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CHAMBER ACTION

Senate

House

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4/16/2008 2:48 PM

1 Senator Saunders moved the following **amendment**:

2
3 **Senate Amendment**

4 Delete line(s) 323 through 705

5 and insert:

6 (2) As used in this section, the following phrases have the
7 following meanings:

8 (d) "Public access," as used in this chapter and chapter
9 259, means access by the general public to state lands and water,
10 including vessel access made possible by boat ramps, docks, and
11 associated support facilities, where compatible with conservation
12 and recreation objectives.

13
14 Lands acquired by the state as a gift, through donation, or by
15 any other conveyance for which no consideration was paid, and
16 which are not managed for conservation, outdoor resource-based
17 recreation, or archaeological or historic preservation under a



531570

18 | land management plan approved by the board of trustees are not
19 | conservation lands.

20 | (5) Each manager of conservation lands shall submit to the
21 | Division of State Lands a land management plan at least every 10
22 | years in a form and manner prescribed by rule by the board and in
23 | accordance with the provisions of s. 259.032. Each manager of
24 | conservation lands shall also update a land management plan
25 | whenever the manager proposes to add new facilities or make
26 | substantive land use or management changes that were not
27 | addressed in the approved plan, or within 1 year of the addition
28 | of significant new lands. Each manager of nonconservation lands
29 | shall submit to the Division of State Lands a land use plan at
30 | least every 10 years in a form and manner prescribed by rule by
31 | the board. The division shall review each plan for compliance
32 | with the requirements of this subsection and the requirements of
33 | the rules established by the board pursuant to this section. All
34 | land use plans, whether for single-use or multiple-use
35 | properties, shall include an analysis of the property to
36 | determine if any significant natural or cultural resources are
37 | located on the property. Such resources include archaeological
38 | and historic sites, state and federally listed plant and animal
39 | species, and imperiled natural communities and unique natural
40 | features. If such resources occur on the property, the manager
41 | shall consult with the Division of State Lands and other
42 | appropriate agencies to develop management strategies to protect
43 | such resources. Land use plans shall also provide for the control
44 | of invasive nonnative plants and conservation of soil and water
45 | resources, including a description of how the manager plans to
46 | control and prevent soil erosion and soil or water contamination.
47 | Land use plans submitted by a manager shall include reference to



531570

48 appropriate statutory authority for such use or uses and shall
49 conform to the appropriate policies and guidelines of the state
50 land management plan. Plans for managed areas larger than 1,000
51 acres shall contain an analysis of the multiple-use potential of
52 the property, which analysis shall include the potential of the
53 property to generate revenues to enhance the management of the
54 property. Additionally, the plan shall contain an analysis of the
55 potential use of private land managers to facilitate the
56 restoration or management of these lands. In those cases where a
57 newly acquired property has a valid conservation plan that was
58 developed by a soil and conservation district, such plan shall be
59 used to guide management of the property until a formal land use
60 plan is completed.

61 (a) State lands shall be managed to ensure the conservation
62 of the state's plant and animal species and to ensure the
63 accessibility of state lands for the benefit and enjoyment of all
64 people of the state, both present and future. Each land
65 management plan shall provide a desired outcome, describe both
66 short-term and long-term management goals, and include measurable
67 objectives to achieve those goals. Short-term goals shall be
68 achievable within a 2-year planning period and long-term goals
69 shall be achievable within a 10-year planning period. These
70 short-term and long-term management goals shall be the basis for
71 all subsequent land management activities.

72 (b) Short-term and long-term management goals shall include
73 measurable objectives for the following, as appropriate:

- 74 1. Habitat restoration and improvement.
- 75 2. Public access and recreational opportunities.
- 76 3. Hydrological preservation and restoration.
- 77 4. Sustainable forest management.



531570

78 5. Exotic and invasive species maintenance and control.

79 6. Capital facilities and infrastructure.

80 7. Cultural and historical resources.

