

By the Committee on Environmental Preservation and Conservation;
and Senator Saunders

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1 A bill to be entitled
2 An act relating to land acquisition and management;
3 amending s. 201.15, F.S., relating to the distribution of
4 taxes collected for debt service; extending the deadline
5 for retiring the bonds issued under the Florida Forever
6 Act; amending s. 215.618, F.S.; authorizing the
7 distribution of bonds for the acquisition of conservation
8 lands; increasing the bonding authority for issuance of
9 Florida Forever bonds; directing the Legislature to
10 complete a debt analysis prior to the issuance of any such
11 bonds by a date certain; directing the Legislature to
12 complete an analysis on potential revenue sources by a
13 date certain; amending s. 253.025, F.S.; requiring
14 appraisals of land under certain circumstances; deleting
15 provisions that allow appraisers to reject an appraisal
16 report under certain conditions; providing authority to
17 the Board of Trustees of the Internal Improvement Trust
18 Fund to waive sales history requirements under certain
19 conditions; amending s. 253.0325, F.S.; requiring the
20 Department of Environmental Protection to modernize its
21 information systems; requiring a annual report of state
22 lands acquired by each recipient of funds; amending s.
23 253.034, F.S.; defining the term "public access" for
24 purposes of chapters 253 and 259, F.S.; requiring that
25 land management plans provide short-term and long-term
26 management goods; specifying measurable objectives;
27 requiring that a land management plan contain certain
28 elements; revising requirements for determining which
29 state-owned lands may be surplus lands; requiring

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30 additional appraisals under certain conditions; requiring
31 the Division of State Lands to contract with an
32 organization for the purpose of determining the value of
33 carbon capture and carbon sequestration with respect to
34 state lands and provide an inventory to the board of
35 trustees; authorizing to the Fish and Wildlife
36 Conservation Commission to manage lands for imperiled
37 species under certain conditions; requiring a report to
38 the Legislature; providing for future expiration of such
39 authority; amending s. 253.111, F.S.; extending the period
40 within which a board of county commissioners must provide
41 a resolution to the Board of Trustees of the Internal
42 Improvement Trust Fund before state-owned lands are
43 otherwise sold; amending s. 253.82, F.S.; revising
44 requirements of the sale of nonsovereignty lands owned by
45 the board of trustees; deleting appraisal limitations;
46 amending s. 259.032, F.S.; requiring priority purchase of
47 conservation and recreational lands that have high
48 concentrations of population and certain agricultural
49 lands; revising requirements for land management plans;
50 establishing a minimum for funds expended for the
51 management of state-owned land; requiring the Land
52 Management Uniform Accounting Council to report on the
53 formula for allocating land management funds; providing
54 requirements for the report; deleting obsolete provisions;
55 amending s. 259.035, F.S.; revising provisions
56 establishing the Acquisition and Restoration Council;
57 revising membership criteria; directing the council to
58 establish specific criteria and numeric performance

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59 | measures for the acquisition of land; amending s. 259.037,
60 | F.S.; revising the categories used by the Land Management
61 | Uniform Accounting Council to collect and report the costs
62 | of land management activities; requiring agencies to
63 | report additional information to the council; amending s.
64 | 259.041, F.S., relating to the acquisition of state-owned
65 | lands for preservation, conservation, and recreation
66 | purposes; requiring Legislative approval for acquisitions
67 | by the state exceeding a certain amount; increasing
68 | appraisal thresholds; requiring that specific language be
69 | included on option contracts; amending s. 259.105, F.S.,
70 | relating to the Florida Forever Act; revising Legislative
71 | intent; providing for funds to be deposited in the Florida
72 | Forever Trust Fund; requiring bonded moneys be spent for
73 | capital improvements under certain conditions; providing
74 | for the expenditure of funds for conservation and
75 | agricultural easements under certain conditions; providing
76 | for the inclusion of carbon sequestration as a multiple
77 | use; providing rulemaking authority for the board of
78 | trustees; providing for the reversion of lands to the
79 | board of trustees under certain conditions; requiring an
80 | annual work plan be developed by the Acquisition and
81 | Restoration Council; authorizing alternatives to fee-
82 | simple purchases; deleting obsolete provisions; amending
83 | s. 259.1051, F.S., relating to the Florida Forever Trust
84 | Fund; increasing bonding authority; amending s. 373.089,
85 | F.S.; clarifying the process for disposing of surplus
86 | lands; amending s. 373.1391, F.S.; providing additional
87 | oversight authority to the department; amending s.

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88 373.199, F.S.; clarifying work plan requirements; amending
89 s. 375.075, F.S.; providing financial assistance to local
90 governments for outdoor recreation; increasing application
91 and grant limitations; providing an effective date.

92

93 Be It Enacted by the Legislature of the State of Florida:

94

95 Section 1. Paragraph (a) of subsection (1) of section
96 201.15, Florida Statutes, is amended to read:

97 201.15 Distribution of taxes collected.--All taxes
98 collected under this chapter shall be distributed as follows and
99 shall be subject to the service charge imposed in s. 215.20(1),
100 except that such service charge shall not be levied against any
101 portion of taxes pledged to debt service on bonds to the extent
102 that the amount of the service charge is required to pay any
103 amounts relating to the bonds:

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

107 (a) Amounts as shall be necessary to pay the debt service
108 on, or fund debt service reserve funds, rebate obligations, or
109 other amounts payable with respect to Preservation 2000 bonds
110 issued pursuant to s. 375.051 and Florida Forever bonds issued
111 pursuant to s. 215.618, shall be paid into the State Treasury to
112 the credit of the Land Acquisition Trust Fund to be used for such
113 purposes. The amount transferred to the Land Acquisition Trust
114 Fund shall not exceed \$300 million in fiscal year 1999-2000 and
115 thereafter for Preservation 2000 bonds and bonds issued to refund
116 Preservation 2000 bonds, and \$300 million in fiscal year 2000-

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117 | 2001 and thereafter for Florida Forever bonds. The annual amount
118 | transferred to the Land Acquisition Trust Fund for Florida
119 | Forever bonds shall not exceed \$30 million in the first fiscal
120 | year in which bonds are issued. The limitation on the amount
121 | transferred shall be increased by an additional \$30 million in
122 | each subsequent fiscal year, but shall not exceed a total of \$300
123 | million in any fiscal year for all bonds issued. It is the intent
124 | of the Legislature that all bonds issued to fund the Florida
125 | Forever Act be retired by December 31, 2040 ~~2030~~. Except for
126 | bonds issued to refund previously issued bonds, no series of
127 | bonds may be issued pursuant to this paragraph unless such bonds
128 | are approved and the debt service for the remainder of the fiscal
129 | year in which the bonds are issued is specifically appropriated
130 | in the General Appropriations Act. For purposes of refunding
131 | Preservation 2000 bonds, amounts designated within this section
132 | for Preservation 2000 and Florida Forever bonds may be
133 | transferred between the two programs to the extent provided for
134 | in the documents authorizing the issuance of the bonds. The
135 | Preservation 2000 bonds and Florida Forever bonds shall be
136 | equally and ratably secured by moneys distributable to the Land
137 | Acquisition Trust Fund pursuant to this section, except to the
138 | extent specifically provided otherwise by the documents
139 | authorizing the issuance of the bonds. No moneys transferred to
140 | the Land Acquisition Trust Fund pursuant to this paragraph, or
141 | earnings thereon, shall be used or made available to pay debt
142 | service on the Save Our Coast revenue bonds.

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

145 | 215.618 Bonds for acquisition and improvement of land,

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146 water areas, and related property interests and resources.--

147 (1) (a) The issuance of Florida Forever bonds, not to exceed
148 \$5.3 ~~\$3~~ billion, to finance or refinance the cost of acquisition
149 and improvement of land, water areas, and related property
150 interests and resources, in urban and rural settings, for the
151 purposes of restoration, conservation, recreation, water resource
152 development, or historical preservation, and for capital
153 improvements to lands and water areas that accomplish
154 environmental restoration, enhance public access and recreational
155 enjoyment, promote long-term management goals, and facilitate
156 water resource development is hereby authorized, subject to the
157 provisions of s. 259.105 and pursuant to s. 11(e), Art. VII of
158 the State Constitution. Florida Forever bonds may also be issued
159 to refund Preservation 2000 bonds issued pursuant to s. 375.051.
160 The \$5.3 ~~\$3~~ billion limitation on the issuance of Florida Forever
161 bonds does not apply to refunding bonds. The duration of each
162 series of Florida Forever bonds issued may not exceed 20 annual
163 maturities. Preservation 2000 bonds and Florida Forever bonds
164 shall be equally and ratably secured by moneys distributable to
165 the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a),
166 except to the extent specifically provided otherwise by the
167 documents authorizing the issuance of the bonds.

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

171 (c) By February 1, 2010, the Legislature shall complete an
172 analysis of potential revenue sources for the Florida Forever
173 program.

174 Section 3. Subsection (6) of section 253.025, Florida

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175 Statutes, is amended to read:

176 253.025 Acquisition of state lands for purposes other than
177 preservation, conservation, and recreation.--

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

182 (a) Each parcel to be acquired shall have at least one
183 appraisal. Two appraisals are required when the estimated value
184 of the parcel exceeds \$1 million. When a parcel is estimated to
185 be worth \$100,000 or less and the director of the Division of
186 State Lands finds that the cost of an outside appraisal is not
187 justified, a comparable sales analysis or other reasonably
188 prudent procedures may be used by the division to estimate the
189 value of the parcel, provided the public's interest is reasonably
190 protected. The state is not required to appraise the value of
191 lands and appurtenances that are being donated to the state.

192 (b) Appraisal fees shall be paid by the agency proposing
193 the acquisition. The board of trustees shall approve qualified
194 fee appraisal organizations. All appraisals used for the
195 acquisition of lands pursuant to this section shall be prepared
196 by a member of an approved appraisal organization or by a state-
197 certified appraiser. The board of trustees ~~Division of State~~
198 ~~Lands~~ shall adopt rules for selecting individuals to perform
199 appraisals pursuant to this section. Each fee appraiser selected
200 to appraise a particular parcel shall, prior to contracting with
201 the agency, submit to that agency an affidavit substantiating
202 that he or she has no vested or fiduciary interest in such
203 parcel.

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204 (c) The board of trustees shall adopt by rule the minimum
205 criteria, techniques, and methods to be used in the preparation
206 of appraisal reports. Such rules shall incorporate, to the extent
207 practicable, generally accepted appraisal standards. Any
208 appraisal issued for acquisition of lands pursuant to this
209 section must comply with the rules adopted by the board of
210 trustees. A certified survey must be made which meets the minimum
211 requirements for upland parcels established in the Minimum
212 Technical Standards for Land Surveying in Florida published by
213 the Department of Business and Professional Regulation and which
214 accurately portrays, to the greatest extent practicable, the
215 condition of the parcel as it currently exists. The requirement
216 for a certified survey may, in part or in whole, be waived by the
217 board of trustees any time prior to submitting the agreement for
218 purchase to the Division of State Lands. When an existing
219 boundary map and description of a parcel are determined by the
220 division to be sufficient for appraisal purposes, the division
221 director may temporarily waive the requirement for a survey until
222 any time prior to conveyance of title to the parcel. The fee
223 appraiser and the review appraiser for the agency shall not act
224 in any way that may be construed as negotiating with the property
225 owner.

226 (d) Appraisal reports are confidential and exempt from the
227 provisions of s. 119.07(1), for use by the agency and the board
228 of trustees, until an option contract is executed or, if no
229 option contract is executed, until 2 weeks before a contract or
230 agreement for purchase is considered for approval by the board of
231 trustees. However, the Division of State Lands may disclose
232 appraisal information to public agencies or nonprofit

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233 organizations that agree to maintain the confidentiality of the
234 reports or information when joint acquisition of property is
235 contemplated, or when a public agency or nonprofit organization
236 enters into a written agreement with the division to purchase and
237 hold property for subsequent resale to the division. In addition,
238 the division may use, as its own, appraisals obtained by a public
239 agency or nonprofit organization, provided the appraiser is
240 selected from the division's list of appraisers and the appraisal
241 is reviewed and approved by the division. For the purposes of
242 this paragraph, "nonprofit organization" means an organization
243 whose purpose is the preservation of natural resources, and which
244 is exempt from federal income tax under s. 501(c)(3) of the
245 Internal Revenue Code. The agency may release an appraisal report
246 when the passage of time has rendered the conclusions of value in
247 the report invalid.

248 (e) Prior to acceptance of an appraisal, the agency shall
249 submit a copy of such report to the Division of State Lands. The
250 division shall review such report for compliance with the rules
251 of the board of trustees. ~~With respect to proposed purchases in~~
252 ~~excess of \$250,000, this review shall include a general field~~
253 ~~inspection of the subject property by the review appraiser. The~~
254 ~~review appraiser may reject an appraisal report following a desk~~
255 ~~review, but is prohibited from approving an appraisal report in~~
256 ~~excess of \$250,000 without a field review.~~ Any questions of
257 applicability of laws affecting an appraisal shall be addressed
258 by the legal office of the agency.

259 (f) The appraisal report shall be accompanied by the sales
260 history of the parcel for at least the prior 5 years. Such sales
261 history shall include all parties and considerations with the

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262 amount of consideration verified, if possible. If a sales history
263 would not be useful, or its cost prohibitive compared to the
264 value of a parcel, the sales history may be waived by the board
265 of trustees ~~Secretary of Environmental Protection or the director~~
266 ~~of the Division of State Lands~~. The board of trustees ~~department~~
267 shall adopt a rule specifying guidelines for waiver of a sales
268 history.

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

274 Section 4. Section 253.0325, Florida Statutes, is amended
275 to read:

276 253.0325 Modernization of state lands records.--

277 (1) The Department of Environmental Protection shall
278 initiate an ongoing computerized information systems program to
279 modernize its state lands records and documents that relate to
280 all lands that have been acquired by all agencies under the
281 Florida Preservation 2000 Act pursuant to s. 259.101 or the
282 Florida Forever Act pursuant to s. 259.105. All recipients of
283 Florida Forever funds shall annually submit its records for lands
284 acquired for compilation of state lands records by the department
285 ~~to which title is vested in the Board of Trustees of the Internal~~
286 ~~Improvement Trust Fund~~. The program shall include, at a minimum:

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

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

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

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

296 (2) At all stages of its records modernization program, the
297 department shall seek to ensure information systems compatibility
298 within the department and with other state, local, and regional
299 governmental agencies. The department also shall seek to promote
300 standardization in the collection of information regarding state-
301 owned lands by federal, state, regional, and local agencies.

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

306 Section 5. Paragraph (d) is added to subsection (2) of
307 section 253.034, Florida Statutes, subsections (5), (6), and (8)
308 of that section are amended, and subsection (14) is added to that
309 section, to read:

310 253.034 State-owned lands; uses.--

311 (2) As used in this section, the following phrases have the
312 following meanings:

313 (d) "Public access," as used in this chapter and chapter
314 259, means access by the general public to state lands and water,
315 including vessel access made possible by boat ramps, and
316 associated parking and other support facilities, where compatible
317 with conservation and recreation objectives.

318
319 Lands acquired by the state as a gift, through donation, or by

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320 any other conveyance for which no consideration was paid, and
321 which are not managed for conservation, outdoor resource-based
322 recreation, or archaeological or historic preservation under a
323 land management plan approved by the board of trustees are not
324 conservation lands.

