

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

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

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

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88 F.S., relating to the Florida Forever Trust Fund;
89 increasing bonding authority; amending s. 373.089,
90 F.S.; clarifying the process for disposing of surplus
91 lands; amending s. 373.1391, F.S.; providing additional
92 oversight authority to the department; amending s.
93 373.199, F.S.; clarifying work plan requirements;
94 transferring all statutory powers, duties, functions,
95 records, personnel, property, and unexpended balances
96 of appropriations, allocations, or other funds related
97 to the Florida Communities Trust from the Department of
98 Community Affairs to the Department of Environmental
99 Protection; requesting that the Division of Statutory
100 Revision of the Office of Legislative Services prepare
101 a reviser's bill to conform certain provisions of state
102 law to changes made by the act; providing an effective
103 date.

104
105 Be It Enacted by the Legislature of the State of Florida:

106
107 Section 1. Paragraph (a) of subsection (1) of section
108 201.15, Florida Statutes, is amended to read:

109 201.15 Distribution of taxes collected.--All taxes
110 collected under this chapter shall be distributed as follows and
111 shall be subject to the service charge imposed in s. 215.20(1),
112 except that such service charge shall not be levied against any
113 portion of taxes pledged to debt service on bonds to the extent
114 that the amount of the service charge is required to pay any
115 amounts relating to the bonds:

116 (1) Sixty-two and sixty-three hundredths percent of the

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117 remaining taxes collected under this chapter shall be used for
118 the following purposes:

119 (a) Amounts as shall be necessary to pay the debt service
120 on, or fund debt service reserve funds, rebate obligations, or
121 other amounts payable with respect to Preservation 2000 bonds
122 issued pursuant to s. 375.051 and Florida Forever bonds issued
123 pursuant to s. 215.618, shall be paid into the State Treasury to
124 the credit of the Land Acquisition Trust Fund to be used for such
125 purposes. The amount transferred to the Land Acquisition Trust
126 Fund shall not exceed \$300 million in fiscal year 1999-2000 and
127 thereafter for Preservation 2000 bonds and bonds issued to refund
128 Preservation 2000 bonds, and \$300 million in fiscal year 2000-
129 2001 and thereafter for Florida Forever bonds. The annual amount
130 transferred to the Land Acquisition Trust Fund for Florida
131 Forever bonds shall not exceed \$30 million in the first fiscal
132 year in which bonds are issued. The limitation on the amount
133 transferred shall be increased by an additional \$30 million in
134 each subsequent fiscal year, but shall not exceed a total of \$300
135 million in any fiscal year for all bonds issued. It is the intent
136 of the Legislature that all bonds issued to fund the Florida
137 Forever Act be retired by December 31, 2040 ~~2030~~. Except for
138 bonds issued to refund previously issued bonds, no series of
139 bonds may be issued pursuant to this paragraph unless such bonds
140 are approved and the debt service for the remainder of the fiscal
141 year in which the bonds are issued is specifically appropriated
142 in the General Appropriations Act. For purposes of refunding
143 Preservation 2000 bonds, amounts designated within this section
144 for Preservation 2000 and Florida Forever bonds may be
145 transferred between the two programs to the extent provided for

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146 | in the documents authorizing the issuance of the bonds. The
147 | Preservation 2000 bonds and Florida Forever bonds shall be
148 | equally and ratably secured by moneys distributable to the Land
149 | Acquisition Trust Fund pursuant to this section, except to the
150 | extent specifically provided otherwise by the documents
151 | authorizing the issuance of the bonds. No moneys transferred to
152 | the Land Acquisition Trust Fund pursuant to this paragraph, or
153 | earnings thereon, shall be used or made available to pay debt
154 | service on the Save Our Coast revenue bonds.

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

157 | 215.618 Bonds for acquisition and improvement of land,
158 | water areas, and related property interests and resources.--

159 | (1) (a) The issuance of Florida Forever bonds, not to exceed
160 | \$5.3 ~~\$3~~ billion, to finance or refinance the cost of acquisition
161 | and improvement of land, water areas, and related property
162 | interests and resources, in urban and rural settings, for the
163 | purposes of restoration, conservation, recreation, water resource
164 | development, or historical preservation, and for capital
165 | improvements to lands and water areas that accomplish
166 | environmental restoration, enhance public access and recreational
167 | enjoyment, promote long-term management goals, and facilitate
168 | water resource development is hereby authorized, subject to the
169 | provisions of s. 259.105 and pursuant to s. 11(e), Art. VII of
170 | the State Constitution. Florida Forever bonds may also be issued
171 | to refund Preservation 2000 bonds issued pursuant to s. 375.051.
172 | The \$5.3 ~~\$3~~ billion limitation on the issuance of Florida Forever
173 | bonds does not apply to refunding bonds. The duration of each
174 | series of Florida Forever bonds issued may not exceed 20 annual

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175 maturities. Preservation 2000 bonds and Florida Forever bonds
176 shall be equally and ratably secured by moneys distributable to
177 the Land Acquisition Trust Fund pursuant to s. 201.15(1) (a),
178 except to the extent specifically provided otherwise by the
179 documents authorizing the issuance of the bonds.

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

183 (c) By February 1, 2010, the Legislature shall complete an
184 analysis of potential revenue sources for the Florida Forever
185 program.

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

188 253.025 Acquisition of state lands for purposes other than
189 preservation, conservation, and recreation.--

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

194 (a) Each parcel to be acquired shall have at least one
195 appraisal. Two appraisals are required when the estimated value
196 of the parcel exceeds \$1 million. When a parcel is estimated to
197 be worth \$100,000 or less and the director of the Division of
198 State Lands finds that the cost of an outside appraisal is not
199 justified, a comparable sales analysis or other reasonably
200 prudent procedures may be used by the division to estimate the
201 value of the parcel, provided the public's interest is reasonably
202 protected. The state is not required to appraise the value of
203 lands and appurtenances that are being donated to the state.

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204 (b) Appraisal fees shall be paid by the agency proposing
205 the acquisition. The board of trustees shall approve qualified
206 fee appraisal organizations. All appraisals used for the
207 acquisition of lands pursuant to this section shall be prepared
208 by a member of an approved appraisal organization or by a state-
209 certified appraiser. The board of trustees ~~Division of State~~
210 ~~Lands~~ shall adopt rules for selecting individuals to perform
211 appraisals pursuant to this section. Each fee appraiser selected
212 to appraise a particular parcel shall, prior to contracting with
213 the agency, submit to that agency an affidavit substantiating
214 that he or she has no vested or fiduciary interest in such
215 parcel.

216 (c) The board of trustees shall adopt by rule the minimum
217 criteria, techniques, and methods to be used in the preparation
218 of appraisal reports. Such rules shall incorporate, to the extent
219 practicable, generally accepted appraisal standards. Any
220 appraisal issued for acquisition of lands pursuant to this
221 section must comply with the rules adopted by the board of
222 trustees. A certified survey must be made which meets the minimum
223 requirements for upland parcels established in the Minimum
224 Technical Standards for Land Surveying in Florida published by
225 the Department of Business and Professional Regulation and which
226 accurately portrays, to the greatest extent practicable, the
227 condition of the parcel as it currently exists. The requirement
228 for a certified survey may, in part or in whole, be waived by the
229 board of trustees any time prior to submitting the agreement for
230 purchase to the Division of State Lands. When an existing
231 boundary map and description of a parcel are determined by the
232 division to be sufficient for appraisal purposes, the division

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233 director may temporarily waive the requirement for a survey until
234 any time prior to conveyance of title to the parcel. The fee
235 appraiser and the review appraiser for the agency shall not act
236 in any way that may be construed as negotiating with the property
237 owner.

238 (d) Appraisal reports are confidential and exempt from the
239 provisions of s. 119.07(1), for use by the agency and the board
240 of trustees, until an option contract is executed or, if no
241 option contract is executed, until 2 weeks before a contract or
242 agreement for purchase is considered for approval by the board of
243 trustees. However, the Division of State Lands may disclose
244 appraisal information to public agencies or nonprofit
245 organizations that agree to maintain the confidentiality of the
246 reports or information when joint acquisition of property is
247 contemplated, or when a public agency or nonprofit organization
248 enters into a written agreement with the division to purchase and
249 hold property for subsequent resale to the division. In addition,
250 the division may use, as its own, appraisals obtained by a public
251 agency or nonprofit organization, provided the appraiser is
252 selected from the division's list of appraisers and the appraisal
253 is reviewed and approved by the division. For the purposes of
254 this paragraph, "nonprofit organization" means an organization
255 whose purpose is the preservation of natural resources, and which
256 is exempt from federal income tax under s. 501(c)(3) of the
257 Internal Revenue Code. The agency may release an appraisal report
258 when the passage of time has rendered the conclusions of value in
259 the report invalid.

260 (e) Prior to acceptance of an appraisal, the agency shall
261 submit a copy of such report to the Division of State Lands. The

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262 division shall review such report for compliance with the rules
263 of the board of trustees. ~~With respect to proposed purchases in~~
264 ~~excess of \$250,000, this review shall include a general field~~
265 ~~inspection of the subject property by the review appraiser. The~~
266 ~~review appraiser may reject an appraisal report following a desk~~
267 ~~review, but is prohibited from approving an appraisal report in~~
268 ~~excess of \$250,000 without a field review.~~ Any questions of
269 applicability of laws affecting an appraisal shall be addressed
270 by the legal office of the agency.

271 (f) The appraisal report shall be accompanied by the sales
272 history of the parcel for at least the prior 5 years. Such sales
273 history shall include all parties and considerations with the
274 amount of consideration verified, if possible. If a sales history
275 would not be useful, or its cost prohibitive compared to the
276 value of a parcel, the sales history may be waived by the board
277 of trustees ~~Secretary of Environmental Protection or the director~~
278 ~~of the Division of State Lands.~~ The board of trustees ~~department~~
279 shall adopt a rule specifying guidelines for waiver of a sales
280 history.

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

286 Section 4. Section 253.0325, Florida Statutes, is amended
287 to read:

288 253.0325 Modernization of state lands records.--

289 (1) The Department of Environmental Protection shall
290 initiate an ongoing computerized information systems program to

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291 | modernize its state lands records and documents that relate to
292 | all lands that have been acquired by all agencies under the
293 | Florida Preservation 2000 Act pursuant to s. 259.101 or the
294 | Florida Forever Act pursuant to s. 259.105. All recipients of
295 | Florida Forever funds shall annually submit its records for lands
296 | acquired for compilation of state lands records by the department
297 | ~~to which title is vested in the Board of Trustees of the Internal~~
298 | ~~Improvement Trust Fund.~~ The program shall include, at a minimum:
299 | (a) A document management component to automate the storage
300 | and retrieval of information contained in state lands records.
301 | (b) A land records management component to organize the
302 | records by key elements present in the data.
303 | (c) An evaluation component which includes the collection
304 | of resource and environmental data.
305 | (d) A mapping component to generate and store maps of
306 | state-owned parcels using data from the land records management
307 | and evaluation components.
308 | (2) At all stages of its records modernization program, the
309 | department shall seek to ensure information systems compatibility
310 | within the department and with other state, local, and regional
311 | governmental agencies. The department also shall seek to promote
312 | standardization in the collection of information regarding state-
313 | owned lands by federal, state, regional, and local agencies.
314 | (3) The information collected and stored as a result of the
315 | department's modernization of state lands records shall not be
316 | considered a final or complete accounting of lands which the
317 | state owns or to which the state may claim ownership.
318 | Section 5. Paragraph (d) is added to subsection (2) of
319 | section 253.034, Florida Statutes, subsections (5), (6), and (8)

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320 of that section are amended, and subsection (14) is added to that
321 section, to read:

322 253.034 State-owned lands; uses.--

323 (2) As used in this section, the following phrases have the
324 following meanings:

325 (d) "Public access," as used in this chapter and chapter
326 259, means access by the general public to state lands and water,
327 including vessel access made possible by boat ramps, and
328 associated parking and other support facilities, where compatible
329 with conservation and recreation objectives.

330

331 Lands acquired by the state as a gift, through donation, or by
332 any other conveyance for which no consideration was paid, and
333 which are not managed for conservation, outdoor resource-based
334 recreation, or archaeological or historic preservation under a
335 land management plan approved by the board of trustees are not
336 conservation lands.

337 (5) Each manager of conservation lands shall submit to the
338 Division of State Lands a land management plan at least every 10
339 years in a form and manner prescribed by rule by the board and in
340 accordance with the provisions of s. 259.032. Each manager of
341 conservation lands shall also update a land management plan
342 whenever the manager proposes to add new facilities or make
343 substantive land use or management changes that were not
344 addressed in the approved plan, or within 1 year of the addition
345 of significant new lands. Each manager of nonconservation lands
346 shall submit to the Division of State Lands a land use plan at
347 least every 10 years in a form and manner prescribed by rule by
348 the board. The division shall review each plan for compliance

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349 | with the requirements of this subsection and the requirements of
350 | the rules established by the board pursuant to this section. All
351 | land use plans, whether for single-use or multiple-use
352 | properties, shall include an analysis of the property to
353 | determine if any significant natural or cultural resources are
354 | located on the property. Such resources include archaeological
355 | and historic sites, state and federally listed plant and animal
356 | species, and imperiled natural communities and unique natural
357 | features. If such resources occur on the property, the manager
358 | shall consult with the Division of State Lands and other
359 | appropriate agencies to develop management strategies to protect
360 | such resources. Land use plans shall also provide for the control
361 | of invasive nonnative plants and conservation of soil and water
362 | resources, including a description of how the manager plans to
363 | control and prevent soil erosion and soil or water contamination.
364 | Land use plans submitted by a manager shall include reference to
365 | appropriate statutory authority for such use or uses and shall
366 | conform to the appropriate policies and guidelines of the state
367 | land management plan. Plans for managed areas larger than 1,000
368 | acres shall contain an analysis of the multiple-use potential of
369 | the property, which analysis shall include the potential of the
370 | property to generate revenues to enhance the management of the
371 | property. Additionally, the plan shall contain an analysis of the
372 | potential use of private land managers to facilitate the
373 | restoration or management of these lands. In those cases where a
374 | newly acquired property has a valid conservation plan that was
375 | developed by a soil and conservation district, such plan shall be
376 | used to guide management of the property until a formal land use
377 | plan is completed.

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378 (a) State lands shall be managed to ensure the conservation
379 of the state's plant and animal species and to ensure the
380 accessibility of state lands for the benefit and enjoyment of all
381 people of the state, both present and future. Each land
382 management plan shall provide a desired outcome, describe both
383 short-term and long-term management goals, and include measurable
384 objectives to achieve those goals. Short-term goals shall be
385 achievable within a 2-year planning period and long-term goals
386 shall be achievable within a 10-year planning period. These
387 short-term and long-term management goals shall be the basis for
388 all subsequent land management activities.

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

- 391 1. Habitat restoration and improvement.
- 392 2. Public access and recreational opportunities.
- 393 3. Hydrological preservation and restoration.
- 394 4. Sustainable forest management.
- 395 5. Exotic and invasive species maintenance and control.
- 396 6. Capital facilities and infrastructure.
- 397 7. Cultural and historical resources.