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

83 1. A physical description of the land.

84 2. A quantitative data description of the land which
85 includes an inventory of forest and other natural resources;
86 exotic and invasive plants; hydrological features;
87 infrastructure, including recreational facilities; and other
88 significant land, cultural, or historical features. The inventory
89 shall reflect the number of acres for each resource and feature,
90 when appropriate. The inventory shall be of such detail that
91 objective measures and benchmarks can be established for each
92 tract of land and monitored during the lifetime of the plan. All
93 quantitative data collected shall be aggregated, standardized,
94 collected, and presented in an electronic format to allow for
95 uniform management reporting and analysis. The information
96 collected by the Department of Environmental Protection pursuant
97 to s. 253.0325(2) shall be available to the land manager and his
98 or her assignee.

99 3. A detailed description of each short-term and long-term
100 land management goal, the associated measurable objectives, and
101 the related activities that are to be performed to meet the land
102 management objectives. Each land management objective must be
103 addressed by the land management plan and where practicable no
104 land management objective shall be performed to the detriment of
105 the other land management objectives.

106 4. A schedule of land management activities which contains
107 short-term and long-term land management goals and the related



531570

108 measurable objective and activities. The schedule shall include
109 for each activity a timeline for completion, quantitative
110 measures, and detailed expense and manpower budgets. The schedule
111 shall provide a management tool that facilitates development of
112 performance measures.

113 5. A summary budget for the scheduled land management
114 activities of the land management plan. The summary budget shall
115 be prepared in such a manner that it facilitates computing an
116 aggregate of land management costs for all state-managed lands
117 using the categories described in s. 259.037(3).

118 (d) Upon completion, the land management plan will be
119 transmitted to the Acquisition and Restoration Council for
120 review. The Acquisition and Restoration Council shall have 90
121 days to review the plan and submit its recommendations to the
122 Board of Trustees. During the review period, the land management
123 plan may be revised if agreed to by the primary land manager and
124 the Acquisition and Restoration Council taking into consideration
125 public input. If the Acquisition and Restoration Council fails
126 to make a recommendation for a land management plan, the
127 Secretary of the Department of Environmental Protection,
128 Commissioner of Agriculture, or Executive Director of the Fish
129 and Wildlife Conservation Commission or their designees shall
130 submit the land management plan to the Board of Trustees. The
131 land management plan becomes effective upon approval by the Board
132 of Trustees.

133 (e) Beginning July 1, 2010, and biennially thereafter,
134 state lands with an approved land management plan shall be
135 monitored for land management activities by a monitoring team.
136 The Division of State Lands shall coordinate the activities of
137 the review team which shall consist of three members. One member



531570

138 shall be selected by the Secretary of the Department of
139 Environmental Protection, or their designee, and shall have
140 experience with public recreation or use administration. One
141 member shall be selected by the Commissioner of Agriculture, or
142 their designee, and shall have experience with applied land
143 management. One member shall be selected by the Executive
144 Director of the Fish and Wildlife Conservation Commission, or
145 their designee, and shall have experience with applied habitat
146 management. The monitoring team shall prepare a monitoring
147 report that assesses the progress towards achieving short-term
148 and long-term land management goals and shall propose corrective
149 actions for identified deficiencies in management activities.
150 The monitoring report shall be submitted to the Acquisition and
151 Restoration Council and the managing agency. The Acquisition and
152 Restoration Council shall review the monitoring report and
153 determine whether the deficiencies warrant a corrective action
154 plan or revisions to the management plan. Significant and
155 recurring deficiencies shall be brought to the Board of Trustees,
156 which shall determine whether the corrective actions being
157 proposed by the land manager and the Acquisition and Restoration
158 Council sufficiently address the deficiencies. Corrective
159 actions plans shall be prepared and submitted in the same manner
160 as land management plans.

161 (f) Land management plans are to be updated every 10 years
162 on a rotating basis.

163 (g) In developing land management plans, at least one
164 public hearing shall be held in each affected county.