325 (5) Each manager of conservation lands shall submit to the
326 Division of State Lands a land management plan at least every 10
327 years in a form and manner prescribed by rule by the board and in
328 accordance with the provisions of s. 259.032. Each manager of
329 conservation lands shall also update a land management plan
330 whenever the manager proposes to add new facilities or make
331 substantive land use or management changes that were not
332 addressed in the approved plan, or within 1 year of the addition
333 of significant new lands. Each manager of nonconservation lands
334 shall submit to the Division of State Lands a land use plan at
335 least every 10 years in a form and manner prescribed by rule by
336 the board. The division shall review each plan for compliance
337 with the requirements of this subsection and the requirements of
338 the rules established by the board pursuant to this section. All
339 land use plans, whether for single-use or multiple-use
340 properties, shall include an analysis of the property to
341 determine if any significant natural or cultural resources are
342 located on the property. Such resources include archaeological
343 and historic sites, state and federally listed plant and animal
344 species, and imperiled natural communities and unique natural
345 features. If such resources occur on the property, the manager
346 shall consult with the Division of State Lands and other
347 appropriate agencies to develop management strategies to protect
348 such resources. Land use plans shall also provide for the control

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349 of invasive nonnative plants and conservation of soil and water
350 resources, including a description of how the manager plans to
351 control and prevent soil erosion and soil or water contamination.
352 Land use plans submitted by a manager shall include reference to
353 appropriate statutory authority for such use or uses and shall
354 conform to the appropriate policies and guidelines of the state
355 land management plan. Plans for managed areas larger than 1,000
356 acres shall contain an analysis of the multiple-use potential of
357 the property, which analysis shall include the potential of the
358 property to generate revenues to enhance the management of the
359 property. Additionally, the plan shall contain an analysis of the
360 potential use of private land managers to facilitate the
361 restoration or management of these lands. In those cases where a
362 newly acquired property has a valid conservation plan that was
363 developed by a soil and conservation district, such plan shall be
364 used to guide management of the property until a formal land use
365 plan is completed.

366 (a) State lands shall be managed to ensure the conservation
367 of the state's plant and animal species and to ensure the
368 accessibility of state lands for the benefit and enjoyment of all
369 people of the state, both present and future. Each land
370 management plan shall provide a desired outcome, describe both
371 short-term and long-term management goals, and include measurable
372 objectives to achieve those goals. Short-term goals shall be
373 achievable within a 2-year planning period and long-term goals
374 shall be achievable within a 10-year planning period. These
375 short-term and long-term management goals shall be the basis for
376 all subsequent land management activities.

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

- 379 1. Habitat restoration and improvement.
- 380 2. Public access and recreational opportunities.
- 381 3. Hydrological preservation and restoration.
- 382 4. Sustainable forest management.
- 383 5. Exotic and invasive species maintenance and control.
- 384 6. Capital facilities and infrastructure.
- 385 7. Cultural and historical resources.

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

- 388 1. A physical description of the land.
- 389 2. A quantitative data description of the land which
390 includes an inventory of forest and other natural resources;
391 exotic and invasive plants; hydrological features;
392 infrastructure, including recreational facilities; and other
393 significant land, cultural, or historical features. The inventory
394 shall reflect the number of acres for each resource and feature,
395 when appropriate. The inventory shall be of such detail that
396 objective measures and benchmarks can be established for each
397 tract of land and monitored during the lifetime of the plan. All
398 quantitative data collected shall be aggregated, standardized,
399 collected, and presented in an electronic format to allow for
400 uniform management reporting and analysis. The information
401 collected by the Department of Environmental Protection pursuant
402 to s. 253.0325(2) shall be available to the land manager and his
403 or her assignee.

- 404 3. A detailed description of each short-term and long-term
405 land management goal, the associated measurable objectives, and

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406 the related activities that are to be performed to meet the land
407 management objectives. Each land management objective must be
408 addressed by the land management plan and where practicable no
409 land management objective shall be performed to the detriment of
410 the other land management objectives.

411 4. A schedule of land management activities which contains
412 short-term and long-term land management goals and the related
413 measurable objective and activities. The schedule shall include
414 for each activity a timeline for completion, quantitative
415 measures, and detailed expense and manpower budgets. The schedule
416 shall provide a management tool that facilitates development of
417 performance measures.

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

423 (d) (a) The Division of State Lands shall make available to
424 the public a copy of each land management plan for parcels that
425 exceed 160 acres in size. The council shall review each plan for
426 compliance with the requirements of this subsection, the
427 requirements of chapter 259, and the requirements of the rules
428 established by the board pursuant to this section. The council
429 shall also consider the propriety of the recommendations of the
430 managing entity with regard to the future use of the property,
431 the protection of fragile or nonrenewable resources, the
432 potential for alternative or multiple uses not recognized by the
433 managing entity, and the possibility of disposal of the property
434 by the board. After its review, the council shall submit the

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435 plan, along with its recommendations and comments, to the board.
436 The council shall specifically recommend to the board whether to
437 approve the plan as submitted, approve the plan with
438 modifications, or reject the plan.

439 (e) ~~(b)~~ The Board of Trustees of the Internal Improvement
440 Trust Fund shall consider the land management plan submitted by
441 each entity and the recommendations of the council and the
442 Division of State Lands and shall approve the plan with or
443 without modification or reject such plan. The use or possession
444 of any such lands that is not in accordance with an approved land
445 management plan is subject to termination by the board.

446 (6) The Board of Trustees of the Internal Improvement Trust
447 Fund shall determine which lands, the title to which is vested in
448 the board, may be surplus. For conservation lands, the board
449 shall make a determination that the lands are no longer needed
450 for conservation purposes and may dispose of them by an
451 affirmative vote of at least three members. In the case of a land
452 exchange involving the disposition of conservation lands, the
453 board must determine by an affirmative vote of at least three
454 members that the exchange will result in a net positive
455 conservation benefit. For all other lands, the board shall make a
456 determination that the lands are no longer needed and may dispose
457 of them by an affirmative vote of at least three members.

458 (a) For the purposes of this subsection, all lands acquired
459 by the state prior to July 1, 1999, using proceeds from the
460 Preservation 2000 bonds, the Conservation and Recreation Lands
461 Trust Fund, the Water Management Lands Trust Fund,
462 Environmentally Endangered Lands Program, and the Save Our Coast
463 Program and titled to the board, which lands are identified as

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464 core parcels or within original project boundaries, shall be
465 deemed to have been acquired for conservation purposes.

466 (b) For any lands purchased by the state on or after July
467 1, 1999, a determination shall be made by the board prior to
468 acquisition as to those parcels that shall be designated as
469 having been acquired for conservation purposes. No lands acquired
470 for use by the Department of Corrections, the Department of
471 Management Services for use as state offices, the Department of
472 Transportation, except those specifically managed for
473 conservation or recreation purposes, or the State University
474 System or the Florida Community College System shall be
475 designated as having been purchased for conservation purposes.

476 (c) At least every 10 years, as a component of each land
477 management plan or land use plan and in a form and manner
478 prescribed by rule by the board, each manager shall evaluate and
479 indicate to the board those lands that are not being used for the
480 purpose for which they were originally leased. For conservation
481 lands, the council shall review and shall recommend to the board
482 whether such lands should be retained in public ownership or
483 disposed of by the board. For nonconservation lands, the division
484 shall review such lands and shall recommend to the board whether
485 such lands should be retained in public ownership or disposed of
486 by the board.

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

492 (e) Prior to any decision by the board to surplus lands,

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493 the Acquisition and Restoration Council shall review and make
494 recommendations to the board concerning the request for
495 surplusings. The council shall determine whether the request for
496 surplusings is compatible with the resource values of and
497 management objectives for such lands.

498 (f)1. In reviewing lands owned by the board, the council
499 shall consider whether such lands would be more appropriately
500 owned or managed by the county or other unit of local government
501 in which the land is located. The council shall recommend to the
502 board whether a sale, lease, or other conveyance to a local
503 government would be in the best interests of the state and local
504 government. The provisions of this paragraph in no way limit the
505 provisions of ss. 253.111 and 253.115. Such lands shall be
506 offered to the state, county, or local government for a period of
507 45 ~~30~~ days. Permittable uses for such surplus lands may include
508 public schools; public libraries; fire or law enforcement
509 substations; governmental, judicial, or recreational centers; and
510 affordable housing meeting the criteria of s. 420.0004(3). County
511 or local government requests for surplus lands shall be expedited
512 throughout the surplusings process. If the county or local
513 government does not elect to purchase such lands in accordance
514 with s. 253.111, then any surplusings determination involving
515 other governmental agencies shall be made upon the board deciding
516 the best public use of the lands. Surplus properties in which
517 governmental agencies have expressed no interest shall then be
518 available for sale on the private market.

519 2. Notwithstanding subparagraph 1., any parcel of surplus
520 lands less than 3 acres in size which was acquired by the state
521 before 1955 by gift or other conveyance or for \$1 consideration

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522 | from a fair association incorporated under chapter 616 for the
523 | purpose of conducting and operating public fairs or expositions,
524 | and concerning which the department has filed by July 1, 2008, a
525 | notice of intent to dispose of as surplus lands, shall be offered
526 | for reconveyance to such fair association for no consideration;
527 | however, the agency that last held the lease from the board for
528 | management of such lands may remove from the lands any
529 | improvements, fixtures, goods, wares, and merchandise within 180
530 | days after the effective date of the reconveyance. This
531 | subparagraph expires July 1, 2008.

532 | (g) The sale price of lands determined to be surplus
533 | pursuant to this subsection and s. 253.82 shall be determined by
534 | the division and shall take into consideration an appraisal of
535 | the property, or, when the estimated value of the land is less
536 | than \$100,000, a comparable sales analysis or a broker's opinion
537 | of value. If the appraisal referenced in this paragraph yields a
538 | value equal to or greater than \$1 million, the division, in its
539 | sole discretion, may require a second appraisal. The individual
540 | or entity requesting to purchase the surplus parcel shall pay all
541 | appraisal costs, ~~and the price paid by the state to originally~~
542 | ~~acquire the lands.~~

543 | 1.a. A written valuation of land determined to be surplus
544 | pursuant to this subsection and s. 253.82, and related documents
545 | used to form the valuation or which pertain to the valuation, are
546 | confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of
547 | the State Constitution until 2 weeks before the contract or
548 | agreement regarding the purchase, exchange, or disposal of the
549 | surplus land is first considered for approval by the board.
550 | Notwithstanding the exemption provided under this subparagraph,

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551 | the division may disclose appraisals, valuations, or valuation
552 | information regarding surplus land during negotiations for the
553 | sale or exchange of the land, during the marketing effort or
554 | bidding process associated with the sale, disposal, or exchange
555 | of the land to facilitate closure of such effort or process, when
556 | the passage of time has made the conclusions of value invalid, or
557 | when negotiations or marketing efforts concerning the land are
558 | concluded.

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

563 | 2. A unit of government that acquires title to lands
564 | hereunder for less than appraised value may not sell or transfer
565 | title to all or any portion of the lands to any private owner for
566 | a period of 10 years. Any unit of government seeking to transfer
567 | or sell lands pursuant to this paragraph shall first allow the
568 | board of trustees to reacquire such lands for the price at which
569 | the board sold such lands.

570 | ~~(h) Where a unit of government acquired land by gift,~~
571 | ~~donation, grant, quitclaim deed, or other such conveyance where~~
572 | ~~no monetary consideration was exchanged, the price of land sold~~
573 | ~~as surplus may be based on one appraisal. In the event that a~~
574 | ~~single appraisal yields a value equal to or greater than \$1~~
575 | ~~million, a second appraisal is required. The individual or entity~~
576 | ~~requesting the surplus shall select and use appraisers from the~~
577 | ~~list of approved appraisers maintained by the Division of State~~
578 | ~~Lands in accordance with s. 253.025(6)(b). The individual or~~
579 | ~~entity requesting the surplus is to incur all costs of the~~

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580 | ~~appraisals.~~

581 | (h)~~(i)~~ After reviewing the recommendations of the council,
582 | the board shall determine whether lands identified for surplus
583 | are to be held for other public purposes or whether such lands
584 | are no longer needed. The board may require an agency to release
585 | its interest in such lands. For an agency that has requested the
586 | use of a property that was to be declared as surplus, said agency
587 | must have the property under lease within 6 months of the date of
588 | expiration of the notice provisions required under this
589 | subsection and s. 253.111.

590 | (i)~~(j)~~ Requests for surplusizing may be made by any public or
591 | private entity or person. All requests shall be submitted to the
592 | lead managing agency for review and recommendation to the council
593 | or its successor. Lead managing agencies shall have 90 days to
594 | review such requests and make recommendations. Any surplusizing
595 | requests that have not been acted upon within the 90-day time
596 | period shall be immediately scheduled for hearing at the next
597 | regularly scheduled meeting of the council or its successor.
598 | Requests for surplusizing pursuant to this paragraph shall not be
599 | required to be offered to local or state governments as provided
600 | in paragraph (f).

601 | (j)~~(k)~~ Proceeds from any sale of surplus lands pursuant to
602 | this subsection shall be deposited into the fund from which such
603 | lands were acquired. However, if the fund from which the lands
604 | were originally acquired no longer exists, such proceeds shall be
605 | deposited into an appropriate account to be used for land
606 | management by the lead managing agency assigned the lands prior
607 | to the lands being declared surplus. Funds received from the sale
608 | of surplus nonconservation lands, or lands that were acquired by

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609 gift, by donation, or for no consideration, shall be deposited
610 into the Internal Improvement Trust Fund.

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

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

619 (m)~~(n)~~ The board may adopt rules to implement the
620 provisions of this section, which may include procedures for
621 administering surplus land requests and criteria for when the
622 division may approve requests to surplus nonconservation lands on
623 behalf of the board.

624 (8) (a) Notwithstanding other provisions of this section,
625 the Division of State Lands is directed to prepare a state
626 inventory of all federal lands and all lands titled in the name
627 of the state, a state agency, a water management district, or a
628 local government on a county-by-county basis. To facilitate the
629 development of the state inventory, each county shall direct the
630 appropriate county office with authority over the information to
631 provide the division with a county inventory of all lands
632 identified as federal lands and lands titled in the name of the
633 state, a state agency, a water management district, or a local
634 government. The Legislature recognizes the value of the state's
635 conservation lands as water recharge areas and air filters and,
636 in an effort to better understand the scientific underpinnings of
637 carbon sequestration, carbon capture, and greenhouse gas

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638 mitigation, to inform policymakers and decisionmakers, and to
639 provide the infrastructure for land owners, the Division of State
640 Lands shall contract with an organization experienced and
641 specialized in carbon sinks and emission budgets to conduct an
642 inventory of all lands that were acquired pursuant to
643 Preservation 2000 and Florida Forever and that were titled in the
644 name of the Board of Trustees of the Internal Improvement Trust
645 Fund. The inventory shall determine the value of carbon capture
646 and carbon sequestration. Such inventory shall consider potential
647 carbon offset values of changes in land management practices,
648 including, but not limited to, replanting of trees, routine
649 prescribed burns, and land use conversion. Such an inventory
650 shall be completed and presented to the board of trustees by July
651 1, 2009.

652 (b) The state inventory must distinguish between lands
653 purchased by the state or a water management district as part of
654 a core parcel or within original project boundaries, as those
655 terms are used to meet the surplus requirements of subsection
656 (6), and lands purchased by the state, a state agency, or a water
657 management district which are not essential or necessary for
658 conservation purposes.

659 (c) In any county having a population of 75,000 or fewer
660 less, or a county having a population of 100,000 or fewer which
661 ~~less that~~ is contiguous to a county having a population of 75,000
662 or fewer less, in which more than 50 percent of the lands within
663 the county boundary are federal lands and lands titled in the
664 name of the state, a state agency, a water management district,
665 or a local government, those lands titled in the name of the
666 state or a state agency which are not essential or necessary to

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667 meet conservation purposes may, upon request of a public or
668 private entity, be made available for purchase through the
669 state's surplusing process. Rights-of-way for existing, proposed,
670 or anticipated transportation facilities are exempt from the
671 requirements of this paragraph. Priority consideration shall be
672 given to buyers, public or private, willing to return the
673 property to productive use so long as the property can be
674 reentered onto the county ad valorem tax roll. Property acquired
675 with matching funds from a local government shall not be made
676 available for purchase without the consent of the local
677 government.

