
484 expiration of the notice provisions required under this
485 subsection and s. 253.111.

486 (i) ~~(j)~~ Requests for surplusizing may be made by any public or
487 private entity or person. All requests shall be submitted to the
488 lead managing agency for review and recommendation to the council
489 or its successor. Lead managing agencies shall have 90 days to
490 review such requests and make recommendations. Any surplusizing
491 requests that have not been acted upon within the 90-day time
492 period shall be immediately scheduled for hearing at the next
493 regularly scheduled meeting of the council or its successor.

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494 Requests for surplusings pursuant to this paragraph shall not be
495 required to be offered to local or state governments as provided
496 in paragraph (f).

497 (j)~~(k)~~ Proceeds from any sale of surplus lands pursuant to
498 this subsection shall be deposited into the fund from which such
499 lands were acquired. However, if the fund from which the lands
500 were originally acquired no longer exists, such proceeds shall be
501 deposited into an appropriate account to be used for land
502 management by the lead managing agency assigned the lands prior
503 to the lands being declared surplus. Funds received from the sale
504 of surplus nonconservation lands, or lands that were acquired by
505 gift, by donation, or for no consideration, shall be deposited
506 into the Internal Improvement Trust Fund.

507 (k)~~(l)~~ Notwithstanding the provisions of this subsection,
508 no such disposition of land shall be made if such disposition
509 would have the effect of causing all or any portion of the
510 interest on any revenue bonds issued to lose the exclusion from
511 gross income for federal income tax purposes.

512 (l)~~(m)~~ The sale of filled, formerly submerged land that
513 does not exceed 5 acres in area is not subject to review by the
514 council or its successor.

515 (m)~~(n)~~ The board may adopt rules to implement the
516 provisions of this section, which may include procedures for
517 administering surplus land requests and criteria for when the
518 division may approve requests to surplus nonconservation lands on
519 behalf of the board.

520 (14) (a) All lands acquired under Florida Forever pursuant
521 to s. 259.105 and managed by the Fish and Wildlife Conservation
522 Commission, may be used to protect, manage, or restore habitat
523 for native or imperiled species. The commission shall submit an

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524 annual workplan for such uses to the Acquisition and Restoration
525 Council and the council may, at its discretion, modify the
526 workplan prior to approval. Following approval of the workplan
527 by the council, the commission shall submit the approved workplan
528 to the Board of Trustees of the Internal Improvement Trust Fund
529 for adoption. The board shall not delegate the final adoption of
530 the workplan to any other agency.

531 (b) By February 1, 2010, the commission shall submit a
532 report to the President of the Senate and the Speaker of the
533 House of Representatives on the efficacy of utilizing state-owned
534 lands to protect, manage, or restore habitat for native or
535 imperiled species. This subsection expires July 1, 2010.

536 Section 6. Subsection (3) of section 253.111, Florida
537 Statutes, is amended to read:

538 253.111 Notice to board of county commissioners before
539 sale.--The Board of Trustees of the Internal Improvement Trust
540 Fund of the state may not sell any land to which they hold title
541 unless and until they afford an opportunity to the county in
542 which such land is situated to receive such land on the following
543 terms and conditions:

544 (3) If the board receives, within (45) ~~30~~ days after notice
545 is given to the board of county commissioners pursuant to
546 subsection (1), the certified copy of the resolution provided for
547 in subsection (2), the board shall forthwith convey to the county
548 such land at a price that is equal to its appraised market value
549 established by generally accepted professional standards for real
550 estate appraisal and subject to such other terms and conditions
551 as the board determines.

552 Section 7. Paragraph (b) of subsection (2) of section
553 253.82, Florida Statutes, is amended to read:

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554 253.82 Title of state or private owners to Murphy Act
555 lands.--

556 (2) (b) Land to which title is vested in the board of
557 trustees by paragraph (a) shall be treated in the same manner as
558 other nonsovereignty lands owned by the board. However, any
559 parcel of land the title to which is vested in the Board of
560 Trustees of the Internal Improvement Trust Fund pursuant to this
561 section which is 10 acres or less in size and has a ~~an appraised~~
562 market value of \$250,000 or less is hereby declared surplus,
563 except for lands determined to be needed for state use, and may
564 be sold in any manner provided by law. ~~Only one appraisal shall~~
565 ~~be required for a sale of such land.~~ All proceeds from the sale
566 of such land shall be deposited into the Internal Improvement
567 Trust Fund. The Board of Trustees of the Internal Improvement
568 Trust Fund is authorized to adopt rules to implement the
569 provisions of this subsection.

570 Section 8. Section 259.032, Florida Statutes, is amended to
571 read:

572 259.032 Conservation and Recreation Lands Trust Fund;
573 purpose.--

574 (1) It is the policy of the state that the citizens of this
575 state shall be assured public ownership of natural areas for
576 purposes of maintaining this state's unique natural resources;
577 protecting air, land, and water quality; promoting water resource
578 development to meet the needs of natural systems and citizens of
579 this state; promoting restoration activities on public lands; and
580 providing lands for natural resource based recreation. In
581 recognition of this policy, it is the intent of the Legislature
582 to provide such public lands for the people residing in urban and
583 metropolitan areas of the state, as well as those residing in

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584 less populated, rural areas. It is the further intent of the
585 Legislature, with regard to the lands described in paragraph
586 (3) (c), that a high priority be given to the acquisition,
587 restoration, and management of such lands in or near counties
588 exhibiting the greatest concentration of population and, with
589 regard to the lands described in subsection (3), that a high
590 priority be given to acquiring lands or rights or interests in
591 lands which advance the goals and objectives of Fish and Wildlife
592 Conservation Commission approved management plans, or lands
593 within any area designated as an area of critical state concern
594 under s. 380.05 which, in the judgment of the advisory council
595 established pursuant to s. 259.035, or its successor, cannot be
596 adequately protected by application of land development
597 regulations adopted pursuant to s. 380.05. Finally, it is the
598 Legislature's intent that lands acquired through this program and
599 any successor programs be managed in such a way as to protect or
600 restore their natural resource values, and provide the greatest
601 benefit, including public access, to the citizens of this state.

602 (2) (a) The Conservation and Recreation Lands Trust Fund is
603 established within the Department of Environmental Protection.
604 The fund shall be used as a nonlapsing, revolving fund
605 exclusively for the purposes of this section. The fund shall be
606 credited with proceeds from the following excise taxes:

607 1. The excise taxes on documents as provided in s. 201.15;
608 and

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

611
612 The Department of Revenue shall credit to the fund each month the
613 proceeds from such taxes as provided in this paragraph.



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614 (b) There shall annually be transferred from the
615 Conservation and Recreation Lands Trust Fund to the Land
616 Acquisition Trust Fund that amount, not to exceed \$20 million
617 annually, as shall be necessary to pay the debt service on, or
618 fund debt service reserve funds, rebate obligations, or other
619 amounts with respect to bonds issued pursuant to s. 375.051 to
620 acquire lands on the established priority list developed pursuant
621 to ss. 259.101(4) and 259.105; however, no moneys transferred to
622 the Land Acquisition Trust Fund pursuant to this paragraph, or
623 earnings thereon, shall be used or made available to pay debt
624 service on the Save Our Coast revenue bonds. Amounts transferred
625 annually from the Conservation and Recreation Lands Trust Fund to
626 the Land Acquisition Trust Fund pursuant to this paragraph shall
627 have the highest priority over other payments or transfers from
628 the Conservation and Recreation Lands Trust Fund, and no other
629 payments or transfers shall be made from the Conservation and
630 Recreation Lands Trust Fund until such transfers to the Land
631 Acquisition Trust Fund have been made. Moneys in the Conservation
632 and Recreation Lands Trust Fund also shall be used to manage
633 lands and to pay for related costs, activities, and functions
634 pursuant to the provisions of this section.

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

639 (a) To conserve and protect environmentally unique and
640 irreplaceable lands that contain native, relatively unaltered
641 flora and fauna representing a natural area unique to, or scarce
642 within, a region of this state or a larger geographic area;



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643 (b) To conserve and protect lands within designated areas
644 of critical state concern, if the proposed acquisition relates to
645 the natural resource protection purposes of the designation;

646 (c) To conserve and protect native species habitat or
647 endangered or threatened species, emphasizing long-term
648 protection for endangered or threatened species designated G-1 or
649 G-2 by the Florida Natural Areas Inventory, and especially those
650 areas that are special locations for breeding and reproduction;

651 (d) To conserve, protect, manage, or restore important
652 ecosystems, landscapes, and forests, if the protection and
653 conservation of such lands is necessary to enhance or protect
654 significant surface water, groundwater, coastal, recreational,
655 timber, or fish or wildlife resources which cannot otherwise be
656 accomplished through local and state regulatory programs;

657 (e) To promote water resource development that benefits
658 natural systems and citizens of the state;

659 (f) To facilitate the restoration and subsequent health and
660 vitality of the Florida Everglades;

661 (g) To provide areas, including recreational trails, for
662 natural resource based recreation and other outdoor recreation on
663 any part of any site compatible with conservation purposes;

664 (h) To preserve significant archaeological or historic
665 sites; or

666 (i) To conserve urban open spaces suitable for greenways or
667 outdoor recreation which are compatible with conservation
668 purposes.

669 (j) to preserve agricultural lands under threat of
670 conversion to development through less-than-fee acquisitions.

671 (4)~~(a)~~ Lands acquired under this section shall be for use
672 as state-designated parks, recreation areas, preserves, reserves,



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673 historic or archaeological sites, geologic or botanical sites,
674 recreational trails, forests, wilderness areas, wildlife
675 management areas, urban open space, or other state-designated
676 recreation or conservation lands; or they shall qualify for such
677 state designation and use if they are to be managed by other
678 governmental agencies or nonstate entities as provided for in
679 this section.

680 ~~(b) In addition to the uses allowed in paragraph (a),~~
681 ~~moneys may be transferred from the Conservation and Recreation~~
682 ~~Lands Trust Fund to the Florida Forever Trust Fund or the Land~~
683 ~~Acquisition Trust Fund. This paragraph expires July 1, 2007.~~

684 (5) The board of trustees may allocate, in any year, an
685 amount not to exceed 5 percent of the money credited to the fund
686 in that year, such allocation to be used for the initiation and
687 maintenance of a natural areas inventory to aid in the
688 identification of areas to be acquired pursuant to this section.

689 (6) Moneys in the fund not needed to meet obligations
690 incurred under this section shall be deposited with the Chief
691 Financial Officer to the credit of the fund and may be invested
692 in the manner provided by law. Interest received on such
693 investments shall be credited to the Conservation and Recreation
694 Lands Trust Fund.

695 (7) The board of trustees may enter into any contract
696 necessary to accomplish the purposes of this section. The lead
697 land managing agencies designated by the board of trustees also
698 are directed by the Legislature to enter into contracts or
699 interagency agreements with other governmental entities,
700 including local soil and water conservation districts, or private
701 land managers who have the expertise to perform specific
702 management activities which a lead agency lacks, or which would

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703 | cost more to provide in-house. Such activities shall include, but
704 | not be limited to, controlled burning, road and ditch
705 | maintenance, mowing, and wildlife assessments.

706 | (8) Lands to be considered for purchase under this section
707 | are subject to the selection procedures of s. 259.035 and related
708 | rules and shall be acquired in accordance with acquisition
709 | procedures for state lands provided for in s. 259.041, except as
710 | otherwise provided by the Legislature. An inholding or an
711 | addition to a project selected for purchase pursuant to this
712 | chapter is not subject to the selection procedures of s. 259.035
713 | if the estimated value of such inholding or addition does not
714 | exceed \$500,000. When at least 90 percent of the acreage of a
715 | project has been purchased pursuant to this chapter, the project
716 | may be removed from the list and the remaining acreage may
717 | continue to be purchased. Moneys from the fund may be used for
718 | title work, appraisal fees, environmental audits, and survey
719 | costs related to acquisition expenses for lands to be acquired,
720 | donated, or exchanged which qualify under the categories of this
721 | section, at the discretion of the board. When the Legislature has
722 | authorized the Department of Environmental Protection to condemn
723 | a specific parcel of land and such parcel has already been
724 | approved for acquisition under this section, the land may be
725 | acquired in accordance with the provisions of chapter 73 or
726 | chapter 74, and the fund may be used to pay the condemnation
727 | award and all costs, including a reasonable attorney's fee,
728 | associated with condemnation.