165 (h) ~~(a)~~ The Division of State Lands shall make available to
166 the public an electronic copy of each land management plan for
167 parcels that exceed 160 acres in size. The Division of State



531570

168 Lands council shall review each plan for compliance with the
169 requirements of this subsection, the requirements of chapter 259,
170 and the requirements of the rules established by the board
171 pursuant to this section. The council shall also consider the
172 propriety of the recommendations of the managing entity with
173 regard to the future use of the property, the protection of
174 fragile or nonrenewable resources, the potential for alternative
175 or multiple uses not recognized by the managing entity, and the
176 possibility of disposal of the property by the board. After its
177 review, the council shall submit the plan, along with its
178 recommendations and comments, to the board. The council shall
179 specifically recommend to the board whether to approve the plan
180 as submitted, approve the plan with modifications, or reject the
181 plan. If the Acquisition and Restoration Council fails to make a
182 recommendation for a land management plan, the Secretary of the
183 Department of Environmental Protection, Commissioner of
184 Agriculture, or Executive Director of the Fish and Wildlife
185 Conservation Commission or their designees shall submit the land
186 management plan to the Board of Trustees.

187 (i) ~~(b)~~ The Board of Trustees of the Internal Improvement
188 Trust Fund shall consider the land management plan submitted by
189 each entity and the recommendations of the council and the
190 Division of State Lands and shall approve the plan with or
191 without modification or reject such plan. The use or possession
192 of any such lands that is not in accordance with an approved land
193 management plan is subject to termination by the board.

194 (6) The Board of Trustees of the Internal Improvement Trust
195 Fund shall determine which lands, the title to which is vested in
196 the board, may be surplused. For conservation lands, the board
197 shall make a determination that the lands are no longer needed



531570

198 | for conservation purposes and may dispose of them by an
199 | affirmative vote of at least three members. In the case of a land
200 | exchange involving the disposition of conservation lands, the
201 | board must determine by an affirmative vote of at least three
202 | members that the exchange will result in a net positive
203 | conservation benefit. For all other lands, the board shall make a
204 | determination that the lands are no longer needed and may dispose
205 | of them by an affirmative vote of at least three members.

206 | (a) For the purposes of this subsection, all lands acquired
207 | by the state prior to July 1, 1999, using proceeds from the
208 | Preservation 2000 bonds, the Conservation and Recreation Lands
209 | Trust Fund, the Water Management Lands Trust Fund,
210 | Environmentally Endangered Lands Program, and the Save Our Coast
211 | Program and titled to the board, which lands are identified as
212 | core parcels or within original project boundaries, shall be
213 | deemed to have been acquired for conservation purposes.

214 | (b) For any lands purchased by the state on or after July
215 | 1, 1999, a determination shall be made by the board prior to
216 | acquisition as to those parcels that shall be designated as
217 | having been acquired for conservation purposes. No lands acquired
218 | for use by the Department of Corrections, the Department of
219 | Management Services for use as state offices, the Department of
220 | Transportation, except those specifically managed for
221 | conservation or recreation purposes, or the State University
222 | System or the Florida Community College System shall be
223 | designated as having been purchased for conservation purposes.

224 | (c) At least every 10 years, as a component of each land
225 | management plan or land use plan and in a form and manner
226 | prescribed by rule by the board, each manager shall evaluate and
227 | indicate to the board those lands that are not being used for the



531570

228 | purpose for which they were originally leased. For conservation
229 | lands, the council shall review and shall recommend to the board
230 | whether such lands should be retained in public ownership or
231 | disposed of by the board. For nonconservation lands, the division
232 | shall review such lands and shall recommend to the board whether
233 | such lands should be retained in public ownership or disposed of
234 | by the board.

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

240 | (e) Prior to any decision by the board to surplus lands,
241 | the Acquisition and Restoration Council shall review and make
242 | recommendations to the board concerning the request for
243 | surplusings. The council shall determine whether the request for
244 | surplusings is compatible with the resource values of and
245 | management objectives for such lands.