678 (14) (a) All lands for which the Fish and Wildlife
679 Conservation Commission acts as lead manager may be used to
680 protect, manage, or restore habitat for native or imperiled
681 species. The commission shall submit an annual work plan for such
682 uses to the Acquisition and Restoration Council and the council
683 may, at its discretion, modify the work plan prior to approval.
684 Following approval of the work plan by the council, the
685 commission shall submit the approved work plan to the Board of
686 Trustees of the Internal Improvement Trust Fund for adoption. The
687 board shall not delegate the final adoption of the work plan to
688 any other agency.

689 (b) By February 1, 2010, the commission shall submit a
690 report to the President of the Senate and the Speaker of the
691 House of Representatives on the efficacy of using state-owned
692 lands to protect, manage, or restore habitat for native or
693 imperiled species. This subsection expires July 1, 2014.

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

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696 253.111 Notice to board of county commissioners before
697 sale.--The Board of Trustees of the Internal Improvement Trust
698 Fund of the state may not sell any land to which they hold title
699 unless and until they afford an opportunity to the county in
700 which such land is situated to receive such land on the following
701 terms and conditions:

702 (3) If the board receives, within 45 ~~30~~ days after notice
703 is given to the board of county commissioners pursuant to
704 subsection (1), the certified copy of the resolution provided for
705 in subsection (2), the board shall forthwith convey to the county
706 such land at a price that is equal to its appraised market value
707 established by generally accepted professional standards for real
708 estate appraisal and subject to such other terms and conditions
709 as the board determines.

710 Section 7. Paragraph (b) of subsection (2) of section
711 253.82, Florida Statutes, is amended to read:

712 253.82 Title of state or private owners to Murphy Act
713 lands.--

714 (2)(b) Land to which title is vested in the board of
715 trustees by paragraph (a) shall be treated in the same manner as
716 other nonsovereignty lands owned by the board. However, any
717 parcel of land the title to which is vested in the Board of
718 Trustees of the Internal Improvement Trust Fund pursuant to this
719 section which is 10 acres or less in size and has a ~~an~~ appraised
720 market value of \$250,000 or less is hereby declared surplus,
721 except for lands determined to be needed for state use, and may
722 be sold in any manner provided by law. ~~Only one appraisal shall~~
723 ~~be required for a sale of such land.~~ All proceeds from the sale
724 of such land shall be deposited into the Internal Improvement

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725 Trust Fund. The Board of Trustees of the Internal Improvement
726 Trust Fund is authorized to adopt rules to implement the
727 provisions of this subsection.

728 Section 8. Section 259.032, Florida Statutes, is amended to
729 read:

730 259.032 Conservation and Recreation Lands Trust Fund;
731 purpose.--

732 (1) It is the policy of the state that the citizens of this
733 state shall be assured public ownership of natural areas for
734 purposes of maintaining this state's unique natural resources;
735 protecting air, land, and water quality; promoting water resource
736 development to meet the needs of natural systems and citizens of
737 this state; promoting restoration activities on public lands; and
738 providing lands for natural resource based recreation. In
739 recognition of this policy, it is the intent of the Legislature
740 to provide such public lands for the people residing in urban and
741 metropolitan areas of the state, as well as those residing in
742 less populated, rural areas. It is the further intent of the
743 Legislature, with regard to the lands described in paragraph
744 (3) (c), that a high priority be given to the acquisition,
745 restoration, and management of such lands in or near counties
746 exhibiting the greatest concentration of population and, with
747 regard to the lands described in subsection (3), that a high
748 priority be given to acquiring lands or rights or interests in
749 lands that advance the goals and objectives of the Fish and
750 Wildlife Conservation Commission's approved species or habitat
751 recovery plans, or lands within any area designated as an area of
752 critical state concern under s. 380.05 which, in the judgment of
753 the advisory council established pursuant to s. 259.035, or its

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754 successor, cannot be adequately protected by application of land
755 development regulations adopted pursuant to s. 380.05. Finally,
756 it is the Legislature's intent that lands acquired through this
757 program and any successor programs be managed in such a way as to
758 protect or restore their natural resource values, and provide the
759 greatest benefit, including public access, to the citizens of
760 this state.

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

766 1. The excise taxes on documents as provided in s. 201.15;
767 and

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

770

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

773 (b) There shall annually be transferred from the
774 Conservation and Recreation Lands Trust Fund to the Land
775 Acquisition Trust Fund that amount, not to exceed \$20 million
776 annually, as shall be necessary to pay the debt service on, or
777 fund debt service reserve funds, rebate obligations, or other
778 amounts with respect to bonds issued pursuant to s. 375.051 to
779 acquire lands on the established priority list developed pursuant
780 to ss. 259.101(4) and 259.105; however, no moneys transferred to
781 the Land Acquisition Trust Fund pursuant to this paragraph, or
782 earnings thereon, shall be used or made available to pay debt

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783 service on the Save Our Coast revenue bonds. Amounts transferred
784 annually from the Conservation and Recreation Lands Trust Fund to
785 the Land Acquisition Trust Fund pursuant to this paragraph shall
786 have the highest priority over other payments or transfers from
787 the Conservation and Recreation Lands Trust Fund, and no other
788 payments or transfers shall be made from the Conservation and
789 Recreation Lands Trust Fund until such transfers to the Land
790 Acquisition Trust Fund have been made. Moneys in the Conservation
791 and Recreation Lands Trust Fund also shall be used to manage
792 lands and to pay for related costs, activities, and functions
793 pursuant to the provisions of this section.

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

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

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

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

810 (d) To conserve, protect, manage, or restore important
811 ecosystems, landscapes, and forests, if the protection and

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812 conservation of such lands is necessary to enhance or protect
813 significant surface water, groundwater, coastal, recreational,
814 timber, or fish or wildlife resources which cannot otherwise be
815 accomplished through local and state regulatory programs;

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

818 (f) To facilitate the restoration and subsequent health and
819 vitality of the Florida Everglades;

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

823 (h) To preserve significant archaeological or historic
824 sites; ~~or~~

825 (i) To conserve urban open spaces suitable for greenways or
826 outdoor recreation which are compatible with conservation
827 purposes; or-

828 (j) To preserve agricultural lands under threat of
829 conversion to development through less-than-fee acquisitions.

830 (4) ~~(a)~~ Lands acquired under this section shall be for use
831 as state-designated parks, recreation areas, preserves, reserves,
832 historic or archaeological sites, geologic or botanical sites,
833 recreational trails, forests, wilderness areas, wildlife
834 management areas, urban open space, or other state-designated
835 recreation or conservation lands; or they shall qualify for such
836 state designation and use if they are to be managed by other
837 governmental agencies or nonstate entities as provided for in
838 this section.

839 ~~(b) In addition to the uses allowed in paragraph (a),~~
840 ~~moneys may be transferred from the Conservation and Recreation~~

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841 ~~Lands Trust Fund to the Florida Forever Trust Fund or the Land~~
842 ~~Acquisition Trust Fund. This paragraph expires July 1, 2007.~~

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

848 (6) Moneys in the fund not needed to meet obligations
849 incurred under this section shall be deposited with the Chief
850 Financial Officer to the credit of the fund and may be invested
851 in the manner provided by law. Interest received on such
852 investments shall be credited to the Conservation and Recreation
853 Lands Trust Fund.

854 (7) The board of trustees may enter into any contract
855 necessary to accomplish the purposes of this section. The lead
856 land managing agencies designated by the board of trustees also
857 are directed by the Legislature to enter into contracts or
858 interagency agreements with other governmental entities,
859 including local soil and water conservation districts, or private
860 land managers who have the expertise to perform specific
861 management activities which a lead agency lacks, or which would
862 cost more to provide in-house. Such activities shall include, but
863 not be limited to, controlled burning, road and ditch
864 maintenance, mowing, and wildlife assessments.

865 (8) Lands to be considered for purchase under this section
866 are subject to the selection procedures of s. 259.035 and related
867 rules and shall be acquired in accordance with acquisition
868 procedures for state lands provided for in s. 259.041, except as
869 otherwise provided by the Legislature. An inholding or an

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870 addition to a project selected for purchase pursuant to this
871 chapter is not subject to the selection procedures of s. 259.035
872 if the estimated value of such inholding or addition does not
873 exceed \$500,000. When at least 90 percent of the acreage of a
874 project has been purchased pursuant to this chapter, the project
875 may be removed from the list and the remaining acreage may
876 continue to be purchased. Moneys from the fund may be used for
877 title work, appraisal fees, environmental audits, and survey
878 costs related to acquisition expenses for lands to be acquired,
879 donated, or exchanged which qualify under the categories of this
880 section, at the discretion of the board. When the Legislature has
881 authorized the Department of Environmental Protection to condemn
882 a specific parcel of land and such parcel has already been
883 approved for acquisition under this section, the land may be
884 acquired in accordance with the provisions of chapter 73 or
885 chapter 74, and the fund may be used to pay the condemnation
886 award and all costs, including a reasonable attorney's fee,
887 associated with condemnation.

888 (9) All lands managed under this chapter and s. 253.034
889 shall be:

890 (a) Managed in a manner that will provide the greatest
891 combination of benefits to the public and to the resources.

892 (b) Managed for public outdoor recreation which is
893 compatible with the conservation and protection of public lands.
894 Such management may include, but not be limited to, the following
895 public recreational uses: fishing, hunting, camping, bicycling,
896 hiking, nature study, swimming, boating, canoeing, horseback
897 riding, diving, model hobbyist activities, birding, sailing,
898 jogging, and other related outdoor activities compatible with the

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899 | purposes for which the lands were acquired.

900 | (c) Managed for the purposes for which the lands were
901 | acquired, consistent with paragraph (11) (a).

902 | (d) Concurrent with its adoption of the annual Conservation
903 | and Recreation Lands list of acquisition projects pursuant to s.
904 | 259.035, the board of trustees shall adopt a management
905 | prospectus for each project. The management prospectus shall
906 | delineate:

907 | 1. The management goals for the property;

908 | 2. The conditions that will affect the intensity of
909 | management;

910 | 3. An estimate of the revenue-generating potential of the
911 | property, if appropriate;

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

914 | 5. A description of potential multiple-use activities as
915 | described in this section and s. 253.034;

916 | 6. Provisions for protecting existing infrastructure and
917 | for ensuring the security of the project upon acquisition;

918 | 7. The anticipated costs of management and projected
919 | sources of revenue, including legislative appropriations, to fund
920 | management needs; and

921 | 8. Recommendations as to how many employees will be needed
922 | to manage the property, and recommendations as to whether local
923 | governments, volunteer groups, the former landowner, or other
924 | interested parties can be involved in the management.

925 | (e) Concurrent with the approval of the acquisition
926 | contract pursuant to s. 259.041(3) (c) for any interest in lands
927 | except those lands being acquired under the provisions of s.

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928 | 259.1052, the board of trustees shall designate an agency or
929 | agencies to manage such lands. The board shall evaluate and
930 | amend, as appropriate, the management policy statement for the
931 | project as provided by s. 259.035, consistent with the purposes
932 | for which the lands are acquired. For any fee simple acquisition
933 | of a parcel which is or will be leased back for agricultural
934 | purposes, or any acquisition of a less-than-fee interest in land
935 | that is or will be used for agricultural purposes, the Board of
936 | Trustees of the Internal Improvement Trust Fund shall first
937 | consider having a soil and water conservation district, created
938 | pursuant to chapter 582, manage and monitor such interests.

939 | (f) State agencies designated to manage lands acquired
940 | under this chapter except those lands acquired under s. 259.1052
941 | may contract with local governments and soil and water
942 | conservation districts to assist in management activities,
943 | including the responsibility of being the lead land manager. Such
944 | land management contracts may include a provision for the
945 | transfer of management funding to the local government or soil
946 | and water conservation district from the Conservation and
947 | Recreation Lands Trust Fund in an amount adequate for the local
948 | government or soil and water conservation district to perform its
949 | contractual land management responsibilities and proportionate to
950 | its responsibilities, and which otherwise would have been
951 | expended by the state agency to manage the property.

952 | (g) Immediately following the acquisition of any interest
953 | in lands under this chapter, the Department of Environmental
954 | Protection, acting on behalf of the board of trustees, may issue
955 | to the lead managing entity an interim assignment letter to be
956 | effective until the execution of a formal lease.

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

964 (b) Individual management plans required by s. 253.034(5),
965 for parcels over 160 acres, shall be developed with input from an
966 advisory group. Members of this advisory group shall include, at
967 a minimum, representatives of the lead land managing agency,
968 comanaging entities, local private property owners, the
969 appropriate soil and water conservation district, a local
970 conservation organization, and a local elected official. The
971 advisory group shall conduct at least one public hearing within
972 the county in which the parcel or project is located. For those
973 parcels or projects that are within more than one county, at
974 least one areawide public hearing shall be acceptable and the
975 lead managing agency shall invite a local elected official from
976 each county. The areawide public hearing shall be held in the
977 county in which the core parcels are located. Notice of such
978 public hearing shall be posted on the parcel or project
979 designated for management, advertised in a paper of general
980 circulation, and announced at a scheduled meeting of the local
981 governing body before the actual public hearing. The management
982 prospectus required pursuant to paragraph (9) (d) shall be
983 available to the public for a period of 30 days prior to the
984 public hearing.

985 (c) Once a plan is adopted, the managing agency or entity

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986 shall update the plan at least every 10 years in a form and
987 manner prescribed by rule of the board of trustees. Such updates,
988 for parcels over 160 acres, shall be developed with input from an
989 advisory group. Such plans may include transfers of leasehold
990 interests to appropriate conservation organizations or
991 governmental entities designated by the Land Acquisition and
992 Management Advisory Council or its successor, for uses consistent
993 with the purposes of the organizations and the protection,
994 preservation, conservation, restoration, and proper management of
995 the lands and their resources. Volunteer management assistance is
996 encouraged, including, but not limited to, assistance by youths
997 participating in programs sponsored by state or local agencies,
998 by volunteers sponsored by environmental or civic organizations,
999 and by individuals participating in programs for committed
1000 delinquents and adults.

1001 (d)1. For each project for which lands are acquired after
1002 July 1, 1995, an individual management plan shall be adopted and
1003 in place no later than 1 year after the essential parcel or
1004 parcels identified in the priority list developed pursuant to ss.
1005 259.101(4) and 259.105 have been acquired. The Department of
1006 Environmental Protection shall distribute only 75 percent of the
1007 acquisition funds to which a budget entity or water management
1008 district would otherwise be entitled from the Preservation 2000
1009 Trust Fund to any budget entity or any water management district
1010 that has more than one-third of its management plans overdue.

1011 2. The requirements of subparagraph 1. do not apply to the
1012 individual management plan for the Babcock Crescent B Ranch being
1013 acquired pursuant to s. 259.1052. The management plan for the
1014 ranch shall be adopted and in place no later than 2 years

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1015 following the date of acquisition by the state.

1016 (e) Individual management plans shall conform to the
1017 appropriate policies and guidelines of the state land management
1018 plan and shall include, but not be limited to:

1019 1. A statement of the purpose for which the lands were
1020 acquired, the projected use or uses as defined in s. 253.034, and
1021 the statutory authority for such use or uses.

1022 2. Key management activities necessary to achieve the
1023 desired outcomes, including, but not limited to, providing public
1024 access, preserving and protecting natural resources, protecting
1025 cultural and historical resources, restoring habitat, protecting
1026 threatened and endangered species, controlling the spread of
1027 nonnative plants and animals, performing prescribed fire
1028 activities, and other appropriate resource management. ~~to~~
1029 ~~preserve and protect natural resources and restore habitat, and~~
1030 ~~for controlling the spread of nonnative plants and animals, and~~
1031 ~~for prescribed fire and other appropriate resource management~~
1032 ~~activities.~~

1033 3. A specific description of how the managing agency plans
1034 to identify, locate, protect, and preserve, or otherwise use
1035 fragile, nonrenewable natural and cultural resources.