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

- 400 1. A physical description of the land.
- 401 2. A quantitative data description of the land which
402 includes an inventory of forest and other natural resources;
403 exotic and invasive plants; hydrological features;
404 infrastructure, including recreational facilities; and other
405 significant land, cultural, or historical features. The inventory
406 shall reflect the number of acres for each resource and feature,

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407 when appropriate. The inventory shall be of such detail that
408 objective measures and benchmarks can be established for each
409 tract of land and monitored during the lifetime of the plan. All
410 quantitative data collected shall be aggregated, standardized,
411 collected, and presented in an electronic format to allow for
412 uniform management reporting and analysis. The information
413 collected by the Department of Environmental Protection pursuant
414 to s. 253.0325(2) shall be available to the land manager and his
415 or her assignee.

416 3. A detailed description of each short-term and long-term
417 land management goal, the associated measurable objectives, and
418 the related activities that are to be performed to meet the land
419 management objectives. Each land management objective must be
420 addressed by the land management plan and where practicable no
421 land management objective shall be performed to the detriment of
422 the other land management objectives.

423 4. A schedule of land management activities which contains
424 short-term and long-term land management goals and the related
425 measurable objective and activities. The schedule shall include
426 for each activity a timeline for completion, quantitative
427 measures, and detailed expense and manpower budgets. The schedule
428 shall provide a management tool that facilitates development of
429 performance measures.

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

435 (d)-(a) The Division of State Lands shall make available to

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436 the public a copy of each land management plan for parcels that
437 exceed 160 acres in size. The council shall review each plan for
438 compliance with the requirements of this subsection, the
439 requirements of chapter 259, and the requirements of the rules
440 established by the board pursuant to this section. The council
441 shall also consider the propriety of the recommendations of the
442 managing entity with regard to the future use of the property,
443 the protection of fragile or nonrenewable resources, the
444 potential for alternative or multiple uses not recognized by the
445 managing entity, and the possibility of disposal of the property
446 by the board. After its review, the council shall submit the
447 plan, along with its recommendations and comments, to the board.
448 The council shall specifically recommend to the board whether to
449 approve the plan as submitted, approve the plan with
450 modifications, or reject the plan.

451 (e) ~~(b)~~ The Board of Trustees of the Internal Improvement
452 Trust Fund shall consider the land management plan submitted by
453 each entity and the recommendations of the council and the
454 Division of State Lands and shall approve the plan with or
455 without modification or reject such plan. The use or possession
456 of any such lands that is not in accordance with an approved land
457 management plan is subject to termination by the board.

458 (6) The Board of Trustees of the Internal Improvement Trust
459 Fund shall determine which lands, the title to which is vested in
460 the board, may be surplus. For conservation lands, the board
461 shall make a determination that the lands are no longer needed
462 for conservation purposes and may dispose of them by an
463 affirmative vote of at least three members. In the case of a land
464 exchange involving the disposition of conservation lands, the

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465 board must determine by an affirmative vote of at least three
466 members that the exchange will result in a net positive
467 conservation benefit. For all other lands, the board shall make a
468 determination that the lands are no longer needed and may dispose
469 of them by an affirmative vote of at least three members.

470 (a) For the purposes of this subsection, all lands acquired
471 by the state prior to July 1, 1999, using proceeds from the
472 Preservation 2000 bonds, the Conservation and Recreation Lands
473 Trust Fund, the Water Management Lands Trust Fund,
474 Environmentally Endangered Lands Program, and the Save Our Coast
475 Program and titled to the board, which lands are identified as
476 core parcels or within original project boundaries, shall be
477 deemed to have been acquired for conservation purposes.

478 (b) For any lands purchased by the state on or after July
479 1, 1999, a determination shall be made by the board prior to
480 acquisition as to those parcels that shall be designated as
481 having been acquired for conservation purposes. No lands acquired
482 for use by the Department of Corrections, the Department of
483 Management Services for use as state offices, the Department of
484 Transportation, except those specifically managed for
485 conservation or recreation purposes, or the State University
486 System or the Florida Community College System shall be
487 designated as having been purchased for conservation purposes.

488 (c) At least every 10 years, as a component of each land
489 management plan or land use plan and in a form and manner
490 prescribed by rule by the board, each manager shall evaluate and
491 indicate to the board those lands that are not being used for the
492 purpose for which they were originally leased. For conservation
493 lands, the council shall review and shall recommend to the board

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494 whether such lands should be retained in public ownership or
495 disposed of by the board. For nonconservation lands, the division
496 shall review such lands and shall recommend to the board whether
497 such lands should be retained in public ownership or disposed of
498 by the board.

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

504 (e) Prior to any decision by the board to surplus lands,
505 the Acquisition and Restoration Council shall review and make
506 recommendations to the board concerning the request for
507 surplusings. The council shall determine whether the request for
508 surplusings is compatible with the resource values of and
509 management objectives for such lands.

510 (f)1. In reviewing lands owned by the board, the council
511 shall consider whether such lands would be more appropriately
512 owned or managed by the county or other unit of local government
513 in which the land is located. The council shall recommend to the
514 board whether a sale, lease, or other conveyance to a local
515 government would be in the best interests of the state and local
516 government. The provisions of this paragraph in no way limit the
517 provisions of ss. 253.111 and 253.115. Such lands shall be
518 offered to the state, county, or local government for a period of
519 45 ~~30~~ days. Permittable uses for such surplus lands may include
520 public schools; public libraries; fire or law enforcement
521 substations; governmental, judicial, or recreational centers; and
522 affordable housing meeting the criteria of s. 420.0004(3). County

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523 or local government requests for surplus lands shall be expedited
524 throughout the surplusing process. If the county or local
525 government does not elect to purchase such lands in accordance
526 with s. 253.111, then any surplusing determination involving
527 other governmental agencies shall be made upon the board deciding
528 the best public use of the lands. Surplus properties in which
529 governmental agencies have expressed no interest shall then be
530 available for sale on the private market.

531 2. Notwithstanding subparagraph 1., any parcel of surplus
532 lands less than 3 acres in size which was acquired by the state
533 before 1955 by gift or other conveyance or for \$1 consideration
534 from a fair association incorporated under chapter 616 for the
535 purpose of conducting and operating public fairs or expositions,
536 and concerning which the department has filed by July 1, 2008, a
537 notice of intent to dispose of as surplus lands, shall be offered
538 for reconveyance to such fair association for no consideration;
539 however, the agency that last held the lease from the board for
540 management of such lands may remove from the lands any
541 improvements, fixtures, goods, wares, and merchandise within 180
542 days after the effective date of the reconveyance. This
543 subparagraph expires July 1, 2008.

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

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

555 1.a. A written valuation of land determined to be surplus
556 pursuant to this subsection and s. 253.82, and related documents
557 used to form the valuation or which pertain to the valuation, are
558 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of
559 the State Constitution until 2 weeks before the contract or
560 agreement regarding the purchase, exchange, or disposal of the
561 surplus land is first considered for approval by the board.
562 Notwithstanding the exemption provided under this subparagraph,
563 the division may disclose appraisals, valuations, or valuation
564 information regarding surplus land during negotiations for the
565 sale or exchange of the land, during the marketing effort or
566 bidding process associated with the sale, disposal, or exchange
567 of the land to facilitate closure of such effort or process, when
568 the passage of time has made the conclusions of value invalid, or
569 when negotiations or marketing efforts concerning the land are
570 concluded.

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

575 2. A unit of government that acquires title to lands
576 hereunder for less than appraised value may not sell or transfer
577 title to all or any portion of the lands to any private owner for
578 a period of 10 years. Any unit of government seeking to transfer
579 or sell lands pursuant to this paragraph shall first allow the
580 board of trustees to reacquire such lands for the price at which

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581 | the board sold such lands.

582 | ~~(h) Where a unit of government acquired land by gift,~~
583 | ~~donation, grant, quitclaim deed, or other such conveyance where~~
584 | ~~no monetary consideration was exchanged, the price of land sold~~
585 | ~~as surplus may be based on one appraisal. In the event that a~~
586 | ~~single appraisal yields a value equal to or greater than \$1~~
587 | ~~million, a second appraisal is required. The individual or entity~~
588 | ~~requesting the surplus shall select and use appraisers from the~~
589 | ~~list of approved appraisers maintained by the Division of State~~
590 | ~~Lands in accordance with s. 253.025(6)(b). The individual or~~
591 | ~~entity requesting the surplus is to incur all costs of the~~
592 | ~~appraisals.~~

593 | (h) (i) After reviewing the recommendations of the council,
594 | the board shall determine whether lands identified for surplus
595 | are to be held for other public purposes or whether such lands
596 | are no longer needed. The board may require an agency to release
597 | its interest in such lands. For an agency that has requested the
598 | use of a property that was to be declared as surplus, said agency
599 | must have the property under lease within 6 months of the date of
600 | expiration of the notice provisions required under this
601 | subsection and s. 253.111.

602 | (i) (j) Requests for surplus may be made by any public or
603 | private entity or person. All requests shall be submitted to the
604 | lead managing agency for review and recommendation to the council
605 | or its successor. Lead managing agencies shall have 90 days to
606 | review such requests and make recommendations. Any surplus
607 | requests that have not been acted upon within the 90-day time
608 | period shall be immediately scheduled for hearing at the next
609 | regularly scheduled meeting of the council or its successor.

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610 Requests for surplus pursuant to this paragraph shall not be
611 required to be offered to local or state governments as provided
612 in paragraph (f).

613 (j)~~(k)~~ Proceeds from any sale of surplus lands pursuant to
614 this subsection shall be deposited into the fund from which such
615 lands were acquired. However, if the fund from which the lands
616 were originally acquired no longer exists, such proceeds shall be
617 deposited into an appropriate account to be used for land
618 management by the lead managing agency assigned the lands prior
619 to the lands being declared surplus. Funds received from the sale
620 of surplus nonconservation lands, or lands that were acquired by
621 gift, by donation, or for no consideration, shall be deposited
622 into the Internal Improvement Trust Fund.

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

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

631 (m)~~(n)~~ The board may adopt rules to implement the
632 provisions of this section, which may include procedures for
633 administering surplus land requests and criteria for when the
634 division may approve requests to surplus nonconservation lands on
635 behalf of the board.

636 (8) (a) Notwithstanding other provisions of this section,
637 the Division of State Lands is directed to prepare a state
638 inventory of all federal lands and all lands titled in the name

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639 of the state, a state agency, a water management district, or a
640 local government on a county-by-county basis. To facilitate the
641 development of the state inventory, each county shall direct the
642 appropriate county office with authority over the information to
643 provide the division with a county inventory of all lands
644 identified as federal lands and lands titled in the name of the
645 state, a state agency, a water management district, or a local
646 government. The Legislature recognizes the value of the state's
647 conservation lands as water recharge areas and air filters and,
648 in an effort to better understand the scientific underpinnings of
649 carbon sequestration, carbon capture, and greenhouse gas
650 mitigation, to inform policymakers and decisionmakers, and to
651 provide the infrastructure for land owners, the Division of State
652 Lands shall contract with an organization experienced and
653 specialized in carbon sinks and emission budgets to conduct an
654 inventory of all lands that were acquired pursuant to
655 Preservation 2000 and Florida Forever and that were titled in the
656 name of the Board of Trustees of the Internal Improvement Trust
657 Fund. The inventory shall determine the value of carbon capture
658 and carbon sequestration. Such inventory shall consider potential
659 carbon offset values of changes in land management practices,
660 including, but not limited to, replanting of trees, routine
661 prescribed burns, and land use conversion. Such an inventory
662 shall be completed and presented to the board of trustees by July
663 1, 2009.

664 (b) The state inventory must distinguish between lands
665 purchased by the state or a water management district as part of
666 a core parcel or within original project boundaries, as those
667 terms are used to meet the surplus requirements of subsection

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668 (6), and lands purchased by the state, a state agency, or a water
669 management district which are not essential or necessary for
670 conservation purposes.

671 (c) In any county having a population of 75,000 or fewer
672 ~~less~~, or a county having a population of 100,000 or fewer which
673 ~~less that~~ is contiguous to a county having a population of 75,000
674 or fewer less, in which more than 50 percent of the lands within
675 the county boundary are federal lands and lands titled in the
676 name of the state, a state agency, a water management district,
677 or a local government, those lands titled in the name of the
678 state or a state agency which are not essential or necessary to
679 meet conservation purposes may, upon request of a public or
680 private entity, be made available for purchase through the
681 state's surplusing process. Rights-of-way for existing, proposed,
682 or anticipated transportation facilities are exempt from the
683 requirements of this paragraph. Priority consideration shall be
684 given to buyers, public or private, willing to return the
685 property to productive use so long as the property can be
686 reentered onto the county ad valorem tax roll. Property acquired
687 with matching funds from a local government shall not be made
688 available for purchase without the consent of the local
689 government.

690 (14) (a) All lands for which the Fish and Wildlife
691 Conservation Commission acts as lead manager may be used to
692 protect, manage, or restore habitat for native or imperiled
693 species. The commission shall submit an annual work plan for such
694 uses to the Acquisition and Restoration Council and the council
695 may, at its discretion, modify the work plan prior to approval.
696 Following approval of the work plan by the council, the

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697 commission shall submit the approved work plan to the Board of
698 Trustees of the Internal Improvement Trust Fund for adoption. The
699 board shall not delegate the final adoption of the work plan to
700 any other agency.

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

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

708 253.111 Notice to board of county commissioners before
709 sale.--The Board of Trustees of the Internal Improvement Trust
710 Fund of the state may not sell any land to which they hold title
711 unless and until they afford an opportunity to the county in
712 which such land is situated to receive such land on the following
713 terms and conditions:

714 (3) If the board receives, within 45 ~~30~~ days after notice
715 is given to the board of county commissioners pursuant to
716 subsection (1), the certified copy of the resolution provided for
717 in subsection (2), the board shall forthwith convey to the county
718 such land at a price that is equal to its appraised market value
719 established by generally accepted professional standards for real
720 estate appraisal and subject to such other terms and conditions
721 as the board determines.

722 Section 7. Paragraph (b) of subsection (2) of section
723 253.82, Florida Statutes, is amended to read:

724 253.82 Title of state or private owners to Murphy Act
725 lands.--

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726 (2) (b) Land to which title is vested in the board of
727 trustees by paragraph (a) shall be treated in the same manner as
728 other nonsovereignty lands owned by the board. However, any
729 parcel of land the title to which is vested in the Board of
730 Trustees of the Internal Improvement Trust Fund pursuant to this
731 section which is 10 acres or less in size and has a ~~an appraised~~
732 market value of \$250,000 or less is hereby declared surplus,
733 except for lands determined to be needed for state use, and may
734 be sold in any manner provided by law. ~~Only one appraisal shall~~
735 ~~be required for a sale of such land.~~ All proceeds from the sale
736 of such land shall be deposited into the Internal Improvement
737 Trust Fund. The Board of Trustees of the Internal Improvement
738 Trust Fund is authorized to adopt rules to implement the
739 provisions of this subsection.