729 | (9) All lands managed under this chapter and s. 253.034
730 | shall be:

731 | (a) Managed in a manner that will provide the greatest
732 | combination of benefits to the public and to the resources.



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733 (b) Managed for public outdoor recreation which is
734 compatible with the conservation and protection of public lands.
735 Such management may include, but not be limited to, the following
736 public recreational uses: fishing, hunting, camping, bicycling,
737 hiking, nature study, swimming, boating, canoeing, horseback
738 riding, diving, model hobbyist activities, birding, sailing,
739 jogging, and other related outdoor activities compatible with the
740 purposes for which the lands were acquired.

741 (c) Managed for the purposes for which the lands were
742 acquired, consistent with paragraph (11) (a).

743 (d) Concurrent with its adoption of the annual Conservation
744 and Recreation Lands list of acquisition projects pursuant to s.
745 259.035, the board of trustees shall adopt a management
746 prospectus for each project. The management prospectus shall
747 delineate:

748 1. The management goals for the property;

749 2. The conditions that will affect the intensity of
750 management;

751 3. An estimate of the revenue-generating potential of the
752 property, if appropriate;

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

755 5. A description of potential multiple-use activities as
756 described in this section and s. 253.034;

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

759 7. The anticipated costs of management and projected
760 sources of revenue, including legislative appropriations, to fund
761 management needs; and



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762 8. Recommendations as to how many employees will be needed
763 to manage the property, and recommendations as to whether local
764 governments, volunteer groups, the former landowner, or other
765 interested parties can be involved in the management.

766 (e) Concurrent with the approval of the acquisition
767 contract pursuant to s. 259.041(3)(c) for any interest in lands
768 except those lands being acquired under the provisions of s.
769 259.1052, the board of trustees shall designate an agency or
770 agencies to manage such lands. The board shall evaluate and
771 amend, as appropriate, the management policy statement for the
772 project as provided by s. 259.035, consistent with the purposes
773 for which the lands are acquired. For any fee simple acquisition
774 of a parcel which is or will be leased back for agricultural
775 purposes, or any acquisition of a less-than-fee interest in land
776 that is or will be used for agricultural purposes, the Board of
777 Trustees of the Internal Improvement Trust Fund shall first
778 consider having a soil and water conservation district, created
779 pursuant to chapter 582, manage and monitor such interests.

780 (f) State agencies designated to manage lands acquired
781 under this chapter except those lands acquired under s. 259.1052
782 may contract with local governments and soil and water
783 conservation districts to assist in management activities,
784 including the responsibility of being the lead land manager. Such
785 land management contracts may include a provision for the
786 transfer of management funding to the local government or soil
787 and water conservation district from the Conservation and
788 Recreation Lands Trust Fund in an amount adequate for the local
789 government or soil and water conservation district to perform its
790 contractual land management responsibilities and proportionate to

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791 its responsibilities, and which otherwise would have been
792 expended by the state agency to manage the property.

793 (g) Immediately following the acquisition of any interest
794 in lands under this chapter, the Department of Environmental
795 Protection, acting on behalf of the board of trustees, may issue
796 to the lead managing entity an interim assignment letter to be
797 effective until the execution of a formal lease.

798 (10)(a) State, regional, or local governmental agencies or
799 private entities designated to manage lands under this section
800 shall develop and adopt, with the approval of the board of
801 trustees, an individual management plan for each project designed
802 to conserve and protect such lands and their associated natural
803 resources. Private sector involvement in management plan
804 development may be used to expedite the planning process.

805 (b) Individual management plans required by s. 253.034(5),
806 for parcels over 160 acres, shall be developed with input from an
807 advisory group. Members of this advisory group shall include, at
808 a minimum, representatives of the lead land managing agency,
809 comanaging entities, local private property owners, the
810 appropriate soil and water conservation district, a local
811 conservation organization, and a local elected official. The
812 advisory group shall conduct at least one public hearing within
813 the county in which the parcel or project is located. For those
814 parcels or projects that are within more than one county, at
815 least one areawide public hearing shall be acceptable and the
816 lead managing agency shall invite a local elected official from
817 each county. The areawide public hearing shall be held in the
818 county in which the core parcels are located. Notice of such
819 public hearing shall be posted on the parcel or project
820 designated for management, advertised in a paper of general



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821 circulation, and announced at a scheduled meeting of the local
822 governing body before the actual public hearing. The management
823 prospectus required pursuant to paragraph (9)(d) shall be
824 available to the public for a period of 30 days prior to the
825 public hearing.

826 (c) Once a plan is adopted, the managing agency or entity
827 shall update the plan at least every 10 years in a form and
828 manner prescribed by rule of the board of trustees. Such updates,
829 for parcels over 160 acres, shall be developed with input from an
830 advisory group. Such plans may include transfers of leasehold
831 interests to appropriate conservation organizations or
832 governmental entities designated by the Land Acquisition and
833 Management Advisory Council or its successor, for uses consistent
834 with the purposes of the organizations and the protection,
835 preservation, conservation, restoration, and proper management of
836 the lands and their resources. Volunteer management assistance is
837 encouraged, including, but not limited to, assistance by youths
838 participating in programs sponsored by state or local agencies,
839 by volunteers sponsored by environmental or civic organizations,
840 and by individuals participating in programs for committed
841 delinquents and adults.

842 (d)1. For each project for which lands are acquired after
843 July 1, 1995, an individual management plan shall be adopted and
844 in place no later than 1 year after the essential parcel or
845 parcels identified in the priority list developed pursuant to ss.
846 259.101(4) and 259.105 have been acquired. The Department of
847 Environmental Protection shall distribute only 75 percent of the
848 acquisition funds to which a budget entity or water management
849 district would otherwise be entitled from the Preservation 2000

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850 Trust Fund to any budget entity or any water management district
851 that has more than one-third of its management plans overdue.

852 2. The requirements of subparagraph 1. do not apply to the
853 individual management plan for the Babcock Crescent B Ranch being
854 acquired pursuant to s. 259.1052. The management plan for the
855 ranch shall be adopted and in place no later than 2 years
856 following the date of acquisition by the state.

857 (e) Individual management plans shall conform to the
858 appropriate policies and guidelines of the state land management
859 plan and shall include, but not be limited to:

860 1. A statement of the purpose for which the lands were
861 acquired, the projected use or uses as defined in s. 253.034, and
862 the statutory authority for such use or uses.

863 2. Key management activities necessary to achieve the
864 desired outcomes, including but not limited to providing public
865 access, preserving and protecting natural resources, protecting
866 cultural and historical resources, restoring habitat, protecting
867 threatened and endangered species, controlling the spread of
868 nonnative plants and animals, performing prescribed fire
869 activities and other appropriate resource management. ~~to preserve~~
870 ~~and protect natural resources and restore habitat, and for~~
871 ~~controlling the spread of nonnative plants and animals, and for~~
872 ~~prescribed fire and other appropriate resource management~~
873 ~~activities.~~

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

877 4. A priority schedule for conducting management
878 activities, based on the purposes for which the lands were
879 acquired.



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880 | 5. A cost estimate for conducting priority management
881 | activities, to include recommendations for cost-effective methods
882 | of accomplishing those activities.

883 | 6. A cost estimate for conducting other management
884 | activities which would enhance the natural resource value or
885 | public recreation value for which the lands were acquired. The
886 | cost estimate shall include recommendations for cost-effective
887 | methods of accomplishing those activities.

888 | 7. A determination of the public uses and public access
889 | that would be consistent with the purposes for which the lands
890 | were acquired.

891 | (f) The Division of State Lands shall submit a copy of each
892 | individual management plan for parcels which exceed 160 acres in
893 | size to each member of the Acquisition and Restoration Council
894 | ~~Land Acquisition and Management Advisory Council or its~~
895 | ~~successor~~, which shall:

896 | 1. Within 60 days after receiving a plan from the division,
897 | review each plan for compliance with the requirements of this
898 | subsection and with the requirements of the rules established by
899 | the board pursuant to this subsection.

900 | 2. Consider the propriety of the recommendations of the
901 | managing agency with regard to the future use or protection of
902 | the property.

903 | 3. After its review, submit the plan, along with its
904 | recommendations and comments, to the board of trustees, with
905 | recommendations as to whether to approve the plan as submitted,
906 | approve the plan with modifications, or reject the plan.

907 | (g) The board of trustees shall consider the individual
908 | management plan submitted by each state agency and the
909 | recommendations of the Acquisition and Restoration Council ~~and~~

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910 ~~Acquisition and Management Advisory Council, or its successor,~~
911 and the Division of State Lands and shall approve the plan with
912 or without modification or reject such plan. The use or
913 possession of any lands owned by the board of trustees which is
914 not in accordance with an approved individual management plan is
915 subject to termination by the board of trustees.

916
917 By July 1 of each year, each governmental agency and each private
918 entity designated to manage lands shall report to the Secretary
919 of Environmental Protection on the progress of funding, staffing,
920 and resource management of every project for which the agency or
921 entity is responsible.

922 (11) (a) The Legislature recognizes that acquiring lands
923 pursuant to this chapter serves the public interest by protecting
924 land, air, and water resources which contribute to the public
925 health and welfare, providing areas for natural resource based
926 recreation, and ensuring the survival of unique and irreplaceable
927 plant and animal species. The Legislature intends for these lands
928 to be managed and maintained for the purposes for which they were
929 acquired and for the public to have access to and use of these
930 lands where it is consistent with acquisition purposes and would
931 not harm the resources the state is seeking to protect on the
932 public's behalf.

933 (b) An amount of not less than ~~up to~~ 1.5 percent of the
934 cumulative total of funds ever deposited into the Florida
935 Preservation 2000 Trust Fund and the Florida Forever Trust Fund
936 shall be made available for the purposes of management,
937 maintenance, and capital improvements not eligible for funding
938 pursuant to s. 11(e), Art. VII of the State Constitution, and for
939 associated contractual services, for lands acquired pursuant to

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940 | this section, s. 259.101, s. 259.105, s. 259.1052, or previous
941 | programs for the acquisition of lands for conservation and
942 | recreation, including state forests, to which title is vested in
943 | the board of trustees and other conservation and recreation lands
944 | managed by a state agency. Of this amount, \$250,000 shall be
945 | transferred annually to the Plant Industry Trust Fund within the
946 | Department of Agriculture and Consumer Services for the purpose
947 | of implementing the Endangered or Threatened Native Flora
948 | Conservation Grants Program pursuant to s. 581.185(11). Each
949 | agency with management responsibilities shall annually request
950 | from the Legislature funds sufficient to fulfill such
951 | responsibilities to implement individual management plans. For
952 | the purposes of this paragraph, capital improvements shall
953 | include, but need not be limited to, perimeter fencing, signs,
954 | firelanes, access roads and trails, and minimal public
955 | accommodations, such as primitive campsites, garbage receptacles,
956 | and toilets. Any equipment purchased with funds provided pursuant
957 | to this paragraph may be used for the purposes described in this
958 | paragraph on any conservation and recreation lands managed by a
959 | state agency.

