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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. 253.0341, F.S.; providing
42 specific uses for state-surplused lands; amending s.
43 253.111, F.S.; extending the period within which a
44 board of county commissioners must provide a resolution
45 to the Board of Trustees of the Internal Improvement
46 Trust Fund before state-owned lands are otherwise sold;
47 amending s. 253.82, F.S.; revising requirements of the
48 sale of nonsovereignty lands owned by the board of
49 trustees; deleting appraisal limitations; amending s.
50 259.032, F.S.; requiring priority purchase of
51 conservation and recreational lands that have high
52 concentrations of population and certain agricultural
53 lands; revising requirements for land management plans;
54 establishing a minimum for funds expended for the
55 management of state-owned land; requiring the Land
56 Management Uniform Accounting Council to report on the
57 formula for allocating land management funds; providing
58 requirements for the report; deleting obsolete

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59 provisions; amending s. 259.035, F.S.; revising
60 provisions establishing the Acquisition and Restoration
61 Council; revising membership criteria; directing the
62 council to establish specific criteria and numeric
63 performance measures for the acquisition of land;
64 amending s. 259.037, F.S.; revising the categories used
65 by the Land Management Uniform Accounting Council to
66 collect and report the costs of land management
67 activities; requiring agencies to report additional
68 information to the council; amending s. 259.041, F.S.,
69 relating to the acquisition of state-owned lands for
70 preservation, conservation, and recreation purposes;
71 requiring Legislative approval for acquisitions by the
72 state exceeding a certain amount; increasing appraisal
73 thresholds; requiring that specific language be
74 included on option contracts; amending s. 259.105,
75 F.S., relating to the Florida Forever Act; revising
76 Legislative intent; providing for funds to be deposited
77 in the Florida Forever Trust Fund; requiring bonded
78 moneys be spent for capital improvements under certain
79 conditions; providing for the expenditure of funds for
80 conservation and agricultural easements under certain
81 conditions; providing for the inclusion of carbon
82 sequestration as a multiple use; providing rulemaking
83 authority for the board of trustees; providing for the
84 reversion of lands to the board of trustees under
85 certain conditions; requiring an annual work plan be
86 developed by the Acquisition and Restoration Council;
87 authorizing alternatives to fee-simple purchases;

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88 deleting obsolete provisions; amending s. 259.1051,
89 F.S., relating to the Florida Forever Trust Fund;
90 increasing bonding authority; amending s. 342.201,
91 F.S.; providing that the Department of Community
92 Affairs adopt criteria by rule; creating s. 342.2015,
93 F.S.; establishing a funding mechanism for the
94 Waterfronts Florida Program through Florida Forever;
95 providing eligible projects meet certain conditions;
96 amending s. 373.089, F.S.; clarifying the process for
97 disposing of surplus lands; amending s. 373.1391, F.S.;
98 providing additional oversight authority to the
99 department; amending s. 373.199, F.S.; clarifying work
100 plan requirements; providing an effective date.

101
102 Be It Enacted by the Legislature of the State of Florida:

103
104 Section 1. Paragraph (a) of subsection (1) of section
105 201.15, Florida Statutes, is amended to read:

106 201.15 Distribution of taxes collected.--All taxes
107 collected under this chapter shall be distributed as follows and
108 shall be subject to the service charge imposed in s. 215.20(1),
109 except that such service charge shall not be levied against any
110 portion of taxes pledged to debt service on bonds to the extent
111 that the amount of the service charge is required to pay any
112 amounts relating to the bonds:

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

116 (a) Amounts as shall be necessary to pay the debt service

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

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146 Acquisition Trust Fund pursuant to this section, except to the
147 extent specifically provided otherwise by the documents
148 authorizing the issuance of the bonds. No moneys transferred to
149 the Land Acquisition Trust Fund pursuant to this paragraph, or
150 earnings thereon, shall be used or made available to pay debt
151 service on the Save Our Coast revenue bonds.

152 Section 2. Subsection (1) of section 215.618, Florida
153 Statutes, is amended to read:

154 215.618 Bonds for acquisition and improvement of land,
155 water areas, and related property interests and resources.--

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

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175 except to the extent specifically provided otherwise by the
176 documents authorizing the issuance of the bonds.

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

180 (c) By February 1, 2010, the Legislature shall complete an
181 analysis of potential revenue sources for the Florida Forever
182 program.

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

185 253.025 Acquisition of state lands for purposes other than
186 preservation, conservation, and recreation.--

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

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

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

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

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

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233 in any way that may be construed as negotiating with the property
234 owner.

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

257 (e) Prior to acceptance of an appraisal, the agency shall
258 submit a copy of such report to the Division of State Lands. The
259 division shall review such report for compliance with the rules
260 of the board of trustees. ~~With respect to proposed purchases in~~
261 ~~excess of \$250,000, this review shall include a general field~~

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262 ~~inspection of the subject property by the review appraiser. The~~
263 ~~review appraiser may reject an appraisal report following a desk~~
264 ~~review, but is prohibited from approving an appraisal report in~~
265 ~~excess of \$250,000 without a field review. Any questions of~~
266 applicability of laws affecting an appraisal shall be addressed
267 by the legal office of the agency.

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

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

283 Section 4. Section 253.0325, Florida Statutes, is amended
284 to read:

285 253.0325 Modernization of state lands records.--

286 (1) The Department of Environmental Protection shall
287 initiate an ongoing computerized information systems program to
288 modernize its state lands records and documents that relate to
289 all lands that have been acquired by all agencies under the
290 Florida Preservation 2000 Act pursuant to s. 259.101 or the

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291 Florida Forever Act pursuant to s. 259.105. All recipients of
292 Florida Forever funds shall annually submit its records for lands
293 acquired for compilation of state lands records by the department
294 ~~to which title is vested in the Board of Trustees of the Internal~~
295 ~~Improvement Trust Fund.~~ The program shall include, at a minimum:

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

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

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

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

305 (2) At all stages of its records modernization program, the
306 department shall seek to ensure information systems compatibility
307 within the department and with other state, local, and regional
308 governmental agencies. The department also shall seek to promote
309 standardization in the collection of information regarding state-
310 owned lands by federal, state, regional, and local agencies.

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

315 Section 5. Paragraph (d) is added to subsection (2) of
316 section 253.034, Florida Statutes, subsections (5), (6), and (8)
317 of that section are amended, and subsection (14) is added to that
318 section, to read:

319 253.034 State-owned lands; uses.--

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320 (2) As used in this section, the following phrases have the
321 following meanings:

322 (d) "Public access," as used in this chapter and chapter
323 259, means access by the general public to state lands and water,
324 including vessel access made possible by boat ramps, docks, and
325 associated support facilities, where compatible with conservation
326 and recreation objectives.

327
328 Lands acquired by the state as a gift, through donation, or by
329 any other conveyance for which no consideration was paid, and
330 which are not managed for conservation, outdoor resource-based
331 recreation, or archaeological or historic preservation under a
332 land management plan approved by the board of trustees are not
333 conservation lands.

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

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

375 (a) State lands shall be managed to ensure the conservation
376 of the state's plant and animal species and to ensure the
377 accessibility of state lands for the benefit and enjoyment of all

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378 people of the state, both present and future. Each land
379 management plan shall provide a desired outcome, describe both
380 short-term and long-term management goals, and include measurable
381 objectives to achieve those goals. Short-term goals shall be
382 achievable within a 2-year planning period and long-term goals
383 shall be achievable within a 10-year planning period. These
384 short-term and long-term management goals shall be the basis for
385 all subsequent land management activities.

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

- 388 1. Habitat restoration and improvement.
- 389 2. Public access and recreational opportunities.
- 390 3. Hydrological preservation and restoration.
- 391 4. Sustainable forest management.
- 392 5. Exotic and invasive species maintenance and control.
- 393 6. Capital facilities and infrastructure.
- 394 7. Cultural and historical resources.
- 395 8. Imperiled species habitat maintenance, enhancement,
396 restoration, or population restoration.