1036 4. A priority schedule for conducting management
1037 activities, based on the purposes for which the lands were
1038 acquired.

1039 5. A cost estimate for conducting priority management
1040 activities, to include recommendations for cost-effective methods
1041 of accomplishing those activities.

1042 6. A cost estimate for conducting other management
1043 activities which would enhance the natural resource value or

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1044 public recreation value for which the lands were acquired. The
1045 cost estimate shall include recommendations for cost-effective
1046 methods of accomplishing those activities.

1047 7. A determination of the public uses and public access
1048 that would be consistent with the purposes for which the lands
1049 were acquired.

1050 (f) The Division of State Lands shall submit a copy of each
1051 individual management plan for parcels which exceed 160 acres in
1052 size to each member of the Acquisition and Restoration Council
1053 ~~Land Acquisition and Management Advisory Council or its~~
1054 ~~successor~~, which shall:

1055 1. Within 60 days after receiving a plan from the division,
1056 review each plan for compliance with the requirements of this
1057 subsection and with the requirements of the rules established by
1058 the board pursuant to this subsection.

1059 2. Consider the propriety of the recommendations of the
1060 managing agency with regard to the future use or protection of
1061 the property.

1062 3. After its review, submit the plan, along with its
1063 recommendations and comments, to the board of trustees, with
1064 recommendations as to whether to approve the plan as submitted,
1065 approve the plan with modifications, or reject the plan.

1066 (g) The board of trustees shall consider the individual
1067 management plan submitted by each state agency and the
1068 recommendations of the Acquisition and Restoration Council ~~Land~~
1069 ~~Acquisition and Management Advisory Council, or its successor,~~
1070 and the Division of State Lands and shall approve the plan with
1071 or without modification or reject such plan. The use or
1072 possession of any lands owned by the board of trustees which is

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1073 | not in accordance with an approved individual management plan is
1074 | subject to termination by the board of trustees.

1075

1076 | By July 1 of each year, each governmental agency and each private
1077 | entity designated to manage lands shall report to the Secretary
1078 | of Environmental Protection on the progress of funding, staffing,
1079 | and resource management of every project for which the agency or
1080 | entity is responsible.

1081 | (11) (a) The Legislature recognizes that acquiring lands
1082 | pursuant to this chapter serves the public interest by protecting
1083 | land, air, and water resources which contribute to the public
1084 | health and welfare, providing areas for natural resource based
1085 | recreation, and ensuring the survival of unique and irreplaceable
1086 | plant and animal species. The Legislature intends for these lands
1087 | to be managed and maintained for the purposes for which they were
1088 | acquired and for the public to have access to and use of these
1089 | lands where it is consistent with acquisition purposes and would
1090 | not harm the resources the state is seeking to protect on the
1091 | public's behalf.

1092 | (b) An amount of not less than ~~up to~~ 1.5 percent of the
1093 | cumulative total of funds ever deposited into the Florida
1094 | Preservation 2000 Trust Fund and the Florida Forever Trust Fund
1095 | shall be made available for the purposes of management,
1096 | maintenance, and capital improvements not eligible for funding
1097 | pursuant to s. 11(e), Art. VII of the State Constitution, and for
1098 | associated contractual services, for lands acquired pursuant to
1099 | this section, s. 259.101, s. 259.105, s. 259.1052, or previous
1100 | programs for the acquisition of lands for conservation and
1101 | recreation, including state forests, to which title is vested in

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1102 | the board of trustees and other conservation and recreation lands
1103 | managed by a state agency. Of this amount, \$250,000 shall be
1104 | transferred annually to the Plant Industry Trust Fund within the
1105 | Department of Agriculture and Consumer Services for the purpose
1106 | of implementing the Endangered or Threatened Native Flora
1107 | Conservation Grants Program pursuant to s. 581.185(11). Each
1108 | agency with management responsibilities shall annually request
1109 | from the Legislature funds sufficient to fulfill such
1110 | responsibilities to implement individual management plans. For
1111 | the purposes of this paragraph, capital improvements shall
1112 | include, but need not be limited to, perimeter fencing, signs,
1113 | firelanes, access roads and trails, and minimal public
1114 | accommodations, such as primitive campsites, garbage receptacles,
1115 | and toilets. Any equipment purchased with funds provided pursuant
1116 | to this paragraph may be used for the purposes described in this
1117 | paragraph on any conservation and recreation lands managed by a
1118 | state agency.

1119 | (c) The Land Management Uniform Accounting Council shall
1120 | prepare and deliver a report on the methodology and formula for
1121 | allocating land management funds to the Acquisition and
1122 | Restoration Council. The Acquisition and Restoration Council
1123 | shall review, modify as appropriate, and submit the report to the
1124 | Board of Trustees of the Internal Improvement Trust Fund. The
1125 | board of trustees shall review, modify as appropriate, and submit
1126 | the report to the President of the Senate and the Speaker of the
1127 | House of Representatives no later than December 31, 2008, which
1128 | provides an interim management formula and a long-term management
1129 | formula, and the methodologies used to develop the formulas,
1130 | which shall be used to allocate land management ~~In requesting~~

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1131 funds provided for in paragraph (b) for interim and long-term
1132 management of all lands managed ~~acquisitions~~ pursuant to this
1133 chapter and for associated contractual services. The methodology
1134 and formula for interim management shall be based on the
1135 estimated land acquisitions for the fiscal year in which the
1136 interim funds will be expended. The methodology and formula for
1137 long-term management shall recognize, but not be limited to, the
1138 following, the managing agencies shall recognize the following
1139 categories of land management needs:

1140 1. The assignment of management intensity associated with
1141 managed habitats and natural communities and the related
1142 management activities to achieve land management goals provided
1143 in ss. 253.054(5) and subsection (10).

1144 a. The acres of land that require minimal effort for
1145 resource preservation or restoration.

1146 b. The acres of land that require moderate effort for
1147 resource preservation or restoration.

1148 c. The acres of land that require significant effort for
1149 resource preservation or restoration.

1150 2. The assignment of management intensity associated with
1151 public access, including, but not limited to:

1152 a. The acres of land that are open to the public but offer
1153 no more than minimally developed facilities;

1154 b. The acres of land that have a high degree of public use
1155 and offer highly developed facilities; and

1156 c. The acres of land that are sites that have historic
1157 significance, unique natural features, or a very high degree of
1158 public use.

1159 3. The acres of land that have a secondary manager

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1160 contributing to the over-all management effort.

1161 4. The anticipated revenues generated from management of
1162 the lands.

1163 5. The impacts of, and needs created or addressed by,
1164 multiple-use management strategies.

1165 6. The acres of land that have infestations of nonnative or
1166 invasive plants, animals, or fish.

1167 ~~1. Lands which are low-need tracts, requiring basic~~
1168 ~~resource management and protection, such as state reserves, state~~
1169 ~~preserves, state forests, and wildlife management areas. These~~
1170 ~~lands generally are open to the public but have no more than~~
1171 ~~minimum facilities development.~~

1172 ~~2. Lands which are moderate-need tracts, requiring more~~
1173 ~~than basic resource management and protection, such as state~~
1174 ~~parks and state recreation areas. These lands generally have~~
1175 ~~extra restoration or protection needs, higher concentrations of~~
1176 ~~public use, or more highly developed facilities.~~

1177 ~~3. Lands which are high-need tracts, with identified needs~~
1178 ~~requiring unique site-specific resource management and~~
1179 ~~protection. These lands generally are sites with historic~~
1180 ~~significance, unique natural features, or very high intensity~~
1181 ~~public use, or sites that require extra funds to stabilize or~~
1182 ~~protect resources, such as lands with heavy infestations of~~
1183 ~~nonnative, invasive plants.~~

1184
1185 In evaluating the management funding needs of lands based on the
1186 above categories, the lead land managing agencies shall include
1187 in their considerations the impacts of, and needs created or
1188 addressed by, multiple-use management strategies. The funding

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1189 formulas for interim and long-term management proposed by the
1190 agencies shall be reviewed by the Legislature during the 2009
1191 regular legislative session. The Legislature may reject, modify,
1192 or take no action relative to the proposed funding formulas. If
1193 no action is taken, the funding formulas shall be used in the
1194 allocation and distribution of funds provided in paragraph (b).

1195 (d) All revenues generated through multiple-use management
1196 or compatible secondary-use management shall be returned to the
1197 lead agency responsible for such management and shall be used to
1198 pay for management activities on all conservation, preservation,
1199 and recreation lands under the agency's jurisdiction. In
1200 addition, such revenues shall be segregated in an agency trust
1201 fund and shall remain available to the agency in subsequent
1202 fiscal years to support land management appropriations. For the
1203 purposes of this paragraph, compatible secondary-use management
1204 shall be those activities described in subsection (9) undertaken
1205 on parcels designated as single use pursuant to s. 253.034(2)(b).

1206 (e) Up to one-fifth of the funds provided for in paragraph
1207 (b) shall be reserved by the board of trustees for interim
1208 management of acquisitions and for associated contractual
1209 services, to ensure the conservation and protection of natural
1210 resources on project sites and to allow limited public
1211 recreational use of lands. Interim management activities may
1212 include, but not be limited to, resource assessments, control of
1213 invasive, nonnative species, habitat restoration, fencing, law
1214 enforcement, controlled burning, and public access consistent
1215 with preliminary determinations made pursuant to paragraph
1216 (9)(g). The board of trustees shall make these interim funds
1217 available immediately upon purchase.

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1218 (f) The department shall set long-range and annual goals
1219 for the control and removal of nonnative, invasive plant species
1220 on public lands. Such goals shall differentiate between aquatic
1221 plant species and upland plant species. In setting such goals,
1222 the department may rank, in order of adverse impact, species that
1223 impede or destroy the functioning of natural systems.
1224 Notwithstanding paragraph (a), up to one-fourth of the funds
1225 provided for in paragraph (b) may be used by the agencies
1226 receiving those funds for control and removal of nonnative,
1227 invasive species on public lands.

1228 ~~(g) In addition to the purposes specified in paragraph (b),~~
1229 ~~funds from the 1.5 percent of the cumulative total of funds ever~~
1230 ~~deposited into the Florida Preservation 2000 Trust Fund and the~~
1231 ~~Florida Forever Trust Fund may be appropriated for the 2006-2007~~
1232 ~~fiscal year for the construction of replacement museum~~
1233 ~~facilities. This paragraph expires July 1, 2007.~~

1234 (12) (a) Beginning July 1, 1999, the Legislature shall make
1235 available sufficient funds annually from the Conservation and
1236 Recreation Lands Trust Fund to the department for payment in lieu
1237 of taxes to qualifying counties and local governments as defined
1238 in paragraph (b) for all actual tax losses incurred as a result
1239 of board of trustees acquisitions for state agencies under the
1240 Florida Forever program or the Florida Preservation 2000 program
1241 during any year. Reserved funds not used for payments in lieu of
1242 taxes in any year shall revert to the fund to be used for land
1243 management in accordance with the provisions of this section.

1244 (b) Payment in lieu of taxes shall be available:

1245 1. To all counties that have a population of 150,000 or
1246 fewer. Population levels shall be determined pursuant to s.

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1247 11.031.

1248 2. To all local governments located in eligible counties.

1249 3. To Glades County, where a privately owned and operated

1250 prison leased to the state has recently been opened and where

1251 privately owned and operated juvenile justice facilities leased

1252 to the state have recently been constructed and opened, a payment

1253 in lieu of taxes, in an amount that offsets the loss of property

1254 tax revenue, which funds have already been appropriated and

1255 allocated from the Department of Correction's budget for the

1256 purpose of reimbursing amounts equal to lost ad valorem taxes.

1257 (c) If insufficient funds are available in any year to make

1258 full payments to all qualifying counties and local governments,

1259 such counties and local governments shall receive a pro rata

1260 share of the moneys available.

1261 (d) The payment amount shall be based on the average amount

1262 of actual taxes paid on the property for the 3 years preceding

1263 acquisition. Applications for payment in lieu of taxes shall be

1264 made no later than January 31 of the year following acquisition.

1265 No payment in lieu of taxes shall be made for properties which

1266 were exempt from ad valorem taxation for the year immediately

1267 preceding acquisition.

1268 (e) If property which was subject to ad valorem taxation

1269 was acquired by a tax-exempt entity for ultimate conveyance to

1270 the state under this chapter, payment in lieu of taxes shall be

1271 made for such property based upon the average amount of taxes

1272 paid on the property for the 3 years prior to its being removed

1273 from the tax rolls. The department shall certify to the

1274 Department of Revenue those properties that may be eligible under

1275 this provision. Once eligibility has been established, that

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1276 county or local government shall receive 10 consecutive annual
1277 payments for each tax loss, and no further eligibility
1278 determination shall be made during that period.

1279 (f) Payment in lieu of taxes pursuant to this subsection
1280 shall be made annually to qualifying counties and local
1281 governments after certification by the Department of Revenue that
1282 the amounts applied for are reasonably appropriate, based on the
1283 amount of actual taxes paid on the eligible property. With the
1284 assistance of the local government requesting payment in lieu of
1285 taxes, the state agency that acquired the land is responsible for
1286 preparing and submitting application requests for payment to the
1287 Department of Revenue for certification.

1288 (g) If the board of trustees conveys to a local government
1289 title to any land owned by the board, any payments in lieu of
1290 taxes on the land made to the local government shall be
1291 discontinued as of the date of the conveyance.

1292
1293 For the purposes of this subsection, "local government" includes
1294 municipalities, the county school board, mosquito control
1295 districts, and any other local government entity which levies ad
1296 valorem taxes, with the exception of a water management district.

1297 (13) Moneys credited to the fund each year which are not
1298 used for management, maintenance, or capital improvements
1299 pursuant to subsection (11); for payment in lieu of taxes
1300 pursuant to subsection (12); or for the purposes of subsection
1301 (5), shall be available for the acquisition of land pursuant to
1302 this section.

1303 (14) The board of trustees may adopt rules to further
1304 define the categories of land for acquisition under this chapter.

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1305 (15) Within 90 days after receiving a certified letter from
1306 the owner of a property on the Conservation and Recreation Lands
1307 list or the priority list established pursuant to s. 259.105
1308 objecting to the property being included in an acquisition
1309 project, where such property is a project or part of a project
1310 which has not been listed for purchase in the current year's land
1311 acquisition work plan, the board of trustees shall delete the
1312 property from the list or from the boundary of an acquisition
1313 project on the list.

1314 Section 9. Section 259.035, Florida Statutes, is amended to
1315 read:

1316 259.035 Acquisition and Restoration Council.--

1317 (1) There is created the Acquisition and Restoration
1318 Council.

1319 (a) The council shall be composed of nine voting members,
1320 four of whom shall be appointed by the Governor. Of these four
1321 appointees, three shall be from scientific disciplines related to
1322 land, water, or environmental sciences and the fourth shall have
1323 at least 5 years of experience in managing lands for both active
1324 and passive types of recreation. They shall serve 4-year terms,
1325 except that, initially, to provide for staggered terms, two of
1326 the appointees shall serve 2-year terms. All subsequent
1327 appointments shall be for 4-year terms. No appointee shall serve
1328 more than 6 years. The Governor may at any time fill a vacancy
1329 for the unexpired term of a member appointed under this
1330 paragraph.

1331 (b) The five remaining appointees shall be composed of the
1332 Secretary of Environmental Protection, the director of the
1333 Division of Forestry of the Department of Agriculture and

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1334 Consumer Services, the executive director of the Fish and
1335 Wildlife Conservation Commission, the director of the Division of
1336 Historical Resources of the Department of State, and the
1337 secretary of the Department of Community Affairs, or their
1338 respective designees.