740 Section 8. Section 259.032, Florida Statutes, is amended to
741 read:

742 259.032 Conservation and Recreation Lands Trust Fund;
743 purpose.--

744 (1) It is the policy of the state that the citizens of this
745 state shall be assured public ownership of natural areas for
746 purposes of maintaining this state's unique natural resources;
747 protecting air, land, and water quality; promoting water resource
748 development to meet the needs of natural systems and citizens of
749 this state; promoting restoration activities on public lands; and
750 providing lands for natural resource based recreation. In
751 recognition of this policy, it is the intent of the Legislature
752 to provide such public lands for the people residing in urban and
753 metropolitan areas of the state, as well as those residing in
754 less populated, rural areas. It is the further intent of the

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755 Legislature, with regard to the lands described in paragraph
756 (3) (c), that a high priority be given to the acquisition,
757 restoration, and management of such lands in or near counties
758 exhibiting the greatest concentration of population and, with
759 regard to the lands described in subsection (3), that a high
760 priority be given to acquiring lands or rights or interests in
761 lands that advance the goals and objectives of the Fish and
762 Wildlife Conservation Commission's approved species or habitat
763 recovery plans, or lands within any area designated as an area of
764 critical state concern under s. 380.05 which, in the judgment of
765 the advisory council established pursuant to s. 259.035, or its
766 successor, cannot be adequately protected by application of land
767 development regulations adopted pursuant to s. 380.05. Finally,
768 it is the Legislature's intent that lands acquired through this
769 program and any successor programs be managed in such a way as to
770 protect or restore their natural resource values, and provide the
771 greatest benefit, including public access, to the citizens of
772 this state.

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

778 1. The excise taxes on documents as provided in s. 201.15;
779 and

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

782
783 The Department of Revenue shall credit to the fund each month the

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784 | proceeds from such taxes as provided in this paragraph.

785 | (b) There shall annually be transferred from the
786 | Conservation and Recreation Lands Trust Fund to the Land
787 | Acquisition Trust Fund that amount, not to exceed \$20 million
788 | annually, as shall be necessary to pay the debt service on, or
789 | fund debt service reserve funds, rebate obligations, or other
790 | amounts with respect to bonds issued pursuant to s. 375.051 to
791 | acquire lands on the established priority list developed pursuant
792 | to ss. 259.101(4) and 259.105; however, no moneys transferred to
793 | the Land Acquisition Trust Fund pursuant to this paragraph, or
794 | earnings thereon, shall be used or made available to pay debt
795 | service on the Save Our Coast revenue bonds. Amounts transferred
796 | annually from the Conservation and Recreation Lands Trust Fund to
797 | the Land Acquisition Trust Fund pursuant to this paragraph shall
798 | have the highest priority over other payments or transfers from
799 | the Conservation and Recreation Lands Trust Fund, and no other
800 | payments or transfers shall be made from the Conservation and
801 | Recreation Lands Trust Fund until such transfers to the Land
802 | Acquisition Trust Fund have been made. Moneys in the Conservation
803 | and Recreation Lands Trust Fund also shall be used to manage
804 | lands and to pay for related costs, activities, and functions
805 | pursuant to the provisions of this section.

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

810 | (a) To conserve and protect environmentally unique and
811 | irreplaceable lands that contain native, relatively unaltered
812 | flora and fauna representing a natural area unique to, or scarce

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813 within, a region of this state or a larger geographic area;

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

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

822 (d) To conserve, protect, manage, or restore important
823 ecosystems, landscapes, and forests, if the protection and
824 conservation of such lands is necessary to enhance or protect
825 significant surface water, groundwater, coastal, recreational,
826 timber, or fish or wildlife resources which cannot otherwise be
827 accomplished through local and state regulatory programs;

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

830 (f) To facilitate the restoration and subsequent health and
831 vitality of the Florida Everglades;

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

835 (h) To preserve significant archaeological or historic
836 sites; ~~or~~

837 (i) To conserve urban open spaces suitable for greenways or
838 outdoor recreation which are compatible with conservation
839 purposes; or

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

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842 (4) ~~(a)~~ Lands acquired under this section shall be for use
843 as state-designated parks, recreation areas, preserves, reserves,
844 historic or archaeological sites, geologic or botanical sites,
845 recreational trails, forests, wilderness areas, wildlife
846 management areas, urban open space, or other state-designated
847 recreation or conservation lands; or they shall qualify for such
848 state designation and use if they are to be managed by other
849 governmental agencies or nonstate entities as provided for in
850 this section.

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

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

860 (6) Moneys in the fund not needed to meet obligations
861 incurred under this section shall be deposited with the Chief
862 Financial Officer to the credit of the fund and may be invested
863 in the manner provided by law. Interest received on such
864 investments shall be credited to the Conservation and Recreation
865 Lands Trust Fund.

866 (7) The board of trustees may enter into any contract
867 necessary to accomplish the purposes of this section. The lead
868 land managing agencies designated by the board of trustees also
869 are directed by the Legislature to enter into contracts or
870 interagency agreements with other governmental entities,

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871 including local soil and water conservation districts, or private
872 land managers who have the expertise to perform specific
873 management activities which a lead agency lacks, or which would
874 cost more to provide in-house. Such activities shall include, but
875 not be limited to, controlled burning, road and ditch
876 maintenance, mowing, and wildlife assessments.

877 (8) Lands to be considered for purchase under this section
878 are subject to the selection procedures of s. 259.035 and related
879 rules and shall be acquired in accordance with acquisition
880 procedures for state lands provided for in s. 259.041, except as
881 otherwise provided by the Legislature. An inholding or an
882 addition to a project selected for purchase pursuant to this
883 chapter is not subject to the selection procedures of s. 259.035
884 if the estimated value of such inholding or addition does not
885 exceed \$500,000. When at least 90 percent of the acreage of a
886 project has been purchased pursuant to this chapter, the project
887 may be removed from the list and the remaining acreage may
888 continue to be purchased. Moneys from the fund may be used for
889 title work, appraisal fees, environmental audits, and survey
890 costs related to acquisition expenses for lands to be acquired,
891 donated, or exchanged which qualify under the categories of this
892 section, at the discretion of the board. When the Legislature has
893 authorized the Department of Environmental Protection to condemn
894 a specific parcel of land and such parcel has already been
895 approved for acquisition under this section, the land may be
896 acquired in accordance with the provisions of chapter 73 or
897 chapter 74, and the fund may be used to pay the condemnation
898 award and all costs, including a reasonable attorney's fee,
899 associated with condemnation.

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

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

904 (b) Managed for public outdoor recreation which is
905 compatible with the conservation and protection of public lands.
906 Such management may include, but not be limited to, the following
907 public recreational uses: fishing, hunting, camping, bicycling,
908 hiking, nature study, swimming, boating, canoeing, horseback
909 riding, diving, model hobbyist activities, birding, sailing,
910 jogging, and other related outdoor activities compatible with the
911 purposes for which the lands were acquired.

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

914 (d) Concurrent with its adoption of the annual Conservation
915 and Recreation Lands list of acquisition projects pursuant to s.
916 259.035, the board of trustees shall adopt a management
917 prospectus for each project. The management prospectus shall
918 delineate:

919 1. The management goals for the property;

920 2. The conditions that will affect the intensity of
921 management;

922 3. An estimate of the revenue-generating potential of the
923 property, if appropriate;

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

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

928 6. Provisions for protecting existing infrastructure and

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929 | for ensuring the security of the project upon acquisition;

930 | 7. The anticipated costs of management and projected
931 | sources of revenue, including legislative appropriations, to fund
932 | management needs; and

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

937 | (e) Concurrent with the approval of the acquisition
938 | contract pursuant to s. 259.041(3)(c) for any interest in lands
939 | except those lands being acquired under the provisions of s.
940 | 259.1052, the board of trustees shall designate an agency or
941 | agencies to manage such lands. The board shall evaluate and
942 | amend, as appropriate, the management policy statement for the
943 | project as provided by s. 259.035, consistent with the purposes
944 | for which the lands are acquired. For any fee simple acquisition
945 | of a parcel which is or will be leased back for agricultural
946 | purposes, or any acquisition of a less-than-fee interest in land
947 | that is or will be used for agricultural purposes, the Board of
948 | Trustees of the Internal Improvement Trust Fund shall first
949 | consider having a soil and water conservation district, created
950 | pursuant to chapter 582, manage and monitor such interests.

951 | (f) State agencies designated to manage lands acquired
952 | under this chapter except those lands acquired under s. 259.1052
953 | may contract with local governments and soil and water
954 | conservation districts to assist in management activities,
955 | including the responsibility of being the lead land manager. Such
956 | land management contracts may include a provision for the
957 | transfer of management funding to the local government or soil

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958 and water conservation district from the Conservation and
959 Recreation Lands Trust Fund in an amount adequate for the local
960 government or soil and water conservation district to perform its
961 contractual land management responsibilities and proportionate to
962 its responsibilities, and which otherwise would have been
963 expended by the state agency to manage the property.

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

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

976 (b) Individual management plans required by s. 253.034(5),
977 for parcels over 160 acres, shall be developed with input from an
978 advisory group. Members of this advisory group shall include, at
979 a minimum, representatives of the lead land managing agency,
980 comanaging entities, local private property owners, the
981 appropriate soil and water conservation district, a local
982 conservation organization, and a local elected official. The
983 advisory group shall conduct at least one public hearing within
984 the county in which the parcel or project is located. For those
985 parcels or projects that are within more than one county, at
986 least one areawide public hearing shall be acceptable and the

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987 | lead managing agency shall invite a local elected official from
988 | each county. The areawide public hearing shall be held in the
989 | county in which the core parcels are located. Notice of such
990 | public hearing shall be posted on the parcel or project
991 | designated for management, advertised in a paper of general
992 | circulation, and announced at a scheduled meeting of the local
993 | governing body before the actual public hearing. The management
994 | prospectus required pursuant to paragraph (9) (d) shall be
995 | available to the public for a period of 30 days prior to the
996 | public hearing.

997 | (c) Once a plan is adopted, the managing agency or entity
998 | shall update the plan at least every 10 years in a form and
999 | manner prescribed by rule of the board of trustees. Such updates,
1000 | for parcels over 160 acres, shall be developed with input from an
1001 | advisory group. Such plans may include transfers of leasehold
1002 | interests to appropriate conservation organizations or
1003 | governmental entities designated by the Land Acquisition and
1004 | Management Advisory Council or its successor, for uses consistent
1005 | with the purposes of the organizations and the protection,
1006 | preservation, conservation, restoration, and proper management of
1007 | the lands and their resources. Volunteer management assistance is
1008 | encouraged, including, but not limited to, assistance by youths
1009 | participating in programs sponsored by state or local agencies,
1010 | by volunteers sponsored by environmental or civic organizations,
1011 | and by individuals participating in programs for committed
1012 | delinquents and adults.

1013 | (d)1. For each project for which lands are acquired after
1014 | July 1, 1995, an individual management plan shall be adopted and
1015 | in place no later than 1 year after the essential parcel or

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1016 parcels identified in the priority list developed pursuant to ss.
1017 259.101(4) and 259.105 have been acquired. The Department of
1018 Environmental Protection shall distribute only 75 percent of the
1019 acquisition funds to which a budget entity or water management
1020 district would otherwise be entitled from the Preservation 2000
1021 Trust Fund to any budget entity or any water management district
1022 that has more than one-third of its management plans overdue.

1023 2. The requirements of subparagraph 1. do not apply to the
1024 individual management plan for the Babcock Crescent B Ranch being
1025 acquired pursuant to s. 259.1052. The management plan for the
1026 ranch shall be adopted and in place no later than 2 years
1027 following the date of acquisition by the state.

1028 (e) Individual management plans shall conform to the
1029 appropriate policies and guidelines of the state land management
1030 plan and shall include, but not be limited to:

1031 1. A statement of the purpose for which the lands were
1032 acquired, the projected use or uses as defined in s. 253.034, and
1033 the statutory authority for such use or uses.

1034 2. Key management activities necessary to achieve the
1035 desired outcomes, including, but not limited to, providing public
1036 access, preserving and protecting natural resources, protecting
1037 cultural and historical resources, restoring habitat, protecting
1038 threatened and endangered species, controlling the spread of
1039 nonnative plants and animals, performing prescribed fire
1040 activities, and other appropriate resource management. ~~to~~
1041 ~~preserve and protect natural resources and restore habitat, and~~
1042 ~~for controlling the spread of nonnative plants and animals, and~~
1043 ~~for prescribed fire and other appropriate resource management~~
1044 ~~activities.~~

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1045 3. A specific description of how the managing agency plans
1046 to identify, locate, protect, and preserve, or otherwise use
1047 fragile, nonrenewable natural and cultural resources.

1048 4. A priority schedule for conducting management
1049 activities, based on the purposes for which the lands were
1050 acquired.

1051 5. A cost estimate for conducting priority management
1052 activities, to include recommendations for cost-effective methods
1053 of accomplishing those activities.

1054 6. A cost estimate for conducting other management
1055 activities which would enhance the natural resource value or
1056 public recreation value for which the lands were acquired. The
1057 cost estimate shall include recommendations for cost-effective
1058 methods of accomplishing those activities.

1059 7. A determination of the public uses and public access
1060 that would be consistent with the purposes for which the lands
1061 were acquired.

1062 (f) The Division of State Lands shall submit a copy of each
1063 individual management plan for parcels which exceed 160 acres in
1064 size to each member of the Acquisition and Restoration Council
1065 ~~Land Acquisition and Management Advisory Council or its~~
1066 ~~successor~~, which shall:

1067 1. Within 60 days after receiving a plan from the division,
1068 review each plan for compliance with the requirements of this
1069 subsection and with the requirements of the rules established by
1070 the board pursuant to this subsection.

1071 2. Consider the propriety of the recommendations of the
1072 managing agency with regard to the future use or protection of
1073 the property.

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1074 3. After its review, submit the plan, along with its
1075 recommendations and comments, to the board of trustees, with
1076 recommendations as to whether to approve the plan as submitted,
1077 approve the plan with modifications, or reject the plan.

1078 (g) The board of trustees shall consider the individual
1079 management plan submitted by each state agency and the
1080 recommendations of the Acquisition and Restoration Council ~~and~~
1081 ~~Acquisition and Management Advisory Council, or its successor,~~
1082 and the Division of State Lands and shall approve the plan with
1083 or without modification or reject such plan. The use or
1084 possession of any lands owned by the board of trustees which is
1085 not in accordance with an approved individual management plan is
1086 subject to termination by the board of trustees.

1087
1088 By July 1 of each year, each governmental agency and each private
1089 entity designated to manage lands shall report to the Secretary
1090 of Environmental Protection on the progress of funding, staffing,
1091 and resource management of every project for which the agency or
1092 entity is responsible.

1093 (11) (a) The Legislature recognizes that acquiring lands
1094 pursuant to this chapter serves the public interest by protecting
1095 land, air, and water resources which contribute to the public
1096 health and welfare, providing areas for natural resource based
1097 recreation, and ensuring the survival of unique and irreplaceable
1098 plant and animal species. The Legislature intends for these lands
1099 to be managed and maintained for the purposes for which they were
1100 acquired and for the public to have access to and use of these
1101 lands where it is consistent with acquisition purposes and would
1102 not harm the resources the state is seeking to protect on the

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1103 public's behalf.