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

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

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

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

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

429 5. A summary budget for the scheduled land management
430 activities of the land management plan. For state lands
431 containing or anticipated to contain imperiled species habitat,
432 the summary budget shall include any fees anticipated from public
433 or private entities for projects to offset adverse impacts to
434 imperiled species or such habitat, which fees shall be used
435 solely to restore, manage, enhance, repopulate, or acquire

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436 imperiled species habitat. The summary budget shall be prepared
437 in such manner that it facilitates computing an aggregate of land
438 management costs for all state-managed lands using the categories
439 described in s. 259.037(3).

440 (d) Upon completion, the land management plan will be
441 transmitted to the Acquisition and Restoration Council for
442 review. The Acquisition and Restoration Council shall have 90
443 days to review the plan and submit its recommendations to the
444 Board of Trustees. During the review period, the land management
445 plan may be revised if agreed to by the primary land manager and
446 the Acquisition and Restoration Council taking into consideration
447 public input. If the Acquisition and Restoration Council fails
448 to make a recommendation for a land management plan, the
449 Secretary of the Department of Environmental Protection,
450 Commissioner of Agriculture, or Executive Director of the Fish
451 and Wildlife Conservation Commission or their designees shall
452 submit the land management plan to the Board of Trustees. The
453 land management plan becomes effective upon approval by the Board
454 of Trustees.

455 (e) Beginning July 1, 2010, and biennially thereafter,
456 state lands with an approved land management plan shall be
457 monitored for land management activities by a monitoring team.
458 The Division of State Lands shall coordinate the activities of
459 the review team which shall consist of three members. One member
460 shall be selected by the Secretary of the Department of
461 Environmental Protection, or their designee, and shall have
462 experience with public recreation or use administration. One
463 member shall be selected by the Commissioner of Agriculture, or
464 their designee, and shall have experience with applied land

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465 management. One member shall be selected by the Executive
466 Director of the Fish and Wildlife Conservation Commission, or
467 their designee, and shall have experience with applied habitat
468 management. The monitoring team shall prepare a monitoring
469 report that assesses the progress towards achieving short-term
470 and long-term land management goals and shall propose corrective
471 actions for identified deficiencies in management activities.
472 The monitoring report shall be submitted to the Acquisition and
473 Restoration Council and the managing agency. The Acquisition and
474 Restoration Council shall review the monitoring report and
475 determine whether the deficiencies warrant a corrective action
476 plan or revisions to the management plan. Significant and
477 recurring deficiencies shall be brought to the Board of Trustees,
478 which shall determine whether the corrective actions being
479 proposed by the land manager and the Acquisition and Restoration
480 Council sufficiently address the deficiencies. Corrective
481 actions plans shall be prepared and submitted in the same manner
482 as land management plans.

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

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

487 (h) ~~(a)~~ The Division of State Lands shall make available to
488 the public an electronic copy of each land management plan for
489 parcels that exceed 160 acres in size. The Division of State
490 Lands ~~council~~ shall review each plan for compliance with the
491 requirements of this subsection, the requirements of chapter 259,
492 and the requirements of the rules established by the board
493 pursuant to this section. The council shall also consider the

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494 propriety of the recommendations of the managing entity with
495 regard to the future use of the property, the protection of
496 fragile or nonrenewable resources, the potential for alternative
497 or multiple uses not recognized by the managing entity, and the
498 possibility of disposal of the property by the board. After its
499 review, the council shall submit the plan, along with its
500 recommendations and comments, to the board. The council shall
501 specifically recommend to the board whether to approve the plan
502 as submitted, approve the plan with modifications, or reject the
503 plan. If the Acquisition and Restoration Council fails to make a
504 recommendation for a land management plan, the Secretary of the
505 Department of Environmental Protection, Commissioner of
506 Agriculture, or Executive Director of the Fish and Wildlife
507 Conservation Commission or their designees shall submit the land
508 management plan to the Board of Trustees.

509 (i) ~~(b)~~ The Board of Trustees of the Internal Improvement
510 Trust Fund shall consider the land management plan submitted by
511 each entity and the recommendations of the council and the
512 Division of State Lands and shall approve the plan with or
513 without modification or reject such plan. The use or possession
514 of any such lands that is not in accordance with an approved land
515 management plan is subject to termination by the board.

516 (6) The Board of Trustees of the Internal Improvement Trust
517 Fund shall determine which lands, the title to which is vested in
518 the board, may be surplused. For conservation lands, the board
519 shall make a determination that the lands are no longer needed
520 for conservation purposes and may dispose of them by an
521 affirmative vote of at least three members. In the case of a land
522 exchange involving the disposition of conservation lands, the

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

528 (a) For the purposes of this subsection, all lands acquired
529 by the state prior to July 1, 1999, using proceeds from the
530 Preservation 2000 bonds, the Conservation and Recreation Lands
531 Trust Fund, the Water Management Lands Trust Fund,
532 Environmentally Endangered Lands Program, and the Save Our Coast
533 Program and titled to the board, which lands are identified as
534 core parcels or within original project boundaries, shall be
535 deemed to have been acquired for conservation purposes.

536 (b) For any lands purchased by the state on or after July
537 1, 1999, a determination shall be made by the board prior to
538 acquisition as to those parcels that shall be designated as
539 having been acquired for conservation purposes. No lands acquired
540 for use by the Department of Corrections, the Department of
541 Management Services for use as state offices, the Department of
542 Transportation, except those specifically managed for
543 conservation or recreation purposes, or the State University
544 System or the Florida Community College System shall be
545 designated as having been purchased for conservation purposes.

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

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552 whether such lands should be retained in public ownership or
553 disposed of by the board. For nonconservation lands, the division
554 shall review such lands and shall recommend to the board whether
555 such lands should be retained in public ownership or disposed of
556 by the board.

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

562 (e) Prior to any decision by the board to surplus lands,
563 the Acquisition and Restoration Council shall review and make
564 recommendations to the board concerning the request for
565 surplusings. The council shall determine whether the request for
566 surplusings is compatible with the resource values of and
567 management objectives for such lands.

568 (f)1. In reviewing lands owned by the board, the council
569 shall consider whether such lands would be more appropriately
570 owned or managed by the county or other unit of local government
571 in which the land is located. The council shall recommend to the
572 board whether a sale, lease, or other conveyance to a local
573 government would be in the best interests of the state and local
574 government. The provisions of this paragraph in no way limit the
575 provisions of ss. 253.111 and 253.115. Such lands shall be
576 offered to the state, county, or local government for a period of
577 45 ~~30~~ days. Permittable uses for such surplus lands may include
578 public schools; public libraries; fire or law enforcement
579 substations; governmental, judicial, or recreational centers; and
580 affordable housing meeting the criteria of s. 420.0004(3). County

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581 or local government requests for surplus lands shall be expedited
582 throughout the surplusing process. If the county or local
583 government does not elect to purchase such lands in accordance
584 with s. 253.111, then any surplusing determination involving
585 other governmental agencies shall be made upon the board deciding
586 the best public use of the lands. Surplus properties in which
587 governmental agencies have expressed no interest shall then be
588 available for sale on the private market.

589 2. Notwithstanding subparagraph 1., any parcel of surplus
590 lands less than 3 acres in size which was acquired by the state
591 before 1955 by gift or other conveyance or for \$1 consideration
592 from a fair association incorporated under chapter 616 for the
593 purpose of conducting and operating public fairs or expositions,
594 and concerning which the department has filed by July 1, 2008, a
595 notice of intent to dispose of as surplus lands, shall be offered
596 for reconveyance to such fair association for no consideration;
597 however, the agency that last held the lease from the board for
598 management of such lands may remove from the lands any
599 improvements, fixtures, goods, wares, and merchandise within 180
600 days after the effective date of the reconveyance. This
601 subparagraph expires July 1, 2008.