246 | (f)1. In reviewing lands owned by the board, the council
247 | shall consider whether such lands would be more appropriately
248 | owned or managed by the county or other unit of local government
249 | in which the land is located. The council shall recommend to the
250 | board whether a sale, lease, or other conveyance to a local
251 | government would be in the best interests of the state and local
252 | government. The provisions of this paragraph in no way limit the
253 | provisions of ss. 253.111 and 253.115. Such lands shall be
254 | offered to the state, county, or local government for a period of
255 | 45 ~~30~~ days. Permittable uses for such surplus lands may include
256 | public schools; public libraries; fire or law enforcement
257 | substations; governmental, judicial, or recreational centers; and



531570

258 affordable housing meeting the criteria of s. 420.0004(3). County
259 or local government requests for surplus lands shall be expedited
260 throughout the surplusing process. If the county or local
261 government does not elect to purchase such lands in accordance
262 with s. 253.111, then any surplusing determination involving
263 other governmental agencies shall be made upon the board deciding
264 the best public use of the lands. Surplus properties in which
265 governmental agencies have expressed no interest shall then be
266 available for sale on the private market.

267 2. Notwithstanding subparagraph 1., any parcel of surplus
268 lands less than 3 acres in size which was acquired by the state
269 before 1955 by gift or other conveyance or for \$1 consideration
270 from a fair association incorporated under chapter 616 for the
271 purpose of conducting and operating public fairs or expositions,
272 and concerning which the department has filed by July 1, 2008, a
273 notice of intent to dispose of as surplus lands, shall be offered
274 for reconveyance to such fair association for no consideration;
275 however, the agency that last held the lease from the board for
276 management of such lands may remove from the lands any
277 improvements, fixtures, goods, wares, and merchandise within 180
278 days after the effective date of the reconveyance. This
279 subparagraph expires July 1, 2008.

280 (g) The sale price of lands determined to be surplus
281 pursuant to this subsection and s. 253.82 shall be determined by
282 the division and shall take into consideration an appraisal of
283 the property, or, when the estimated value of the land is less
284 than \$100,000, a comparable sales analysis or a broker's opinion
285 of value. If the appraisal referenced in this paragraph yields a
286 value equal to or greater than \$1 million, the division, in its
287 sole discretion, may require a second appraisal. The individual



531570

288 or entity requesting to purchase the surplus parcel shall pay all
289 appraisal costs, ~~and the price paid by the state to originally~~
290 ~~acquire the lands.~~

291 1.a. A written valuation of land determined to be surplus
292 pursuant to this subsection and s. 253.82, and related documents
293 used to form the valuation or which pertain to the valuation, are
294 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of
295 the State Constitution until 2 weeks before the contract or
296 agreement regarding the purchase, exchange, or disposal of the
297 surplus land is first considered for approval by the board.
298 Notwithstanding the exemption provided under this subparagraph,
299 the division may disclose appraisals, valuations, or valuation
300 information regarding surplus land during negotiations for the
301 sale or exchange of the land, during the marketing effort or
302 bidding process associated with the sale, disposal, or exchange
303 of the land to facilitate closure of such effort or process, when
304 the passage of time has made the conclusions of value invalid, or
305 when negotiations or marketing efforts concerning the land are
306 concluded.

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

311 2. A unit of government that acquires title to lands
312 hereunder for less than appraised value may not sell or transfer
313 title to all or any portion of the lands to any private owner for
314 a period of 10 years. Any unit of government seeking to transfer
315 or sell lands pursuant to this paragraph shall first allow the
316 board of trustees to reacquire such lands for the price at which
317 the board sold such lands.