1104 (b) An amount of not less than ~~up to~~ 1.5 percent of the
1105 cumulative total of funds ever deposited into the Florida
1106 Preservation 2000 Trust Fund and the Florida Forever Trust Fund
1107 shall be made available for the purposes of management,
1108 maintenance, and capital improvements not eligible for funding
1109 pursuant to s. 11(e), Art. VII of the State Constitution, and for
1110 associated contractual services, for lands acquired pursuant to
1111 this section, s. 259.101, s. 259.105, s. 259.1052, or previous
1112 programs for the acquisition of lands for conservation and
1113 recreation, including state forests, to which title is vested in
1114 the board of trustees and other conservation and recreation lands
1115 managed by a state agency. Of this amount, \$250,000 shall be
1116 transferred annually to the Plant Industry Trust Fund within the
1117 Department of Agriculture and Consumer Services for the purpose
1118 of implementing the Endangered or Threatened Native Flora
1119 Conservation Grants Program pursuant to s. 581.185(11). Each
1120 agency with management responsibilities shall annually request
1121 from the Legislature funds sufficient to fulfill such
1122 responsibilities to implement individual management plans. For
1123 the purposes of this paragraph, capital improvements shall
1124 include, but need not be limited to, perimeter fencing, signs,
1125 firelanes, access roads and trails, and minimal public
1126 accommodations, such as primitive campsites, garbage receptacles,
1127 and toilets. Any equipment purchased with funds provided pursuant
1128 to this paragraph may be used for the purposes described in this
1129 paragraph on any conservation and recreation lands managed by a
1130 state agency. The funding requirement created in this paragraph
1131 is subject to an annual evaluation by the Legislature in order to

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1132 ensure that such requirement does not impact the respective trust
1133 fund in a manner that would prevent the trust fund from meeting
1134 other minimum requirements.

1135 (c) The Land Management Uniform Accounting Council shall
1136 prepare and deliver a report on the methodology and formula for
1137 allocating land management funds to the Acquisition and
1138 Restoration Council. The Acquisition and Restoration Council
1139 shall review, modify as appropriate, and submit the report to the
1140 Board of Trustees of the Internal Improvement Trust Fund. The
1141 board of trustees shall review, modify as appropriate, and submit
1142 the report to the President of the Senate and the Speaker of the
1143 House of Representatives no later than December 31, 2008, which
1144 provides an interim management formula and a long-term management
1145 formula, and the methodologies used to develop the formulas,
1146 which shall be used to allocate land management ~~In requesting~~
1147 funds provided for in paragraph (b) for interim and long-term
1148 management of all lands managed ~~acquisitions~~ pursuant to this
1149 chapter and for associated contractual services. The methodology
1150 and formula for interim management shall be based on the
1151 estimated land acquisitions for the fiscal year in which the
1152 interim funds will be expended. The methodology and formula for
1153 long-term management shall recognize, but not be limited to, the
1154 following, ~~the managing agencies shall recognize the following~~
1155 ~~categories of land management needs:~~

1156 1. The assignment of management intensity associated with
1157 managed habitats and natural communities and the related
1158 management activities to achieve land management goals provided
1159 in ss. 253.054(5) and subsection (10).

1160 a. The acres of land that require minimal effort for

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- 1161 resource preservation or restoration.
- 1162 b. The acres of land that require moderate effort for
- 1163 resource preservation or restoration.
- 1164 c. The acres of land that require significant effort for
- 1165 resource preservation or restoration.
- 1166 2. The assignment of management intensity associated with
- 1167 public access, including, but not limited to:
- 1168 a. The acres of land that are open to the public but offer
- 1169 no more than minimally developed facilities;
- 1170 b. The acres of land that have a high degree of public use
- 1171 and offer highly developed facilities; and
- 1172 c. The acres of land that are sites that have historic
- 1173 significance, unique natural features, or a very high degree of
- 1174 public use.
- 1175 3. The acres of land that have a secondary manager
- 1176 contributing to the over-all management effort.
- 1177 4. The anticipated revenues generated from management of
- 1178 the lands.
- 1179 5. The impacts of, and needs created or addressed by,
- 1180 multiple-use management strategies.
- 1181 6. The acres of land that have infestations of nonnative or
- 1182 invasive plants, animals, or fish.
- 1183 ~~1. Lands which are low-need tracts, requiring basic~~
- 1184 ~~resource management and protection, such as state reserves, state~~
- 1185 ~~preserves, state forests, and wildlife management areas. These~~
- 1186 ~~lands generally are open to the public but have no more than~~
- 1187 ~~minimum facilities development.~~
- 1188 ~~2. Lands which are moderate-need tracts, requiring more~~
- 1189 ~~than basic resource management and protection, such as state~~

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1190 ~~parks and state recreation areas. These lands generally have~~
1191 ~~extra restoration or protection needs, higher concentrations of~~
1192 ~~public use, or more highly developed facilities.~~

1193 ~~3. Lands which are high-need tracts, with identified needs~~
1194 ~~requiring unique site-specific resource management and~~
1195 ~~protection. These lands generally are sites with historic~~
1196 ~~significance, unique natural features, or very high intensity~~
1197 ~~public use, or sites that require extra funds to stabilize or~~
1198 ~~protect resources, such as lands with heavy infestations of~~
1199 ~~nonnative, invasive plants.~~

1200
1201 In evaluating the management funding needs of lands based on the
1202 above categories, the lead land managing agencies shall include
1203 in their considerations the impacts of, and needs created or
1204 addressed by, multiple-use management strategies. The funding
1205 formulas for interim and long-term management proposed by the
1206 agencies shall be reviewed by the Legislature during the 2009
1207 regular legislative session. The Legislature may reject, modify,
1208 or take no action relative to the proposed funding formulas. If
1209 no action is taken, the funding formulas shall be used in the
1210 allocation and distribution of funds provided in paragraph (b).

1211 (d) All revenues generated through multiple-use management
1212 or compatible secondary-use management shall be returned to the
1213 lead agency responsible for such management and shall be used to
1214 pay for management activities on all conservation, preservation,
1215 and recreation lands under the agency's jurisdiction. In
1216 addition, such revenues shall be segregated in an agency trust
1217 fund and shall remain available to the agency in subsequent
1218 fiscal years to support land management appropriations. For the

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1219 | purposes of this paragraph, compatible secondary-use management
1220 | shall be those activities described in subsection (9) undertaken
1221 | on parcels designated as single use pursuant to s. 253.034(2) (b).

1222 | (e) Up to one-fifth of the funds provided for in paragraph
1223 | (b) shall be reserved by the board of trustees for interim
1224 | management of acquisitions and for associated contractual
1225 | services, to ensure the conservation and protection of natural
1226 | resources on project sites and to allow limited public
1227 | recreational use of lands. Interim management activities may
1228 | include, but not be limited to, resource assessments, control of
1229 | invasive, nonnative species, habitat restoration, fencing, law
1230 | enforcement, controlled burning, and public access consistent
1231 | with preliminary determinations made pursuant to paragraph
1232 | (9) (g). The board of trustees shall make these interim funds
1233 | available immediately upon purchase.

1234 | (f) The department shall set long-range and annual goals
1235 | for the control and removal of nonnative, invasive plant species
1236 | on public lands. Such goals shall differentiate between aquatic
1237 | plant species and upland plant species. In setting such goals,
1238 | the department may rank, in order of adverse impact, species that
1239 | impede or destroy the functioning of natural systems.
1240 | Notwithstanding paragraph (a), up to one-fourth of the funds
1241 | provided for in paragraph (b) may be used by the agencies
1242 | receiving those funds for control and removal of nonnative,
1243 | invasive species on public lands.

1244 | ~~(g) In addition to the purposes specified in paragraph (b),~~
1245 | ~~funds from the 1.5 percent of the cumulative total of funds ever~~
1246 | ~~deposited into the Florida Preservation 2000 Trust Fund and the~~
1247 | ~~Florida Forever Trust Fund may be appropriated for the 2006-2007~~

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1248 ~~fiscal year for the construction of replacement museum~~
1249 ~~facilities. This paragraph expires July 1, 2007.~~

1250 (12) (a) Beginning July 1, 1999, the Legislature shall make
1251 available sufficient funds annually from the Conservation and
1252 Recreation Lands Trust Fund to the department for payment in lieu
1253 of taxes to qualifying counties and local governments as defined
1254 in paragraph (b) for all actual tax losses incurred as a result
1255 of board of trustees acquisitions for state agencies under the
1256 Florida Forever program or the Florida Preservation 2000 program
1257 during any year. Reserved funds not used for payments in lieu of
1258 taxes in any year shall revert to the fund to be used for land
1259 management in accordance with the provisions of this section.

1260 (b) Payment in lieu of taxes shall be available:

1261 1. To all counties that have a population of 150,000 or
1262 fewer. Population levels shall be determined pursuant to s.
1263 11.031.

1264 2. To all local governments located in eligible counties.

1265 3. To Glades County, where a privately owned and operated
1266 prison leased to the state has recently been opened and where
1267 privately owned and operated juvenile justice facilities leased
1268 to the state have recently been constructed and opened, a payment
1269 in lieu of taxes, in an amount that offsets the loss of property
1270 tax revenue, which funds have already been appropriated and
1271 allocated from the Department of Correction's budget for the
1272 purpose of reimbursing amounts equal to lost ad valorem taxes.

1273 (c) If insufficient funds are available in any year to make
1274 full payments to all qualifying counties and local governments,
1275 such counties and local governments shall receive a pro rata
1276 share of the moneys available.

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1277 (d) The payment amount shall be based on the average amount
1278 of actual taxes paid on the property for the 3 years preceding
1279 acquisition. Applications for payment in lieu of taxes shall be
1280 made no later than January 31 of the year following acquisition.
1281 No payment in lieu of taxes shall be made for properties which
1282 were exempt from ad valorem taxation for the year immediately
1283 preceding acquisition.

1284 (e) If property which was subject to ad valorem taxation
1285 was acquired by a tax-exempt entity for ultimate conveyance to
1286 the state under this chapter, payment in lieu of taxes shall be
1287 made for such property based upon the average amount of taxes
1288 paid on the property for the 3 years prior to its being removed
1289 from the tax rolls. The department shall certify to the
1290 Department of Revenue those properties that may be eligible under
1291 this provision. Once eligibility has been established, that
1292 county or local government shall receive 10 consecutive annual
1293 payments for each tax loss, and no further eligibility
1294 determination shall be made during that period.

1295 (f) Payment in lieu of taxes pursuant to this subsection
1296 shall be made annually to qualifying counties and local
1297 governments after certification by the Department of Revenue that
1298 the amounts applied for are reasonably appropriate, based on the
1299 amount of actual taxes paid on the eligible property. With the
1300 assistance of the local government requesting payment in lieu of
1301 taxes, the state agency that acquired the land is responsible for
1302 preparing and submitting application requests for payment to the
1303 Department of Revenue for certification.

1304 (g) If the board of trustees conveys to a local government
1305 title to any land owned by the board, any payments in lieu of

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1306 taxes on the land made to the local government shall be
1307 discontinued as of the date of the conveyance.

1308
1309 For the purposes of this subsection, "local government" includes
1310 municipalities, the county school board, mosquito control
1311 districts, and any other local government entity which levies ad
1312 valorem taxes, with the exception of a water management district.

1313 (13) Moneys credited to the fund each year which are not
1314 used for management, maintenance, or capital improvements
1315 pursuant to subsection (11); for payment in lieu of taxes
1316 pursuant to subsection (12); or for the purposes of subsection
1317 (5), shall be available for the acquisition of land pursuant to
1318 this section.

1319 (14) The board of trustees may adopt rules to further
1320 define the categories of land for acquisition under this chapter.

1321 (15) Within 90 days after receiving a certified letter from
1322 the owner of a property on the Conservation and Recreation Lands
1323 list or the priority list established pursuant to s. 259.105
1324 objecting to the property being included in an acquisition
1325 project, where such property is a project or part of a project
1326 which has not been listed for purchase in the current year's land
1327 acquisition work plan, the board of trustees shall delete the
1328 property from the list or from the boundary of an acquisition
1329 project on the list.

1330 Section 9. Section 259.035, Florida Statutes, is amended to
1331 read:

1332 259.035 Acquisition and Restoration Council.--

1333 (1) There is created the Acquisition and Restoration
1334 Council.

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1335 (a) The council shall be composed of nine voting members,
1336 four of whom shall be appointed by the Governor. Of these four
1337 appointees, three shall be from scientific disciplines related to
1338 land, water, or environmental sciences and the fourth shall have
1339 at least 5 years of experience in managing lands for both active
1340 and passive types of recreation. They shall serve 4-year terms,
1341 except that, initially, to provide for staggered terms, two of
1342 the appointees shall serve 2-year terms. All subsequent
1343 appointments shall be for 4-year terms. No appointee shall serve
1344 more than 6 years. The Governor may at any time fill a vacancy
1345 for the unexpired term of a member appointed under this
1346 paragraph.

1347 (b) The five remaining appointees shall be composed of the
1348 Secretary of Environmental Protection, the director of the
1349 Division of Forestry of the Department of Agriculture and
1350 Consumer Services, the executive director of the Fish and
1351 Wildlife Conservation Commission, the director of the Division of
1352 Historical Resources of the Department of State, and the
1353 secretary of the Department of Community Affairs, or their
1354 respective designees.

1355 (c) The Governor shall appoint the chair of the council,
1356 and a vice chair shall be elected from among the members.

1357 (d) The council shall hold periodic meetings at the request
1358 of the chair.

1359 (e) The Department of Environmental Protection shall
1360 provide primary staff support to the council and shall ensure
1361 that council meetings are electronically recorded. Such recording
1362 shall be preserved pursuant to chapters 119 and 257.

1363 (f) The board of trustees has authority to adopt rules

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1364 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
1365 of this section.

1366 (2) The four members of the council appointed by the
1367 Governor shall receive \$75 per day while engaged in the business
1368 of the council, as well as expenses and per diem for travel,
1369 including attendance at meetings, as allowed state officers and
1370 employees while in the performance of their duties, pursuant to
1371 s. 112.061.

1372 (3) The council shall provide assistance to the board of
1373 trustees in reviewing the recommendations and plans for state-
1374 owned lands required under ss. 253.034 and 259.032. The council
1375 shall, in reviewing such recommendations and plans, consider the
1376 optimization of multiple-use and conservation strategies to
1377 accomplish the provisions funded pursuant to ss. 259.101(3)(a)
1378 and 259.105(3)(b).

1379 (4) (a) The council may use existing rules adopted by the
1380 board of trustees, until it develops and recommends amendments to
1381 those rules, to competitively evaluate, select, and rank projects
1382 eligible for the Conservation and Recreation Lands list pursuant
1383 to ss. 259.032(3) and 259.101(4) ~~and, beginning no later than May~~
1384 ~~1, 2001, for Florida Forever funds pursuant to s. 259.105(3)(b).~~

1385 (b) By December 1, 2009, the Acquisition and Restoration
1386 Council shall develop rules defining specific criteria and
1387 numeric performance measures needed for lands that are to be
1388 acquired for public purpose under the Florida Forever program
1389 pursuant to s. 259.105. Each recipient of Florida Forever funds
1390 shall assist the council in the development of such rules. These
1391 rules shall be reviewed and adopted by the board then submitted
1392 to the Legislature for consideration by February 1, 2010. The

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1393 Legislature may reject, modify, or take no action relative to the
1394 proposed rules. If no action is taken, the rules shall be
1395 implemented. Subsequent to their approval, each recipient of
1396 Florida Forever funds shall annually report to the Division of
1397 State Lands on each of the numeric performance measures
1398 accomplished during the previous fiscal year.

1399 (c) In developing or amending ~~the~~ rules, the council shall
1400 give weight to the criteria included in s. 259.105(10). The board
1401 of trustees shall review the recommendations and shall adopt
1402 rules necessary to administer this section.

1403 (5) An affirmative vote of five members of the council is
1404 required in order to change a project boundary or to place a
1405 proposed project on a list developed pursuant to subsection (4).
1406 Any member of the council who by family or a business
1407 relationship has a connection with all or a portion of any
1408 proposed project shall declare the interest before voting on its
1409 inclusion on a list.