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

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

613 1.a. A written valuation of land determined to be surplus
614 pursuant to this subsection and s. 253.82, and related documents
615 used to form the valuation or which pertain to the valuation, are
616 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of
617 the State Constitution until 2 weeks before the contract or
618 agreement regarding the purchase, exchange, or disposal of the
619 surplus land is first considered for approval by the board.
620 Notwithstanding the exemption provided under this subparagraph,
621 the division may disclose appraisals, valuations, or valuation
622 information regarding surplus land during negotiations for the
623 sale or exchange of the land, during the marketing effort or
624 bidding process associated with the sale, disposal, or exchange
625 of the land to facilitate closure of such effort or process, when
626 the passage of time has made the conclusions of value invalid, or
627 when negotiations or marketing efforts concerning the land are
628 concluded.

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

633 2. A unit of government that acquires title to lands
634 hereunder for less than appraised value may not sell or transfer
635 title to all or any portion of the lands to any private owner for
636 a period of 10 years. Any unit of government seeking to transfer
637 or sell lands pursuant to this paragraph shall first allow the
638 board of trustees to reacquire such lands for the price at which

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639 the board sold such lands.

640 ~~(h) Where a unit of government acquired land by gift,~~
641 ~~donation, grant, quitclaim deed, or other such conveyance where~~
642 ~~no monetary consideration was exchanged, the price of land sold~~
643 ~~as surplus may be based on one appraisal. In the event that a~~
644 ~~single appraisal yields a value equal to or greater than \$1~~
645 ~~million, a second appraisal is required. The individual or entity~~
646 ~~requesting the surplus shall select and use appraisers from the~~
647 ~~list of approved appraisers maintained by the Division of State~~
648 ~~Lands in accordance with s. 253.025(6)(b). The individual or~~
649 ~~entity requesting the surplus is to incur all costs of the~~
650 ~~appraisals.~~

651 (h) ~~(i)~~ After reviewing the recommendations of the council,
652 the board shall determine whether lands identified for surplus
653 are to be held for other public purposes or whether such lands
654 are no longer needed. The board may require an agency to release
655 its interest in such lands. For an agency that has requested the
656 use of a property that was to be declared as surplus, said agency
657 must have the property under lease within 6 months of the date of
658 expiration of the notice provisions required under this
659 subsection and s. 253.111.

660 (i) ~~(j)~~ Requests for surplusizing may be made by any public or
661 private entity or person. All requests shall be submitted to the
662 lead managing agency for review and recommendation to the council
663 or its successor. Lead managing agencies shall have 90 days to
664 review such requests and make recommendations. Any surplusizing
665 requests that have not been acted upon within the 90-day time
666 period shall be immediately scheduled for hearing at the next
667 regularly scheduled meeting of the council or its successor.

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668 Requests for surplusings pursuant to this paragraph shall not be
669 required to be offered to local or state governments as provided
670 in paragraph (f).

671 (j)~~(k)~~ Proceeds from any sale of surplus lands pursuant to
672 this subsection shall be deposited into the fund from which such
673 lands were acquired. However, if the fund from which the lands
674 were originally acquired no longer exists, such proceeds shall be
675 deposited into an appropriate account to be used for land
676 management by the lead managing agency assigned the lands prior
677 to the lands being declared surplus. Funds received from the sale
678 of surplus nonconservation lands, or lands that were acquired by
679 gift, by donation, or for no consideration, shall be deposited
680 into the Internal Improvement Trust Fund.

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

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

689 (m)~~(n)~~ The board may adopt rules to implement the
690 provisions of this section, which may include procedures for
691 administering surplus land requests and criteria for when the
692 division may approve requests to surplus nonconservation lands on
693 behalf of the board.

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

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697 of the state, a state agency, a water management district, or a
698 local government on a county-by-county basis. To facilitate the
699 development of the state inventory, each county shall direct the
700 appropriate county office with authority over the information to
701 provide the division with a county inventory of all lands
702 identified as federal lands and lands titled in the name of the
703 state, a state agency, a water management district, or a local
704 government. The Legislature recognizes the value of the state's
705 conservation lands as water recharge areas and air filters and,
706 in an effort to better understand the scientific underpinnings of
707 carbon sequestration, carbon capture, and greenhouse gas
708 mitigation, to inform policymakers and decisionmakers, and to
709 provide the infrastructure for land owners, the Division of State
710 Lands shall contract with an organization experienced and
711 specialized in carbon sinks and emission budgets to conduct an
712 inventory of all lands that were acquired pursuant to
713 Preservation 2000 and Florida Forever and that were titled in the
714 name of the Board of Trustees of the Internal Improvement Trust
715 Fund. The inventory shall determine the value of carbon capture
716 and carbon sequestration. Such inventory shall consider potential
717 carbon offset values of changes in land management practices,
718 including, but not limited to, replanting of trees, routine
719 prescribed burns, and land use conversion. Such an inventory
720 shall be completed and presented to the board of trustees by July
721 1, 2009.

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

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

729 (c) In any county having a population of 75,000 or fewer
730 ~~less~~, or a county having a population of 100,000 or fewer which
731 ~~less than~~ is contiguous to a county having a population of 75,000
732 or fewer less, in which more than 50 percent of the lands within
733 the county boundary are federal lands and lands titled in the
734 name of the state, a state agency, a water management district,
735 or a local government, those lands titled in the name of the
736 state or a state agency which are not essential or necessary to
737 meet conservation purposes may, upon request of a public or
738 private entity, be made available for purchase through the
739 state's surplusing process. Rights-of-way for existing, proposed,
740 or anticipated transportation facilities are exempt from the
741 requirements of this paragraph. Priority consideration shall be
742 given to buyers, public or private, willing to return the
743 property to productive use so long as the property can be
744 reentered onto the county ad valorem tax roll. Property acquired
745 with matching funds from a local government shall not be made
746 available for purchase without the consent of the local
747 government.

748 (14) By February 1, 2010, the commission shall submit a
749 report to the President of the Senate and the Speaker of the
750 House of Representatives on the efficacy of using state-owned
751 lands to protect, manage, or restore habitat for native or
752 imperiled species. This subsection expires July 1, 2014.

753 Section 6. Section 253.0341, Florida Statutes, is amended
754 to read:

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755 253.0341 Surplus of state-owned lands to counties or local
756 governments.--Counties and local governments may submit
757 surplus requests for state-owned lands directly to the board
758 of trustees. County or local government requests for the state to
759 surplus conservation or nonconservation lands, whether for
760 purchase or exchange, shall be expedited throughout the
761 surplus process. Property jointly acquired by the state and
762 other entities shall not be surplus without the consent of all
763 joint owners.

764 (1) The decision to surplus state-owned nonconservation
765 lands may be made by the board without a review of, or a
766 recommendation on, the request from the Acquisition and
767 Restoration Council or the Division of State Lands. Such requests
768 for nonconservation lands shall be considered by the board within
769 60 days of the board's receipt of the request.

770 (2) County or local government requests for the surplus
771 of state-owned conservation lands are subject to review of, and
772 recommendation on, the request to the board by the Acquisition
773 and Restoration Council. Requests to surplus conservation lands
774 shall be considered by the board within 120 days of the board's
775 receipt of the request.

776 (3) A local government may request that state lands be
777 specifically declared surplus lands for the purpose of providing
778 alternative water supply and water resource development projects
779 as defined in s 373.019, public facilities such as schools, fire
780 and police facilities, and affordable housing. The request shall
781 comply with the requirements of subsection (1) if the lands are
782 nonconservation lands or subsection (2) if the lands are
783 conservation lands. Surplus lands that are conveyed to a local

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784 government for affordable housing shall be disposed of by the
785 local government under the provisions of s. 125.379 or s.
786 166.0451.