531570

318 ~~(h) Where a unit of government acquired land by gift,~~
319 ~~donation, grant, quitclaim deed, or other such conveyance where~~
320 ~~no monetary consideration was exchanged, the price of land sold~~
321 ~~as surplus may be based on one appraisal. In the event that a~~
322 ~~single appraisal yields a value equal to or greater than \$1~~
323 ~~million, a second appraisal is required. The individual or entity~~
324 ~~requesting the surplus shall select and use appraisers from the~~
325 ~~list of approved appraisers maintained by the Division of State~~
326 ~~Lands in accordance with s. 253.025(6)(b). The individual or~~
327 ~~entity requesting the surplus is to incur all costs of the~~
328 ~~appraisals.~~

329 (h) ~~(i)~~ After reviewing the recommendations of the council,
330 the board shall determine whether lands identified for surplus
331 are to be held for other public purposes or whether such lands
332 are no longer needed. The board may require an agency to release
333 its interest in such lands. For an agency that has requested the
334 use of a property that was to be declared as surplus, said agency
335 must have the property under lease within 6 months of the date of
336 expiration of the notice provisions required under this
337 subsection and s. 253.111.

338 (i) ~~(j)~~ Requests for surplusizing may be made by any public or
339 private entity or person. All requests shall be submitted to the
340 lead managing agency for review and recommendation to the council
341 or its successor. Lead managing agencies shall have 90 days to
342 review such requests and make recommendations. Any surplusizing
343 requests that have not been acted upon within the 90-day time
344 period shall be immediately scheduled for hearing at the next
345 regularly scheduled meeting of the council or its successor.
346 Requests for surplusizing pursuant to this paragraph shall not be



531570

347 required to be offered to local or state governments as provided
348 in paragraph (f).

349 (j)~~(k)~~ Proceeds from any sale of surplus lands pursuant to
350 this subsection shall be deposited into the fund from which such
351 lands were acquired. However, if the fund from which the lands
352 were originally acquired no longer exists, such proceeds shall be
353 deposited into an appropriate account to be used for land
354 management by the lead managing agency assigned the lands prior
355 to the lands being declared surplus. Funds received from the sale
356 of surplus nonconservation lands, or lands that were acquired by
357 gift, by donation, or for no consideration, shall be deposited
358 into the Internal Improvement Trust Fund.

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

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

367 (m)~~(n)~~ The board may adopt rules to implement the
368 provisions of this section, which may include procedures for
369 administering surplus land requests and criteria for when the
370 division may approve requests to surplus nonconservation lands on
371 behalf of the board.

372 (8) (a) Notwithstanding other provisions of this section,
373 the Division of State Lands is directed to prepare a state
374 inventory of all federal lands and all lands titled in the name
375 of the state, a state agency, a water management district, or a
376 local government on a county-by-county basis. To facilitate the



531570

377 development of the state inventory, each county shall direct the
378 appropriate county office with authority over the information to
379 provide the division with a county inventory of all lands
380 identified as federal lands and lands titled in the name of the
381 state, a state agency, a water management district, or a local
382 government. The Legislature recognizes the value of the state's
383 conservation lands as water recharge areas and air filters and,
384 in an effort to better understand the scientific underpinnings of
385 carbon sequestration, carbon capture, and greenhouse gas
386 mitigation, to inform policymakers and decisionmakers, and to
387 provide the infrastructure for land owners, the Division of State
388 Lands shall contract with an organization experienced and
389 specialized in carbon sinks and emission budgets to conduct an
390 inventory of all lands that were acquired pursuant to
391 Preservation 2000 and Florida Forever and that were titled in the
392 name of the Board of Trustees of the Internal Improvement Trust
393 Fund. The inventory shall determine the value of carbon capture
394 and carbon sequestration. Such inventory shall consider potential
395 carbon offset values of changes in land management practices,
396 including, but not limited to, replanting of trees, routine
397 prescribed burns, and land use conversion. Such an inventory
398 shall be completed and presented to the board of trustees by July
399 1, 2009.