1410 (6) The proposal for a project pursuant to this section or
1411 s. 259.105(3)(b) may be implemented only if adopted by the
1412 council and approved by the board of trustees. The council shall
1413 consider and evaluate in writing the merits and demerits of each
1414 project that is proposed for Conservation and Recreation Lands,
1415 Florida Preservation 2000, or Florida Forever funding and shall
1416 ensure that each proposed project will meet a stated public
1417 purpose for the restoration, conservation, or preservation of
1418 environmentally sensitive lands and water areas or for providing
1419 outdoor recreational opportunities. The council also shall
1420 determine whether the project conforms, where applicable, with
1421 the comprehensive plan developed pursuant to s. 259.04(1)(a), the

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1422 comprehensive multipurpose outdoor recreation plan developed
1423 pursuant to s. 375.021, the state lands management plan adopted
1424 pursuant to s. 253.03(7), the water resources work plans
1425 developed pursuant to s. 373.199, and the provisions of s.
1426 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1427 Section 10. Section 259.037, Florida Statutes, is amended
1428 to read:

1429 259.037 Land Management Uniform Accounting Council.--

1430 (1) The Land Management Uniform Accounting Council is
1431 created within the Department of Environmental Protection and
1432 shall consist of the director of the Division of State Lands, the
1433 director of the Division of Recreation and Parks, the director of
1434 the Office of Coastal and Aquatic Managed Areas, and the director
1435 of the Office of Greenways and Trails of the Department of
1436 Environmental Protection; the director of the Division of
1437 Forestry of the Department of Agriculture and Consumer Services;
1438 the executive director of the Fish and Wildlife Conservation
1439 Commission; and the director of the Division of Historical
1440 Resources of the Department of State, or their respective
1441 designees. Each state agency represented on the council shall
1442 have one vote. The chair of the council shall rotate annually in
1443 the foregoing order of state agencies. The agency of the
1444 representative serving as chair of the council shall provide
1445 staff support for the council. The Division of State Lands shall
1446 serve as the recipient of and repository for the council's
1447 documents. The council shall meet at the request of the chair.

1448 (2) The Auditor General and the director of the Office of
1449 Program Policy Analysis and Government Accountability, or their
1450 designees, shall advise the council to ensure that appropriate

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1451 accounting procedures are utilized and that a uniform method of
1452 collecting and reporting accurate costs of land management
1453 activities are created and can be used by all agencies.

1454 (3) (a) All land management activities and costs must be
1455 assigned to a specific category, and any single activity or cost
1456 may not be assigned to more than one category. Administrative
1457 costs, such as planning or training, shall be segregated from
1458 other management activities. Specific management activities and
1459 costs must initially be grouped, at a minimum, within the
1460 following categories:

- 1461 1. ~~(a)~~ Resource management.
1462 2. ~~(b)~~ Administration.
1463 3. Support.
1464 4. Capital improvements.
1465 5. Recreation visitor services.
1466 6. Law enforcement activities.
1467 ~~(c)~~ New facility construction.
1468 ~~(d)~~ Facility maintenance.

1469
1470 Upon adoption of the initial list of land management categories
1471 by the council, agencies assigned to manage conservation or
1472 recreation lands shall, on July 1, 2000, begin to account for
1473 land management costs in accordance with the category to which an
1474 expenditure is assigned.

1475 (b) Each reporting agency shall also:

1476 1. Include a report of the available public use
1477 opportunities for each management unit of state land, the total
1478 management cost for public access and public use, and the cost
1479 associated with each use option.

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1480 2. List the acres of land requiring minimal management
1481 effort, moderate management effort, and significant management
1482 effort pursuant to s. 259.032(11)(c). For each category created
1483 in paragraph (a), the reporting agency shall include the amount
1484 of funds requested, the amount of funds received, and the amount
1485 of funds expended for land management.

1486 3. List acres managed and cost of management for each park,
1487 preserve, forest, reserve, or management area.

1488 4. List acres managed, cost of management, and lead manager
1489 for each state lands management unit for which secondary
1490 management activities were provided.

1491 (4) The council shall report agencies' expenditures
1492 pursuant to the adopted categories to the President of the Senate
1493 and the Speaker of the House of Representatives annually,
1494 beginning July 1, 2001. The council shall also provide this
1495 report to the Acquisition and Restoration Council and the
1496 division for inclusion in its annual report required pursuant to
1497 s. 259.036 ~~s. 259.105~~.

1498 (5) Should the council determine that the list of land
1499 management categories needs to be revised, it shall meet upon the
1500 call of the chair.

1501 (6) Biennially, each reporting agency shall also submit an
1502 operational report for each management area along with an
1503 approved management plan. The report should assess the progress
1504 toward achieving short-term and long-term management goals of the
1505 approved management plan, including all land management
1506 activities, and identify any deficiencies in management and
1507 corrective actions to address identified deficiencies as
1508 appropriate. This report shall be submitted to the Acquisition

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1509 and Restoration Council and the division for inclusion in its
1510 annual report required pursuant to s. 259.036.

1511 Section 11. Subsections (3) and (7) of section 259.041,
1512 Florida Statutes, is amended to read:

1513 259.041 Acquisition of state-owned lands for preservation,
1514 conservation, and recreation purposes.--

1515 (3) No agreement to acquire real property for the purposes
1516 described in this chapter, chapter 260, or chapter 375, title to
1517 which will vest in the board of trustees, may bind the state
1518 unless and until the agreement has been reviewed and approved by
1519 the Department of Environmental Protection as complying with the
1520 requirements of this section and any rules adopted pursuant to
1521 this section. Where any of the following conditions exist, the
1522 agreement shall be submitted to and approved by the board of
1523 trustees:

1524 (a) The purchase price agreed to by the seller exceeds the
1525 value as established pursuant to the rules of the board of
1526 trustees;

1527 (b) The contract price agreed to by the seller and
1528 acquiring agency exceeds \$1 million;

1529 (c) The acquisition is the initial purchase in a project;
1530 or

1531 (d) Other conditions that the board of trustees may adopt
1532 by rule. Such conditions may include, but not be limited to,
1533 projects where title to the property being acquired is considered
1534 nonmarketable or is encumbered in such a way as to significantly
1535 affect its management.

1536
1537 Where approval of the board of trustees is required pursuant to

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1538 this subsection, the acquiring agency must provide a
1539 justification as to why it is in the public's interest to acquire
1540 the parcel or project. Approval of the board of trustees also is
1541 required for projects the department recommends acquiring
1542 pursuant to subsections (14) and (15). Review and approval of
1543 agreements for acquisitions for Florida Greenways and Trails
1544 Program properties pursuant to chapter 260 may be waived by the
1545 department in any contract with nonprofit corporations that have
1546 agreed to assist the department with this program. If the
1547 contribution of the acquiring agency exceeds \$100 million in any
1548 one fiscal year, the agreement shall be submitted to and approved
1549 by the Legislative Budget Commission.

1550 (7) Prior to approval by the board of trustees or, when
1551 applicable, the Department of Environmental Protection, of any
1552 agreement to purchase land pursuant to this chapter, chapter 260,
1553 or chapter 375, and prior to negotiations with the parcel owner
1554 to purchase any other land, title to which will vest in the board
1555 of trustees, an appraisal of the parcel shall be required as
1556 follows:

1557 (a) The board of trustees shall adopt by rule the method
1558 for determining the value of parcels sought to be acquired by
1559 state agencies pursuant to this section.

1560 (b) Each parcel to be acquired shall have at least one
1561 appraisal. Two appraisals are required when the estimated value
1562 of the parcel exceeds \$1 million ~~\$500,000~~. However, when both
1563 appraisals exceed \$1 million ~~\$500,000~~ and differ significantly, a
1564 third appraisal may be obtained. When a parcel is estimated to be
1565 worth \$100,000 or less and the director of the Division of State
1566 Lands finds that the cost of obtaining an outside appraisal is

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1567 | not justified, an appraisal prepared by the division may be used.

1568 | (c) Appraisal fees and associated costs shall be paid by
1569 | the agency proposing the acquisition. The board of trustees shall
1570 | approve qualified fee appraisal organizations. All appraisals
1571 | used for the acquisition of lands pursuant to this section shall
1572 | be prepared by a member of an approved appraisal organization or
1573 | by a state-certified appraiser who meets the standards and
1574 | criteria established in rule by the board of trustees. Each fee
1575 | appraiser selected to appraise a particular parcel shall, prior
1576 | to contracting with the agency or a participant in a multiparty
1577 | agreement, submit to that agency or participant an affidavit
1578 | substantiating that he or she has no vested or fiduciary interest
1579 | in such parcel.

1580 | (d) The fee appraiser and the review appraiser for the
1581 | agency shall not act in any way that may be construed as
1582 | negotiating with the property owner.

1583 | (e) Generally, appraisal reports are confidential and
1584 | exempt from the provisions of s. 119.07(1), for use by the agency
1585 | and the board of trustees, until an option contract is executed
1586 | or, if no option contract is executed, until 2 weeks before a
1587 | contract or agreement for purchase is considered for approval by
1588 | the board of trustees. However, the department has the authority,
1589 | at its discretion, to disclose appraisal reports to private
1590 | landowners during negotiations for acquisitions using
1591 | alternatives to fee simple techniques, if the department
1592 | determines that disclosure of such reports will bring the
1593 | proposed acquisition to closure. The Division of State Lands may
1594 | also disclose appraisal information to public agencies or
1595 | nonprofit organizations that agree to maintain the

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1596 confidentiality of the reports or information when joint
1597 acquisition of property is contemplated, or when a public agency
1598 or nonprofit organization enters into a written multiparty
1599 agreement with the division to purchase and hold property for
1600 subsequent resale to the division. In addition, the division may
1601 use, as its own, appraisals obtained by a public agency or
1602 nonprofit organization, provided the appraiser is selected from
1603 the division's list of appraisers and the appraisal is reviewed
1604 and approved by the division. For the purposes of this chapter,
1605 "nonprofit organization" means an organization whose purposes
1606 include the preservation of natural resources, and which is
1607 exempt from federal income tax under s. 501(c)(3) of the Internal
1608 Revenue Code. The agency may release an appraisal report when the
1609 passage of time has rendered the conclusions of value in the
1610 report invalid or when the acquiring agency has terminated
1611 negotiations.

1612 (f) The Division of State Lands may use, as its own,
1613 appraisals obtained by a public agency or nonprofit organization,
1614 provided that the appraiser is selected from the division's list
1615 of appraisers and the appraisal is reviewed and approved by the
1616 division. For the purposes of this chapter, the term "nonprofit
1617 organization" means an organization whose purposes include the
1618 preservation of natural resources and which is exempt from
1619 federal income tax under s. 501(c)(3) of the Internal Revenue
1620 Code.

1621
1622 Notwithstanding the provisions of this subsection, on behalf of
1623 the board and before the appraisal of parcels approved for
1624 purchase under this chapter, the Secretary of Environmental

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1625 Protection or the director of the Division of State Lands may
1626 enter into option contracts to buy such parcels. Any such option
1627 contract shall state that the final purchase price is subject to
1628 approval by the board or, when applicable, the secretary and that
1629 the final purchase price may not exceed the maximum offer allowed
1630 by law. Any such option contract presented to the board for final
1631 purchase price approval shall explicitly state that payment of
1632 the final purchase price is subject to an appropriation from the
1633 Legislature. The consideration for such an option may not exceed
1634 \$1,000 or 0.01 percent of the estimate by the department of the
1635 value of the parcel, whichever amount is greater.

1636 Section 12. Section 259.105, Florida Statutes is amended to
1637 read:

1638 259.105 The Florida Forever Act.--

1639 (1) This section may be cited as the "Florida Forever Act."

1640 (2) (a) The Legislature finds and declares that:

1641 1. Land acquisition programs have ~~The Preservation 2000~~
1642 ~~program~~ provided tremendous financial resources for purchasing
1643 environmentally significant lands to protect those lands from
1644 imminent development or alteration, thereby ensuring ~~assuring~~
1645 present and future generations' access to important waterways,
1646 open spaces, and recreation and conservation lands.

1647 2. The continued alteration and development of Florida's
1648 natural and rural areas to accommodate the state's ~~rapidly~~
1649 growing population have contributed to the degradation of water
1650 resources, the fragmentation and destruction of wildlife
1651 habitats, the loss of outdoor recreation space, and the
1652 diminishment of wetlands, forests, working landscapes, and
1653 coastal open space ~~and public beaches~~.

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1654 3. The potential development of Florida's remaining natural
1655 areas and escalation of land values require ~~a continuation of~~
1656 government efforts to restore, bring under public protection, or
1657 acquire lands and water areas to preserve the state's essential
1658 ecological functions and invaluable quality of life.

1659 4. It is essential to protect the state's ecosystems by
1660 promoting a more efficient use of land, to ensure opportunities
1661 for viable agricultural activities on working lands, and to
1662 promote vital rural and urban communities that support and
1663 produce development patterns consistent with natural resource
1664 protection.

1665 5.4. Florida's groundwater, surface waters, and springs are
1666 under tremendous pressure due to population growth and economic
1667 expansion and require special protection and restoration efforts,
1668 including the protection of uplands and springsheds that provide
1669 vital recharge to aquifer systems and are critical to the
1670 protection of water quality and water quantity of the aquifers
1671 and springs. A variety of incentives should be developed for
1672 landowners to help maintain these lands, including options that
1673 encourage the cultivation of water and other ecosystem resource
1674 services. To ensure that sufficient quantities of water are
1675 available to meet the current and future needs of the natural
1676 systems and citizens of the state, and assist in achieving the
1677 planning goals of the department and the water management
1678 districts, water resource development projects on public lands,
1679 where compatible with the resource values of and management
1680 objectives for the lands, are appropriate.

1681 6.5. The needs of urban, suburban, and small communities in
1682 Florida for high-quality outdoor recreational opportunities,

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1683 greenways, trails, and open space have not been fully met by
1684 previous acquisition programs. Through such programs as the
1685 Florida Communities Trust and the Florida Recreation Development
1686 Assistance Program, the state shall place additional emphasis on
1687 acquiring, protecting, preserving, and restoring open space,
1688 ecological greenways, and recreation properties within urban,
1689 suburban, and rural areas where pristine natural communities or
1690 water bodies no longer exist because of the proximity of
1691 developed property.

1692 ~~7.6.~~ Many of Florida's unique ecosystems, such as the
1693 Florida Everglades, are facing ecological collapse due to
1694 Florida's burgeoning population growth and other economic
1695 activities. To preserve these valuable ecosystems for future
1696 generations, essential parcels of land must be acquired to
1697 facilitate ecosystem restoration.

1698 ~~8.7.~~ Access to public lands to support a broad range of
1699 outdoor recreational opportunities and the development of
1700 necessary infrastructure, where compatible with the resource
1701 values of and management objectives for such lands, promotes an
1702 appreciation for Florida's natural assets and improves the
1703 quality of life.

1704 ~~9.8.~~ Acquisition of lands, in fee simple, less-than-fee
1705 interest, or other techniques shall in any lesser interest,
1706 ~~should~~ be based on a comprehensive science-based assessment of
1707 Florida's natural resources which targets essential conservation
1708 lands by prioritizing all current and future acquisitions based
1709 on a uniform set of data and planned so as to protect the
1710 integrity and function of ecological systems and working
1711 landscapes, and provide multiple benefits, including preservation

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1712 of fish and wildlife habitat, recreation space for urban and as
1713 ~~well as~~ rural areas, and the restoration of natural water
1714 storage, flow, and recharge.