787 (4) Notwithstanding the requirements of this section and
788 the requirements of s. 253.034 which provides a surplus process
789 for the disposal of state lands, the board shall convey to Miami-
790 Dade County title to the property on which the Graham Building,
791 which houses the offices of the Miami-Dade State Attorney, is
792 located. By January 1, 2008, the board shall convey fee simple
793 title to the property to Miami-Dade County for a consideration of
794 one dollar. The deed conveying title to Miami-Dade County must
795 contain restrictions that limit the use of the property for the
796 purpose of providing workforce housing as defined in s. 420.5095,
797 and to house the offices of the Miami-Dade State Attorney.
798 Employees of the Miami-Dade State Attorney and the Miami-Dade
799 Public Defender who apply for and meet the income qualifications
800 for workforce housing shall receive preference over other
801 qualified applicants.

802 Section 7. Subsection (3) of section 253.111, Florida
803 Statutes, is amended to read:

804 253.111 Notice to board of county commissioners before
805 sale.--The Board of Trustees of the Internal Improvement Trust
806 Fund of the state may not sell any land to which they hold title
807 unless and until they afford an opportunity to the county in
808 which such land is situated to receive such land on the following
809 terms and conditions:

810 (3) If the board receives, within 45 ~~30~~ days after notice
811 is given to the board of county commissioners pursuant to
812 subsection (1), the certified copy of the resolution provided for

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813 in subsection (2), the board shall forthwith convey to the county
814 such land at a price that is equal to its appraised market value
815 established by generally accepted professional standards for real
816 estate appraisal and subject to such other terms and conditions
817 as the board determines.

818 Section 8. Paragraph (b) of subsection (2) of section
819 253.82, Florida Statutes, is amended to read:

820 253.82 Title of state or private owners to Murphy Act
821 lands.--

822 (2) (b) Land to which title is vested in the board of
823 trustees by paragraph (a) shall be treated in the same manner as
824 other nonsovereignty lands owned by the board. However, any
825 parcel of land the title to which is vested in the Board of
826 Trustees of the Internal Improvement Trust Fund pursuant to this
827 section which is 10 acres or less in size and has a ~~an appraised~~
828 market value of \$250,000 or less is hereby declared surplus,
829 except for lands determined to be needed for state use, and may
830 be sold in any manner provided by law. ~~Only one appraisal shall~~
831 ~~be required for a sale of such land.~~ All proceeds from the sale
832 of such land shall be deposited into the Internal Improvement
833 Trust Fund. The Board of Trustees of the Internal Improvement
834 Trust Fund is authorized to adopt rules to implement the
835 provisions of this subsection.

836 Section 9. Section 259.032, Florida Statutes, is amended to
837 read:

838 259.032 Conservation and Recreation Lands Trust Fund;
839 purpose.--

840 (1) It is the policy of the state that the citizens of this
841 state shall be assured public ownership of natural areas for

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842 purposes of maintaining this state's unique natural resources;
843 protecting air, land, and water quality; promoting water resource
844 development to meet the needs of natural systems and citizens of
845 this state; promoting restoration activities on public lands; and
846 providing lands for natural resource based recreation. In
847 recognition of this policy, it is the intent of the Legislature
848 to provide such public lands for the people residing in urban and
849 metropolitan areas of the state, as well as those residing in
850 less populated, rural areas. It is the further intent of the
851 Legislature, with regard to the lands described in paragraph
852 (3)(c), that a high priority be given to the acquisition,
853 restoration, and management of such lands in or near counties
854 exhibiting the greatest concentration of population and, with
855 regard to the lands described in subsection (3), that a high
856 priority be given to acquiring lands or rights or interests in
857 lands that advance the goals and objectives of the Fish and
858 Wildlife Conservation Commission's approved species or habitat
859 recovery plans, or lands within any area designated as an area of
860 critical state concern under s. 380.05 which, in the judgment of
861 the advisory council established pursuant to s. 259.035, or its
862 successor, cannot be adequately protected by application of land
863 development regulations adopted pursuant to s. 380.05. Finally,
864 it is the Legislature's intent that lands acquired through this
865 program and any successor programs be managed in such a way as to
866 protect or restore their natural resource values, and provide the
867 greatest benefit, including public access, to the citizens of
868 this state.

869 (2)(a) The Conservation and Recreation Lands Trust Fund is
870 established within the Department of Environmental Protection.

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871 The fund shall be used as a nonlapsing, revolving fund
872 exclusively for the purposes of this section. The fund shall be
873 credited with proceeds from the following excise taxes:

874 1. The excise taxes on documents as provided in s. 201.15;
875 and

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

878
879 The Department of Revenue shall credit to the fund each month the
880 proceeds from such taxes as provided in this paragraph.

881 (b) There shall annually be transferred from the
882 Conservation and Recreation Lands Trust Fund to the Land
883 Acquisition Trust Fund that amount, not to exceed \$20 million
884 annually, as shall be necessary to pay the debt service on, or
885 fund debt service reserve funds, rebate obligations, or other
886 amounts with respect to bonds issued pursuant to s. 375.051 to
887 acquire lands on the established priority list developed pursuant
888 to ss. 259.101(4) and 259.105; however, no moneys transferred to
889 the Land Acquisition Trust Fund pursuant to this paragraph, or
890 earnings thereon, shall be used or made available to pay debt
891 service on the Save Our Coast revenue bonds. Amounts transferred
892 annually from the Conservation and Recreation Lands Trust Fund to
893 the Land Acquisition Trust Fund pursuant to this paragraph shall
894 have the highest priority over other payments or transfers from
895 the Conservation and Recreation Lands Trust Fund, and no other
896 payments or transfers shall be made from the Conservation and
897 Recreation Lands Trust Fund until such transfers to the Land
898 Acquisition Trust Fund have been made. Moneys in the Conservation
899 and Recreation Lands Trust Fund also shall be used to manage

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900 lands and to pay for related costs, activities, and functions
901 pursuant to the provisions of this section.

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

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

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

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

918 (d) To conserve, protect, manage, or restore important
919 ecosystems, landscapes, and forests, if the protection and
920 conservation of such lands is necessary to enhance or protect
921 significant surface water, groundwater, coastal, recreational,
922 timber, or fish or wildlife resources which cannot otherwise be
923 accomplished through local and state regulatory programs;

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

926 (f) To facilitate the restoration and subsequent health and
927 vitality of the Florida Everglades;

928 (g) To provide areas, including recreational trails, for

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929 natural resource based recreation and other outdoor recreation on
930 any part of any site compatible with conservation purposes;

931 (h) To preserve significant archaeological or historic
932 sites; ~~or~~

933 (i) To conserve urban open spaces suitable for greenways or
934 outdoor recreation which are compatible with conservation
935 purposes; or

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

938 (4) ~~(a)~~ Lands acquired under this section shall be for use
939 as state-designated parks, recreation areas, preserves, reserves,
940 historic or archaeological sites, geologic or botanical sites,
941 recreational trails, forests, wilderness areas, wildlife
942 management areas, urban open space, or other state-designated
943 recreation or conservation lands; or they shall qualify for such
944 state designation and use if they are to be managed by other
945 governmental agencies or nonstate entities as provided for in
946 this section.

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

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

956 (6) Moneys in the fund not needed to meet obligations
957 incurred under this section shall be deposited with the Chief

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958 Financial Officer to the credit of the fund and may be invested
959 in the manner provided by law. Interest received on such
960 investments shall be credited to the Conservation and Recreation
961 Lands Trust Fund.

962 (7) The board of trustees may enter into any contract
963 necessary to accomplish the purposes of this section. The lead
964 land managing agencies designated by the board of trustees also
965 are directed by the Legislature to enter into contracts or
966 interagency agreements with other governmental entities,
967 including local soil and water conservation districts, or private
968 land managers who have the expertise to perform specific
969 management activities which a lead agency lacks, or which would
970 cost more to provide in-house. Such activities shall include, but
971 not be limited to, controlled burning, road and ditch
972 maintenance, mowing, and wildlife assessments.