400 (b) The state inventory must distinguish between lands
401 purchased by the state or a water management district as part of
402 a core parcel or within original project boundaries, as those
403 terms are used to meet the surplus requirements of subsection
404 (6), and lands purchased by the state, a state agency, or a water
405 management district which are not essential or necessary for
406 conservation purposes.



531570

407 (c) In any county having a population of 75,000 or fewer
408 ~~less~~, or a county having a population of 100,000 or fewer which
409 ~~less than~~ is contiguous to a county having a population of 75,000
410 or fewer less, in which more than 50 percent of the lands within
411 the county boundary are federal lands and lands titled in the
412 name of the state, a state agency, a water management district,
413 or a local government, those lands titled in the name of the
414 state or a state agency which are not essential or necessary to
415 meet conservation purposes may, upon request of a public or
416 private entity, be made available for purchase through the
417 state's surplusing process. Rights-of-way for existing, proposed,
418 or anticipated transportation facilities are exempt from the
419 requirements of this paragraph. Priority consideration shall be
420 given to buyers, public or private, willing to return the
421 property to productive use so long as the property can be
422 reentered onto the county ad valorem tax roll. Property acquired
423 with matching funds from a local government shall not be made
424 available for purchase without the consent of the local
425 government.

426 (14) (a) All lands for which the Fish and Wildlife
427 Conservation Commission acts as lead manager may be used for the
428 recovery and management of imperiled species through the
429 acquisition, restoration, enhancement, and management of
430 ecosystems that can support the major life functions of such
431 species and result in a net benefit to imperiled species habitat.
432 For purposes of this subsection, the term "imperiled species"
433 means plants and animals that are federally listed under the
434 Endangered Species Act, or state-listed by the Fish and Wildlife
435 Conservation Commission or Department of Agriculture and Consumer
436 Services.



531570

437 (b) The management of imperiled species under this
438 subsection shall be in accordance with Chapter 68A, Florida
439 Administrative Code, or as determined by commission rule. The
440 commission may receive conservation grants or donations, for the
441 management of lands identified in (a), pursuant to s. 372.074.
442 The provisions in this paragraph shall expire upon the adoption
443 of the imperiled species workplan by the Board of Trustees
444 pursuant to paragraph (c).

445 (c) By December 1, 2009, the commission, in cooperation
446 with the Department of Environmental Protection and the
447 Department of Agriculture and Consumer Services, shall develop an
448 imperiled species workplan that shall be utilized for the
449 recovery and management of imperiled species on all state lands.
450 The workplan shall include, at a minimum, the recovery and
451 management of imperiled species through the acquisition,
452 restoration, enhancement, and management of ecosystems that can
453 support the major life functions of such species. The work plan
454 shall be submitted to the Board of Trustees for adoption by
455 January 30, 2009. The board shall not delegate the final adoption
456 of the work plan to any other agency.

457 (d) By February 1, 2009, the commission, in cooperation
458 with the Department of Environmental Protection and the
459 Department of Agriculture and Consumer Services, shall submit its
460 recommendations for the establishment of appropriate fees,
461 received from public or private entities for projects to offset
462 adverse impacts to imperiled species or such habitat and the use
463 of such fees, to the President of the Senate and the Speaker of
464 the House of Representatives. The Legislature shall approve, or
465 approve with modifications such recommendations during the 2009
466 regular session.



531570

467 (e) Beginning July 1, 2009, the commission may accept
468 applications from lead managing agencies on all state lands for
469 the acceptance of the recovery and management of imperiled
470 species on all state lands provided they are consistent with the
471 imperiled species management plan and land management plans
472 established pursuant to s. 253.034. No applications shall be
473 accepted prior to the establishment of fees pursuant to paragraph
474 (d).

475 (f) By February 1, 2010, the commission shall submit a
476 report to the President of the Senate and the Speaker of the
477 House of Representatives on the efficacy of using state-owned
478 lands to protect, manage, or restore habitat for native or
479 imperiled species. This subsection expires July 1, 2014.
480