1339 (c) The Governor shall appoint the chair of the council,
1340 and a vice chair shall be elected from among the members.

1341 (d) The council shall hold periodic meetings at the request
1342 of the chair.

1343 (e) The Department of Environmental Protection shall
1344 provide primary staff support to the council and shall ensure
1345 that council meetings are electronically recorded. Such recording
1346 shall be preserved pursuant to chapters 119 and 257.

1347 (f) The board of trustees has authority to adopt rules
1348 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
1349 of this section.

1350 (2) The four members of the council appointed by the
1351 Governor shall receive \$75 per day while engaged in the business
1352 of the council, as well as expenses and per diem for travel,
1353 including attendance at meetings, as allowed state officers and
1354 employees while in the performance of their duties, pursuant to
1355 s. 112.061.

1356 (3) The council shall provide assistance to the board of
1357 trustees in reviewing the recommendations and plans for state-
1358 owned lands required under ss. 253.034 and 259.032. The council
1359 shall, in reviewing such recommendations and plans, consider the
1360 optimization of multiple-use and conservation strategies to
1361 accomplish the provisions funded pursuant to ss. 259.101(3)(a)
1362 and 259.105(3)(b).

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1363 (4) (a) The council may use existing rules adopted by the
1364 board of trustees, until it develops and recommends amendments to
1365 those rules, to competitively evaluate, select, and rank projects
1366 eligible for the Conservation and Recreation Lands list pursuant
1367 to ss. 259.032(3) and 259.101(4) ~~and, beginning no later than May~~
1368 ~~1, 2001, for Florida Forever funds pursuant to s. 259.105(3) (b).~~

1369 (b) By December 1, 2009, the Acquisition and Restoration
1370 Council shall develop rules defining specific criteria and
1371 numeric performance measures needed for lands that are to be
1372 acquired for public purpose under the Florida Forever program
1373 pursuant to s. 259.105. Each recipient of Florida Forever funds
1374 shall assist the council in the development of such rules. These
1375 rules shall be reviewed and adopted by the board then submitted
1376 to the Legislature for consideration by February 1, 2010. The
1377 Legislature may reject, modify, or take no action relative to the
1378 proposed rules. If no action is taken, the rules shall be
1379 implemented. Subsequent to their approval, each recipient of
1380 Florida Forever funds shall annually report to the Division of
1381 State Lands on each of the numeric performance measures
1382 accomplished during the previous fiscal year.

1383 (c) In developing or amending ~~the~~ rules, the council shall
1384 give weight to the criteria included in s. 259.105(10). The board
1385 of trustees shall review the recommendations and shall adopt
1386 rules necessary to administer this section.

1387 (5) An affirmative vote of five members of the council is
1388 required in order to change a project boundary or to place a
1389 proposed project on a list developed pursuant to subsection (4).
1390 Any member of the council who by family or a business
1391 relationship has a connection with all or a portion of any

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1392 | proposed project shall declare the interest before voting on its
1393 | inclusion on a list.

1394 | (6) The proposal for a project pursuant to this section or
1395 | s. 259.105(3)(b) may be implemented only if adopted by the
1396 | council and approved by the board of trustees. The council shall
1397 | consider and evaluate in writing the merits and demerits of each
1398 | project that is proposed for Conservation and Recreation Lands,
1399 | Florida Preservation 2000, or Florida Forever funding and shall
1400 | ensure that each proposed project will meet a stated public
1401 | purpose for the restoration, conservation, or preservation of
1402 | environmentally sensitive lands and water areas or for providing
1403 | outdoor recreational opportunities. The council also shall
1404 | determine whether the project conforms, where applicable, with
1405 | the comprehensive plan developed pursuant to s. 259.04(1)(a), the
1406 | comprehensive multipurpose outdoor recreation plan developed
1407 | pursuant to s. 375.021, the state lands management plan adopted
1408 | pursuant to s. 253.03(7), the water resources work plans
1409 | developed pursuant to s. 373.199, and the provisions of s.
1410 | 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1411 | Section 10. Section 259.037, Florida Statutes, is amended
1412 | to read:

1413 | 259.037 Land Management Uniform Accounting Council.--

1414 | (1) The Land Management Uniform Accounting Council is
1415 | created within the Department of Environmental Protection and
1416 | shall consist of the director of the Division of State Lands, the
1417 | director of the Division of Recreation and Parks, the director of
1418 | the Office of Coastal and Aquatic Managed Areas, and the director
1419 | of the Office of Greenways and Trails of the Department of
1420 | Environmental Protection; the director of the Division of

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1421 Forestry of the Department of Agriculture and Consumer Services;
1422 the executive director of the Fish and Wildlife Conservation
1423 Commission; and the director of the Division of Historical
1424 Resources of the Department of State, or their respective
1425 designees. Each state agency represented on the council shall
1426 have one vote. The chair of the council shall rotate annually in
1427 the foregoing order of state agencies. The agency of the
1428 representative serving as chair of the council shall provide
1429 staff support for the council. The Division of State Lands shall
1430 serve as the recipient of and repository for the council's
1431 documents. The council shall meet at the request of the chair.

1432 (2) The Auditor General and the director of the Office of
1433 Program Policy Analysis and Government Accountability, or their
1434 designees, shall advise the council to ensure that appropriate
1435 accounting procedures are utilized and that a uniform method of
1436 collecting and reporting accurate costs of land management
1437 activities are created and can be used by all agencies.

1438 (3) (a) All land management activities and costs must be
1439 assigned to a specific category, and any single activity or cost
1440 may not be assigned to more than one category. Administrative
1441 costs, such as planning or training, shall be segregated from
1442 other management activities. Specific management activities and
1443 costs must initially be grouped, at a minimum, within the
1444 following categories:

- 1445 1. ~~(a)~~ Resource management.
1446 2. ~~(b)~~ Administration.
1447 3. Support.
1448 4. Capital improvements.
1449 5. Recreation visitor services.

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1450 6. Law enforcement activities.

1451 ~~(c) New facility construction.~~

1452 ~~(d) Facility maintenance.~~

1453

1454 Upon adoption of the initial list of land management categories
1455 by the council, agencies assigned to manage conservation or
1456 recreation lands shall, on July 1, 2000, begin to account for
1457 land management costs in accordance with the category to which an
1458 expenditure is assigned.

1459 (b) Each reporting agency shall also:

1460 1. Include a report of the available public use
1461 opportunities for each management unit of state land, the total
1462 management cost for public access and public use, and the cost
1463 associated with each use option.

1464 2. List the acres of land requiring minimal management
1465 effort, moderate management effort, and significant management
1466 effort pursuant to s. 259.032(11)(c). For each category created
1467 in paragraph (a), the reporting agency shall include the amount
1468 of funds requested, the amount of funds received, and the amount
1469 of funds expended for land management.

1470 3. List acres managed and cost of management for each park,
1471 preserve, forest, reserve, or management area.

1472 4. List acres managed, cost of management, and lead manager
1473 for each state lands management unit for which secondary
1474 management activities were provided.

1475 (4) The council shall report agencies' expenditures
1476 pursuant to the adopted categories to the President of the Senate
1477 and the Speaker of the House of Representatives annually,
1478 beginning July 1, 2001. The council shall also provide this

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1479 report to the Acquisition and Restoration Council and the
1480 division for inclusion in its annual report required pursuant to
1481 s. 259.036 ~~s. 259.105~~.

1482 (5) Should the council determine that the list of land
1483 management categories needs to be revised, it shall meet upon the
1484 call of the chair.

1485 (6) Biennially, each reporting agency shall also submit an
1486 operational report for each management area along with an
1487 approved management plan. The report should assess the progress
1488 toward achieving short-term and long-term management goals of the
1489 approved management plan, including all land management
1490 activities, and identify any deficiencies in management and
1491 corrective actions to address identified deficiencies as
1492 appropriate. This report shall be submitted to the Acquisition
1493 and Restoration Council and the division for inclusion in its
1494 annual report required pursuant to s. 259.036.

1495 Section 11. Subsections (3) and (7) of section 259.041,
1496 Florida Statutes, is amended to read:

1497 259.041 Acquisition of state-owned lands for preservation,
1498 conservation, and recreation purposes.--

1499 (3) No agreement to acquire real property for the purposes
1500 described in this chapter, chapter 260, or chapter 375, title to
1501 which will vest in the board of trustees, may bind the state
1502 unless and until the agreement has been reviewed and approved by
1503 the Department of Environmental Protection as complying with the
1504 requirements of this section and any rules adopted pursuant to
1505 this section. Where any of the following conditions exist, the
1506 agreement shall be submitted to and approved by the board of
1507 trustees:

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1508 (a) The purchase price agreed to by the seller exceeds the
1509 value as established pursuant to the rules of the board of
1510 trustees;

1511 (b) The contract price agreed to by the seller and
1512 acquiring agency exceeds \$1 million;

1513 (c) The acquisition is the initial purchase in a project;
1514 or

1515 (d) Other conditions that the board of trustees may adopt
1516 by rule. Such conditions may include, but not be limited to,
1517 projects where title to the property being acquired is considered
1518 nonmarketable or is encumbered in such a way as to significantly
1519 affect its management.

1520
1521 Where approval of the board of trustees is required pursuant to
1522 this subsection, the acquiring agency must provide a
1523 justification as to why it is in the public's interest to acquire
1524 the parcel or project. Approval of the board of trustees also is
1525 required for projects the department recommends acquiring
1526 pursuant to subsections (14) and (15). Review and approval of
1527 agreements for acquisitions for Florida Greenways and Trails
1528 Program properties pursuant to chapter 260 may be waived by the
1529 department in any contract with nonprofit corporations that have
1530 agreed to assist the department with this program. If the
1531 contribution of the acquiring agency exceeds \$100 million in any
1532 one fiscal year, the agreement shall be submitted to and approved
1533 by the Legislative Budget Commission.

1534 (7) Prior to approval by the board of trustees or, when
1535 applicable, the Department of Environmental Protection, of any
1536 agreement to purchase land pursuant to this chapter, chapter 260,

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1537 or chapter 375, and prior to negotiations with the parcel owner
1538 to purchase any other land, title to which will vest in the board
1539 of trustees, an appraisal of the parcel shall be required as
1540 follows:

1541 (a) The board of trustees shall adopt by rule the method
1542 for determining the value of parcels sought to be acquired by
1543 state agencies pursuant to this section.

1544 (b) Each parcel to be acquired shall have at least one
1545 appraisal. Two appraisals are required when the estimated value
1546 of the parcel exceeds \$1 million ~~\$500,000~~. However, when both
1547 appraisals exceed \$1 million ~~\$500,000~~ and differ significantly, a
1548 third appraisal may be obtained. When a parcel is estimated to be
1549 worth \$100,000 or less and the director of the Division of State
1550 Lands finds that the cost of obtaining an outside appraisal is
1551 not justified, an appraisal prepared by the division may be used.

1552 (c) Appraisal fees and associated costs shall be paid by
1553 the agency proposing the acquisition. The board of trustees shall
1554 approve qualified fee appraisal organizations. All appraisals
1555 used for the acquisition of lands pursuant to this section shall
1556 be prepared by a member of an approved appraisal organization or
1557 by a state-certified appraiser who meets the standards and
1558 criteria established in rule by the board of trustees. Each fee
1559 appraiser selected to appraise a particular parcel shall, prior
1560 to contracting with the agency or a participant in a multiparty
1561 agreement, submit to that agency or participant an affidavit
1562 substantiating that he or she has no vested or fiduciary interest
1563 in such parcel.

1564 (d) The fee appraiser and the review appraiser for the
1565 agency shall not act in any way that may be construed as

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1566 negotiating with the property owner.

1567 (e) Generally, appraisal reports are confidential and
1568 exempt from the provisions of s. 119.07(1), for use by the agency
1569 and the board of trustees, until an option contract is executed
1570 or, if no option contract is executed, until 2 weeks before a
1571 contract or agreement for purchase is considered for approval by
1572 the board of trustees. However, the department has the authority,
1573 at its discretion, to disclose appraisal reports to private
1574 landowners during negotiations for acquisitions using
1575 alternatives to fee simple techniques, if the department
1576 determines that disclosure of such reports will bring the
1577 proposed acquisition to closure. The Division of State Lands may
1578 also disclose appraisal information to public agencies or
1579 nonprofit organizations that agree to maintain the
1580 confidentiality of the reports or information when joint
1581 acquisition of property is contemplated, or when a public agency
1582 or nonprofit organization enters into a written multiparty
1583 agreement with the division to purchase and hold property for
1584 subsequent resale to the division. In addition, the division may
1585 use, as its own, appraisals obtained by a public agency or
1586 nonprofit organization, provided the appraiser is selected from
1587 the division's list of appraisers and the appraisal is reviewed
1588 and approved by the division. For the purposes of this chapter,
1589 "nonprofit organization" means an organization whose purposes
1590 include the preservation of natural resources, and which is
1591 exempt from federal income tax under s. 501(c)(3) of the Internal
1592 Revenue Code. The agency may release an appraisal report when the
1593 passage of time has rendered the conclusions of value in the
1594 report invalid or when the acquiring agency has terminated

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1595 negotiations.

1596 (f) The Division of State Lands may use, as its own,
1597 appraisals obtained by a public agency or nonprofit organization,
1598 provided that the appraiser is selected from the division's list
1599 of appraisers and the appraisal is reviewed and approved by the
1600 division. For the purposes of this chapter, the term "nonprofit
1601 organization" means an organization whose purposes include the
1602 preservation of natural resources and which is exempt from
1603 federal income tax under s. 501(c) (3) of the Internal Revenue
1604 Code.

1605
1606 Notwithstanding the provisions of this subsection, on behalf of
1607 the board and before the appraisal of parcels approved for
1608 purchase under this chapter, the Secretary of Environmental
1609 Protection or the director of the Division of State Lands may
1610 enter into option contracts to buy such parcels. Any such option
1611 contract shall state that the final purchase price is subject to
1612 approval by the board or, when applicable, the secretary and that
1613 the final purchase price may not exceed the maximum offer allowed
1614 by law. Any such option contract presented to the board for final
1615 purchase price approval shall explicitly state that payment of
1616 the final purchase price is subject to an appropriation from the
1617 Legislature. The consideration for such an option may not exceed
1618 \$1,000 or 0.01 percent of the estimate by the department of the
1619 value of the parcel, whichever amount is greater.

1620 Section 12. Section 259.105, Florida Statutes is amended to
1621 read:

1622 259.105 The Florida Forever Act.--

1623 (1) This section may be cited as the "Florida Forever Act."

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- 1624 (2) (a) The Legislature finds and declares that:
- 1625 1. Land acquisition programs have ~~The Preservation 2000~~
1626 ~~program~~ provided tremendous financial resources for purchasing
1627 environmentally significant lands to protect those lands from
1628 imminent development or alteration, thereby ensuring ~~assuring~~
1629 present and future generations' access to important waterways,
1630 open spaces, and recreation and conservation lands.
- 1631 2. The continued alteration and development of Florida's
1632 natural and rural areas to accommodate the state's ~~rapidly~~
1633 growing population have contributed to the degradation of water
1634 resources, the fragmentation and destruction of wildlife
1635 habitats, the loss of outdoor recreation space, and the
1636 diminishment of wetlands, forests, working landscapes, and
1637 coastal open space and public beaches.
- 1638 3. The potential development of Florida's remaining natural
1639 areas and escalation of land values require ~~a continuation of~~
1640 government efforts to restore, bring under public protection, or
1641 acquire lands and water areas to preserve the state's essential
1642 ecological functions and invaluable quality of life.
- 1643 4. It is essential to protect the state's ecosystems by
1644 promoting a more efficient use of land, to ensure opportunities
1645 for viable agricultural activities on working lands, and to
1646 promote vital rural and urban communities that support and
1647 produce development patterns consistent with natural resource
1648 protection.
- 1649 5.4. Florida's groundwater, surface waters, and springs are
1650 under tremendous pressure due to population growth and economic
1651 expansion and require special protection and restoration efforts,
1652 including the protection of uplands and springsheds that provide

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1653 vital recharge to aquifer systems and are critical to the
1654 protection of water quality and water quantity of the aquifers
1655 and springs. A variety of incentives should be developed for
1656 landowners to help maintain these lands, including options that
1657 encourage the cultivation of water and other ecosystem resource
1658 services. To ensure that sufficient quantities of water are
1659 available to meet the current and future needs of the natural
1660 systems and citizens of the state, and assist in achieving the
1661 planning goals of the department and the water management
1662 districts, water resource development projects on public lands,
1663 where compatible with the resource values of and management
1664 objectives for the lands, are appropriate.