973 (8) Lands to be considered for purchase under this section
974 are subject to the selection procedures of s. 259.035 and related
975 rules and shall be acquired in accordance with acquisition
976 procedures for state lands provided for in s. 259.041, except as
977 otherwise provided by the Legislature. An inholding or an
978 addition to a project selected for purchase pursuant to this
979 chapter is not subject to the selection procedures of s. 259.035
980 if the estimated value of such inholding or addition does not
981 exceed \$500,000. When at least 90 percent of the acreage of a
982 project has been purchased pursuant to this chapter, the project
983 may be removed from the list and the remaining acreage may
984 continue to be purchased. Moneys from the fund may be used for
985 title work, appraisal fees, environmental audits, and survey
986 costs related to acquisition expenses for lands to be acquired,

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987 donated, or exchanged which qualify under the categories of this
988 section, at the discretion of the board. When the Legislature has
989 authorized the Department of Environmental Protection to condemn
990 a specific parcel of land and such parcel has already been
991 approved for acquisition under this section, the land may be
992 acquired in accordance with the provisions of chapter 73 or
993 chapter 74, and the fund may be used to pay the condemnation
994 award and all costs, including a reasonable attorney's fee,
995 associated with condemnation.

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

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

1000 (b) Managed for public outdoor recreation which is
1001 compatible with the conservation and protection of public lands.
1002 Such management may include, but not be limited to, the following
1003 public recreational uses: fishing, hunting, camping, bicycling,
1004 hiking, nature study, swimming, boating, canoeing, horseback
1005 riding, diving, model hobbyist activities, birding, sailing,
1006 jogging, and other related outdoor activities compatible with the
1007 purposes for which the lands were acquired.

1008 (c) Managed for the purposes for which the lands were
1009 acquired, consistent with paragraph (11)(a).

1010 (d) Concurrent with its adoption of the annual Conservation
1011 and Recreation Lands list of acquisition projects pursuant to s.
1012 259.035, the board of trustees shall adopt a management
1013 prospectus for each project. The management prospectus shall
1014 delineate:

1015 1. The management goals for the property;

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1016 2. The conditions that will affect the intensity of
1017 management;

1018 3. An estimate of the revenue-generating potential of the
1019 property, if appropriate;

1020 4. A timetable for implementing the various stages of
1021 management and for providing access to the public, if applicable;

1022 5. A description of potential multiple-use activities as
1023 described in this section and s. 253.034;

1024 6. Provisions for protecting existing infrastructure and
1025 for ensuring the security of the project upon acquisition;

1026 7. The anticipated costs of management and projected
1027 sources of revenue, including legislative appropriations, to fund
1028 management needs; and

1029 8. Recommendations as to how many employees will be needed
1030 to manage the property, and recommendations as to whether local
1031 governments, volunteer groups, the former landowner, or other
1032 interested parties can be involved in the management.

1033 (e) Concurrent with the approval of the acquisition
1034 contract pursuant to s. 259.041(3)(c) for any interest in lands
1035 except those lands being acquired under the provisions of s.
1036 259.1052, the board of trustees shall designate an agency or
1037 agencies to manage such lands. The board shall evaluate and
1038 amend, as appropriate, the management policy statement for the
1039 project as provided by s. 259.035, consistent with the purposes
1040 for which the lands are acquired. For any fee simple acquisition
1041 of a parcel which is or will be leased back for agricultural
1042 purposes, or any acquisition of a less-than-fee interest in land
1043 that is or will be used for agricultural purposes, the Board of
1044 Trustees of the Internal Improvement Trust Fund shall first

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1045 consider having a soil and water conservation district, created
1046 pursuant to chapter 582, manage and monitor such interests.

1047 (f) State agencies designated to manage lands acquired
1048 under this chapter except those lands acquired under s. 259.1052
1049 may contract with local governments and soil and water
1050 conservation districts to assist in management activities,
1051 including the responsibility of being the lead land manager. Such
1052 land management contracts may include a provision for the
1053 transfer of management funding to the local government or soil
1054 and water conservation district from the Conservation and
1055 Recreation Lands Trust Fund in an amount adequate for the local
1056 government or soil and water conservation district to perform its
1057 contractual land management responsibilities and proportionate to
1058 its responsibilities, and which otherwise would have been
1059 expended by the state agency to manage the property.

1060 (g) Immediately following the acquisition of any interest
1061 in lands under this chapter, the Department of Environmental
1062 Protection, acting on behalf of the board of trustees, may issue
1063 to the lead managing entity an interim assignment letter to be
1064 effective until the execution of a formal lease.

1065 (10)(a) State, regional, or local governmental agencies or
1066 private entities designated to manage lands under this section
1067 shall develop and adopt, with the approval of the board of
1068 trustees, an individual management plan for each project designed
1069 to conserve and protect such lands and their associated natural
1070 resources. Private sector involvement in management plan
1071 development may be used to expedite the planning process.

1072 (b) Individual management plans required by s. 253.034(5),
1073 for parcels over 160 acres, shall be developed with input from an

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1074 advisory group. Members of this advisory group shall include, at
1075 a minimum, representatives of the lead land managing agency,
1076 comanaging entities, local private property owners, the
1077 appropriate soil and water conservation district, a local
1078 conservation organization, and a local elected official. The
1079 advisory group shall conduct at least one public hearing within
1080 the county in which the parcel or project is located. For those
1081 parcels or projects that are within more than one county, at
1082 least one areawide public hearing shall be acceptable and the
1083 lead managing agency shall invite a local elected official from
1084 each county. The areawide public hearing shall be held in the
1085 county in which the core parcels are located. Notice of such
1086 public hearing shall be posted on the parcel or project
1087 designated for management, advertised in a paper of general
1088 circulation, and announced at a scheduled meeting of the local
1089 governing body before the actual public hearing. The management
1090 prospectus required pursuant to paragraph (9)(d) shall be
1091 available to the public for a period of 30 days prior to the
1092 public hearing.

1093 (c) Once a plan is adopted, the managing agency or entity
1094 shall update the plan at least every 10 years in a form and
1095 manner prescribed by rule of the board of trustees. Such updates,
1096 for parcels over 160 acres, shall be developed with input from an
1097 advisory group. Such plans may include transfers of leasehold
1098 interests to appropriate conservation organizations or
1099 governmental entities designated by the Land Acquisition and
1100 Management Advisory Council or its successor, for uses consistent
1101 with the purposes of the organizations and the protection,
1102 preservation, conservation, restoration, and proper management of

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1103 the lands and their resources. Volunteer management assistance is
1104 encouraged, including, but not limited to, assistance by youths
1105 participating in programs sponsored by state or local agencies,
1106 by volunteers sponsored by environmental or civic organizations,
1107 and by individuals participating in programs for committed
1108 delinquents and adults.

1109 (d)1. For each project for which lands are acquired after
1110 July 1, 1995, an individual management plan shall be adopted and
1111 in place no later than 1 year after the essential parcel or
1112 parcels identified in the priority list developed pursuant to ss.
1113 259.101(4) and 259.105 have been acquired. The Department of
1114 Environmental Protection shall distribute only 75 percent of the
1115 acquisition funds to which a budget entity or water management
1116 district would otherwise be entitled from the Preservation 2000
1117 Trust Fund to any budget entity or any water management district
1118 that has more than one-third of its management plans overdue.

1119 2. The requirements of subparagraph 1. do not apply to the
1120 individual management plan for the Babcock Crescent B Ranch being
1121 acquired pursuant to s. 259.1052. The management plan for the
1122 ranch shall be adopted and in place no later than 2 years
1123 following the date of acquisition by the state.

1124 (e) Individual management plans shall conform to the
1125 appropriate policies and guidelines of the state land management
1126 plan and shall include, but not be limited to:

1127 1. A statement of the purpose for which the lands were
1128 acquired, the projected use or uses as defined in s. 253.034, and
1129 the statutory authority for such use or uses.