960 | (c) In requesting funds provided for in paragraph (b) for
961 | long-term management of all acquisitions pursuant to this chapter
962 | and for associated contractual services, the managing agencies
963 | shall recognize the following categories of land management
964 | needs:

965 | 1. Lands which are low-need tracts, requiring basic
966 | resource management and protection, such as state reserves, state
967 | preserves, state forests, and wildlife management areas. These
968 | lands generally are open to the public but have no more than
969 | minimum facilities development.

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970 2. Lands which are moderate-need tracts, requiring more
971 than basic resource management and protection, such as state
972 parks and state recreation areas. These lands generally have
973 extra restoration or protection needs, higher concentrations of
974 public use, or more highly developed facilities.

975 3. Lands which are high-need tracts, with identified needs
976 requiring unique site-specific resource management and
977 protection. These lands generally are sites with historic
978 significance, unique natural features, or very high intensity
979 public use, or sites that require extra funds to stabilize or
980 protect resources, such as lands with heavy infestations of
981 nonnative, invasive plants.

982
983 In evaluating the management funding needs of lands based on the
984 above categories, the lead land managing agencies shall include
985 in their considerations the impacts of, and needs created or
986 addressed by, multiple-use management strategies.

987 (d) All revenues generated through multiple-use management
988 or compatible secondary-use management shall be returned to the
989 lead agency responsible for such management and shall be used to
990 pay for management activities on all conservation, preservation,
991 and recreation lands under the agency's jurisdiction. In
992 addition, such revenues shall be segregated in an agency trust
993 fund and shall remain available to the agency in subsequent
994 fiscal years to support land management appropriations. For the
995 purposes of this paragraph, compatible secondary-use management
996 shall be those activities described in subsection (9) undertaken
997 on parcels designated as single use pursuant to s. 253.034(2)(b).

998 (e) Up to one-fifth of the funds provided for in paragraph
999 (b) shall be reserved by the board of trustees for interim



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1000 management of acquisitions and for associated contractual
1001 services, to ensure the conservation and protection of natural
1002 resources on project sites and to allow limited public
1003 recreational use of lands. Interim management activities may
1004 include, but not be limited to, resource assessments, control of
1005 invasive, nonnative species, habitat restoration, fencing, law
1006 enforcement, controlled burning, and public access consistent
1007 with preliminary determinations made pursuant to paragraph
1008 (9) (g). The board of trustees shall make these interim funds
1009 available immediately upon purchase.

1010 (f) The department shall set long-range and annual goals
1011 for the control and removal of nonnative, invasive plant species
1012 on public lands. Such goals shall differentiate between aquatic
1013 plant species and upland plant species. In setting such goals,
1014 the department may rank, in order of adverse impact, species that
1015 impede or destroy the functioning of natural systems.
1016 Notwithstanding paragraph (a), up to one-fourth of the funds
1017 provided for in paragraph (b) may be used by the agencies
1018 receiving those funds for control and removal of nonnative,
1019 invasive species on public lands.

1020 ~~(g) In addition to the purposes specified in paragraph (b),~~
1021 ~~funds from the 1.5 percent of the cumulative total of funds ever~~
1022 ~~deposited into the Florida Preservation 2000 Trust Fund and the~~
1023 ~~Florida Forever Trust Fund may be appropriated for the 2006-2007~~
1024 ~~fiscal year for the construction of replacement museum~~
1025 ~~facilities. This paragraph expires July 1, 2007.~~

1026 (12) (a) Beginning July 1, 1999, the Legislature shall make
1027 available sufficient funds annually from the Conservation and
1028 Recreation Lands Trust Fund to the department for payment in lieu
1029 of taxes to qualifying counties and local governments as defined

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1030 | in paragraph (b) for all actual tax losses incurred as a result
1031 | of board of trustees acquisitions for state agencies under the
1032 | Florida Forever program or the Florida Preservation 2000 program
1033 | during any year. Reserved funds not used for payments in lieu of
1034 | taxes in any year shall revert to the fund to be used for land
1035 | management in accordance with the provisions of this section.

1036 | (b) Payment in lieu of taxes shall be available:

1037 | 1. To all counties that have a population of 150,000 or
1038 | fewer. Population levels shall be determined pursuant to s.

1039 | 11.031.

1040 | 2. To all local governments located in eligible counties.

1041 | 3. To Glades County, where a privately owned and operated
1042 | prison leased to the state has recently been opened and where
1043 | privately owned and operated juvenile justice facilities leased
1044 | to the state have recently been constructed and opened, a payment
1045 | in lieu of taxes, in an amount that offsets the loss of property
1046 | tax revenue, which funds have already been appropriated and
1047 | allocated from the Department of Correction's budget for the
1048 | purpose of reimbursing amounts equal to lost ad valorem taxes.

1049 | (c) If insufficient funds are available in any year to make
1050 | full payments to all qualifying counties and local governments,
1051 | such counties and local governments shall receive a pro rata
1052 | share of the moneys available.

1053 | (d) The payment amount shall be based on the average amount
1054 | of actual taxes paid on the property for the 3 years preceding
1055 | acquisition. Applications for payment in lieu of taxes shall be
1056 | made no later than January 31 of the year following acquisition.
1057 | No payment in lieu of taxes shall be made for properties which
1058 | were exempt from ad valorem taxation for the year immediately
1059 | preceding acquisition.



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1060 (e) If property which was subject to ad valorem taxation
1061 was acquired by a tax-exempt entity for ultimate conveyance to
1062 the state under this chapter, payment in lieu of taxes shall be
1063 made for such property based upon the average amount of taxes
1064 paid on the property for the 3 years prior to its being removed
1065 from the tax rolls. The department shall certify to the
1066 Department of Revenue those properties that may be eligible under
1067 this provision. Once eligibility has been established, that
1068 county or local government shall receive 10 consecutive annual
1069 payments for each tax loss, and no further eligibility
1070 determination shall be made during that period.

1071 (f) Payment in lieu of taxes pursuant to this subsection
1072 shall be made annually to qualifying counties and local
1073 governments after certification by the Department of Revenue that
1074 the amounts applied for are reasonably appropriate, based on the
1075 amount of actual taxes paid on the eligible property. With the
1076 assistance of the local government requesting payment in lieu of
1077 taxes, the state agency that acquired the land is responsible for
1078 preparing and submitting application requests for payment to the
1079 Department of Revenue for certification.

1080 (g) If the board of trustees conveys to a local government
1081 title to any land owned by the board, any payments in lieu of
1082 taxes on the land made to the local government shall be
1083 discontinued as of the date of the conveyance.

1084
1085 For the purposes of this subsection, "local government" includes
1086 municipalities, the county school board, mosquito control
1087 districts, and any other local government entity which levies ad
1088 valorem taxes, with the exception of a water management district.

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1089 (13) Moneys credited to the fund each year which are not
1090 used for management, maintenance, or capital improvements
1091 pursuant to subsection (11); for payment in lieu of taxes
1092 pursuant to subsection (12); or for the purposes of subsection
1093 (5), shall be available for the acquisition of land pursuant to
1094 this section.

1095 (14) The board of trustees may adopt rules to further
1096 define the categories of land for acquisition under this chapter.

1097 (15) Within 90 days after receiving a certified letter from
1098 the owner of a property on the Conservation and Recreation Lands
1099 list or the priority list established pursuant to s. 259.105
1100 objecting to the property being included in an acquisition
1101 project, where such property is a project or part of a project
1102 which has not been listed for purchase in the current year's land
1103 acquisition work plan, the board of trustees shall delete the
1104 property from the list or from the boundary of an acquisition
1105 project on the list.

1106 Section 9. Section 259.035, Florida Statutes, is amended to
1107 read:

1108 259.035 Acquisition and Restoration Council.--

1109 (1) There is created the Acquisition and Restoration
1110 Council.

1111 (a) The council shall be composed of nine voting members,
1112 four of whom shall be appointed by the Governor. Of these four
1113 appointees, three shall be from scientific disciplines related to
1114 land, water, or environmental sciences and the fourth shall have
1115 at least 5 years experience in managing lands for both active and
1116 passive types of recreation. They shall serve 4-year terms,
1117 except that, initially, to provide for staggered terms, two of
1118 the appointees shall serve 2-year terms. All subsequent

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1119 | appointments shall be for 4-year terms. No appointee shall serve
1120 | more than 6 years. The Governor may at any time fill a vacancy
1121 | for the unexpired term of a member appointed under this
1122 | paragraph.

1123 | (b) The five remaining appointees shall be composed of the
1124 | Secretary of Environmental Protection, the director of the
1125 | Division of Forestry of the Department of Agriculture and
1126 | Consumer Services, the executive director of the Fish and
1127 | Wildlife Conservation Commission, the director of the Division of
1128 | Historical Resources of the Department of State, and the
1129 | secretary of the Department of Community Affairs, or their
1130 | respective designees.

1131 | (c) The Governor shall appoint the chair of the council,
1132 | and a vice chair shall be elected from among the members.

1133 | (d) The council shall hold periodic meetings at the request
1134 | of the chair.

1135 | (e) The Department of Environmental Protection shall
1136 | provide primary staff support to the council and shall ensure
1137 | that council meetings are electronically recorded. Such recording
1138 | shall be preserved pursuant to chapters 119 and 257.

1139 | (f) The board of trustees has authority to adopt rules
1140 | pursuant to ss. 120.536(1) and 120.54 to implement the provisions
1141 | of this section.

1142 | (2) The four members of the council appointed by the
1143 | Governor shall receive \$75 per day while engaged in the business
1144 | of the council, as well as expenses and per diem for travel,
1145 | including attendance at meetings, as allowed state officers and
1146 | employees while in the performance of their duties, pursuant to
1147 | s. 112.061.

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1148 (3) The council shall provide assistance to the board of
1149 trustees in reviewing the recommendations and plans for state-
1150 owned lands required under ss. 253.034 and 259.032. The council
1151 shall, in reviewing such recommendations and plans, consider the
1152 optimization of multiple-use and conservation strategies to
1153 accomplish the provisions funded pursuant to ss. 259.101(3)(a)
1154 and 259.105(3)(b).

1155 (4) (a) The council may use existing rules adopted by the
1156 board of trustees, until it develops and recommends amendments to
1157 those rules, to competitively evaluate, select, and rank projects
1158 eligible for the Conservation and Recreation Lands list pursuant
1159 to ss. 259.032(3) and 259.101(4) ~~and, beginning no later than May~~
1160 ~~1, 2001, for Florida Forever funds pursuant to s. 259.105(3)(b).~~

1161 (b) By December 1, 2009, the Acquisition and Restoration
1162 Council shall develop rules defining specific criteria and
1163 numeric performance measures needed for lands that are to be
1164 acquired for public purpose under the Florida Forever program
1165 pursuant to s. 259.105. Each recipient of Florida Forever funds
1166 shall assist the council in the development of such rules. These
1167 rules shall be reviewed and adopted by the Board then submitted
1168 to the Legislature for consideration by February 1, 2010. The
1169 Legislature may reject, modify, or take no action relative to the
1170 proposed rules. If no action is taken, the rules shall be
1171 implemented. Subsequent to their approval, each recipient of
1172 Florida Forever funds shall annually report to the Division of
1173 State Lands on each of the numeric performance measures
1174 accomplished during the previous fiscal year.

1175 (c) In developing or amending ~~the~~ rules, the council shall
1176 give weight to the criteria included in s. 259.105(10). The board

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1177 of trustees shall review the recommendations and shall adopt
1178 rules necessary to administer this section.

1179 (5) An affirmative vote of five members of the council is
1180 required in order to change a project boundary or to place a
1181 proposed project on a list developed pursuant to subsection (4).
1182 Any member of the council who by family or a business
1183 relationship has a connection with all or a portion of any
1184 proposed project shall declare the interest before voting on its
1185 inclusion on a list.