1665 ~~6.5.~~ The needs of urban, suburban, and small communities in
1666 Florida for high-quality outdoor recreational opportunities,
1667 greenways, trails, and open space have not been fully met by
1668 previous acquisition programs. Through such programs as the
1669 Florida Communities Trust and the Florida Recreation Development
1670 Assistance Program, the state shall place additional emphasis on
1671 acquiring, protecting, preserving, and restoring open space,
1672 ecological greenways, and recreation properties within urban,
1673 suburban, and rural areas where pristine natural communities or
1674 water bodies no longer exist because of the proximity of
1675 developed property.

1676 ~~7.6.~~ Many of Florida's unique ecosystems, such as the
1677 Florida Everglades, are facing ecological collapse due to
1678 Florida's burgeoning population growth and other economic
1679 activities. To preserve these valuable ecosystems for future
1680 generations, essential parcels of land must be acquired to
1681 facilitate ecosystem restoration.

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1682 ~~8.7.~~ Access to public lands to support a broad range of
1683 outdoor recreational opportunities and the development of
1684 necessary infrastructure, where compatible with the resource
1685 values of and management objectives for such lands, promotes an
1686 appreciation for Florida's natural assets and improves the
1687 quality of life.

1688 ~~9.8.~~ Acquisition of lands, in fee simple, less-than-fee
1689 interest, or other techniques shall in any lesser interest,
1690 ~~should~~ be based on a comprehensive science-based assessment of
1691 Florida's natural resources which targets essential conservation
1692 lands by prioritizing all current and future acquisitions based
1693 on a uniform set of data and planned so as to protect the
1694 integrity and function of ecological systems and working
1695 landscapes, and provide multiple benefits, including preservation
1696 of fish and wildlife habitat, recreation space for urban and as
1697 ~~well as~~ rural areas, and the restoration of natural water
1698 storage, flow, and recharge.

1699 ~~10.9.~~ The state has embraced performance-based program
1700 budgeting as a tool to evaluate the achievements of publicly
1701 funded agencies, build in accountability, and reward those
1702 agencies which are able to consistently achieve quantifiable
1703 goals. While previous and existing state environmental programs
1704 have achieved varying degrees of success, few of these programs
1705 can be evaluated as to the extent of their achievements,
1706 primarily because performance measures, standards, outcomes, and
1707 goals were not established at the outset. Therefore, the Florida
1708 Forever program shall be developed and implemented in the context
1709 of measurable state goals and objectives.

1710 ~~11.10.~~ It is the intent of the Legislature to change the

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1711 focus and direction of the state's major land acquisition
1712 programs and to extend funding and bonding capabilities, so that
1713 future generations may enjoy the natural resources of Florida and
1714 the state:-

1715 a. Fulfills its role in the recovery and management of
1716 Florida's listed species;

1717 b. Provides ample public access to Florida waterways; and

1718 c. Enhances adequate water supply to meet the needs of
1719 natural systems as well as Florida residents.

1720 (b) The Legislature recognizes that acquisition of lands in
1721 fee simple is only one way to achieve the aforementioned goals
1722 and encourages the use of less-than-fee interests, other
1723 techniques, and the development of creative partnerships between
1724 governmental agencies and private landowners. Easements acquired
1725 pursuant to s. 570.71(2)(a) and (b), land protection agreements,
1726 and similar tools should be used, where appropriate, to bring
1727 environmentally sensitive tracts under an acceptable level of
1728 protection at a lower financial cost to the public, and to
1729 provide private landowners with the opportunity to enjoy and
1730 benefit from their property.

1731 (c) Public agencies or other entities that receive funds
1732 under this section shall ~~are encouraged to better~~ coordinate
1733 their expenditures so that project acquisitions, when combined
1734 with acquisitions under Florida Forever, Preservation 2000, Save
1735 Our Rivers, the Florida Communities Trust, and other public land
1736 acquisition programs, will form more complete patterns of
1737 protection for natural areas, ecological greenways, and
1738 functioning ecosystems, to better accomplish the intent of this
1739 section.

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1740 (d) A long-term financial commitment to managing Florida's
1741 public lands must accompany any new land acquisition program to
1742 ensure that the natural resource values of such lands are
1743 protected, that the public has the opportunity to enjoy the lands
1744 to their fullest potential, and that the state achieves the full
1745 benefits of its investment of public dollars. Innovative
1746 strategies such as public-private partnerships and interagency
1747 planning and sharing of resources shall be used to achieve the
1748 state's management goals.

1749 (e) With limited dollars available for restoration and
1750 acquisition of land and water areas and for providing long-term
1751 management and capital improvements, a competitive selection
1752 process shall ~~can~~ select those projects best able to meet the
1753 goals of Florida Forever and maximize the efficient use of the
1754 program's funding.

1755 (f) To ensure success and provide accountability to the
1756 citizens of this state, it is the intent of the Legislature that
1757 any cash or bond proceeds used pursuant to this section be used
1758 to implement the goals and objectives recommended by a
1759 comprehensive science-based assessment and ~~the Florida Forever~~
1760 Advisory Council as approved by the Board of Trustees of the
1761 Internal Improvement Trust Fund and the Legislature.

1762 (g) As it has with previous land acquisition programs, the
1763 Legislature recognizes the desires of the citizens of this state
1764 to prosper through economic development and to preserve the
1765 natural areas and recreational open space of Florida. The
1766 Legislature further recognizes the urgency of restoring the
1767 natural functions of public lands or water bodies before they are
1768 degraded to a point where recovery may never occur, yet

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1769 acknowledges the difficulty of ensuring adequate funding for
1770 restoration efforts in light of other equally critical financial
1771 needs of the state. It is the Legislature's desire and intent to
1772 fund the implementation of this section and to do so in a
1773 fiscally responsible manner, by issuing bonds to be repaid with
1774 documentary stamp tax or other revenue sources.

1775 (h) The Legislature further recognizes the important role
1776 that many of our state and federal military installations
1777 contribute to protecting and preserving Florida's natural
1778 resources as well as our economic prosperity. Where the state's
1779 land conservation plans overlap with the military's need to
1780 protect lands, waters, and habitat to ensure the sustainability
1781 of military missions, it is the Legislature's intent that
1782 agencies receiving funds under this program cooperate with our
1783 military partners to protect and buffer military installations
1784 and military airspace, by:

1785 1. Protecting habitat on nonmilitary land for any species
1786 found on military land that is designated as threatened or
1787 endangered, or is a candidate for such designation under the
1788 Endangered Species Act or any Florida statute;

1789 2. Protecting areas underlying low-level military air
1790 corridors or operating areas; ~~and~~

1791 3. Protecting areas identified as clear zones, accident
1792 potential zones, and air installation compatible use buffer zones
1793 delineated by our military partners; ~~and~~

1794 4. Providing the military with technical assistance to
1795 restore, enhance, and manage military land as habitat for
1796 imperiled species or species designated as threatened or
1797 endangered, or a candidate for such designation, and for the

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1798 recovery or reestablishment of such species.

1799 (3) Less the costs of issuing and the costs of funding
1800 reserve accounts and other costs associated with bonds, the
1801 proceeds of cash payments or bonds issued pursuant to this
1802 section shall be deposited into the Florida Forever Trust Fund
1803 created by s. 259.1051. The proceeds shall be distributed by the
1804 Department of Environmental Protection in the following manner:

1805 (a) Thirty ~~Thirty-five~~ percent to the Department of
1806 Environmental Protection for the acquisition of lands and capital
1807 project expenditures necessary to implement the water management
1808 districts' priority lists developed pursuant to s. 373.199. The
1809 funds are to be distributed to the water management districts as
1810 provided in subsection (11). A minimum of 50 percent of the total
1811 funds provided over the life of the Florida Forever program
1812 pursuant to this paragraph shall be used for the acquisition of
1813 lands.

1814 (b) Forty ~~Thirty-five~~ percent to the Department of
1815 Environmental Protection for the acquisition of lands and capital
1816 project expenditures described in this section. Of the proceeds
1817 distributed pursuant to this paragraph, it is the intent of the
1818 Legislature that an increased priority be given to those
1819 acquisitions which achieve a combination of conservation goals,
1820 including protecting Florida's water resources and natural
1821 groundwater recharge. At a minimum, 3 percent, and no more than
1822 10 percent, of the funds allocated pursuant to this paragraph
1823 shall be spent on capital project expenditures identified during
1824 the time of acquisition which meet land management planning
1825 activities necessary for public access ~~may not exceed 10 percent~~
1826 ~~of the funds allocated pursuant to this paragraph.~~

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1827 (c) Twenty-two percent to the Department of Community
1828 Affairs for use by the Florida Communities Trust for the purposes
1829 of part III of chapter 380, as described and limited by this
1830 subsection, and grants to local governments or nonprofit
1831 environmental organizations that are tax-exempt under s.
1832 501(c)(3) of the United States Internal Revenue Code for the
1833 acquisition of community-based projects, urban open spaces,
1834 parks, and greenways to implement local government comprehensive
1835 plans. From funds available to the trust and used for land
1836 acquisition, 75 percent shall be matched by local governments on
1837 a dollar-for-dollar basis. The Legislature intends that the
1838 Florida Communities Trust emphasize funding projects in low-
1839 income or otherwise disadvantaged communities and projects that
1840 provide areas for direct water access and water-dependent
1841 facilities that are open to the public and offer public access by
1842 vessels to waters of the state, including boat ramps and
1843 associated parking and other support facilities. At least 30
1844 percent of the total allocation provided to the trust shall be
1845 used in Standard Metropolitan Statistical Areas, but one-half of
1846 that amount shall be used in localities in which the project site
1847 is located in built-up commercial, industrial, or mixed-use areas
1848 and functions to intersperse open spaces within congested urban
1849 core areas. From funds allocated to the trust, no less than 5
1850 percent shall be used to acquire lands for recreational trail
1851 systems, provided that in the event these funds are not needed
1852 for such projects, they will be available for other trust
1853 projects. Local governments may use federal grants or loans,
1854 private donations, or environmental mitigation funds, including
1855 environmental mitigation funds required pursuant to s. 338.250,

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1856 | for any part or all of any local match required for acquisitions
1857 | funded through the Florida Communities Trust. Any lands purchased
1858 | by nonprofit organizations using funds allocated under this
1859 | paragraph must provide for such lands to remain permanently in
1860 | public use through a reversion of title to local or state
1861 | government, conservation easement, or other appropriate
1862 | mechanism. Projects funded with funds allocated to the Trust
1863 | shall be selected in a competitive process measured against
1864 | criteria adopted in rule by the Trust.

1865 | (d) Two percent to the Department of Environmental
1866 | Protection for grants pursuant to s. 375.075.

1867 | (e) One and five-tenths percent to the Department of
1868 | Environmental Protection for the purchase of inholdings and
1869 | additions to state parks and for capital project expenditures as
1870 | described in this section. At a minimum, 1 percent, and no more
1871 | than 10 percent, of the funds allocated pursuant to this
1872 | paragraph shall be spent on capital project expenditures
1873 | identified during the time of acquisition which meet land
1874 | management planning activities necessary for public access ~~may~~
1875 | ~~not exceed 10 percent of the funds allocated under this~~
1876 | ~~paragraph.~~ For the purposes of this paragraph, "state park" means
1877 | any real property in the state which is under the jurisdiction of
1878 | the Division of Recreation and Parks of the department, or which
1879 | may come under its jurisdiction.

1880 | (f) One and five-tenths percent to ~~the Division of Forestry~~
1881 | ~~of~~ the Department of Agriculture and Consumer Services to fund
1882 | easements pursuant to s. 570.71(2)(a) and (b), the acquisition of
1883 | state forest inholdings and additions pursuant to s. 589.07, the
1884 | implementation of reforestation plans or sustainable forestry

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1885 management practices, and for capital project expenditures as
1886 described in this section. At a minimum, 1 percent, and no more
1887 than 10 percent, of the funds allocated for the acquisition of
1888 inholdings and additions pursuant to this paragraph shall be
1889 spent on capital project expenditures identified during the time
1890 of acquisition which meet land management planning activities
1891 necessary for public access ~~may not exceed 10 percent of the~~
1892 ~~funds allocated under this paragraph.~~

1893 (g) One and five-tenths percent to the Fish and Wildlife
1894 Conservation Commission to fund the acquisition of inholdings and
1895 additions to lands managed by the commission which are important
1896 to the conservation of fish and wildlife and for capital project
1897 expenditures as described in this section. At a minimum, 1
1898 percent, and no more than 10 percent, of the funds allocated
1899 pursuant to this paragraph shall be spent on capital project
1900 expenditures identified during the time of acquisition which meet
1901 land management planning activities necessary for public access
1902 ~~may not exceed 10 percent of the funds allocated under this~~
1903 ~~paragraph.~~

1904 (h) One and five-tenths percent to the Department of
1905 Environmental Protection for the Florida Greenways and Trails
1906 Program, to acquire greenways and trails or greenways and trail
1907 systems pursuant to chapter 260, including, but not limited to,
1908 abandoned railroad rights-of-way and the Florida National Scenic
1909 Trail and for capital project expenditures as described in this
1910 section. At a minimum, 1 percent, and no more than 10 percent, of
1911 the funds allocated pursuant to this paragraph shall be spent on
1912 capital project expenditures identified during the time of
1913 acquisition which meet land management planning activities

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1914 necessary for public access ~~may not exceed 10 percent of the~~
1915 ~~funds allocated under this paragraph.~~

1916 (i) It is the intent of the Legislature that cash payments
1917 or proceeds of Florida Forever bonds distributed under this
1918 section shall be expended in an efficient and fiscally
1919 responsible manner. An agency that receives proceeds from Florida
1920 Forever bonds under this section may not maintain a balance of
1921 unencumbered funds in its Florida Forever subaccount beyond 3
1922 fiscal years from the date of deposit of funds from each bond
1923 issue. Any funds that have not been expended or encumbered after
1924 3 fiscal years from the date of deposit shall be distributed by
1925 the Legislature at its next regular session for use in the
1926 Florida Forever program.

1927 (j) For the purposes of paragraphs ~~(d)~~, (e), (f), ~~and~~ (g),
1928 and (h), the agencies that ~~which~~ receive the funds shall develop
1929 their individual acquisition or restoration lists in accordance
1930 with specific criteria and numeric performance measures developed
1931 pursuant s. 259.035(4). Proposed additions may be acquired if
1932 they are identified within the original project boundary, the
1933 management plan required pursuant to s. 253.034(5), or the
1934 management prospectus required pursuant to s. 259.032(9)(d).
1935 Proposed additions not meeting the requirements of this paragraph
1936 shall be submitted to the Acquisition and Restoration Council for
1937 approval. The council may only approve the proposed addition if
1938 it meets two or more of the following criteria: serves as a link
1939 or corridor to other publicly owned property; enhances the
1940 protection or management of the property; would add a desirable
1941 resource to the property; would create a more manageable boundary
1942 configuration; has a high resource value that otherwise would be

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1943 unprotected; or can be acquired at less than fair market value.