1130 2. Key management activities necessary to achieve the
1131 desired outcomes, including, but not limited to, providing public

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1132 access, preserving and protecting natural resources, protecting
1133 cultural and historical resources, restoring habitat, protecting
1134 threatened and endangered species, controlling the spread of
1135 nonnative plants and animals, performing prescribed fire
1136 activities, and other appropriate resource management. ~~to~~
1137 ~~preserve and protect natural resources and restore habitat, and~~
1138 ~~for controlling the spread of nonnative plants and animals, and~~
1139 ~~for prescribed fire and other appropriate resource management~~
1140 ~~activities.~~

1141 3. A specific description of how the managing agency plans
1142 to identify, locate, protect, and preserve, or otherwise use
1143 fragile, nonrenewable natural and cultural resources.

1144 4. A priority schedule for conducting management
1145 activities, based on the purposes for which the lands were
1146 acquired.

1147 5. A cost estimate for conducting priority management
1148 activities, to include recommendations for cost-effective methods
1149 of accomplishing those activities.

1150 6. A cost estimate for conducting other management
1151 activities which would enhance the natural resource value or
1152 public recreation value for which the lands were acquired. The
1153 cost estimate shall include recommendations for cost-effective
1154 methods of accomplishing those activities.

1155 7. A determination of the public uses and public access
1156 that would be consistent with the purposes for which the lands
1157 were acquired.

1158 (f) The Division of State Lands shall submit a copy of each
1159 individual management plan for parcels which exceed 160 acres in
1160 size to each member of the Acquisition and Restoration Council

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1161 ~~Land Acquisition and Management Advisory Council or its~~
1162 ~~successor~~, which shall:

1163 1. Within 60 days after receiving a plan from the division,
1164 review each plan for compliance with the requirements of this
1165 subsection and with the requirements of the rules established by
1166 the board pursuant to this subsection.

1167 2. Consider the propriety of the recommendations of the
1168 managing agency with regard to the future use or protection of
1169 the property.

1170 3. After its review, submit the plan, along with its
1171 recommendations and comments, to the board of trustees, with
1172 recommendations as to whether to approve the plan as submitted,
1173 approve the plan with modifications, or reject the plan.

1174 (g) The board of trustees shall consider the individual
1175 management plan submitted by each state agency and the
1176 recommendations of the Acquisition and Restoration Council ~~Land~~
1177 ~~Acquisition and Management Advisory Council, or its successor~~,
1178 and the Division of State Lands and shall approve the plan with
1179 or without modification or reject such plan. The use or
1180 possession of any lands owned by the board of trustees which is
1181 not in accordance with an approved individual management plan is
1182 subject to termination by the board of trustees.

1183
1184 By July 1 of each year, each governmental agency and each private
1185 entity designated to manage lands shall report to the Secretary
1186 of Environmental Protection on the progress of funding, staffing,
1187 and resource management of every project for which the agency or
1188 entity is responsible.

1189 (11) (a) The Legislature recognizes that acquiring lands

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1190 pursuant to this chapter serves the public interest by protecting
1191 land, air, and water resources which contribute to the public
1192 health and welfare, providing areas for natural resource based
1193 recreation, and ensuring the survival of unique and irreplaceable
1194 plant and animal species. The Legislature intends for these lands
1195 to be managed and maintained for the purposes for which they were
1196 acquired and for the public to have access to and use of these
1197 lands where it is consistent with acquisition purposes and would
1198 not harm the resources the state is seeking to protect on the
1199 public's behalf.

1200 (b) An amount of not less than ~~up to~~ 1.5 percent of the
1201 cumulative total of funds ever deposited into the Florida
1202 Preservation 2000 Trust Fund and the Florida Forever Trust Fund
1203 shall be made available for the purposes of management,
1204 maintenance, and capital improvements not eligible for funding
1205 pursuant to s. 11(e), Art. VII of the State Constitution, and for
1206 associated contractual services, for lands acquired pursuant to
1207 this section, s. 259.101, s. 259.105, s. 259.1052, or previous
1208 programs for the acquisition of lands for conservation and
1209 recreation, including state forests, to which title is vested in
1210 the board of trustees and other conservation and recreation lands
1211 managed by a state agency. Of this amount, \$250,000 shall be
1212 transferred annually to the Plant Industry Trust Fund within the
1213 Department of Agriculture and Consumer Services for the purpose
1214 of implementing the Endangered or Threatened Native Flora
1215 Conservation Grants Program pursuant to s. 581.185(11). Each
1216 agency with management responsibilities shall annually request
1217 from the Legislature funds sufficient to fulfill such
1218 responsibilities to implement individual management plans. For

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1219 the purposes of this paragraph, capital improvements shall
1220 include, but need not be limited to, perimeter fencing, signs,
1221 firelanes, access roads and trails, and minimal public
1222 accommodations, such as primitive campsites, garbage receptacles,
1223 and toilets. Any equipment purchased with funds provided pursuant
1224 to this paragraph may be used for the purposes described in this
1225 paragraph on any conservation and recreation lands managed by a
1226 state agency. The funding requirement created in this paragraph
1227 is subject to an annual evaluation by the Legislature in order to
1228 ensure that such requirement does not impact the respective trust
1229 fund in a manner that would prevent the trust fund from meeting
1230 other minimum requirements.

1231 (c) The Land Management Uniform Accounting Council shall
1232 prepare and deliver a report on the methodology and formula for
1233 allocating land management funds to the Acquisition and
1234 Restoration Council. The Acquisition and Restoration Council
1235 shall review, modify as appropriate, and submit the report to the
1236 Board of Trustees of the Internal Improvement Trust Fund. The
1237 board of trustees shall review, modify as appropriate, and submit
1238 the report to the President of the Senate and the Speaker of the
1239 House of Representatives no later than December 31, 2008, which
1240 provides an interim management formula and a long-term management
1241 formula, and the methodologies used to develop the formulas,
1242 which shall be used to allocate land management ~~In requesting~~
1243 funds provided for in paragraph (b) for interim and long-term
1244 management of all lands managed ~~acquisitions~~ pursuant to this
1245 chapter and for associated contractual services. The methodology
1246 and formula for interim management shall be based on the
1247 estimated land acquisitions for the fiscal year in which the

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1248 interim funds will be expended. The methodology and formula for
1249 long-term management shall recognize, but not be limited to, the
1250 following, the managing agencies shall recognize the following
1251 categories of land management needs:

1252 1. The assignment of management intensity associated with
1253 managed habitats and natural communities and the related
1254 management activities to achieve land management goals provided
1255 in ss. 253.054(5) and subsection (10).

1256 a. The acres of land that require minimal effort for
1257 resource preservation or restoration.

1258 b. The acres of land that require moderate effort for
1259 resource preservation or restoration.

1260 c. The acres of land that require significant effort for
1261 resource preservation or restoration.

1262 2. The assignment of management intensity associated with
1263 public access, including, but not limited to:

1264 a. The acres of land that are open to the public but offer
1265 no more than minimally developed facilities;

1266 b. The acres of land that have a high degree of public use
1267 and offer highly developed facilities; and

1268 c. The acres of land that are sites that have historic
1269 significance, unique natural features, or a very high degree of
1270 public use.

1271 3. The acres of land that have a secondary manager
1272 contributing to the over-all management effort.

1273 4. The anticipated revenues generated from management of
1274 the lands.

1275 5. The impacts of, and needs created or addressed by,
1276 multiple-use management strategies.

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1277 6. The acres of land that have infestations of nonnative or
1278 invasive plants, animals, or fish.