1186 (6) The proposal for a project pursuant to this section or
1187 s. 259.105(3)(b) may be implemented only if adopted by the
1188 council and approved by the board of trustees. The council shall
1189 consider and evaluate in writing the merits and demerits of each
1190 project that is proposed for Conservation and Recreation Lands,
1191 Florida Preservation 2000, or Florida Forever funding and shall
1192 ensure that each proposed project will meet a stated public
1193 purpose for the restoration, conservation, or preservation of
1194 environmentally sensitive lands and water areas or for providing
1195 outdoor recreational opportunities. The council also shall
1196 determine whether the project conforms, where applicable, with
1197 the comprehensive plan developed pursuant to s. 259.04(1)(a), the
1198 comprehensive multipurpose outdoor recreation plan developed
1199 pursuant to s. 375.021, the state lands management plan adopted
1200 pursuant to s. 253.03(7), the water resources work plans
1201 developed pursuant to s. 373.199, and the provisions of s.
1202 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1203 Section 10. Section 259.037, Florida Statutes, is amended
1204 to read:

1205 259.037 Land Management Uniform Accounting Council.--

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1206 (1) The Land Management Uniform Accounting Council is
1207 created within the Department of Environmental Protection and
1208 shall consist of the director of the Division of State Lands, the
1209 director of the Division of Recreation and Parks, the director of
1210 the Office of Coastal and Aquatic Managed Areas, and the director
1211 of the Office of Greenways and Trails of the Department of
1212 Environmental Protection; the director of the Division of
1213 Forestry of the Department of Agriculture and Consumer Services;
1214 the executive director of the Fish and Wildlife Conservation
1215 Commission; and the director of the Division of Historical
1216 Resources of the Department of State, or their respective
1217 designees. Each state agency represented on the council shall
1218 have one vote. The chair of the council shall rotate annually in
1219 the foregoing order of state agencies. The agency of the
1220 representative serving as chair of the council shall provide
1221 staff support for the council. The Division of State Lands shall
1222 serve as the recipient of and repository for the council's
1223 documents. The council shall meet at the request of the chair.

1224 (2) The Auditor General and the director of the Office of
1225 Program Policy Analysis and Government Accountability, or their
1226 designees, shall advise the council to ensure that appropriate
1227 accounting procedures are utilized and that a uniform method of
1228 collecting and reporting accurate costs of land management
1229 activities are created and can be used by all agencies.

1230 (3) (a) All land management activities and costs must be
1231 assigned to a specific category, and any single activity or cost
1232 may not be assigned to more than one category. Administrative
1233 costs, such as planning or training, shall be segregated from
1234 other management activities. Specific management activities and

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1235 costs must initially be grouped, at a minimum, within the
1236 following categories:

- 1237 1.~~(a)~~ Resource management.
1238 2.~~(b)~~ Administration.
1239 3. Support.
1240 4. Capital improvements.
1241 5. Recreation Visitor Services.
1242 6. Law enforcement.
1243 ~~(c) New facility construction.~~
1244 ~~(d) Facility maintenance.~~

1245

1246 Upon adoption of the initial list of land management categories
1247 by the council, agencies assigned to manage conservation or
1248 recreation lands shall, on July 1, 2000, begin to account for
1249 land management costs in accordance with the category to which an
1250 expenditure is assigned.

1251 (b) Each reporting agency shall also:

1252 1. Include a report of the available public use
1253 opportunities for each tract of state land and the total
1254 management cost for public access and public use and the cost
1255 associated with each use option.

1256 2. List the acres of land requiring minimal management
1257 effort, moderate management effort, and significant management
1258 effort pursuant to s. 259.032(11)(c). For each category they
1259 shall include the amount of funds requested, the amount of funds
1260 received and the amount of funds expended for land management.

1261 3. List acres managed and cost of management for each park,
1262 preserve, forest, reserve, or management area.

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1263 4. List acres managed, cost of management and lead manager
1264 for state lands tracts for which secondary management activities
1265 were provided.

1266 (4) The council shall report agencies' expenditures
1267 pursuant to the adopted categories to the President of the Senate
1268 and the Speaker of the House of Representatives annually,
1269 beginning July 1, 2001. The council shall also provide this
1270 report to the Acquisition and Restoration Council and the
1271 division for inclusion in its annual report required pursuant to
1272 s. 259.036 ~~s. 259.105~~.

1273 (5) Should the council determine that the list of land
1274 management categories needs to be revised, it shall meet upon the
1275 call of the chair.

1276 (6) Biennially, each reporting agency shall also submit an
1277 operational report for each management area, with an approved
1278 management plan. The report should assess the progress toward
1279 achieving short-term and long-term management goals of the
1280 approved management plan including all land management
1281 activities, identify any deficiencies in management and
1282 corrective actions to address identified deficiencies as
1283 appropriate. This report shall be submitted to the Acquisition
1284 and Restoration Council and the division for inclusion in its
1285 annual report required pursuant to s. 259.036.

1286 Section 11. Subsections (3) and (7) of section 259.041,
1287 Florida Statutes, is amended to read:

1288 259.041 Acquisition of state-owned lands for preservation,
1289 conservation, and recreation purposes.--

1290 (3) No agreement to acquire real property for the purposes
1291 described in this chapter, chapter 260, or chapter 375, title to
1292 which will vest in the board of trustees, may bind the state

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1293 unless and until the agreement has been reviewed and approved by
1294 the Department of Environmental Protection as complying with the
1295 requirements of this section and any rules adopted pursuant to
1296 this section. Where any of the following conditions exist, the
1297 agreement shall be submitted to and approved by the board of
1298 trustees:

1299 (a) The purchase price agreed to by the seller exceeds the
1300 value as established pursuant to the rules of the board of
1301 trustees;

1302 (b) The contract price agreed to by the seller and
1303 acquiring agency exceeds \$1 million;

1304 (c) The acquisition is the initial purchase in a project;
1305 or

1306 (d) Other conditions that the board of trustees may adopt
1307 by rule. Such conditions may include, but not be limited to,
1308 projects where title to the property being acquired is considered
1309 nonmarketable or is encumbered in such a way as to significantly
1310 affect its management.

1311
1312 Where approval of the board of trustees is required pursuant to
1313 this subsection, the acquiring agency must provide a
1314 justification as to why it is in the public's interest to acquire
1315 the parcel or project. Approval of the board of trustees also is
1316 required for projects the department recommends acquiring
1317 pursuant to subsections (14) and (15). Review and approval of
1318 agreements for acquisitions for Florida Greenways and Trails
1319 Program properties pursuant to chapter 260 may be waived by the
1320 department in any contract with nonprofit corporations that have
1321 agreed to assist the department with this program. Where the
1322 contribution of the acquiring agency exceeds \$100 million in any



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1323 one fiscal year, the agreement shall be submitted to and approved
1324 by the Legislative Budget Commission.

1325 (7) Prior to approval by the board of trustees or, when
1326 applicable, the Department of Environmental Protection, of any
1327 agreement to purchase land pursuant to this chapter, chapter 260,
1328 or chapter 375, and prior to negotiations with the parcel owner
1329 to purchase any other land, title to which will vest in the board
1330 of trustees, an appraisal of the parcel shall be required as
1331 follows:

1332 (a) The board of trustees shall adopt by rule the method
1333 for determining the value of parcels sought to be acquired by
1334 state agencies pursuant to this section.

1335 (b) Each parcel to be acquired shall have at least one
1336 appraisal. Two appraisals are required when the estimated value
1337 of the parcel exceeds \$1 million ~~\$500,000~~. However, when both
1338 appraisals exceed \$1 million ~~\$500,000~~ and differ significantly, a
1339 third appraisal may be obtained. When a parcel is estimated to be
1340 worth \$100,000 or less and the director of the Division of State
1341 Lands finds that the cost of obtaining an outside appraisal is
1342 not justified, an appraisal prepared by the division may be used.

1343 (c) Appraisal fees and associated costs shall be paid by
1344 the agency proposing the acquisition. The board of trustees shall
1345 approve qualified fee appraisal organizations. All appraisals
1346 used for the acquisition of lands pursuant to this section shall
1347 be prepared by a member of an approved appraisal organization or
1348 by a state-certified appraiser who meets the standards and
1349 criteria established in rule by the board of trustees. Each fee
1350 appraiser selected to appraise a particular parcel shall, prior
1351 to contracting with the agency or a participant in a multiparty
1352 agreement, submit to that agency or participant an affidavit

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1353 substantiating that he or she has no vested or fiduciary interest
1354 in such parcel.

1355 (d) The fee appraiser and the review appraiser for the
1356 agency shall not act in any way that may be construed as
1357 negotiating with the property owner.

1358 (e) Generally, appraisal reports are confidential and
1359 exempt from the provisions of s. 119.07(1), for use by the agency
1360 and the board of trustees, until an option contract is executed
1361 or, if no option contract is executed, until 2 weeks before a
1362 contract or agreement for purchase is considered for approval by
1363 the board of trustees. However, the department has the authority,
1364 at its discretion, to disclose appraisal reports to private
1365 landowners during negotiations for acquisitions using
1366 alternatives to fee simple techniques, if the department
1367 determines that disclosure of such reports will bring the
1368 proposed acquisition to closure. The Division of State Lands may
1369 also disclose appraisal information to public agencies or
1370 nonprofit organizations that agree to maintain the
1371 confidentiality of the reports or information when joint
1372 acquisition of property is contemplated, or when a public agency
1373 or nonprofit organization enters into a written multiparty
1374 agreement with the division to purchase and hold property for
1375 subsequent resale to the division. In addition, the division may
1376 use, as its own, appraisals obtained by a public agency or
1377 nonprofit organization, provided the appraiser is selected from
1378 the division's list of appraisers and the appraisal is reviewed
1379 and approved by the division. For the purposes of this chapter,
1380 "nonprofit organization" means an organization whose purposes
1381 include the preservation of natural resources, and which is
1382 exempt from federal income tax under s. 501(c)(3) of the Internal

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1383 Revenue Code. The agency may release an appraisal report when the
1384 passage of time has rendered the conclusions of value in the
1385 report invalid or when the acquiring agency has terminated
1386 negotiations.

1387 (f) The Division of State Lands may use, as its own,
1388 appraisals obtained by a public agency or nonprofit organization,
1389 provided that the appraiser is selected from the division's list
1390 of appraisers and the appraisal is reviewed and approved by the
1391 division. For the purposes of this chapter, the term "nonprofit
1392 organization" means an organization whose purposes include the
1393 preservation of natural resources and which is exempt from
1394 federal income tax under s. 501(c)(3) of the Internal Revenue
1395 Code.

1396
1397 Notwithstanding the provisions of this subsection, on behalf of
1398 the board and before the appraisal of parcels approved for
1399 purchase under this chapter, the Secretary of Environmental
1400 Protection or the director of the Division of State Lands may
1401 enter into option contracts to buy such parcels. Any such option
1402 contract shall state that the final purchase price is subject to
1403 approval by the board or, when applicable, the secretary and that
1404 the final purchase price may not exceed the maximum offer allowed
1405 by law. Any such option contract presented to the board for final
1406 purchase price approval, shall explicitly state that payment of
1407 the final purchase price is subject to an appropriation from the
1408 Legislature. The consideration for such an option may not exceed
1409 \$1,000 or 0.01 percent of the estimate by the department of the
1410 value of the parcel, whichever amount is greater.

1411 Section 12. Section 259.105, Florida Statutes is amended to
1412 read:



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1413 259.105 The Florida Forever Act.--

1414 (1) This section may be cited as the "Florida Forever Act."

1415 (2) (a) The Legislature finds and declares that:

1416 1. Land acquisition ~~The Preservation 2000~~ programs have
1417 provided tremendous financial resources for purchasing
1418 environmentally significant lands to protect those lands from
1419 imminent development or alteration, thereby assuring present and
1420 future generations' access to important waterways, open spaces,
1421 and recreation and conservation lands.