1944 (4) It is the intent of the Legislature that projects or
1945 acquisitions funded pursuant to paragraphs (3) (a) and (b)
1946 contribute to the achievement of the following goals, which shall
1947 be evaluated in accordance with specific criteria and numeric
1948 performance measures developed pursuant s. 259.035(4):

1949 (a) Enhance the coordination and completion of land
1950 acquisition projects, as measured by:

1951 1. The number of acres acquired through the state's land
1952 acquisition programs that contribute to the enhancement of
1953 essential natural resources, ecosystem service parcels, and
1954 connecting linkage corridors as identified and developed by the
1955 best available scientific analysis ~~completion of Florida~~
1956 ~~Preservation 2000 projects or projects begun before Preservation~~
1957 ~~2000;~~

1958 2. The number of acres protected through the use of
1959 alternatives to fee simple acquisition; or

1960 3. The number of shared acquisition projects among Florida
1961 Forever funding partners and partners with other funding sources,
1962 including local governments and the Federal Government.

1963 (b) Increase the protection of Florida's biodiversity at
1964 the species, natural community, and landscape levels, as measured
1965 by:

1966 1. The number of acres acquired of significant strategic
1967 habitat conservation areas;

1968 2. The number of acres acquired of highest priority
1969 conservation areas for Florida's rarest species;

1970 3. The number of acres acquired of significant landscapes,
1971 landscape linkages, and conservation corridors, giving priority

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1972 to completing linkages;

1973 4. The number of acres acquired of underrepresented native
1974 ecosystems;

1975 5. The number of landscape-sized protection areas of at
1976 least 50,000 acres that exhibit a mosaic of predominantly intact
1977 or restorable natural communities established through new
1978 acquisition projects or augmentations to previous projects; or

1979 6. The percentage increase in the number of occurrences of
1980 endangered species, threatened species, or species of special
1981 concern on publicly managed conservation areas.

1982 (c) Protect, restore, and maintain the quality and natural
1983 functions of land, water, and wetland systems of the state, as
1984 measured by:

1985 1. The number of acres of publicly owned land identified as
1986 needing restoration, acres undergoing restoration, and acres with
1987 restoration activities completed;

1988 2. The percentage of water segments that fully meet,
1989 partially meet, or do not meet their designated uses as reported
1990 in the Department of Environmental Protection's State Water
1991 Quality Assessment 305(b) Report;

1992 3. The percentage completion of targeted capital
1993 improvements in surface water improvement and management plans
1994 created under s. 373.453(2), regional or master stormwater
1995 management system plans, or other adopted restoration plans;

1996 4. The number of acres acquired that protect natural
1997 floodplain functions;

1998 5. The number of acres acquired that protect surface waters
1999 of the state;

2000 6. The number of acres identified for acquisition to

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2001 minimize damage from flooding and the percentage of those acres
2002 acquired;

2003 7. The number of acres acquired that protect fragile
2004 coastal resources;

2005 8. The number of acres of functional wetland systems
2006 protected;

2007 9. The percentage of miles of critically eroding beaches
2008 contiguous with public lands that are restored or protected from
2009 further erosion;

2010 10. The percentage of public lakes and rivers in which
2011 invasive, nonnative aquatic plants are under maintenance control;
2012 ~~or~~

2013 11. The number of acres of public conservation lands in
2014 which upland invasive, exotic plants are under maintenance
2015 control; or.

2016 12. The number of acres restored or enhanced which serve as
2017 habitat for listed species and advance the goals and objectives
2018 of the Florida Fish and Wildlife Conservation Commission's
2019 approved species or habitat recovery plans.

2020 (d) Ensure that sufficient quantities of water are
2021 available to meet the current and future needs of natural systems
2022 and the citizens of the state, as measured by:

2023 1. The number of acres acquired which provide retention and
2024 storage of surface water in naturally occurring storage areas,
2025 such as lakes and wetlands, consistent with the maintenance of
2026 water resources or water supplies and consistent with district
2027 water supply plans;

2028 2. The quantity of water made available through the water
2029 resource development component of a district water supply plan

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2030 for which a water management district is responsible; or
2031 3. The number of acres acquired of groundwater recharge
2032 areas critical to springs, sinks, aquifers, other natural
2033 systems, or water supply.

2034 (e) Increase natural resource-based public recreational and
2035 educational opportunities, as measured by:

2036 1. The number of acres acquired that are available for
2037 natural resource-based public recreation or education;

2038 2. The miles of trails that are available for public
2039 recreation, giving priority to those that provide significant
2040 connections including those that will assist in completing the
2041 Florida National Scenic Trail; or

2042 3. The number of new resource-based recreation facilities,
2043 by type, made available on public land.

2044 (f) Preserve significant archaeological or historic sites,
2045 as measured by:

2046 1. The increase in the number of and percentage of historic
2047 and archaeological properties listed in the Florida Master Site
2048 File or National Register of Historic Places which are protected
2049 or preserved for public use; or

2050 2. The increase in the number and percentage of historic
2051 and archaeological properties that are in state ownership.

2052 (g) Increase the amount of forestland available for
2053 sustainable management of natural resources, as measured by:

2054 1. The number of acres acquired that are available for
2055 sustainable forest management;

2056 2. The number of acres of state-owned forestland managed
2057 for economic return in accordance with current best management
2058 practices;

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2059 3. The number of acres of forestland acquired that will
2060 serve to maintain natural groundwater recharge functions; or

2061 4. The percentage and number of acres identified for
2062 restoration actually restored by reforestation.

2063 (h) Increase the amount of open space available in urban
2064 areas, as measured by:

2065 1. The percentage of local governments that participate in
2066 land acquisition programs and acquire open space in urban cores;
2067 or

2068 2. The percentage and number of acres of purchases of open
2069 space within urban service areas.

2070
2071 Florida Forever projects and acquisitions funded pursuant to
2072 paragraph (3) (c) shall be measured by goals developed by rule by
2073 the Florida Communities Trust Governing Board created in s.
2074 380.504.

2075 (5) (a) All lands acquired pursuant to this section shall be
2076 managed for multiple-use purposes, where compatible with the
2077 resource values of and management objectives for such lands. As
2078 used in this section, "multiple-use" includes, but is not limited
2079 to, outdoor recreational activities as described in ss. 253.034
2080 and 259.032(9) (b), water resource development projects, ~~and~~
2081 sustainable forestry management, carbon sequestration, carbon
2082 mitigation, or carbon offsets.

2083 (b) Upon a decision by the entity in which title to lands
2084 acquired pursuant to this section has vested, such lands may be
2085 designated single use as defined in s. 253.034(2) (b).

2086 (c) For purposes of this section, the Board of Trustees of
2087 the Internal Improvement Trust Fund shall adopt rules that

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2088 pertain to the use of state lands for carbon sequestration,
2089 carbon mitigation, or carbon offsets and that provide for
2090 climate-change-related benefits.

2091 (6) As provided in this section, a water resource or water
2092 supply development project may be allowed only if the following
2093 conditions are met: minimum flows and levels have been
2094 established for those waters, if any, which may reasonably be
2095 expected to experience significant harm to water resources as a
2096 result of the project; the project complies with all applicable
2097 permitting requirements; and the project is consistent with the
2098 regional water supply plan, if any, of the water management
2099 district and with relevant recovery or prevention strategies if
2100 required pursuant to s. 373.0421(2).

2101 (7) (a) Beginning no later than July 1, 2001, and every year
2102 thereafter, the Acquisition and Restoration Council shall accept
2103 applications from state agencies, local governments, nonprofit
2104 and for-profit organizations, private land trusts, and
2105 individuals for project proposals eligible for funding pursuant
2106 to paragraph (3) (b). The council shall evaluate the proposals
2107 received pursuant to this subsection to ensure that they meet at
2108 least one of the criteria under subsection (9).

2109 (b) Project applications shall contain, at a minimum, the
2110 following:

2111 1. A minimum of two numeric performance measures that
2112 directly relate to the overall goals adopted by the council. Each
2113 performance measure shall include a baseline measurement, which
2114 is the current situation; a performance standard which the
2115 project sponsor anticipates the project will achieve; and the
2116 performance measurement itself, which should reflect the

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2117 incremental improvements the project accomplishes towards
2118 achieving the performance standard.

2119 2. Proof that property owners within any proposed
2120 acquisition have been notified of their inclusion in the proposed
2121 project. Any property owner may request the removal of such
2122 property from further consideration by submitting a request to
2123 the project sponsor or the Acquisition and Restoration Council by
2124 certified mail. Upon receiving this request, the council shall
2125 delete the property from the proposed project; however, the board
2126 of trustees, at the time it votes to approve the proposed project
2127 lists pursuant to subsection (16), may add the property back on
2128 to the project lists if it determines by a super majority of its
2129 members that such property is critical to achieve the purposes of
2130 the project.

2131 (c) The title to lands acquired under this section shall
2132 vest in the Board of Trustees of the Internal Improvement Trust
2133 Fund, except that title to lands acquired by a water management
2134 district shall vest in the name of that district and lands
2135 acquired by a local government shall vest in the name of the
2136 purchasing local government. All deeds or leases with respect to
2137 any real property acquired using funds received by a water
2138 management district pursuant to this section shall contain a
2139 reversion, conveyance, or termination clause that will vest title
2140 in the Board of Trustees of the Internal Improvement Trust Fund
2141 prior to any disposition or disposal of such lands as surplus.

2142 (8) The Acquisition and Restoration Council shall develop a
2143 project list that shall represent those projects submitted
2144 pursuant to subsection (7).

2145 (9) The Acquisition and Restoration Council shall recommend

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2146 rules for adoption by the board of trustees to competitively
2147 evaluate, select, and rank projects eligible for Florida Forever
2148 funds pursuant to paragraph (3) (b) and for additions to the
2149 Conservation and Recreation Lands list pursuant to ss. 259.032
2150 and 259.101(4). In developing these proposed rules, the
2151 Acquisition and Restoration Council shall give weight to the
2152 following criteria:

2153 (a) The project meets multiple goals described in
2154 subsection (4).

2155 (b) The project is part of an ongoing governmental effort
2156 to restore, protect, or develop land areas or water resources.

2157 (c) The project enhances or facilitates management of
2158 properties already under public ownership.

2159 (d) The project has significant archaeological or historic
2160 value.

2161 (e) The project has funding sources that are identified and
2162 assured through at least the first 2 years of the project.

2163 (f) The project contributes to the solution of water
2164 resource problems on a regional basis.

2165 (g) The project has a significant portion of its land area
2166 in imminent danger of development, in imminent danger of losing
2167 its significant natural attributes or recreational open space, or
2168 in imminent danger of subdivision which would result in multiple
2169 ownership and make acquisition of the project costly or less
2170 likely to be accomplished.

2171 (h) The project implements an element from a plan developed
2172 by an ecosystem management team.

2173 (i) The project is one of the components of the Everglades
2174 restoration effort.

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2175 (j) The project may be purchased at 80 percent of appraised
2176 value.

2177 (k) The project may be acquired, in whole or in part, using
2178 tax incentives, mitigation funds, or other revenues and
2179 alternatives to fee simple, including but not limited to,
2180 purchase of development rights, hunting rights, agricultural or
2181 silvicultural rights, or mineral rights or obtaining conservation
2182 easements or flowage easements.

2183 (l) The project is a joint acquisition, either among public
2184 agencies, nonprofit organizations, or private entities, or by a
2185 public-private partnership.

2186 (10) The Acquisition and Restoration Council shall give
2187 increased priority to those projects for which matching funds are
2188 available and to project elements previously identified on an
2189 acquisition list pursuant to this section that can be acquired at
2190 80 percent or less of appraised value. The council shall also
2191 give increased priority to those projects where the state's land
2192 conservation plans overlap with the military's need to protect
2193 lands, water, and habitat to ensure the sustainability of
2194 military missions including:

2195 (a) Protecting habitat on nonmilitary land for any species
2196 found on military land that is designated as threatened or
2197 endangered, or is a candidate for such designation under the
2198 Endangered Species Act or any Florida statute;

2199 (b) Protecting areas underlying low-level military air
2200 corridors or operating areas; and

2201 (c) Protecting areas identified as clear zones, accident
2202 potential zones, and air installation compatible use buffer zones
2203 delineated by our military partners, and for which federal or

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2204 other funding is available to assist with the project.

2205 (11) For the purposes of funding projects pursuant to
2206 paragraph (3) (a), the Secretary of Environmental Protection shall
2207 ensure that each water management district receives the following
2208 percentage of funds annually:

2209 (a) Thirty-five percent to the South Florida Water
2210 Management District, of which amount \$25 million for 2 years
2211 beginning in fiscal year 2000-2001 shall be transferred by the
2212 Department of Environmental Protection into the Save Our
2213 Everglades Trust Fund and shall be used exclusively to implement
2214 the comprehensive plan under s. 373.470.

2215 (b) Twenty-five percent to the Southwest Florida Water
2216 Management District.

2217 (c) Twenty-five percent to the St. Johns River Water
2218 Management District.

2219 (d) Seven and one-half percent to the Suwannee River Water
2220 Management District.

2221 (e) Seven and one-half percent to the Northwest Florida
2222 Water Management District.

2223 (12) It is the intent of the Legislature that in developing
2224 the list of projects for funding pursuant to paragraph (3) (a),
2225 that these funds not be used to abrogate the financial
2226 responsibility of those point and nonpoint sources that have
2227 contributed to the degradation of water or land areas. Therefore,
2228 an increased priority shall be given by the water management
2229 district governing boards to those projects that have secured a
2230 cost-sharing agreement allocating responsibility for the cleanup
2231 of point and nonpoint sources.

2232 (13) An affirmative vote of five members of the Acquisition

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2233 and Restoration Council shall be required in order to place a
2234 proposed project on the list developed pursuant to subsection
2235 (8). Any member of the council who by family or a business
2236 relationship has a connection with any project proposed to be
2237 ranked shall declare such interest prior to voting for a
2238 project's inclusion on the list.

2239 (14) Each year that cash disbursements or bonds are to be
2240 issued pursuant to this section, the Acquisition and Restoration
2241 Council shall review the most current approved project list and
2242 shall, by the first board meeting in May, present to the Board of
2243 Trustees of the Internal Improvement Trust Fund for approval a
2244 listing of projects developed pursuant to subsection (8). The
2245 board of trustees may remove projects from the list developed
2246 pursuant to this subsection, but may not add projects or
2247 rearrange project rankings.

2248 (15) The Acquisition and Restoration Council shall submit
2249 to the board of trustees, with its list of projects, a report
2250 that includes, but shall not be limited to, the following
2251 information for each project listed:

2252 (a) The stated purpose for inclusion.

2253 (b) Projected costs to achieve the project goals.

2254 (c) An interim management budget that includes all costs
2255 associated with immediate public access.

2256 (d) Specific performance measures.

2257 (e) Plans for public access.

2258 (f) An identification of the essential parcel or parcels
2259 within the project without which the project cannot be properly
2260 managed.

2261 (g) Where applicable, an identification of those projects

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2262 or parcels within projects which should be acquired in fee simple
2263 or in less than fee simple.

2264 (h) An identification of those lands being purchased for
2265 conservation purposes.

2266 (i) A management policy statement for the project and a
2267 management prospectus pursuant to s. 259.032(9)(d).

2268 (j) An estimate of land value based on county tax assessed
2269 values.

2270 (k) A map delineating project boundaries.

2271 (l) An assessment of the project's ecological value,
2272 outdoor recreational value, forest resources, wildlife resources,
2273 ownership pattern, utilization, and location.

2274 (m) A discussion of whether alternative uses are proposed
2275 for the property and what those uses are.

2276 (n) A designation of the management agency or agencies.