1715 10.9. The state has embraced performance-based program
1716 budgeting as a tool to evaluate the achievements of publicly
1717 funded agencies, build in accountability, and reward those
1718 agencies which are able to consistently achieve quantifiable
1719 goals. While previous and existing state environmental programs
1720 have achieved varying degrees of success, few of these programs
1721 can be evaluated as to the extent of their achievements,
1722 primarily because performance measures, standards, outcomes, and
1723 goals were not established at the outset. Therefore, the Florida
1724 Forever program shall be developed and implemented in the context
1725 of measurable state goals and objectives.

1726 11.10. It is the intent of the Legislature to change the
1727 focus and direction of the state's major land acquisition
1728 programs and to extend funding and bonding capabilities, so that
1729 future generations may enjoy the natural resources of Florida and
1730 the state:-

1731 a. Fulfills its role in the recovery and management of
1732 Florida's listed species;

1733 b. Provides ample public access to Florida waterways; and

1734 c. Enhances adequate water supply to meet the needs of
1735 natural systems as well as Florida residents.

1736 (b) The Legislature recognizes that acquisition of lands in
1737 fee simple is only one way to achieve the aforementioned goals
1738 and encourages the use of less-than-fee interests, other
1739 techniques, and the development of creative partnerships between
1740 governmental agencies and private landowners. Easements acquired

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1741 pursuant to s. 570.71(2)(a) and (b), land protection agreements,
1742 and similar tools should be used, where appropriate, to bring
1743 environmentally sensitive tracts under an acceptable level of
1744 protection at a lower financial cost to the public, and to
1745 provide private landowners with the opportunity to enjoy and
1746 benefit from their property.

1747 (c) Public agencies or other entities that receive funds
1748 under this section shall ~~are encouraged to better~~ coordinate
1749 their expenditures so that project acquisitions, when combined
1750 with acquisitions under Florida Forever, Preservation 2000, Save
1751 Our Rivers, the Florida Communities Trust, and other public land
1752 acquisition programs, will form more complete patterns of
1753 protection for natural areas, ecological greenways, and
1754 functioning ecosystems, to better accomplish the intent of this
1755 section.

1756 (d) A long-term financial commitment to managing Florida's
1757 public lands must accompany any new land acquisition program to
1758 ensure that the natural resource values of such lands are
1759 protected, that the public has the opportunity to enjoy the lands
1760 to their fullest potential, and that the state achieves the full
1761 benefits of its investment of public dollars. Innovative
1762 strategies such as public-private partnerships and interagency
1763 planning and sharing of resources shall be used to achieve the
1764 state's management goals.

1765 (e) With limited dollars available for restoration and
1766 acquisition of land and water areas and for providing long-term
1767 management and capital improvements, a competitive selection
1768 process shall ~~can~~ select those projects best able to meet the
1769 goals of Florida Forever and maximize the efficient use of the

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1770 program's funding.

1771 (f) To ensure success and provide accountability to the
1772 citizens of this state, it is the intent of the Legislature that
1773 any cash or bond proceeds used pursuant to this section be used
1774 to implement the goals and objectives recommended by a
1775 comprehensive science-based assessment and ~~the Florida Forever~~
1776 ~~Advisory Council~~ as approved by the Board of Trustees of the
1777 Internal Improvement Trust Fund and the Legislature.

1778 (g) As it has with previous land acquisition programs, the
1779 Legislature recognizes the desires of the citizens of this state
1780 to prosper through economic development and to preserve the
1781 natural areas and recreational open space of Florida. The
1782 Legislature further recognizes the urgency of restoring the
1783 natural functions of public lands or water bodies before they are
1784 degraded to a point where recovery may never occur, yet
1785 acknowledges the difficulty of ensuring adequate funding for
1786 restoration efforts in light of other equally critical financial
1787 needs of the state. It is the Legislature's desire and intent to
1788 fund the implementation of this section and to do so in a
1789 fiscally responsible manner, by issuing bonds to be repaid with
1790 documentary stamp tax or other revenue sources.

1791 (h) The Legislature further recognizes the important role
1792 that many of our state and federal military installations
1793 contribute to protecting and preserving Florida's natural
1794 resources as well as our economic prosperity. Where the state's
1795 land conservation plans overlap with the military's need to
1796 protect lands, waters, and habitat to ensure the sustainability
1797 of military missions, it is the Legislature's intent that
1798 agencies receiving funds under this program cooperate with our

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1799 military partners to protect and buffer military installations
1800 and military airspace, by:

1801 1. Protecting habitat on nonmilitary land for any species
1802 found on military land that is designated as threatened or
1803 endangered, or is a candidate for such designation under the
1804 Endangered Species Act or any Florida statute;

1805 2. Protecting areas underlying low-level military air
1806 corridors or operating areas; ~~and~~

1807 3. Protecting areas identified as clear zones, accident
1808 potential zones, and air installation compatible use buffer zones
1809 delineated by our military partners; and-

1810 4. Providing the military with technical assistance to
1811 restore, enhance, and manage military land as habitat for
1812 imperiled species or species designated as threatened or
1813 endangered, or a candidate for such designation, and for the
1814 recovery or reestablishment of such species.

1815 (3) Less the costs of issuing and the costs of funding
1816 reserve accounts and other costs associated with bonds, the
1817 proceeds of cash payments or bonds issued pursuant to this
1818 section shall be deposited into the Florida Forever Trust Fund
1819 created by s. 259.1051. The proceeds shall be distributed by the
1820 Department of Environmental Protection in the following manner:

1821 (a) Thirty ~~Thirty-five~~ percent to the Department of
1822 Environmental Protection for the acquisition of lands and capital
1823 project expenditures necessary to implement the water management
1824 districts' priority lists developed pursuant to s. 373.199. The
1825 funds are to be distributed to the water management districts as
1826 provided in subsection (11). A minimum of 50 percent of the total
1827 funds provided over the life of the Florida Forever program

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1828 | pursuant to this paragraph shall be used for the acquisition of
1829 | lands.

1830 | (b) Thirty-five percent to the Department of Environmental
1831 | Protection for the acquisition of lands and capital project
1832 | expenditures described in this section. Of the proceeds
1833 | distributed pursuant to this paragraph, it is the intent of the
1834 | Legislature that an increased priority be given to those
1835 | acquisitions which achieve a combination of conservation goals,
1836 | including protecting Florida's water resources and natural
1837 | groundwater recharge. At a minimum, 3 percent, and no more than
1838 | 10 percent, of the funds allocated pursuant to this paragraph
1839 | shall be spent on capital project expenditures identified during
1840 | the time of acquisition which meet land management planning
1841 | activities necessary for public access ~~may not exceed 10 percent~~
1842 | ~~of the funds allocated pursuant to this paragraph.~~

1843 | (c) Twenty-two percent to the Department of Community
1844 | Affairs for use by the Florida Communities Trust for the purposes
1845 | of part III of chapter 380, as described and limited by this
1846 | subsection, and grants to local governments or nonprofit
1847 | environmental organizations that are tax-exempt under s.
1848 | 501(c) (3) of the United States Internal Revenue Code for the
1849 | acquisition of community-based projects, urban open spaces,
1850 | parks, and greenways to implement local government comprehensive
1851 | plans. From funds available to the trust and used for land
1852 | acquisition, 75 percent shall be matched by local governments on
1853 | a dollar-for-dollar basis. The Legislature intends that the
1854 | Florida Communities Trust emphasize funding projects in low-
1855 | income or otherwise disadvantaged communities and projects that
1856 | provide areas for direct water access and water-dependent

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1857 facilities that are open to the public and offer public access by
1858 vessels to waters of the state, including boat ramps and
1859 associated parking and other support facilities. At least 30
1860 percent of the total allocation provided to the trust shall be
1861 used in Standard Metropolitan Statistical Areas, but one-half of
1862 that amount shall be used in localities in which the project site
1863 is located in built-up commercial, industrial, or mixed-use areas
1864 and functions to intersperse open spaces within congested urban
1865 core areas. From funds allocated to the trust, no less than 5
1866 percent shall be used to acquire lands for recreational trail
1867 systems, provided that in the event these funds are not needed
1868 for such projects, they will be available for other trust
1869 projects. Local governments may use federal grants or loans,
1870 private donations, or environmental mitigation funds, including
1871 environmental mitigation funds required pursuant to s. 338.250,
1872 for any part or all of any local match required for acquisitions
1873 funded through the Florida Communities Trust. Any lands purchased
1874 by nonprofit organizations using funds allocated under this
1875 paragraph must provide for such lands to remain permanently in
1876 public use through a reversion of title to local or state
1877 government, conservation easement, or other appropriate
1878 mechanism. Projects funded with funds allocated to the Trust
1879 shall be selected in a competitive process measured against
1880 criteria adopted in rule by the Trust.

1881 (d) Two percent to the Department of Environmental
1882 Protection for grants pursuant to s. 375.075.

1883 (e) One and five-tenths percent to the Department of
1884 Environmental Protection for the purchase of inholdings and
1885 additions to state parks and for capital project expenditures as

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1886 described in this section. At a minimum, 1 percent, and no more
1887 than 10 percent, of the funds allocated pursuant to this
1888 paragraph shall be spent on capital project expenditures
1889 identified during the time of acquisition which meet land
1890 management planning activities necessary for public access ~~may~~
1891 ~~not exceed 10 percent of the funds allocated under this~~
1892 ~~paragraph.~~ For the purposes of this paragraph, "state park" means
1893 any real property in the state which is under the jurisdiction of
1894 the Division of Recreation and Parks of the department, or which
1895 may come under its jurisdiction.

1896 (f) One and five-tenths percent to the Division of Forestry
1897 of the Department of Agriculture and Consumer Services to fund
1898 the acquisition of state forest inholdings and additions pursuant
1899 to s. 589.07, the implementation of reforestation plans or
1900 sustainable forestry management practices, and for capital
1901 project expenditures as described in this section. At a minimum,
1902 1 percent, and no more than 10 percent, of the funds allocated
1903 for the acquisition of inholdings and additions pursuant to this
1904 paragraph shall be spent on capital project expenditures
1905 identified during the time of acquisition which meet land
1906 management planning activities necessary for public access ~~may~~
1907 ~~not exceed 10 percent of the funds allocated under this~~
1908 ~~paragraph.~~

1909 (g) One and five-tenths percent to the Fish and Wildlife
1910 Conservation Commission to fund the acquisition of inholdings and
1911 additions to lands managed by the commission which are important
1912 to the conservation of fish and wildlife and for capital project
1913 expenditures as described in this section. At a minimum, 1
1914 percent, and no more than 10 percent, of the funds allocated

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1915 pursuant to this paragraph shall be spent on capital project
1916 expenditures identified during the time of acquisition which meet
1917 land management planning activities necessary for public access
1918 ~~may not exceed 10 percent of the funds allocated under this~~
1919 ~~paragraph.~~

1920 (h) One and five-tenths percent to the Department of
1921 Environmental Protection for the Florida Greenways and Trails
1922 Program, to acquire greenways and trails or greenways and trail
1923 systems pursuant to chapter 260, including, but not limited to,
1924 abandoned railroad rights-of-way and the Florida National Scenic
1925 Trail and for capital project expenditures as described in this
1926 section. At a minimum, 1 percent, and no more than 10 percent, of
1927 the funds allocated pursuant to this paragraph shall be spent on
1928 capital project expenditures identified during the time of
1929 acquisition which meet land management planning activities
1930 necessary for public access ~~may not exceed 10 percent of the~~
1931 ~~funds allocated under this paragraph.~~

1932 (i) Five percent to the Department of Agriculture and
1933 Consumer Services for the acquisition of agricultural lands,
1934 through perpetual conservation easements and other perpetual
1935 less-than-fee techniques, which will achieve the objectives of
1936 Florida Forever and s. 570.71. Rules concerning the application,
1937 acquisition, and priority ranking process for such easements
1938 shall be developed pursuant to s. 570.71(10) and as provided by
1939 this paragraph. The board shall ensure that such rules are
1940 consistent with the acquisition process provided for in s.
1941 259.041. Provisions of the rules developed pursuant to s.
1942 570.71(10), shall also provide for the following:

1943 1. An annual priority list shall be developed pursuant to

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1944 s. 570.71(10), submitted to the Acquisition and Restoration
1945 Council for review, and approved by the board pursuant to s.
1946 259.04.

1947 2. Terms of easements and acquisitions proposed pursuant to
1948 this paragraph shall be approved by the board and shall not be
1949 delegated by the board to any other entity receiving funds under
1950 this section.

1951 3. All acquisitions pursuant to this paragraph shall
1952 contain a clear statement that they are subject to legislative
1953 appropriation.

1954
1955 No funds provided under this paragraph shall be expended until
1956 final adoption of rules by the board pursuant to s. 570.71.

1957 (j)(i) It is the intent of the Legislature that cash
1958 payments or proceeds of Florida Forever bonds distributed under
1959 this section shall be expended in an efficient and fiscally
1960 responsible manner. An agency that receives proceeds from Florida
1961 Forever bonds under this section may not maintain a balance of
1962 unencumbered funds in its Florida Forever subaccount beyond 3
1963 fiscal years from the date of deposit of funds from each bond
1964 issue. Any funds that have not been expended or encumbered after
1965 3 fiscal years from the date of deposit shall be distributed by
1966 the Legislature at its next regular session for use in the
1967 Florida Forever program.

1968 (k)(j) For the purposes of paragraphs ~~(d)~~, (e), (f), ~~and~~
1969 (g), and (h), the agencies that ~~which~~ receive the funds shall
1970 develop their individual acquisition or restoration lists in
1971 accordance with specific criteria and numeric performance
1972 measures developed pursuant s. 259.035(4). Proposed additions may

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1973 | be acquired if they are identified within the original project
1974 | boundary, the management plan required pursuant to s. 253.034(5),
1975 | or the management prospectus required pursuant to s.
1976 | 259.032(9)(d). Proposed additions not meeting the requirements of
1977 | this paragraph shall be submitted to the Acquisition and
1978 | Restoration Council for approval. The council may only approve
1979 | the proposed addition if it meets two or more of the following
1980 | criteria: serves as a link or corridor to other publicly owned
1981 | property; enhances the protection or management of the property;
1982 | would add a desirable resource to the property; would create a
1983 | more manageable boundary configuration; has a high resource value
1984 | that otherwise would be unprotected; or can be acquired at less
1985 | than fair market value.

1986 | (4) It is the intent of the Legislature that projects or
1987 | acquisitions funded pursuant to paragraphs (3)(a) and (b)
1988 | contribute to the achievement of the following goals, which shall
1989 | be evaluated in accordance with specific criteria and numeric
1990 | performance measures developed pursuant s. 259.035(4):

1991 | (a) Enhance the coordination and completion of land
1992 | acquisition projects, as measured by:

1993 | 1. The number of acres acquired through the state's land
1994 | acquisition programs that contribute to the enhancement of
1995 | essential natural resources, ecosystem service parcels, and
1996 | connecting linkage corridors as identified and developed by the
1997 | best available scientific analysis ~~completion of Florida~~
1998 | ~~Preservation 2000 projects or projects begun before Preservation~~
1999 | ~~2000;~~

2000 | 2. The number of acres protected through the use of
2001 | alternatives to fee simple acquisition; or

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2002 3. The number of shared acquisition projects among Florida
2003 Forever funding partners and partners with other funding sources,
2004 including local governments and the Federal Government.