1422 2. The continued alteration and development of Florida's
1423 natural and rural areas to accommodate the state's ~~rapidly~~
1424 growing population have contributed to the degradation of water
1425 resources, the fragmentation and destruction of wildlife
1426 habitats, the loss of outdoor recreation space, and the
1427 diminishment of wetlands, forests, working landscapes and coastal
1428 open space and public beaches.

1429 3. The potential development of Florida's remaining natural
1430 areas and escalation of land values require ~~a continuation of~~
1431 government efforts to restore, bring under public protection, or
1432 acquire lands and water areas to preserve the state's essential
1433 ecological functions and invaluable quality of life.

1434 4. It is essential to protect the state's ecosystems by
1435 promoting a more efficient use of land, ensuring opportunities
1436 for viable agricultural activities on working lands, and to
1437 promote vital rural and urban communities which support and
1438 produce development patterns consistent with natural resource
1439 protection.

1440 54. Florida's groundwater, surface waters, and springs are
1441 under tremendous pressure due to population growth and economic
1442 expansion and require special protection and restoration efforts,



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1443 including the protection of uplands and springsheds that provide
1444 vital recharge to aquifer systems and are critical to the
1445 protection of water quality and water quantity of the aquifers
1446 and springs. A variety of incentives should be developed for
1447 landowners to help maintain these lands, including options that
1448 encourage the cultivation of water and other ecosystem resource
1449 services. To ensure that sufficient quantities of water are
1450 available to meet the current and future needs of the natural
1451 systems and citizens of the state, and assist in achieving the
1452 planning goals of the department and the water management
1453 districts, water resource development projects on public lands,
1454 where compatible with the resource values of and management
1455 objectives for the lands, are appropriate.

1456 65. The needs of urban, suburban and small communities in
1457 Florida for high-quality outdoor recreational opportunities,
1458 greenways, trails, and open space have not been fully met by
1459 previous acquisition programs. Through such programs as the
1460 Florida Communities Trust and the Florida Recreation Development
1461 Assistance Program, the state shall place additional emphasis on
1462 acquiring, protecting, preserving, and restoring open space,
1463 ecological greenways, and recreation properties within urban,
1464 suburban and rural areas where pristine natural communities or
1465 water bodies no longer exist because of the proximity of
1466 developed property.

1467 76. Many of Florida's unique ecosystems, such as the
1468 Florida Everglades, are facing ecological collapse due to
1469 Florida's burgeoning population growth and other economic
1470 activities. To preserve these valuable ecosystems for future
1471 generations, essential parcels of land must be acquired to
1472 facilitate ecosystem restoration.

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1473 87. Access to public lands to support a broad range of
1474 outdoor recreational opportunities and the development of
1475 necessary infrastructure, where compatible with the resource
1476 values of and management objectives for such lands, promotes an
1477 appreciation for Florida's natural assets and improves the
1478 quality of life.

1479 98. Acquisition of lands, in fee simple, less-than-fee
1480 interest, or other techniques in any lesser interest, shall
1481 ~~should~~ be based on a comprehensive science-based assessment of
1482 Florida's natural resources that targets essential conservation
1483 lands by prioritizing all current and future acquisitions based
1484 on a uniform set of data and planned so as to protect the
1485 integrity and function of ecological systems and working
1486 landscapes, and provide multiple benefits, including preservation
1487 of fish and wildlife habitat, recreation space for urban and as
1488 ~~well as~~ rural areas, and the restoration of natural water
1489 storage, flow, and recharge.

1490 109. The state has embraced performance-based program
1491 budgeting as a tool to evaluate the achievements of publicly
1492 funded agencies, build in accountability, and reward those
1493 agencies which are able to consistently achieve quantifiable
1494 goals. While previous and existing state environmental programs
1495 have achieved varying degrees of success, few of these programs
1496 can be evaluated as to the extent of their achievements,
1497 primarily because performance measures, standards, outcomes, and
1498 goals were not established at the outset. Therefore, the Florida
1499 Forever program shall be developed and implemented in the context
1500 of measurable state goals and objectives.

1501 1110. It is the intent of the Legislature to change the
1502 focus and direction of the state's major land acquisition

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1503 programs and to extend funding and bonding capabilities, so that
1504 future generations may enjoy the natural resources of Florida.

1505 (b) The Legislature recognizes that acquisition is only one
1506 way to achieve the aforementioned goals and encourages the
1507 development of creative partnerships between governmental
1508 agencies and private landowners. Land protection agreements,
1509 rural land stewardship agreements, sector planning, mitigation,
1510 and similar tools should be used, where appropriate, to bring
1511 environmentally sensitive tracts under an acceptable level of
1512 protection at a lower financial cost to the public, and to
1513 provide private landowners with the opportunity to enjoy and
1514 benefit from their property.

1515 (c) Public agencies or other entities that receive funds
1516 under this section shall ~~are encouraged to better~~ coordinate
1517 their expenditures so that project acquisitions, when combined
1518 with acquisitions under Florida Forever, Preservation 2000, Save
1519 Our Rivers, the Florida Communities Trust, and other public land
1520 acquisition programs, will form more complete patterns of
1521 protection for natural areas, ecological greenways, and
1522 functioning ecosystems, to better accomplish the intent of this
1523 section.

1524 (d) A long-term financial commitment to managing Florida's
1525 public lands must accompany any new land acquisition program to
1526 ensure that the natural resource values of such lands are
1527 protected, that the public has the opportunity to enjoy the lands
1528 to their fullest potential, and that the state achieves the full
1529 benefits of its investment of public dollars. Innovative
1530 strategies such as public-private partnerships and inter-agency
1531 planning and sharing of resources shall be used to achieve the
1532 state's management goals.



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1533 (e) With limited dollars available for restoration and
1534 acquisition of land and water areas and for providing long-term
1535 management and capital improvements, a competitive selection
1536 process shall ~~can~~ select those projects best able to meet the
1537 goals of Florida Forever and maximize the efficient use of the
1538 program's funding.

1539 (f) To ensure success and provide accountability to the
1540 citizens of this state, it is the intent of the Legislature that
1541 any cash or bond proceeds used pursuant to this section be used
1542 to implement the goals and objectives recommended by a
1543 comprehensive science-based assessment and ~~the Florida Forever~~
1544 Advisory Council ~~as~~ approved by the Board of Trustees of the
1545 Internal Improvement Trust Fund and the Legislature.

1546 (g) As it has with previous land acquisition programs, the
1547 Legislature recognizes the desires of the citizens of this state
1548 to prosper through economic development and to preserve the
1549 natural areas and recreational open space of Florida. The
1550 Legislature further recognizes the urgency of restoring the
1551 natural functions of public lands or water bodies before they are
1552 degraded to a point where recovery may never occur, yet
1553 acknowledges the difficulty of ensuring adequate funding for
1554 restoration efforts in light of other equally critical financial
1555 needs of the state. It is the Legislature's desire and intent to
1556 fund the implementation of this section and to do so in a
1557 fiscally responsible manner, by issuing bonds to be repaid with
1558 documentary stamp tax, or other revenue sources.

1559 (h) The Legislature further recognizes the important role
1560 that many of our state and federal military installations
1561 contribute to protecting and preserving Florida's natural
1562 resources as well as our economic prosperity. Where the state's

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1563 land conservation plans overlap with the military's need to
1564 protect lands, waters, and habitat to ensure the sustainability
1565 of military missions, it is the Legislature's intent that
1566 agencies receiving funds under this program cooperate with our
1567 military partners to protect and buffer military installations
1568 and military airspace, by:

1569 1. Protecting habitat on nonmilitary land for any species
1570 found on military land that is designated as threatened or
1571 endangered, or is a candidate for such designation under the
1572 Endangered Species Act or any Florida statute;

1573 2. Protecting areas underlying low-level military air
1574 corridors or operating areas; and

1575 3. Protecting areas identified as clear zones, accident
1576 potential zones, and air installation compatible use buffer zones
1577 delineated by our military partners.

1578 4. Providing the military with technical assistance to
1579 restore, enhance and manage military land as habitat for
1580 imperiled species or species designated as threatened or
1581 endangered, or a candidate for such designation and for the
1582 recovery or reestablishment of such species.

1583 (3) Less the costs of issuing and the costs of funding
1584 reserve accounts and other costs associated with bonds, the
1585 proceeds of cash payments or bonds issued pursuant to this
1586 section shall be deposited into the Florida Forever Trust Fund
1587 created by s. 259.1051. The proceeds shall be distributed by the
1588 Department of Environmental Protection in the following manner:

1589 (a) ~~Thirty-five~~ percent to the Department of Environmental
1590 Protection for the acquisition of lands and capital project
1591 expenditures necessary to implement the water management
1592 districts' priority lists developed pursuant to s. 373.199. The

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1593 funds are to be distributed to the water management districts as
1594 provided in subsection (11). A minimum of 50 percent of the total
1595 funds provided over the life of the Florida Forever program
1596 pursuant to this paragraph shall be used for the acquisition of
1597 lands.

1598 (b) Forty ~~Thirty-five~~ percent to the Department of
1599 Environmental Protection for the acquisition of lands and capital
1600 project expenditures described in this section. Of the proceeds
1601 distributed pursuant to this paragraph, it is the intent of the
1602 Legislature that an increased priority be given to those
1603 acquisitions which achieve a combination of conservation goals,
1604 including protecting Florida's water resources and natural
1605 groundwater recharge. At a minimum, 3 percent, and no more than
1606 10 percent, of the funds allocated pursuant to this paragraph,
1607 shall be spent on capital project expenditures identified during
1608 the time of acquisition that meets land management planning
1609 activities necessary for public access ~~may not exceed 10 percent~~
1610 ~~of the funds allocated pursuant to this paragraph.~~

1611 (c) Twenty-two percent to the Department of Community
1612 Affairs for use by the Florida Communities Trust for the purposes
1613 of part III of chapter 380, as described and limited by this
1614 subsection, and grants to local governments or nonprofit
1615 environmental organizations that are tax-exempt under s.
1616 501(c)(3) of the United States Internal Revenue Code for the
1617 acquisition of community-based projects, urban open spaces,
1618 parks, and greenways to implement local government comprehensive
1619 plans. From funds available to the trust and used for land
1620 acquisition, 75 percent shall be matched by local governments on
1621 a dollar-for-dollar basis. The Legislature intends that the
1622 Florida Communities Trust emphasize funding projects in low-



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1623 income or otherwise disadvantaged communities. At least 30
1624 percent of the total allocation provided to the trust shall be
1625 used in Standard Metropolitan Statistical Areas, but one-half of
1626 that amount shall be used in localities in which the project site
1627 is located in built-up commercial, industrial, or mixed-use areas
1628 and functions to intersperse open spaces within congested urban
1629 core areas. From funds allocated to the trust, no less than 5
1630 percent shall be used to acquire lands for recreational trail
1631 systems, provided that in the event these funds are not needed
1632 for such projects, they will be available for other trust
1633 projects. Local governments may use federal grants or loans,
1634 private donations, or environmental mitigation funds, including
1635 environmental mitigation funds required pursuant to s. 338.250,
1636 for any part or all of any local match required for acquisitions
1637 funded through the Florida Communities Trust. Any lands purchased
1638 by nonprofit organizations using funds allocated under this
1639 paragraph must provide for such lands to remain permanently in
1640 public use through a reversion of title to local or state
1641 government, conservation easement, or other appropriate
1642 mechanism. Projects funded with funds allocated to the Trust
1643 shall be selected in a competitive process measured against
1644 criteria adopted in rule by the Trust.

1645 (d) Two percent to the Department of Environmental
1646 Protection for grants pursuant to s. 375.075.