2277 (16) All proposals for projects pursuant to paragraph
2278 (3)(b) ~~or subsection (20)~~ shall be implemented only if adopted by
2279 the Acquisition and Restoration Council and approved by the board
2280 of trustees. The council shall consider and evaluate in writing
2281 the merits and demerits of each project that is proposed for
2282 Florida Forever funding and each proposed addition to the
2283 Conservation and Recreation Lands list program. The council shall
2284 ensure that each proposed project will meet a stated public
2285 purpose for the restoration, conservation, or preservation of
2286 environmentally sensitive lands and water areas or for providing
2287 outdoor recreational opportunities and that each proposed
2288 addition to the Conservation and Recreation Lands list will meet
2289 the public purposes under s. 259.032(3) and, when applicable, s.
2290 259.101(4). The council also shall determine whether the project

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2291 or addition conforms, where applicable, with the comprehensive
2292 plan developed pursuant to s. 259.04(1)(a), the comprehensive
2293 multipurpose outdoor recreation plan developed pursuant to s.
2294 375.021, the state lands management plan adopted pursuant to s.
2295 253.03(7), the water resources work plans developed pursuant to
2296 s. 373.199, and the provisions of this section.

2297 (17) On an annual basis, the Division of State Lands shall
2298 prepare an annual work plan that prioritizes projects on the
2299 Florida Forever list and sets forth the funding available in the
2300 fiscal year for land acquisition. The work plan shall consider
2301 the following categories of expenditure for land conservation
2302 projects already selected for the Florida Forever list pursuant
2303 to subsection (8):

2304 (a) A critical natural lands category, including functional
2305 landscape-scale natural systems, intact large hydrological
2306 systems, lands that have significant imperiled natural
2307 communities, and corridors linking large landscapes, as
2308 identified and developed by the best available scientific
2309 analysis.

2310 (b) A partnerships or regional incentive category,
2311 including:

2312 1. Projects where local and regional cost-share agreements
2313 provide a lower cost and greater conservation benefit to the
2314 people of the state. Additional consideration shall be provided
2315 under this category where parcels are identified as part of a
2316 local or regional visioning process and are supported by
2317 scientific analysis; and

2318 2. Bargain and shared projects where the state will receive
2319 a significant reduction in price for public ownership of land as

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2320 a result of the removal of development rights or other interests
2321 in lands or receives alternative or matching funds.

2322 (c) A substantially complete category of projects where
2323 mainly inholdings, additions, and linkages between preserved
2324 areas will be acquired and where 85 percent of the project is
2325 complete.

2326 (d) A climate-change category list of lands where
2327 acquisition or other conservation measures will address the
2328 challenges of global climate change, such as through protection,
2329 restoration, mitigation, and strengthening of Florida's land,
2330 water, and coastal resources. This category includes lands that
2331 provide opportunities to sequester carbon, provide habitat,
2332 protect coastal lands or barrier islands, and otherwise mitigate
2333 and help adapt to the effects of sea-level rise and meet other
2334 objectives of the program.

2335 (e) A less-than-fee category for working agricultural lands
2336 that significantly contribute to resource protection through
2337 conservation easements and other less-than-fee techniques, tax
2338 incentives, life estates, landowner agreements, and other
2339 partnerships, including conservation easements acquired in
2340 partnership with federal conservation programs, which will
2341 achieve the objectives of Florida Forever while allowing the
2342 continuation of compatible agricultural uses on the land. Terms
2343 of easements proposed for acquisition under this category shall
2344 be jointly developed by the Division of State Lands and the
2345 Department of Agriculture and Consumer Services. By January 1,
2346 2009, the Commissioner of Agriculture and the Secretary of
2347 Environmental Protection shall enter into an interagency
2348 agreement establishing the procedures for such projects.

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2349
2350 Projects within each category shall be ranked by order of
2351 priority. The work plan shall be adopted by the Acquisition and
2352 Restoration Council after at least one public hearing. A copy of
2353 the work plan shall be provided to the board of trustees of the
2354 Internal Improvement Trust Fund no later than October 1 of each
2355 year.

2356 (18)~~(17)~~ (a) The Board of Trustees of the Internal
2357 Improvement Trust Fund, or, in the case of water management
2358 district lands, the owning water management district, may
2359 authorize the granting of a lease, easement, or license for the
2360 use of certain lands acquired pursuant to this section, for
2361 certain uses that are determined by the appropriate board to be
2362 compatible with the resource values of and management objectives
2363 for such lands.

2364 (b) Any existing lease, easement, or license acquired for
2365 incidental public or private use on, under, or across any lands
2366 acquired pursuant to this section shall be presumed to be
2367 compatible with the purposes for which such lands were acquired.

2368 (c) Notwithstanding the provisions of paragraph (a), no
2369 such lease, easement, or license shall be entered into by the
2370 Department of Environmental Protection or other appropriate state
2371 agency if the granting of such lease, easement, or license would
2372 adversely affect the exclusion of the interest on any revenue
2373 bonds issued to fund the acquisition of the affected lands from
2374 gross income for federal income tax purposes, pursuant to
2375 Internal Revenue Service regulations.

2376 (19)~~(18)~~ The Acquisition and Restoration Council shall
2377 recommend adoption of rules by the board of trustees necessary to

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2378 | implement the provisions of this section relating to:
2379 | solicitation, scoring, selecting, and ranking of Florida Forever
2380 | project proposals; disposing of or leasing lands or water areas
2381 | selected for funding through the Florida Forever program; and the
2382 | process of reviewing and recommending for approval or rejection
2383 | the land management plans associated with publicly owned
2384 | properties. Rules promulgated pursuant to this subsection shall
2385 | be submitted to the President of the Senate and the Speaker of
2386 | the House of Representatives, for review by the Legislature, no
2387 | later than 30 days prior to the 2010 ~~2001~~ Regular Session and
2388 | shall become effective only after legislative review. In its
2389 | review, the Legislature may reject, modify, or take no action
2390 | relative to such rules. The board of trustees shall conform such
2391 | rules to changes made by the Legislature, or, if no action was
2392 | taken by the Legislature, such rules shall become effective.

2393 | ~~(20)-(19)~~ Lands listed as projects for acquisition under the
2394 | Florida Forever program may be managed for conservation pursuant
2395 | to s. 259.032, on an interim basis by a private party in
2396 | anticipation of a state purchase in accordance with a contractual
2397 | arrangement between the acquiring agency and the private party
2398 | that may include management service contracts, leases, cost-share
2399 | arrangements, or resource conservation agreements. Lands
2400 | designated as eligible under this subsection shall be managed to
2401 | maintain or enhance the resources the state is seeking to protect
2402 | by acquiring the land and to accelerate public access to the
2403 | lands as soon as practicable. Funding for these contractual
2404 | arrangements may originate from the documentary stamp tax revenue
2405 | deposited into the Conservation and Recreation Lands Trust Fund
2406 | and Water Management Lands Trust Fund. No more than 5 percent of

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2407 funds allocated under the trust funds shall be expended for this
2408 purpose.

2409 ~~(20) The Acquisition and Restoration Council, as successors~~
2410 ~~to the Land Acquisition and Management Advisory Council, may~~
2411 ~~amend existing Conservation and Recreation Lands projects and add~~
2412 ~~to or delete from the 2000 Conservation and Recreation Lands list~~
2413 ~~until funding for the Conservation and Recreation Lands program~~
2414 ~~has been expended. The amendments to the 2000 Conservation and~~
2415 ~~Recreation Lands list will be reported to the board of trustees~~
2416 ~~in conjunction with the council's report developed pursuant to~~
2417 ~~subsection (15).~~

2418 Section 13. Subsection (1) of section 259.1051, Florida
2419 Statutes, is amended to read:

2420 259.1051 Florida Forever Trust Fund.--

2421 (1) There is created the Florida Forever Trust Fund to
2422 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
2423 375.031. The Florida Forever Trust Fund shall be held and
2424 administered by the Department of Environmental Protection.
2425 Proceeds from the sale of bonds, except proceeds of refunding
2426 bonds, issued under s. 215.618 and payable from moneys
2427 transferred to the Land Acquisition Trust Fund under s.
2428 201.15(1)(a), not to exceed \$5.3 ~~\$3~~ billion, must be deposited
2429 into this trust fund to be distributed and used as provided in s.
2430 259.105(3). The bond resolution adopted by the governing board of
2431 the Division of Bond Finance of the State Board of Administration
2432 may provide for additional provisions that govern the
2433 disbursement of the bond proceeds.

2434 Section 14. Subsection (7) is added to section 373.089,
2435 Florida Statutes, to read:

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2436 373.089 Sale or exchange of lands, or interests or rights
2437 in lands.--The governing board of the district may sell lands, or
2438 interests or rights in lands, to which the district has acquired
2439 title or to which it may hereafter acquire title in the following
2440 manner:

2441 (7) Notwithstanding other provisions of this section, the
2442 governing board shall first offer title to lands acquired in
2443 whole or in part with Florida Forever funds which are determined
2444 to be no longer needed for conservation purposes to the Board of
2445 Trustees of the Internal Improvement Trust Fund unless the
2446 disposition of those lands are for the following purposes:

2447 (a) Linear facilities, including electric transmission and
2448 distribution facilities, telecommunication transmission and
2449 distribution facilities, pipeline transmission and distribution
2450 facilities, public transportation corridors, and related
2451 appurtenances.

2452 (b) The disposition of the fee interest in the land where a
2453 conservation easement is retained by the district to fulfill the
2454 conservation objectives for which the land was acquired.

2455 (c) An exchange of the land for other lands that meet or
2456 exceed the conservation objectives for which the original land
2457 was acquired in accordance with subsection (4).

2458 (d) To be used by a governmental entity for a public
2459 purpose.

2460
2461 In the event the Board of Trustees of the Internal Improvement
2462 Trust Fund declines to accept title to the lands offered under
2463 this section, the land may be disposed of by the district under
2464 the provisions of this section.

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2465 Section 15. Subsection (1) of section 373.1391, Florida
2466 Statutes, is amended to read:

2467 373.1391 Management of real property.--

2468 (1)(a) Lands titled to the governing boards of the
2469 districts shall be managed and maintained, to the extent
2470 practicable, in such a way as to ensure a balance between public
2471 access, general public recreational purposes, and restoration and
2472 protection of their natural state and condition. Except when
2473 prohibited by a covenant or condition described in s. 373.056(2),
2474 lands owned, managed, and controlled by the district may be used
2475 for multiple purposes, including, but not limited to,
2476 agriculture, silviculture, and water supply, as well as boating
2477 and other recreational uses.

2478 (b) Whenever practicable, such lands shall be open to the
2479 general public for recreational uses. General public recreational
2480 purposes shall include, but not be limited to, fishing, hunting,
2481 horseback riding, swimming, camping, hiking, canoeing, boating,
2482 diving, birding, sailing, jogging, and other related outdoor
2483 activities to the maximum extent possible considering the
2484 environmental sensitivity and suitability of those lands. These
2485 public lands shall be evaluated for their resource value for the
2486 purpose of establishing which parcels, in whole or in part,
2487 annually or seasonally, would be conducive to general public
2488 recreational purposes. Such findings shall be included in
2489 management plans which are developed for such public lands. These
2490 lands shall be made available to the public for these purposes,
2491 unless the district governing board can demonstrate that such
2492 activities would be incompatible with the purposes for which
2493 these lands were acquired. The department in its supervisory

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2494 capacity shall ensure that the districts provide consistent
2495 levels of public access to district lands, consistent with the
2496 purposes for which the lands were acquired.

2497 (c) In developing or reviewing land management plans when a
2498 dispute arises that has not been resolved by a water management
2499 district's final agency action, that dispute must be resolved
2500 under chapter 120.

2501 (d) For any fee simple acquisition of a parcel which is or
2502 will be leased back for agricultural purposes, or for any
2503 acquisition of a less-than-fee interest in lands that is or will
2504 be used for agricultural purposes, the district governing board
2505 shall first consider having a soil and water conservation
2506 district created pursuant to chapter 582 manage and monitor such
2507 interest.

2508 Section 16. Subsection (4) of section 373.199, Florida
2509 Statutes, is amended to read:

2510 373.199 Florida Forever Water Management District Work
2511 Plan.--

2512 (4) The list submitted by the districts shall include,
2513 where applicable, the following information for each project:

2514 (a) A description of the water body system, its historical
2515 and current uses, and its hydrology; a history of the conditions
2516 which have led to the need for restoration or protection; and a
2517 synopsis of restoration efforts that have occurred to date, if
2518 applicable.

2519 (b) An identification of all governmental units that have
2520 jurisdiction over the water body and its drainage basin within
2521 the approved surface water improvement and management plan area,
2522 including local, regional, state, and federal units.

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2523 (c) A description of land uses within the project area's
2524 drainage basin, and of important tributaries, point and nonpoint
2525 sources of pollution, and permitted discharge activities
2526 associated with that basin.

2527 (d) A description of strategies and potential strategies,
2528 including improved stormwater management, for restoring or
2529 protecting the water body to Class III or better surface water
2530 quality status.

2531 (e) A listing and synopsis of studies that are being or
2532 have been prepared for the water body, stormwater management
2533 project, or water resource development project.

2534 (f) A description of the measures needed to manage and
2535 maintain the water body once it has been restored and to prevent
2536 future degradation, to manage and maintain the stormwater
2537 management system, or to manage and maintain the water resource
2538 development project.

2539 (g) A schedule for restoration and protection of the water
2540 body, implementation of the stormwater management project, or
2541 development of the water resource development project.

2542 (h) A clear and concise ~~An~~ estimate of the funding needed
2543 to carry out the restoration, protection, or improvement project,
2544 or the development of new water resources, where applicable, and
2545 a clear and concise identification of the projected sources and
2546 uses of Florida Forever funds ~~of the funding~~.

2547 (i) Numeric performance measures for each project. Each
2548 performance measure shall include a baseline measurement, which
2549 is the current situation; a performance standard, which water
2550 management district staff anticipates the project will achieve;
2551 and the performance measurement itself, which should reflect the

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2552 incremental improvements the project accomplishes towards
2553 achieving the performance standard. These measures shall reflect
2554 the relevant goals detailed in s. 259.105(4).

2555 (j) A discussion of permitting and other regulatory issues
2556 related to the project.

2557 (k) An identification of the proposed public access for
2558 projects with land acquisition components, including the Florida
2559 National Scenic Trail.

2560 (l) An identification of those lands which require a full
2561 fee simple interest to achieve water management goals and those
2562 lands which can be acquired using alternatives to fee simple
2563 acquisition techniques and still achieve such goals. In their
2564 evaluation of which lands would be appropriate for acquisition
2565 through alternatives to fee simple, district staff shall consider
2566 criteria including, but not limited to, acquisition costs, the
2567 net present value of future land management costs, the net
2568 present value of ad valorem revenue loss to the local government,
2569 and potential for revenue generated from activities compatible
2570 with acquisition objectives.

2571 (m) An identification of lands needed to protect or
2572 recharge groundwater and a plan for their acquisition as
2573 necessary to protect potable water supplies. Lands which serve to
2574 protect or recharge groundwater identified pursuant to this
2575 paragraph shall also serve to protect other valuable natural
2576 resources or provide space for natural resource based recreation.

2577 Section 17. Subsection (3) of section 375.075, Florida
2578 Statutes, is amended to read:

2579 375.075 Outdoor recreation; financial assistance to local
2580 governments.--

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2581 (3) A local government may submit up to three ~~two~~ grant
2582 applications during each application period announced by the
2583 department. However, a local government may not have more than
2584 four ~~three~~ active projects expending grant funds during any state
2585 fiscal year. The maximum project grant for each project
2586 application may not exceed \$500,000 ~~\$200,000~~ in state funds.
2587 Section 18. This act shall take effect July 1, 2008.