2005 (b) Increase the protection of Florida's biodiversity at
2006 the species, natural community, and landscape levels, as measured
2007 by:

2008 1. The number of acres acquired of significant strategic
2009 habitat conservation areas;

2010 2. The number of acres acquired of highest priority
2011 conservation areas for Florida's rarest species;

2012 3. The number of acres acquired of significant landscapes,
2013 landscape linkages, and conservation corridors, giving priority
2014 to completing linkages;

2015 4. The number of acres acquired of underrepresented native
2016 ecosystems;

2017 5. The number of landscape-sized protection areas of at
2018 least 50,000 acres that exhibit a mosaic of predominantly intact
2019 or restorable natural communities established through new
2020 acquisition projects or augmentations to previous projects; or

2021 6. The percentage increase in the number of occurrences of
2022 endangered species, threatened species, or species of special
2023 concern on publicly managed conservation areas.

2024 (c) Protect, restore, and maintain the quality and natural
2025 functions of land, water, and wetland systems of the state, as
2026 measured by:

2027 1. The number of acres of publicly owned land identified as
2028 needing restoration, acres undergoing restoration, and acres with
2029 restoration activities completed;

2030 2. The percentage of water segments that fully meet,

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2031 | partially meet, or do not meet their designated uses as reported
2032 | in the Department of Environmental Protection's State Water
2033 | Quality Assessment 305(b) Report;

2034 | 3. The percentage completion of targeted capital
2035 | improvements in surface water improvement and management plans
2036 | created under s. 373.453(2), regional or master stormwater
2037 | management system plans, or other adopted restoration plans;

2038 | 4. The number of acres acquired that protect natural
2039 | floodplain functions;

2040 | 5. The number of acres acquired that protect surface waters
2041 | of the state;

2042 | 6. The number of acres identified for acquisition to
2043 | minimize damage from flooding and the percentage of those acres
2044 | acquired;

2045 | 7. The number of acres acquired that protect fragile
2046 | coastal resources;

2047 | 8. The number of acres of functional wetland systems
2048 | protected;

2049 | 9. The percentage of miles of critically eroding beaches
2050 | contiguous with public lands that are restored or protected from
2051 | further erosion;

2052 | 10. The percentage of public lakes and rivers in which
2053 | invasive, nonnative aquatic plants are under maintenance control;

2054 | ~~or~~

2055 | 11. The number of acres of public conservation lands in
2056 | which upland invasive, exotic plants are under maintenance
2057 | control; or;

2058 | 12. The number of acres restored or enhanced which serve as
2059 | habitat for listed species and advance the goals and objectives

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2060 of the Florida Fish and Wildlife Conservation Commission's
2061 approved species or habitat recovery plans.

2062 (d) Ensure that sufficient quantities of water are
2063 available to meet the current and future needs of natural systems
2064 and the citizens of the state, as measured by:

2065 1. The number of acres acquired which provide retention and
2066 storage of surface water in naturally occurring storage areas,
2067 such as lakes and wetlands, consistent with the maintenance of
2068 water resources or water supplies and consistent with district
2069 water supply plans;

2070 2. The quantity of water made available through the water
2071 resource development component of a district water supply plan
2072 for which a water management district is responsible; or

2073 3. The number of acres acquired of groundwater recharge
2074 areas critical to springs, sinks, aquifers, other natural
2075 systems, or water supply.

2076 (e) Increase natural resource-based public recreational and
2077 educational opportunities, as measured by:

2078 1. The number of acres acquired that are available for
2079 natural resource-based public recreation or education;

2080 2. The miles of trails that are available for public
2081 recreation, giving priority to those that provide significant
2082 connections including those that will assist in completing the
2083 Florida National Scenic Trail; or

2084 3. The number of new resource-based recreation facilities,
2085 by type, made available on public land.

2086 (f) Preserve significant archaeological or historic sites,
2087 as measured by:

2088 1. The increase in the number of and percentage of historic

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2089 and archaeological properties listed in the Florida Master Site
2090 File or National Register of Historic Places which are protected
2091 or preserved for public use; or

2092 2. The increase in the number and percentage of historic
2093 and archaeological properties that are in state ownership.

2094 (g) Increase the amount of forestland available for
2095 sustainable management of natural resources, as measured by:

2096 1. The number of acres acquired that are available for
2097 sustainable forest management;

2098 2. The number of acres of state-owned forestland managed
2099 for economic return in accordance with current best management
2100 practices;

2101 3. The number of acres of forestland acquired that will
2102 serve to maintain natural groundwater recharge functions; or

2103 4. The percentage and number of acres identified for
2104 restoration actually restored by reforestation.

2105 (h) Increase the amount of open space available in urban
2106 areas, as measured by:

2107 1. The percentage of local governments that participate in
2108 land acquisition programs and acquire open space in urban cores;
2109 or

2110 2. The percentage and number of acres of purchases of open
2111 space within urban service areas.

2112

2113 Florida Forever projects and acquisitions funded pursuant to
2114 paragraph (3) (c) shall be measured by goals developed by rule by
2115 the Florida Communities Trust Governing Board created in s.

2116 380.504.

2117 (5) (a) All lands acquired pursuant to this section shall be

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2118 managed for multiple-use purposes, where compatible with the
2119 resource values of and management objectives for such lands. As
2120 used in this section, "multiple-use" includes, but is not limited
2121 to, outdoor recreational activities as described in ss. 253.034
2122 and 259.032(9)(b), water resource development projects, ~~and~~
2123 sustainable forestry management, carbon sequestration, carbon
2124 mitigation, or carbon offsets.

2125 (b) Upon a decision by the entity in which title to lands
2126 acquired pursuant to this section has vested, such lands may be
2127 designated single use as defined in s. 253.034(2)(b).

2128 (c) For purposes of this section, the Board of Trustees of
2129 the Internal Improvement Trust Fund shall adopt rules that
2130 pertain to the use of state lands for carbon sequestration,
2131 carbon mitigation, or carbon offsets and that provide for
2132 climate-change-related benefits.

2133 (6) As provided in this section, a water resource or water
2134 supply development project may be allowed only if the following
2135 conditions are met: minimum flows and levels have been
2136 established for those waters, if any, which may reasonably be
2137 expected to experience significant harm to water resources as a
2138 result of the project; the project complies with all applicable
2139 permitting requirements; and the project is consistent with the
2140 regional water supply plan, if any, of the water management
2141 district and with relevant recovery or prevention strategies if
2142 required pursuant to s. 373.0421(2).

2143 (7)(a) Beginning no later than July 1, 2001, and every year
2144 thereafter, the Acquisition and Restoration Council shall accept
2145 applications from state agencies, local governments, nonprofit
2146 and for-profit organizations, private land trusts, and

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2147 individuals for project proposals eligible for funding pursuant
2148 to paragraph (3)(b). The council shall evaluate the proposals
2149 received pursuant to this subsection to ensure that they meet at
2150 least one of the criteria under subsection (9).

2151 (b) Project applications shall contain, at a minimum, the
2152 following:

2153 1. A minimum of two numeric performance measures that
2154 directly relate to the overall goals adopted by the council. Each
2155 performance measure shall include a baseline measurement, which
2156 is the current situation; a performance standard which the
2157 project sponsor anticipates the project will achieve; and the
2158 performance measurement itself, which should reflect the
2159 incremental improvements the project accomplishes towards
2160 achieving the performance standard.

2161 2. Proof that property owners within any proposed
2162 acquisition have been notified of their inclusion in the proposed
2163 project. Any property owner may request the removal of such
2164 property from further consideration by submitting a request to
2165 the project sponsor or the Acquisition and Restoration Council by
2166 certified mail. Upon receiving this request, the council shall
2167 delete the property from the proposed project; however, the board
2168 of trustees, at the time it votes to approve the proposed project
2169 lists pursuant to subsection (16), may add the property back on
2170 to the project lists if it determines by a super majority of its
2171 members that such property is critical to achieve the purposes of
2172 the project.

2173 (c) The title to lands acquired under this section shall
2174 vest in the Board of Trustees of the Internal Improvement Trust
2175 Fund, except that title to lands acquired by a water management

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2176 district shall vest in the name of that district and lands
2177 acquired by a local government shall vest in the name of the
2178 purchasing local government. All deeds or leases with respect to
2179 any real property acquired using funds received by a water
2180 management district pursuant to this section shall contain a
2181 reversion, conveyance, or termination clause that will vest title
2182 in the Board of Trustees of the Internal Improvement Trust Fund
2183 prior to any disposition or disposal of such lands as surplus.

2184 (8) The Acquisition and Restoration Council shall develop a
2185 project list that shall represent those projects submitted
2186 pursuant to subsection (7).

2187 (9) The Acquisition and Restoration Council shall recommend
2188 rules for adoption by the board of trustees to competitively
2189 evaluate, select, and rank projects eligible for Florida Forever
2190 funds pursuant to paragraph (3)(b) and for additions to the
2191 Conservation and Recreation Lands list pursuant to ss. 259.032
2192 and 259.101(4). In developing these proposed rules, the
2193 Acquisition and Restoration Council shall give weight to the
2194 following criteria:

2195 (a) The project meets multiple goals described in
2196 subsection (4).

2197 (b) The project is part of an ongoing governmental effort
2198 to restore, protect, or develop land areas or water resources.

2199 (c) The project enhances or facilitates management of
2200 properties already under public ownership.

2201 (d) The project has significant archaeological or historic
2202 value.

2203 (e) The project has funding sources that are identified and
2204 assured through at least the first 2 years of the project.

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2205 (f) The project contributes to the solution of water
2206 resource problems on a regional basis.

2207 (g) The project has a significant portion of its land area
2208 in imminent danger of development, in imminent danger of losing
2209 its significant natural attributes or recreational open space, or
2210 in imminent danger of subdivision which would result in multiple
2211 ownership and make acquisition of the project costly or less
2212 likely to be accomplished.

2213 (h) The project implements an element from a plan developed
2214 by an ecosystem management team.

2215 (i) The project is one of the components of the Everglades
2216 restoration effort.

2217 (j) The project may be purchased at 80 percent of appraised
2218 value.

2219 (k) The project may be acquired, in whole or in part, using
2220 tax incentives, mitigation funds, or other revenues and
2221 alternatives to fee simple, including but not limited to,
2222 purchase of development rights, hunting rights, agricultural or
2223 silvicultural rights, or mineral rights or obtaining conservation
2224 easements or flowage easements.

2225 (l) The project is a joint acquisition, either among public
2226 agencies, nonprofit organizations, or private entities, or by a
2227 public-private partnership.

2228 (10) The Acquisition and Restoration Council shall give
2229 increased priority to those projects for which matching funds are
2230 available and to project elements previously identified on an
2231 acquisition list pursuant to this section that can be acquired at
2232 80 percent or less of appraised value. The council shall also
2233 give increased priority to those projects where the state's land

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2234 conservation plans overlap with the military's need to protect
2235 lands, water, and habitat to ensure the sustainability of
2236 military missions including:

2237 (a) Protecting habitat on nonmilitary land for any species
2238 found on military land that is designated as threatened or
2239 endangered, or is a candidate for such designation under the
2240 Endangered Species Act or any Florida statute;

2241 (b) Protecting areas underlying low-level military air
2242 corridors or operating areas; and

2243 (c) Protecting areas identified as clear zones, accident
2244 potential zones, and air installation compatible use buffer zones
2245 delineated by our military partners, and for which federal or
2246 other funding is available to assist with the project.

2247 (11) For the purposes of funding projects pursuant to
2248 paragraph (3)(a), the Secretary of Environmental Protection shall
2249 ensure that each water management district receives the following
2250 percentage of funds annually:

2251 (a) Thirty-five percent to the South Florida Water
2252 Management District, of which amount \$25 million for 2 years
2253 beginning in fiscal year 2000-2001 shall be transferred by the
2254 Department of Environmental Protection into the Save Our
2255 Everglades Trust Fund and shall be used exclusively to implement
2256 the comprehensive plan under s. 373.470.

2257 (b) Twenty-five percent to the Southwest Florida Water
2258 Management District.

2259 (c) Twenty-five percent to the St. Johns River Water
2260 Management District.

2261 (d) Seven and one-half percent to the Suwannee River Water
2262 Management District.

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2263 (e) Seven and one-half percent to the Northwest Florida
2264 Water Management District.

2265 (12) It is the intent of the Legislature that in developing
2266 the list of projects for funding pursuant to paragraph (3) (a),
2267 that these funds not be used to abrogate the financial
2268 responsibility of those point and nonpoint sources that have
2269 contributed to the degradation of water or land areas. Therefore,
2270 an increased priority shall be given by the water management
2271 district governing boards to those projects that have secured a
2272 cost-sharing agreement allocating responsibility for the cleanup
2273 of point and nonpoint sources.

2274 (13) An affirmative vote of five members of the Acquisition
2275 and Restoration Council shall be required in order to place a
2276 proposed project on the list developed pursuant to subsection
2277 (8). Any member of the council who by family or a business
2278 relationship has a connection with any project proposed to be
2279 ranked shall declare such interest prior to voting for a
2280 project's inclusion on the list.

2281 (14) Each year that cash disbursements or bonds are to be
2282 issued pursuant to this section, the Acquisition and Restoration
2283 Council shall review the most current approved project list and
2284 shall, by the first board meeting in May, present to the Board of
2285 Trustees of the Internal Improvement Trust Fund for approval a
2286 listing of projects developed pursuant to subsection (8). The
2287 board of trustees may remove projects from the list developed
2288 pursuant to this subsection, but may not add projects or
2289 rearrange project rankings.

2290 (15) The Acquisition and Restoration Council shall submit
2291 to the board of trustees, with its list of projects, a report

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2292 that includes, but shall not be limited to, the following
2293 information for each project listed:

2294 (a) The stated purpose for inclusion.

2295 (b) Projected costs to achieve the project goals.

2296 (c) An interim management budget that includes all costs
2297 associated with immediate public access.

2298 (d) Specific performance measures.

2299 (e) Plans for public access.

2300 (f) An identification of the essential parcel or parcels
2301 within the project without which the project cannot be properly
2302 managed.

2303 (g) Where applicable, an identification of those projects
2304 or parcels within projects which should be acquired in fee simple
2305 or in less than fee simple.

2306 (h) An identification of those lands being purchased for
2307 conservation purposes.

2308 (i) A management policy statement for the project and a
2309 management prospectus pursuant to s. 259.032(9)(d).

2310 (j) An estimate of land value based on county tax assessed
2311 values.

2312 (k) A map delineating project boundaries.

2313 (l) An assessment of the project's ecological value,
2314 outdoor recreational value, forest resources, wildlife resources,
2315 ownership pattern, utilization, and location.

2316 (m) A discussion of whether alternative uses are proposed
2317 for the property and what those uses are.

2318 (n) A designation of the management agency or agencies.