1647 (e) One and five-tenths percent to the Department of
1648 Environmental Protection for the purchase of inholdings and
1649 additions to state parks and for capital project expenditures as
1650 described in this section. At a minimum, 1 percent, and no more
1651 than 10 percent, of the funds allocated pursuant to this
1652 paragraph, shall be spent on capital project expenditures

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1653 identified during the time of acquisition that meets land
1654 management planning activities necessary for public access ~~may~~
1655 ~~not exceed 10 percent of the funds allocated under this~~
1656 ~~paragraph.~~ For the purposes of this paragraph, "state park" means
1657 any real property in the state which is under the jurisdiction of
1658 the Division of Recreation and Parks of the department, or which
1659 may come under its jurisdiction.

1660 (f) One and five-tenths percent to ~~the Division of Forestry~~
1661 ~~of~~ the Department of Agriculture and Consumer Services to fund
1662 easements pursuant to s. 570.71 (2) (a) and (b), the acquisition
1663 of state forest inholdings and additions pursuant to s. 589.07,
1664 the implementation of reforestation plans or sustainable forestry
1665 management practices, and for capital project expenditures as
1666 described in this section. At a minimum, 1 percent, and no more
1667 than 10 percent, of the funds allocated for the acquisition of
1668 inholdings and additions pursuant to this paragraph, shall be
1669 spent on capital project expenditures identified during the time
1670 of acquisition that meets land management planning activities
1671 necessary for public access ~~may not exceed 10 percent of the~~
1672 ~~funds allocated under this paragraph.~~

1673 (g) One and five-tenths percent to the Fish and Wildlife
1674 Conservation Commission to fund the acquisition of inholdings and
1675 additions to lands managed by the commission which are important
1676 to the conservation of fish and wildlife and for capital project
1677 expenditures as described in this section. At a minimum, 1
1678 percent, and no more than 10 percent, of the funds allocated
1679 pursuant to this paragraph, shall be spent on capital project
1680 expenditures identified during the time of acquisition that meets
1681 land management planning activities necessary for public access

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1682 ~~may not exceed 10 percent of the funds allocated under this~~
1683 ~~paragraph.~~

1684 (h) One and five-tenths percent to the Department of
1685 Environmental Protection for the Florida Greenways and Trails
1686 Program, to acquire greenways and trails or greenways and trail
1687 systems pursuant to chapter 260, including, but not limited to,
1688 abandoned railroad rights-of-way and the Florida National Scenic
1689 Trail and for capital project expenditures as described in this
1690 section. At a minimum, 1 percent, and no more than 10 percent, of
1691 the funds allocated pursuant to this paragraph, shall be spent on
1692 capital project expenditures identified during the time of
1693 acquisition that meets land management planning activities
1694 necessary for public access ~~may not exceed 10 percent of the~~
1695 ~~funds allocated under this paragraph.~~

1696 (i) It is the intent of the Legislature that cash payments
1697 or proceeds of Florida Forever bonds distributed under this
1698 section shall be expended in an efficient and fiscally
1699 responsible manner. An agency that receives proceeds from Florida
1700 Forever bonds under this section may not maintain a balance of
1701 unencumbered funds in its Florida Forever subaccount beyond 3
1702 fiscal years from the date of deposit of funds from each bond
1703 issue. Any funds that have not been expended or encumbered after
1704 3 fiscal years from the date of deposit shall be distributed by
1705 the Legislature at its next regular session for use in the
1706 Florida Forever program.

1707 (j) For the purposes of paragraphs ~~(d)~~, (e), (f), ~~and~~ (g),
1708 and (h) the agencies which receive the funds shall develop their
1709 individual acquisition or restoration lists in accordance with
1710 specific criteria and numeric performance measures developed
1711 pursuant s. 259.035(4). Proposed additions may be acquired if

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1712 they are identified within the original project boundary, the
1713 management plan required pursuant to s. 253.034(5), or the
1714 management prospectus required pursuant to s. 259.032(9)(d).
1715 Proposed additions not meeting the requirements of this paragraph
1716 shall be submitted to the Acquisition and Restoration Council for
1717 approval. The council may only approve the proposed addition if
1718 it meets two or more of the following criteria: serves as a link
1719 or corridor to other publicly owned property; enhances the
1720 protection or management of the property; would add a desirable
1721 resource to the property; would create a more manageable boundary
1722 configuration; has a high resource value that otherwise would be
1723 unprotected; or can be acquired at less than fair market value.

1724 (4) It is the intent of the Legislature that projects or
1725 acquisitions funded pursuant to paragraphs (3)(a) and (b)
1726 contribute to the achievement of the following goals, which shall
1727 be evaluated in accordance with specific criteria and numeric
1728 performance measures developed pursuant s. 259.035(4):

1729 (a) Enhance the coordination and completion of land
1730 acquisition projects, as measured by:

1731 1. The number of acres acquired through the state's land
1732 acquisition programs that contribute to the enhancement of
1733 essential natural resources, ecosystem service parcels, and
1734 connecting linkage corridors as identified and developed by the
1735 best available scientific analysis ~~completion of Florida~~
1736 ~~Preservation 2000 projects or projects begun before Preservation~~
1737 ~~2000;~~

1738 2. The number of acres protected through the use of
1739 alternatives to fee simple acquisition; or

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1740 3. The number of shared acquisition projects among Florida
1741 Forever funding partners and partners with other funding sources,
1742 including local governments and the Federal Government.

1743 (b) Increase the protection of Florida's biodiversity at
1744 the species, natural community, and landscape levels, as measured
1745 by:

1746 1. The number of acres acquired of significant strategic
1747 habitat conservation areas;

1748 2. The number of acres acquired of highest priority
1749 conservation areas for Florida's rarest species;

1750 3. The number of acres acquired of significant landscapes,
1751 landscape linkages, and conservation corridors, giving priority
1752 to completing linkages;

1753 4. The number of acres acquired of underrepresented native
1754 ecosystems;

1755 5. The number of landscape-sized protection areas of at
1756 least 50,000 acres that exhibit a mosaic of predominantly intact
1757 or restorable natural communities established through new
1758 acquisition projects or augmentations to previous projects; or

1759 6. The percentage increase in the number of occurrences of
1760 endangered species, threatened species, or species of special
1761 concern on publicly managed conservation areas.

1762 (c) Protect, restore, and maintain the quality and natural
1763 functions of land, water, and wetland systems of the state, as
1764 measured by:

1765 1. The number of acres of publicly owned land identified as
1766 needing restoration, acres undergoing restoration, and acres with
1767 restoration activities completed;

1768 2. The percentage of water segments that fully meet,
1769 partially meet, or do not meet their designated uses as reported

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1770 in the Department of Environmental Protection's State Water
1771 Quality Assessment 305(b) Report;

1772 3. The percentage completion of targeted capital
1773 improvements in surface water improvement and management plans
1774 created under s. 373.453(2), regional or master stormwater
1775 management system plans, or other adopted restoration plans;

1776 4. The number of acres acquired that protect natural
1777 floodplain functions;

1778 5. The number of acres acquired that protect surface waters
1779 of the state;

1780 6. The number of acres identified for acquisition to
1781 minimize damage from flooding and the percentage of those acres
1782 acquired;

1783 7. The number of acres acquired that protect fragile
1784 coastal resources;

1785 8. The number of acres of functional wetland systems
1786 protected;

1787 9. The percentage of miles of critically eroding beaches
1788 contiguous with public lands that are restored or protected from
1789 further erosion;

1790 10. The percentage of public lakes and rivers in which
1791 invasive, nonnative aquatic plants are under maintenance control;
1792 or

1793 11. The number of acres of public conservation lands in
1794 which upland invasive, exotic plants are under maintenance
1795 control.

1796 12. The number of acres restored or enhanced that serve as
1797 habitat for imperiled species which advance the goals and
1798 objectives of Florida Fish and Wildlife Conservation Commission
1799 approved species or habitat recovery plans.

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1800 (d) Ensure that sufficient quantities of water are
1801 available to meet the current and future needs of natural systems
1802 and the citizens of the state, as measured by:

1803 1. The number of acres acquired which provide retention and
1804 storage of surface water in naturally occurring storage areas,
1805 such as lakes and wetlands, consistent with the maintenance of
1806 water resources or water supplies and consistent with district
1807 water supply plans;

1808 2. The quantity of water made available through the water
1809 resource development component of a district water supply plan
1810 for which a water management district is responsible; or

1811 3. The number of acres acquired of groundwater recharge
1812 areas critical to springs, sinks, aquifers, other natural
1813 systems, or water supply.

1814 (e) Increase natural resource-based public recreational and
1815 educational opportunities, as measured by:

1816 1. The number of acres acquired that are available for
1817 natural resource-based public recreation or education;

1818 2. The miles of trails that are available for public
1819 recreation, giving priority to those that provide significant
1820 connections including those that will assist in completing the
1821 Florida National Scenic Trail; or

1822 3. The number of new resource-based recreation facilities,
1823 by type, made available on public land.

1824 (f) Preserve significant archaeological or historic sites,
1825 as measured by:

1826 1. The increase in the number of and percentage of historic
1827 and archaeological properties listed in the Florida Master Site
1828 File or National Register of Historic Places which are protected
1829 or preserved for public use; or



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1830 2. The increase in the number and percentage of historic
1831 and archaeological properties that are in state ownership.

1832 (g) Increase the amount of forestland available for
1833 sustainable management of natural resources, as measured by:

1834 1. The number of acres acquired that are available for
1835 sustainable forest management;

1836 2. The number of acres of state-owned forestland managed
1837 for economic return in accordance with current best management
1838 practices;

1839 3. The number of acres of forestland acquired that will
1840 serve to maintain natural groundwater recharge functions; or

1841 4. The percentage and number of acres identified for
1842 restoration actually restored by reforestation.

1843 (h) Increase the amount of open space available in urban
1844 areas, as measured by:

1845 1. The percentage of local governments that participate in
1846 land acquisition programs and acquire open space in urban cores;
1847 or

1848 2. The percentage and number of acres of purchases of open
1849 space within urban service areas.

1850
1851 Florida Forever projects and acquisitions funded pursuant to
1852 paragraph (3)(c) shall be measured by goals developed by rule by
1853 the Florida Communities Trust Governing Board created in s.
1854 380.504.

1855 (5)(a) All lands acquired pursuant to this section shall be
1856 managed for multiple-use purposes, where compatible with the
1857 resource values of and management objectives for such lands. As
1858 used in this section, "multiple-use" includes, but is not limited
1859 to, outdoor recreational activities as described in ss. 253.034



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1860 and 259.032(9)(b), water resource development projects, ~~and~~
1861 sustainable forestry management, carbon sequestration, carbon
1862 mitigation, or carbon offsets.

1863 (b) Upon a decision by the entity in which title to lands
1864 acquired pursuant to this section has vested, such lands may be
1865 designated single use as defined in s. 253.034(2)(b).

1866 (c) For purposes of this section, the Board of Trustees of
1867 the Internal Improvement Trust Fund shall adopt rules, pertaining
1868 to the use of state lands for carbon sequestration, carbon
1869 mitigation, or carbon offsets, that provide for climate change
1870 related benefits.

1871 (6) As provided in this section, a water resource or water
1872 supply development project may be allowed only if the following
1873 conditions are met: minimum flows and levels have been
1874 established for those waters, if any, which may reasonably be
1875 expected to experience significant harm to water resources as a
1876 result of the project; the project complies with all applicable
1877 permitting requirements; and the project is consistent with the
1878 regional water supply plan, if any, of the water management
1879 district and with relevant recovery or prevention strategies if
1880 required pursuant to s. 373.0421(2).

1881 (7)(a) Beginning no later than July 1, 2001, and every year
1882 thereafter, the Acquisition and Restoration Council shall accept
1883 applications from state agencies, local governments, nonprofit
1884 and for-profit organizations, private land trusts, and
1885 individuals for project proposals eligible for funding pursuant
1886 to paragraph (3)(b). The council shall evaluate the proposals
1887 received pursuant to this subsection to ensure that they meet at
1888 least one of the criteria under subsection (9).