1279 ~~1. Lands which are low-need tracts, requiring basic~~
1280 ~~resource management and protection, such as state reserves, state~~
1281 ~~preserves, state forests, and wildlife management areas. These~~
1282 ~~lands generally are open to the public but have no more than~~
1283 ~~minimum facilities development.~~

1284 ~~2. Lands which are moderate-need tracts, requiring more~~
1285 ~~than basic resource management and protection, such as state~~
1286 ~~parks and state recreation areas. These lands generally have~~
1287 ~~extra restoration or protection needs, higher concentrations of~~
1288 ~~public use, or more highly developed facilities.~~

1289 ~~3. Lands which are high-need tracts, with identified needs~~
1290 ~~requiring unique site-specific resource management and~~
1291 ~~protection. These lands generally are sites with historic~~
1292 ~~significance, unique natural features, or very high intensity~~
1293 ~~public use, or sites that require extra funds to stabilize or~~
1294 ~~protect resources, such as lands with heavy infestations of~~
1295 ~~nonnative, invasive plants.~~

1296
1297 In evaluating the management funding needs of lands based on the
1298 above categories, the lead land managing agencies shall include
1299 in their considerations the impacts of, and needs created or
1300 addressed by, multiple-use management strategies. The funding
1301 formulas for interim and long-term management proposed by the
1302 agencies shall be reviewed by the Legislature during the 2009
1303 regular legislative session. The Legislature may reject, modify,
1304 or take no action relative to the proposed funding formulas. If
1305 no action is taken, the funding formulas shall be used in the

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1306 allocation and distribution of funds provided in paragraph (b).

1307 (d) All revenues generated through multiple-use management
1308 or compatible secondary-use management shall be returned to the
1309 lead agency responsible for such management and shall be used to
1310 pay for management activities on all conservation, preservation,
1311 and recreation lands under the agency's jurisdiction. In
1312 addition, such revenues shall be segregated in an agency trust
1313 fund and shall remain available to the agency in subsequent
1314 fiscal years to support land management appropriations. For the
1315 purposes of this paragraph, compatible secondary-use management
1316 shall be those activities described in subsection (9) undertaken
1317 on parcels designated as single use pursuant to s. 253.034(2)(b).

1318 (e) Up to one-fifth of the funds provided for in paragraph
1319 (b) shall be reserved by the board of trustees for interim
1320 management of acquisitions and for associated contractual
1321 services, to ensure the conservation and protection of natural
1322 resources on project sites and to allow limited public
1323 recreational use of lands. Interim management activities may
1324 include, but not be limited to, resource assessments, control of
1325 invasive, nonnative species, habitat restoration, fencing, law
1326 enforcement, controlled burning, and public access consistent
1327 with preliminary determinations made pursuant to paragraph
1328 (9)(g). The board of trustees shall make these interim funds
1329 available immediately upon purchase.

1330 (f) The department shall set long-range and annual goals
1331 for the control and removal of nonnative, invasive plant species
1332 on public lands. Such goals shall differentiate between aquatic
1333 plant species and upland plant species. In setting such goals,
1334 the department may rank, in order of adverse impact, species that

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1335 impede or destroy the functioning of natural systems.
1336 Notwithstanding paragraph (a), up to one-fourth of the funds
1337 provided for in paragraph (b) may be used by the agencies
1338 receiving those funds for control and removal of nonnative,
1339 invasive species on public lands.

1340 ~~(g) In addition to the purposes specified in paragraph (b),~~
1341 ~~funds from the 1.5 percent of the cumulative total of funds ever~~
1342 ~~deposited into the Florida Preservation 2000 Trust Fund and the~~
1343 ~~Florida Forever Trust Fund may be appropriated for the 2006-2007~~
1344 ~~fiscal year for the construction of replacement museum~~
1345 ~~facilities. This paragraph expires July 1, 2007.~~

1346 (12) (a) Beginning July 1, 1999, the Legislature shall make
1347 available sufficient funds annually from the Conservation and
1348 Recreation Lands Trust Fund to the department for payment in lieu
1349 of taxes to qualifying counties and local governments as defined
1350 in paragraph (b) for all actual tax losses incurred as a result
1351 of board of trustees acquisitions for state agencies under the
1352 Florida Forever program or the Florida Preservation 2000 program
1353 during any year. Reserved funds not used for payments in lieu of
1354 taxes in any year shall revert to the fund to be used for land
1355 management in accordance with the provisions of this section.

1356 (b) Payment in lieu of taxes shall be available:

1357 1. To all counties that have a population of 150,000 or
1358 fewer. Population levels shall be determined pursuant to s.
1359 11.031.

1360 2. To all local governments located in eligible counties.

1361 3. To Glades County, where a privately owned and operated
1362 prison leased to the state has recently been opened and where
1363 privately owned and operated juvenile justice facilities leased

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1364 to the state have recently been constructed and opened, a payment
1365 in lieu of taxes, in an amount that offsets the loss of property
1366 tax revenue, which funds have already been appropriated and
1367 allocated from the Department of Correction's budget for the
1368 purpose of reimbursing amounts equal to lost ad valorem taxes.

1369 (c) If insufficient funds are available in any year to make
1370 full payments to all qualifying counties and local governments,
1371 such counties and local governments shall receive a pro rata
1372 share of the moneys available.

1373 (d) The payment amount shall be based on the average amount
1374 of actual taxes paid on the property for the 3 years preceding
1375 acquisition. Applications for payment in lieu of taxes shall be
1376 made no later than January 31 of the year following acquisition.
1377 No payment in lieu of taxes shall be made for properties which
1378 were exempt from ad valorem taxation for the year immediately
1379 preceding acquisition.

1380 (e) If property which was subject to ad valorem taxation
1381 was acquired by a tax-exempt entity for ultimate conveyance to
1382 the state under this chapter, payment in lieu of taxes shall be
1383 made for such property based upon the average amount of taxes
1384 paid on the property for the 3 years prior to its being removed
1385 from the tax rolls. The department shall certify to the
1386 Department of Revenue those properties that may be eligible under
1387 this provision. Once eligibility has been established, that
1388 county or local government shall receive ~~10 consecutive~~ annual
1389 payments for each tax loss until the qualifying county or local
1390 government exceeds the population threshold pursuant to this
1391 section, ~~and no further eligibility determination shall be made~~
1392 ~~during that period.~~

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1393 (f) Payment in lieu of taxes pursuant to this subsection
1394 shall be made annually to qualifying counties and local
1395 governments after certification by the Department of Revenue that
1396 the amounts applied for are reasonably appropriate, based on the
1397 amount of actual taxes paid on the eligible property. With the
1398 assistance of the local government requesting payment in lieu of
1399 taxes, the state agency that acquired the land is responsible for
1400 preparing and submitting application requests for payment to the
1401 Department of Revenue for certification.

1402 (g) If the board of trustees conveys to a local government
1403 title to any land owned by the board, any payments in lieu of
1404 taxes on the land made to the local government shall be
1405 discontinued as of the date of the conveyance.

1406
1407 For the purposes of this subsection, "local government" includes
1408 municipalities, the county school board, mosquito control
1409 districts, and any other local government entity which levies ad
1410 valorem taxes, with the exception of a water management district.

1411 (13) Moneys credited to the fund each year which are not
1412 used for management, maintenance, or capital improvements
1413 pursuant to subsection (11); for payment in lieu of taxes
1414 pursuant to subsection (12); or for the purposes of subsection
1415 (5), shall be available for the acquisition of land pursuant to
1416 this section.

1417 (14) The board of trustees may adopt rules to further
1418 define the categories of land for acquisition under this chapter.

1419 (15) Within 90 days after receiving a certified letter from
1420 the owner of a property on the Conservation and Recreation Lands
1421 list or the priority list established pursuant to s. 259.105

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1422 objecting to the property being included in an acquisition
1423 project, where such property is a project or part of a project
1424 which has not been listed for purchase in the current year's land
1425 acquisition work plan, the board of trustees shall delete the
1426 property from the list or from the boundary of an acquisition
1427 project on the list.