2319 (16) All proposals for projects pursuant to paragraph
2320 (3)(b) ~~or subsection (20)~~ shall be implemented only if adopted by

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2321 the Acquisition and Restoration Council and approved by the board
2322 of trustees. The council shall consider and evaluate in writing
2323 the merits and demerits of each project that is proposed for
2324 Florida Forever funding and each proposed addition to the
2325 Conservation and Recreation Lands list program. The council shall
2326 ensure that each proposed project will meet a stated public
2327 purpose for the restoration, conservation, or preservation of
2328 environmentally sensitive lands and water areas or for providing
2329 outdoor recreational opportunities and that each proposed
2330 addition to the Conservation and Recreation Lands list will meet
2331 the public purposes under s. 259.032(3) and, when applicable, s.
2332 259.101(4). The council also shall determine whether the project
2333 or addition conforms, where applicable, with the comprehensive
2334 plan developed pursuant to s. 259.04(1)(a), the comprehensive
2335 multipurpose outdoor recreation plan developed pursuant to s.
2336 375.021, the state lands management plan adopted pursuant to s.
2337 253.03(7), the water resources work plans developed pursuant to
2338 s. 373.199, and the provisions of this section.

2339 (17) On an annual basis, the Division of State Lands shall
2340 prepare an annual work plan that prioritizes projects on the
2341 Florida Forever list and sets forth the funding available in the
2342 fiscal year for land acquisition. The work plan shall consider
2343 the following categories of expenditure for land conservation
2344 projects already selected for the Florida Forever list pursuant
2345 to subsection (8):

2346 (a) A critical natural lands category, including functional
2347 landscape-scale natural systems, intact large hydrological
2348 systems, lands that have significant imperiled natural
2349 communities, and corridors linking large landscapes, as

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2350 identified and developed by the best available scientific
2351 analysis.

2352 (b) A partnerships or regional incentive category,
2353 including:

2354 1. Projects where local and regional cost-share agreements
2355 provide a lower cost and greater conservation benefit to the
2356 people of the state. Additional consideration shall be provided
2357 under this category where parcels are identified as part of a
2358 local or regional visioning process and are supported by
2359 scientific analysis; and

2360 2. Bargain and shared projects where the state will receive
2361 a significant reduction in price for public ownership of land as
2362 a result of the removal of development rights or other interests
2363 in lands or receives alternative or matching funds.

2364 (c) A substantially complete category of projects where
2365 mainly inholdings, additions, and linkages between preserved
2366 areas will be acquired and where 85 percent of the project is
2367 complete.

2368 (d) A climate-change category list of lands where
2369 acquisition or other conservation measures will address the
2370 challenges of global climate change, such as through protection,
2371 restoration, mitigation, and strengthening of Florida's land,
2372 water, and coastal resources. This category includes lands that
2373 provide opportunities to sequester carbon, provide habitat,
2374 protect coastal lands or barrier islands, and otherwise mitigate
2375 and help adapt to the effects of sea-level rise and meet other
2376 objectives of the program.

2377 (e) A less-than-fee category for working agricultural lands
2378 that significantly contribute to resource protection through

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2379 conservation easements and other less-than-fee techniques, tax
2380 incentives, life estates, landowner agreements, and other
2381 partnerships, including conservation easements acquired in
2382 partnership with federal conservation programs, which will
2383 achieve the objectives of Florida Forever while allowing the
2384 continuation of compatible agricultural uses on the land. Terms
2385 of easements proposed for acquisition under this category shall
2386 be developed by the Division of State Lands in coordination with
2387 the Department of Agriculture and Consumer Services.

2388
2389 Projects within each category shall be ranked by order of
2390 priority. The work plan shall be adopted by the Acquisition and
2391 Restoration Council after at least one public hearing. A copy of
2392 the work plan shall be provided to the board of trustees of the
2393 Internal Improvement Trust Fund no later than October 1 of each
2394 year.

2395 (18)~~(17)~~ (a) The Board of Trustees of the Internal
2396 Improvement Trust Fund, or, in the case of water management
2397 district lands, the owning water management district, may
2398 authorize the granting of a lease, easement, or license for the
2399 use of certain lands acquired pursuant to this section, for
2400 certain uses that are determined by the appropriate board to be
2401 compatible with the resource values of and management objectives
2402 for such lands.

2403 (b) Any existing lease, easement, or license acquired for
2404 incidental public or private use on, under, or across any lands
2405 acquired pursuant to this section shall be presumed to be
2406 compatible with the purposes for which such lands were acquired.

2407 (c) Notwithstanding the provisions of paragraph (a), no

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2408 such lease, easement, or license shall be entered into by the
2409 Department of Environmental Protection or other appropriate state
2410 agency if the granting of such lease, easement, or license would
2411 adversely affect the exclusion of the interest on any revenue
2412 bonds issued to fund the acquisition of the affected lands from
2413 gross income for federal income tax purposes, pursuant to
2414 Internal Revenue Service regulations.

2415 (19)~~(18)~~ The Acquisition and Restoration Council shall
2416 recommend adoption of rules by the board of trustees necessary to
2417 implement the provisions of this section relating to:
2418 solicitation, scoring, selecting, and ranking of Florida Forever
2419 project proposals; disposing of or leasing lands or water areas
2420 selected for funding through the Florida Forever program; and the
2421 process of reviewing and recommending for approval or rejection
2422 the land management plans associated with publicly owned
2423 properties. Rules promulgated pursuant to this subsection shall
2424 be submitted to the President of the Senate and the Speaker of
2425 the House of Representatives, for review by the Legislature, no
2426 later than 30 days prior to the 2010 ~~2001~~ Regular Session and
2427 shall become effective only after legislative review. In its
2428 review, the Legislature may reject, modify, or take no action
2429 relative to such rules. The board of trustees shall conform such
2430 rules to changes made by the Legislature, or, if no action was
2431 taken by the Legislature, such rules shall become effective.

2432 (20)~~(19)~~ Lands listed as projects for acquisition under the
2433 Florida Forever program may be managed for conservation pursuant
2434 to s. 259.032, on an interim basis by a private party in
2435 anticipation of a state purchase in accordance with a contractual
2436 arrangement between the acquiring agency and the private party

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2437 that may include management service contracts, leases, cost-share
2438 arrangements, or resource conservation agreements. Lands
2439 designated as eligible under this subsection shall be managed to
2440 maintain or enhance the resources the state is seeking to protect
2441 by acquiring the land and to accelerate public access to the
2442 lands as soon as practicable. Funding for these contractual
2443 arrangements may originate from the documentary stamp tax revenue
2444 deposited into the Conservation and Recreation Lands Trust Fund
2445 and Water Management Lands Trust Fund. No more than 5 percent of
2446 funds allocated under the trust funds shall be expended for this
2447 purpose.

2448 ~~(20) The Acquisition and Restoration Council, as successors~~
2449 ~~to the Land Acquisition and Management Advisory Council, may~~
2450 ~~amend existing Conservation and Recreation Lands projects and add~~
2451 ~~to or delete from the 2000 Conservation and Recreation Lands list~~
2452 ~~until funding for the Conservation and Recreation Lands program~~
2453 ~~has been expended. The amendments to the 2000 Conservation and~~
2454 ~~Recreation Lands list will be reported to the board of trustees~~
2455 ~~in conjunction with the council's report developed pursuant to~~
2456 ~~subsection (15).~~

2457 Section 13. Subsection (1) of section 259.1051, Florida
2458 Statutes, is amended to read:

2459 259.1051 Florida Forever Trust Fund.--

2460 (1) There is created the Florida Forever Trust Fund to
2461 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
2462 375.031. The Florida Forever Trust Fund shall be held and
2463 administered by the Department of Environmental Protection.
2464 Proceeds from the sale of bonds, except proceeds of refunding
2465 bonds, issued under s. 215.618 and payable from moneys

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2466 transferred to the Land Acquisition Trust Fund under s.
2467 201.15(1)(a), not to exceed \$5.3 ~~\$3~~ billion, must be deposited
2468 into this trust fund to be distributed and used as provided in s.
2469 259.105(3). The bond resolution adopted by the governing board of
2470 the Division of Bond Finance of the State Board of Administration
2471 may provide for additional provisions that govern the
2472 disbursement of the bond proceeds.

2473 Section 14. Subsection (7) is added to section 373.089,
2474 Florida Statutes, to read:

2475 373.089 Sale or exchange of lands, or interests or rights
2476 in lands.--The governing board of the district may sell lands, or
2477 interests or rights in lands, to which the district has acquired
2478 title or to which it may hereafter acquire title in the following
2479 manner:

2480 (7) Notwithstanding other provisions of this section, the
2481 governing board shall first offer title to lands acquired in
2482 whole or in part with Florida Forever funds which are determined
2483 to be no longer needed for conservation purposes to the Board of
2484 Trustees of the Internal Improvement Trust Fund unless the
2485 disposition of those lands are for the following purposes:

2486 (a) Linear facilities, including electric transmission and
2487 distribution facilities, telecommunication transmission and
2488 distribution facilities, pipeline transmission and distribution
2489 facilities, public transportation corridors, and related
2490 appurtenances.

2491 (b) The disposition of the fee interest in the land where a
2492 conservation easement is retained by the district to fulfill the
2493 conservation objectives for which the land was acquired.

2494 (c) An exchange of the land for other lands that meet or

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2495 exceed the conservation objectives for which the original land
2496 was acquired in accordance with subsection (4).

2497 (d) To be used by a governmental entity for a public
2498 purpose.

2499
2500 In the event the Board of Trustees of the Internal Improvement
2501 Trust Fund declines to accept title to the lands offered under
2502 this section, the land may be disposed of by the district under
2503 the provisions of this section.

2504 Section 15. Subsection (1) of section 373.1391, Florida
2505 Statutes, is amended to read:

2506 373.1391 Management of real property.--

2507 (1) (a) Lands titled to the governing boards of the
2508 districts shall be managed and maintained, to the extent
2509 practicable, in such a way as to ensure a balance between public
2510 access, general public recreational purposes, and restoration and
2511 protection of their natural state and condition. Except when
2512 prohibited by a covenant or condition described in s. 373.056(2),
2513 lands owned, managed, and controlled by the district may be used
2514 for multiple purposes, including, but not limited to,
2515 agriculture, silviculture, and water supply, as well as boating
2516 and other recreational uses.

2517 (b) Whenever practicable, such lands shall be open to the
2518 general public for recreational uses. General public recreational
2519 purposes shall include, but not be limited to, fishing, hunting,
2520 horseback riding, swimming, camping, hiking, canoeing, boating,
2521 diving, birding, sailing, jogging, and other related outdoor
2522 activities to the maximum extent possible considering the
2523 environmental sensitivity and suitability of those lands. These

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2524 public lands shall be evaluated for their resource value for the
2525 purpose of establishing which parcels, in whole or in part,
2526 annually or seasonally, would be conducive to general public
2527 recreational purposes. Such findings shall be included in
2528 management plans which are developed for such public lands. These
2529 lands shall be made available to the public for these purposes,
2530 unless the district governing board can demonstrate that such
2531 activities would be incompatible with the purposes for which
2532 these lands were acquired. The department in its supervisory
2533 capacity shall ensure that the districts provide consistent
2534 levels of public access to district lands, consistent with the
2535 purposes for which the lands were acquired.

2536 (c) In developing or reviewing land management plans when a
2537 dispute arises that has not been resolved by a water management
2538 district's final agency action, that dispute must be resolved
2539 under chapter 120.

2540 (d) For any fee simple acquisition of a parcel which is or
2541 will be leased back for agricultural purposes, or for any
2542 acquisition of a less-than-fee interest in lands that is or will
2543 be used for agricultural purposes, the district governing board
2544 shall first consider having a soil and water conservation
2545 district created pursuant to chapter 582 manage and monitor such
2546 interest.

2547 Section 16. Subsection (4) of section 373.199, Florida
2548 Statutes, is amended to read:

2549 373.199 Florida Forever Water Management District Work
2550 Plan.--

2551 (4) The list submitted by the districts shall include,
2552 where applicable, the following information for each project:

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2553 (a) A description of the water body system, its historical
2554 and current uses, and its hydrology; a history of the conditions
2555 which have led to the need for restoration or protection; and a
2556 synopsis of restoration efforts that have occurred to date, if
2557 applicable.

2558 (b) An identification of all governmental units that have
2559 jurisdiction over the water body and its drainage basin within
2560 the approved surface water improvement and management plan area,
2561 including local, regional, state, and federal units.

2562 (c) A description of land uses within the project area's
2563 drainage basin, and of important tributaries, point and nonpoint
2564 sources of pollution, and permitted discharge activities
2565 associated with that basin.

2566 (d) A description of strategies and potential strategies,
2567 including improved stormwater management, for restoring or
2568 protecting the water body to Class III or better surface water
2569 quality status.

2570 (e) A listing and synopsis of studies that are being or
2571 have been prepared for the water body, stormwater management
2572 project, or water resource development project.

2573 (f) A description of the measures needed to manage and
2574 maintain the water body once it has been restored and to prevent
2575 future degradation, to manage and maintain the stormwater
2576 management system, or to manage and maintain the water resource
2577 development project.

2578 (g) A schedule for restoration and protection of the water
2579 body, implementation of the stormwater management project, or
2580 development of the water resource development project.

2581 (h) A clear and concise ~~An~~ estimate of the funding needed

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2582 to carry out the restoration, protection, or improvement project,
2583 or the development of new water resources, where applicable, and
2584 a clear and concise identification of the projected sources and
2585 uses of Florida Forever funds ~~of the funding.~~

2586 (i) Numeric performance measures for each project. Each
2587 performance measure shall include a baseline measurement, which
2588 is the current situation; a performance standard, which water
2589 management district staff anticipates the project will achieve;
2590 and the performance measurement itself, which should reflect the
2591 incremental improvements the project accomplishes towards
2592 achieving the performance standard. These measures shall reflect
2593 the relevant goals detailed in s. 259.105(4).

2594 (j) A discussion of permitting and other regulatory issues
2595 related to the project.

2596 (k) An identification of the proposed public access for
2597 projects with land acquisition components, including the Florida
2598 National Scenic Trail.

2599 (l) An identification of those lands which require a full
2600 fee simple interest to achieve water management goals and those
2601 lands which can be acquired using alternatives to fee simple
2602 acquisition techniques and still achieve such goals. In their
2603 evaluation of which lands would be appropriate for acquisition
2604 through alternatives to fee simple, district staff shall consider
2605 criteria including, but not limited to, acquisition costs, the
2606 net present value of future land management costs, the net
2607 present value of ad valorem revenue loss to the local government,
2608 and potential for revenue generated from activities compatible
2609 with acquisition objectives.

2610 (m) An identification of lands needed to protect or

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2611 recharge groundwater and a plan for their acquisition as
2612 necessary to protect potable water supplies. Lands which serve to
2613 protect or recharge groundwater identified pursuant to this
2614 paragraph shall also serve to protect other valuable natural
2615 resources or provide space for natural resource based recreation.

2616 Section 17. All of the statutory powers, duties, functions,
2617 records, personnel, property, and unexpended balances of
2618 appropriations, allocations, or other funds for the
2619 administration of ss. 380.501-380.515, Florida Statutes, related
2620 to the Florida Communities Trust, is transferred by a type two
2621 transfer, as defined in s. 20.06(2), Florida Statutes, from the
2622 Department of Community Affairs to the Department of
2623 Environmental Protection.

2624 Section 18. The Division of Statutory Revision of the
2625 Office of Legislative Services is requested to prepare a
2626 reviser's bill to conform chapter 380, Florida Statutes, to the
2627 organizational changes made by this act.

2628 Section 19. This act shall take effect July 1, 2008.