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1889 (b) Project applications shall contain, at a minimum, the
1890 following:

1891 1. A minimum of two numeric performance measures that
1892 directly relate to the overall goals adopted by the council. Each
1893 performance measure shall include a baseline measurement, which
1894 is the current situation; a performance standard which the
1895 project sponsor anticipates the project will achieve; and the
1896 performance measurement itself, which should reflect the
1897 incremental improvements the project accomplishes towards
1898 achieving the performance standard.

1899 2. Proof that property owners within any proposed
1900 acquisition have been notified of their inclusion in the proposed
1901 project. Any property owner may request the removal of such
1902 property from further consideration by submitting a request to
1903 the project sponsor or the Acquisition and Restoration Council by
1904 certified mail. Upon receiving this request, the council shall
1905 delete the property from the proposed project; however, the board
1906 of trustees, at the time it votes to approve the proposed project
1907 lists pursuant to subsection (16), may add the property back on
1908 to the project lists if it determines by a super majority of its
1909 members that such property is critical to achieve the purposes of
1910 the project.

1911 (c) The title to lands acquired under this section shall
1912 vest in the Board of Trustees of the Internal Improvement Trust
1913 Fund, except that title to lands acquired by a water management
1914 district shall vest in the name of that district and lands
1915 acquired by a local government shall vest in the name of the
1916 purchasing local government. All deeds or leases with respect to
1917 any real property acquired with funds received by a water
1918 management district pursuant to this section shall contain a



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1919 reversion, conveyance, or termination clause that will vest title
1920 in the Board of Trustees of the Internal Improvement Trust Fund
1921 prior to any disposition or surplus of such lands.

1922 (8) The Acquisition and Restoration Council shall develop a
1923 project list that shall represent those projects submitted
1924 pursuant to subsection (7).

1925 (9) The Acquisition and Restoration Council shall adopt an
1926 annual workplan that provides a priority ranking for ~~recommend~~
1927 ~~rules for adoption by the board of trustees to competitively~~
1928 ~~evaluate, select, and rank~~ projects eligible for Florida Forever
1929 funds pursuant to paragraph (3)(b) and for additions to the
1930 Conservation and Recreation Lands list pursuant to ss. 259.032
1931 and 259.101(4). In developing the workplan ~~these proposed rules~~,
1932 the Acquisition and Restoration Council shall give weight to the
1933 following criteria:

1934 (a) The project meets multiple goals described in
1935 subsection (4).

1936 (b) The project is part of an ongoing governmental effort
1937 to restore, protect, or develop land areas or water resources.

1938 (c) The project enhances or facilitates management of
1939 properties already under public ownership.

1940 (d) The project has significant archaeological or historic
1941 value.

1942 (e) The project has funding sources that are identified and
1943 assured through at least the first 2 years of the project.

1944 (f) The project contributes to the solution of water
1945 resource problems on a regional basis.

1946 (g) The project has a significant portion of its land area
1947 in imminent danger of development, in imminent danger of losing
1948 its significant natural attributes or recreational open space, or



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1949 | in imminent danger of subdivision which would result in multiple
1950 | ownership and make acquisition of the project costly or less
1951 | likely to be accomplished.

1952 | (h) The project implements an element from a plan developed
1953 | by an ecosystem management team.

1954 | (i) The project is one of the components of the Everglades
1955 | restoration effort.

1956 | (j) The project may be purchased at 80 percent of appraised
1957 | value.

1958 | (k) The project may be acquired, in whole or in part, using
1959 | tax incentives, mitigation funds or other revenues, and
1960 | alternatives to fee simple, including but not limited to,
1961 | purchase of development rights, hunting rights, agricultural or
1962 | silvicultural rights, or mineral rights or obtaining conservation
1963 | easements or flowage easements.

1964 | (l) The project is a joint acquisition, either among public
1965 | agencies, nonprofit organizations, or private entities, or by a
1966 | public-private partnership.

1967 | (10) The Acquisition and Restoration Council shall give
1968 | increased priority to those projects for which matching funds are
1969 | available and to project elements previously identified on an
1970 | acquisition list pursuant to this section that can be acquired at
1971 | 80 percent or less of appraised value. The council shall also
1972 | give increased priority to those projects where the state's land
1973 | conservation plans overlap with the military's need to protect
1974 | lands, water, and habitat to ensure the sustainability of
1975 | military missions including:

1976 | (a) Protecting habitat on nonmilitary land for any species
1977 | found on military land that is designated as threatened or

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1978 | endangered, or is a candidate for such designation under the
1979 | Endangered Species Act or any Florida statute;

1980 | (b) Protecting areas underlying low-level military air
1981 | corridors or operating areas; and

1982 | (c) Protecting areas identified as clear zones, accident
1983 | potential zones, and air installation compatible use buffer zones
1984 | delineated by our military partners, and for which federal or
1985 | other funding is available to assist with the project.

1986 | (11) For the purposes of funding projects pursuant to
1987 | paragraph (3)(a), the Secretary of Environmental Protection shall
1988 | ensure that each water management district receives the following
1989 | percentage of funds annually:

1990 | (a) Thirty-five percent to the South Florida Water
1991 | Management District, of which amount \$25 million for 2 years
1992 | beginning in fiscal year 2000-2001 shall be transferred by the
1993 | Department of Environmental Protection into the Save Our
1994 | Everglades Trust Fund and shall be used exclusively to implement
1995 | the comprehensive plan under s. 373.470.

1996 | (b) Twenty-five percent to the Southwest Florida Water
1997 | Management District.

1998 | (c) Twenty-five percent to the St. Johns River Water
1999 | Management District.

2000 | (d) Seven and one-half percent to the Suwannee River Water
2001 | Management District.

2002 | (e) Seven and one-half percent to the Northwest Florida
2003 | Water Management District.

2004 | (12) It is the intent of the Legislature that in developing
2005 | the list of projects for funding pursuant to paragraph (3)(a),
2006 | that these funds not be used to abrogate the financial
2007 | responsibility of those point and nonpoint sources that have



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2008 contributed to the degradation of water or land areas. Therefore,
2009 an increased priority shall be given by the water management
2010 district governing boards to those projects that have secured a
2011 cost-sharing agreement allocating responsibility for the cleanup
2012 of point and nonpoint sources.

2013 (13) An affirmative vote of five members of the Acquisition
2014 and Restoration Council shall be required in order to place a
2015 proposed project on the list developed pursuant to subsection
2016 (8). Any member of the council who by family or a business
2017 relationship has a connection with any project proposed to be
2018 ranked shall declare such interest prior to voting for a
2019 project's inclusion on the list.

2020 (14) Each year that cash disbursements or bonds are to be
2021 issued pursuant to this section, the Acquisition and Restoration
2022 Council shall review the most current approved project list and
2023 shall, by the first board meeting in May, present to the Board of
2024 Trustees of the Internal Improvement Trust Fund for approval a
2025 listing of projects developed pursuant to subsection (8). The
2026 board of trustees may remove projects from the list developed
2027 pursuant to this subsection, but may not add projects or
2028 rearrange project rankings.

2029 (15) The Acquisition and Restoration Council shall submit
2030 to the board of trustees, with its list of projects, a report
2031 that includes, but shall not be limited to, the following
2032 information for each project listed:

2033 (a) The stated purpose for inclusion.

2034 (b) Projected costs to achieve the project goals.

2035 (c) An interim management budget that includes all costs
2036 associated with immediate public access.

2037 (d) Specific performance measures.

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- 2038 (e) Plans for public access.
- 2039 (f) An identification of the essential parcel or parcels
2040 within the project without which the project cannot be properly
2041 managed.
- 2042 (g) Where applicable, an identification of those projects
2043 or parcels within projects which should be acquired in fee simple
2044 or in less than fee simple.
- 2045 (h) An identification of those lands being purchased for
2046 conservation purposes.
- 2047 (i) A management policy statement for the project and a
2048 management prospectus pursuant to s. 259.032(9)(d).
- 2049 (j) An estimate of land value based on county tax assessed
2050 values.
- 2051 (k) A map delineating project boundaries.
- 2052 (l) An assessment of the project's ecological value,
2053 outdoor recreational value, forest resources, wildlife resources,
2054 ownership pattern, utilization, and location.
- 2055 (m) A discussion of whether alternative uses are proposed
2056 for the property and what those uses are.
- 2057 (n) A designation of the management agency or agencies.
- 2058 (16) All proposals for projects pursuant to paragraph
2059 (3)(b) or subsection (20) shall be implemented only if adopted by
2060 the Acquisition and Restoration Council and approved by the board
2061 of trustees. The council shall consider and evaluate in writing
2062 the merits and demerits of each project that is proposed for
2063 Florida Forever funding and each proposed addition to the
2064 Conservation and Recreation Lands list program. The council shall
2065 ensure that each proposed project will meet a stated public
2066 purpose for the restoration, conservation, or preservation of
2067 environmentally sensitive lands and water areas or for providing



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2068 outdoor recreational opportunities and that each proposed
2069 addition to the Conservation and Recreation Lands list will meet
2070 the public purposes under s. 259.032(3) and, when applicable, s.
2071 259.101(4). The council also shall determine whether the project
2072 or addition conforms, where applicable, with the comprehensive
2073 plan developed pursuant to s. 259.04(1)(a), the comprehensive
2074 multipurpose outdoor recreation plan developed pursuant to s.
2075 375.021, the state lands management plan adopted pursuant to s.
2076 253.03(7), the water resources work plans developed pursuant to
2077 s. 373.199, and the provisions of this section.

2078 (17) (a) The Board of Trustees of the Internal Improvement
2079 Trust Fund, or, in the case of water management district lands,
2080 the owning water management district, may authorize the granting
2081 of a lease, easement, or license for the use of certain lands
2082 acquired pursuant to this section, for certain uses that are
2083 determined by the appropriate board to be compatible with the
2084 resource values of and management objectives for such lands.

2085 (b) Any existing lease, easement, or license acquired for
2086 incidental public or private use on, under, or across any lands
2087 acquired pursuant to this section shall be presumed to be
2088 compatible with the purposes for which such lands were acquired.

2089 (c) Notwithstanding the provisions of paragraph (a), no
2090 such lease, easement, or license shall be entered into by the
2091 Department of Environmental Protection or other appropriate state
2092 agency if the granting of such lease, easement, or license would
2093 adversely affect the exclusion of the interest on any revenue
2094 bonds issued to fund the acquisition of the affected lands from
2095 gross income for federal income tax purposes, pursuant to
2096 Internal Revenue Service regulations.



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2097 (18) The Acquisition and Restoration Council shall
2098 recommend adoption of rules by the board of trustees necessary to
2099 implement the provisions of this section relating to:
2100 solicitation, scoring, selecting, and ranking of Florida Forever
2101 project proposals; disposing of or leasing lands or water areas
2102 selected for funding through the Florida Forever program; and the
2103 process of reviewing and recommending for approval or rejection
2104 the land management plans associated with publicly owned
2105 properties. Rules promulgated pursuant to this subsection shall
2106 be submitted to the President of the Senate and the Speaker of
2107 the House of Representatives, for review by the Legislature, no
2108 later than 30 days prior to the 2010 ~~2001~~ Regular Session and
2109 shall become effective only after legislative review. In its
2110 review, the Legislature may reject, modify, or take no action
2111 relative to such rules. The board of trustees shall conform such
2112 rules to changes made by the Legislature, or, if no action was
2113 taken by the Legislature, such rules shall become effective.

2114 (19) Lands listed as projects for acquisition under the
2115 Florida Forever program may be managed for conservation pursuant
2116 to s. 259.032, on an interim basis by a private party in
2117 anticipation of a state purchase in accordance with a contractual
2118 arrangement between the acquiring agency and the private party
2119 that may include management service contracts, leases, cost-share
2120 arrangements, or resource conservation agreements. Lands
2121 designated as eligible under this subsection shall be managed to
2122 maintain or enhance the resources the state is seeking to protect
2123 by acquiring the land and to accelerate public access to the
2124 lands as soon as practicable. Funding for these contractual
2125 arrangements may originate from the documentary stamp tax revenue
2126 deposited into the Conservation and Recreation Lands Trust Fund

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2127 and Water Management Lands Trust Fund. No more than 5 percent of
2128 funds allocated under the trust funds shall be expended for this
2129 purpose.

2130 ~~(20) The Acquisition and Restoration Council, as successors~~
2131 ~~to the Land Acquisition and Management Advisory Council, may~~
2132 ~~amend existing Conservation and Recreation Lands projects and add~~
2133 ~~to or delete from the 2000 Conservation and Recreation Lands list~~
2134 ~~until funding for the Conservation and Recreation Lands program~~
2135 ~~has been expended. The amendments to the 2000 Conservation and~~
2136 ~~Recreation Lands list will be reported to the board of trustees~~
2137 ~~in conjunction with the council's report developed pursuant to~~
2138 ~~subsection (15).~~

2139 Section 13. Subsection (1) of section 259.1051, Florida
2140 Statutes, is amended to read:

2141 259.1051 Florida Forever Trust Fund.--

2142 (1) There is created the Florida Forever Trust Fund to
2143 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
2144 375.031. The Florida Forever Trust Fund shall be held and
2145 administered by the Department of Environmental Protection.
2146 Proceeds from the sale of bonds, except proceeds of refunding
2147 bonds, issued under s. 215.618 and payable from moneys
2148 transferred to the Land Acquisition Trust Fund under s.
2149 201.15(1)(a), not to exceed \$5.3 ~~\$3~~ billion, must be deposited
2150 into this trust fund to be distributed and used as provided in s.
2151 259.105(3). The bond resolution adopted by the governing board of
2152 the Division of Bond Finance of the State Board of Administration
2153 may provide for additional provisions that govern the
2154 disbursement of the bond proceeds.

2155 Section 14. Subsection (1) of section 373.1391, Florida
2156 Statutes, is amended to read:



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2157 | 373.1391 Management of real property.--

2158 | (1) (a) Lands titled to the governing boards of the
2159 | districts shall be managed and maintained, to the extent
2160 | practicable, in such a way as to ensure a balance between public
2161 | access, general public recreational purposes, and restoration and
2162 | protection of their natural state and condition. Except when
2163 | prohibited by a covenant or condition described in s. 373.056(2),
2164 | lands owned, managed, and controlled by the district may be used
2165 | for multiple purposes, including, but not limited to,
2166 | agriculture, silviculture, and water supply, as well as boating
2167 | and other recreational uses.

2168 | (b) Whenever practicable, such lands shall be open to the
2169 | general public for recreational uses. General public recreational
2170 | purposes shall include, but not be limited to, fishing, hunting,
2171 | horseback riding, swimming, camping, hiking, canoeing, boating,
2172 | diving, birding, sailing, jogging, and other related outdoor
2173 | activities to the maximum extent possible considering the
2174 | environmental sensitivity and suitability of those lands. These
2175 | public lands shall be evaluated for their resource value for the
2176 | purpose of establishing which parcels, in whole or in part,
2177 | annually or seasonally, would be conducive to general public
2178 | recreational purposes. Such findings shall be included in
2179 | management plans which are developed for such public lands. These
2180 | lands shall be made available to the public for these purposes,
2181 | unless the district governing board can demonstrate that such
2182 | activities would be incompatible with the purposes for which
2183 | these lands were acquired. The department in its supervisory
2184 | capacity shall ensure that the districts provide consistent
2185 | levels of public access to district lands, consistent with the
2186 | purposes for which the lands were acquired.



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2187 (c) In developing or reviewing land management plans when a
2188 dispute arises that has not been resolved by a water management
2189 district's final agency action, that dispute must be resolved
2190 under chapter 120.

2191 (d) For any fee simple acquisition of a parcel which is or
2192 will be leased back for agricultural purposes, or for any
2193 acquisition of a less-than-fee interest in lands that is or will
2194 be used for agricultural purposes, the district governing board
2195 shall first consider having a soil and water conservation
2196 district created pursuant to chapter 582 manage and monitor such
2197 interest.

2198 Section 15. Subsection (4) of section 373.199, Florida
2199 Statutes, is amended to read:

2200 373.199 Florida Forever Water Management District Work
2201 Plan.--

2202 (4) The list submitted by the districts shall include,
2203 where applicable, the following information for each project:

2204 (a) A description of the water body system, its historical
2205 and current uses, and its hydrology; a history of the conditions
2206 which have led to the need for restoration or protection; and a
2207 synopsis of restoration efforts that have occurred to date, if
2208 applicable.

2209 (b) An identification of all governmental units that have
2210 jurisdiction over the water body and its drainage basin within
2211 the approved surface water improvement and management plan area,
2212 including local, regional, state, and federal units.

2213 (c) A description of land uses within the project area's
2214 drainage basin, and of important tributaries, point and nonpoint
2215 sources of pollution, and permitted discharge activities
2216 associated with that basin.



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2217 (d) A description of strategies and potential strategies,
2218 including improved stormwater management, for restoring or
2219 protecting the water body to Class III or better surface water
2220 quality status.

2221 (e) A listing and synopsis of studies that are being or
2222 have been prepared for the water body, stormwater management
2223 project, or water resource development project.

2224 (f) A description of the measures needed to manage and
2225 maintain the water body once it has been restored and to prevent
2226 future degradation, to manage and maintain the stormwater
2227 management system, or to manage and maintain the water resource
2228 development project.

2229 (g) A schedule for restoration and protection of the water
2230 body, implementation of the stormwater management project, or
2231 development of the water resource development project.

2232 (h) A clear and concise ~~An~~ estimate of the funding needed
2233 to carry out the restoration, protection, or improvement project,
2234 or the development of new water resources, where applicable, and
2235 a clear and concise identification of the projected sources and
2236 uses of Florida Forever funds ~~of the funding~~.

2237 (i) Numeric performance measures for each project. Each
2238 performance measure shall include a baseline measurement, which
2239 is the current situation; a performance standard, which water
2240 management district staff anticipates the project will achieve;
2241 and the performance measurement itself, which should reflect the
2242 incremental improvements the project accomplishes towards
2243 achieving the performance standard. These measures shall reflect
2244 the relevant goals detailed in s. 259.105(4).

2245 (j) A discussion of permitting and other regulatory issues
2246 related to the project.

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2247 (k) An identification of the proposed public access for
2248 projects with land acquisition components, including the Florida
2249 National Scenic Trail.

2250 (l) An identification of those lands which require a full
2251 fee simple interest to achieve water management goals and those
2252 lands which can be acquired using alternatives to fee simple
2253 acquisition techniques and still achieve such goals. In their
2254 evaluation of which lands would be appropriate for acquisition
2255 through alternatives to fee simple, district staff shall consider
2256 criteria including, but not limited to, acquisition costs, the
2257 net present value of future land management costs, the net
2258 present value of ad valorem revenue loss to the local government,
2259 and potential for revenue generated from activities compatible
2260 with acquisition objectives.

2261 (m) An identification of lands needed to protect or
2262 recharge groundwater and a plan for their acquisition as
2263 necessary to protect potable water supplies. Lands which serve to
2264 protect or recharge groundwater identified pursuant to this
2265 paragraph shall also serve to protect other valuable natural
2266 resources or provide space for natural resource based recreation.

2267 Section 16. Subsection (3) of section 375.075, Florida
2268 Statutes, is amended to read:

2269 375.075 Outdoor recreation; financial assistance to local
2270 governments.--

2271 (3) A local government may submit up to three ~~two~~ grant
2272 applications during each application period announced by the
2273 department. However, a local government may not have more than
2274 four ~~three~~ active projects expending grant funds during any state
2275 fiscal year. The maximum project grant for each project
2276 application may not exceed \$500,000 ~~\$200,000~~ in state funds.



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2277 Section 17. This act shall take effect July 1, 2008.

2278
2279 ===== T I T L E A M E N D M E N T =====

2280 And the title is amended as follows:

2281 Delete everything before the enacting clause
2282 and insert:

2283 A bill to be entitled
2284 An act relating to land acquisition and management;
2285 amending s. 201.15, F.S.; distributing taxes collected
2286 debt service; extending the deadline of Florida Forever
2287 bond retirement; amending s. 215.618, F.S.; authorizing
2288 the distribution of bonds for acquisition of conservation
2289 lands; increasing the bonding authority for issuance of
2290 Florida Forever bonds; directing the Legislature to
2291 complete a debt analysis prior to the issuance of any such
2292 bonds by a date certain; directing the Legislature to
2293 complete an analysis on potential revenue sources by a
2294 date certain; amending s. 253.025, F.S.; requiring
2295 appraisals of land under certain circumstances; deleting
2296 provisions that allow appraisers to reject an appraisal
2297 report under certain conditions; providing authority to
2298 the Board of Trustees of the Internal Improvement Trust
2299 Fund to waive sales history requirements under certain
2300 conditions; amending s. 253.0325, F.S.; requiring the
2301 Department of Environmental Protection to modernize
2302 information systems; requiring a annual report of state
2303 lands acquired by each recipient of funds; amending s.
2304 253.034, F.S.; determining which state-owned lands may be
2305 surplus; requiring additional appraisals under certain
2306 conditions; providing authority to the Fish and Wildlife

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2307 Conservation Commission to manage lands for imperiled
2308 species under certain conditions; amending s. 253.111,
2309 F.S.; requiring notice requirements of the sale of state-
2310 owned lands; amending s. 253.82, F.S.; determining
2311 requirements of sale of nonsovereignty lands owned by the
2312 Board of Trustees of the Internal Improvement Trust Fund;
2313 deleting appraisal limitations; amending s. 259.032, F.S.;
2314 requiring priority purchase of conservation and
2315 recreational lands with high concentrations of population;
2316 authorizing payment in lieu of taxes to purchase
2317 conservation lands; establishing a minimum for funds
2318 expended for the management of state-owned land; deleting
2319 obsolete provisions; amending s. 259.035, F.S.;
2320 authorizing the Acquisition and Restoration Council;
2321 establishing membership criteria; directing the council to
2322 establish specific criteria and numeric performance
2323 measures for the acquisition of land; amending s. 259.041,
2324 F.S.; relating to the acquisition of state-owned lands for
2325 preservation, conservation, and recreation purposes;
2326 requiring Legislative approval for acquisitions by the
2327 state exceeding a certain amount; increasing appraisal
2328 thresholds; requiring specific language be included on
2329 option contracts; amending s. 259.105, F.S.; relating to
2330 the Florida Forever Act; providing Legislative intent;
2331 provides for funds to be deposited in the Florida Forever
2332 Trust Fund; requiring bonded monies be spent for capital
2333 improvements under certain conditions; provides for the
2334 expenditure of funds for conservation and agricultural
2335 easements under certain conditions; provides for the
2336 inclusion of carbon sequestration as a multiple use;

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2337 provides ruling making authority for the board; provides
2338 for the reversion of lands to the board under certain
2339 conditions; requires an annual workplan be developed by
2340 the council; provides allowances for alternatives to fee-
2341 simple purchases; deletes obsolete language; amending s.
2342 259.1051, F.S.; authorizing the Florida Forever Trust
2343 fund; increasing bonding authority; amending s. 373.1391,
2344 F.S.; providing additional oversight authority to the
2345 department; amending s. 373.199, F.S.; clarifying work
2346 plan requirements; amending s. 375.075, F.S.; providing
2347 financial assistance to local governments for outdoor
2348 recreation; increasing application and grant limitations;
2349 providing an effective date.