1428 Section 10. Section 259.035, Florida Statutes, is amended
1429 to read:

1430 259.035 Acquisition and Restoration Council.--

1431 (1) There is created the Acquisition and Restoration
1432 Council.

1433 (a) The council shall be composed of eleven ~~nine~~ voting
1434 members, four of whom shall be appointed by the Governor. Of
1435 these four appointees, three shall be from scientific disciplines
1436 related to land, water, or environmental sciences and the fourth
1437 shall have at least 5 years of experience in managing lands for
1438 both active and passive types of recreation. They shall serve 4-
1439 year terms, except that, initially, to provide for staggered
1440 terms, two of the appointees shall serve 2-year terms. All
1441 subsequent appointments shall be for 4-year terms. No appointee
1442 shall serve more than 6 years. The Governor may at any time fill
1443 a vacancy for the unexpired term of a member appointed under this
1444 paragraph.

1445 (b) The five remaining appointees shall be composed of the
1446 Secretary of Environmental Protection, the director of the
1447 Division of Forestry of the Department of Agriculture and
1448 Consumer Services, the executive director of the Fish and
1449 Wildlife Conservation Commission, the director of the Division of
1450 Historical Resources of the Department of State, and the

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1451 secretary of the Department of Community Affairs, or their
1452 respective designees.

1453 (c) One member shall be appointed by the Commissioner of
1454 Agriculture with a discipline related to agriculture including
1455 silviculture. One member shall be appointed by the Fish and
1456 Wildlife Conservation Commission with a discipline related to
1457 wildlife management or wildlife ecology.

1458 (d)~~(e)~~ The Governor shall appoint the chair of the council,
1459 and a vice chair shall be elected from among the members.

1460 (e)~~(d)~~ The council shall hold periodic meetings at the
1461 request of the chair.

1462 (f)~~(e)~~ The Department of Environmental Protection shall
1463 provide primary staff support to the council and shall ensure
1464 that council meetings are electronically recorded. Such recording
1465 shall be preserved pursuant to chapters 119 and 257.

1466 (g)~~(f)~~ The board of trustees has authority to adopt rules
1467 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
1468 of this section.

1469 (2) The four members of the council appointed pursuant to
1470 paragraph (a) and the two members of the council appointed
1471 pursuant to paragraph (c) ~~by the Governor~~ shall receive
1472 reimbursement for \$75 per day while engaged in the business of
1473 ~~the council, as well as~~ expenses and per diem for travel, to
1474 attend council ~~including attendance at~~ meetings, as allowed state
1475 officers and employees while in the performance of their duties,
1476 pursuant to s. 112.061.

1477 (3) The council shall provide assistance to the board of
1478 trustees in reviewing the recommendations and plans for state-
1479 owned lands required under ss. 253.034 and 259.032. The council

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1480 shall, in reviewing such recommendations and plans, consider the
1481 optimization of multiple-use and conservation strategies to
1482 accomplish the provisions funded pursuant to ss. 259.101(3)(a)
1483 and 259.105(3)(b).

1484 (4) (a) The council may use existing rules adopted by the
1485 board of trustees, until it develops and recommends amendments to
1486 those rules, to competitively evaluate, select, and rank projects
1487 eligible for the Conservation and Recreation Lands list pursuant
1488 to ss. 259.032(3) and 259.101(4) ~~and, beginning no later than May~~
1489 ~~1, 2001, for Florida Forever funds pursuant to s. 259.105(3)(b).~~

1490 (b) By December 1, 2009, the Acquisition and Restoration
1491 Council shall develop rules defining specific criteria and
1492 numeric performance measures needed for lands that are to be
1493 acquired for public purpose under the Florida Forever program
1494 pursuant to s. 259.105. Each recipient of Florida Forever funds
1495 shall assist the council in the development of such rules. These
1496 rules shall be reviewed and adopted by the board then submitted
1497 to the Legislature for consideration by February 1, 2010. The
1498 Legislature may reject, modify, or take no action relative to the
1499 proposed rules. If no action is taken, the rules shall be
1500 implemented. Subsequent to their approval, each recipient of
1501 Florida Forever funds shall annually report to the Division of
1502 State Lands on each of the numeric performance measures
1503 accomplished during the previous fiscal year.

1504 (c) In developing or amending ~~the~~ rules, the council shall
1505 give weight to the criteria included in s. 259.105(10). The board
1506 of trustees shall review the recommendations and shall adopt
1507 rules necessary to administer this section.

1508 (5) An affirmative vote of five members of the council is

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1509 required in order to change a project boundary or to place a
1510 proposed project on a list developed pursuant to subsection (4).
1511 Any member of the council who by family or a business
1512 relationship has a connection with all or a portion of any
1513 proposed project shall declare the interest before voting on its
1514 inclusion on a list.

1515 (6) The proposal for a project pursuant to this section or
1516 s. 259.105(3)(b) may be implemented only if adopted by the
1517 council and approved by the board of trustees. The council shall
1518 consider and evaluate in writing the merits and demerits of each
1519 project that is proposed for Conservation and Recreation Lands,
1520 Florida Preservation 2000, or Florida Forever funding and shall
1521 ensure that each proposed project will meet a stated public
1522 purpose for the restoration, conservation, or preservation of
1523 environmentally sensitive lands and water areas or for providing
1524 outdoor recreational opportunities. The council also shall
1525 determine whether the project conforms, where applicable, with
1526 the comprehensive plan developed pursuant to s. 259.04(1)(a), the
1527 comprehensive multipurpose outdoor recreation plan developed
1528 pursuant to s. 375.021, the state lands management plan adopted
1529 pursuant to s. 253.03(7), the water resources work plans
1530 developed pursuant to s. 373.199, and the provisions of s.
1531 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1532 Section 11. Section 259.037, Florida Statutes, is amended
1533 to read:

1534 259.037 Land Management Uniform Accounting Council.--

1535 (1) The Land Management Uniform Accounting Council is
1536 created within the Department of Environmental Protection and
1537 shall consist of the director of the Division of State Lands, the

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1538 director of the Division of Recreation and Parks, the director of
1539 the Office of Coastal and Aquatic Managed Areas, and the director
1540 of the Office of Greenways and Trails of the Department of
1541 Environmental Protection; the director of the Division of
1542 Forestry of the Department of Agriculture and Consumer Services;
1543 the executive director of the Fish and Wildlife Conservation
1544 Commission; and the director of the Division of Historical
1545 Resources of the Department of State, or their respective
1546 designees. Each state agency represented on the council shall
1547 have one vote. The chair of the council shall rotate annually in
1548 the foregoing order of state agencies. The agency of the
1549 representative serving as chair of the council shall provide
1550 staff support for the council. The Division of State Lands shall
1551 serve as the recipient of and repository for the council's
1552 documents. The council shall meet at the request of the chair.

1553 (2) The Auditor General and the director of the Office of
1554 Program Policy Analysis and Government Accountability, or their
1555 designees, shall advise the council to ensure that appropriate
1556 accounting procedures are utilized and that a uniform method of
1557 collecting and reporting accurate costs of land management
1558 activities are created and can be used by all agencies.

1559 (3) (a) All land management activities and costs must be
1560 assigned to a specific category, and any single activity or cost
1561 may not be assigned to more than one category. Administrative
1562 costs, such as planning or training, shall be segregated from
1563 other management activities. Specific management activities and
1564 costs must initially be grouped, at a minimum, within the
1565 following categories:

1566 1.~~(a)~~ Resource management.

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- 1567 ~~2.(b)~~ Administration.
- 1568 3. Support.
- 1569 4. Capital improvements.
- 1570 5. Recreation visitor services.
- 1571 6. Law enforcement activities.
- 1572 ~~(c) New facility construction.~~
- 1573 ~~(d) Facility maintenance.~~

1574

1575 Upon adoption of the initial list of land management categories

1576 by the council, agencies assigned to manage conservation or

1577 recreation lands shall, on July 1, 2000, begin to account for

1578 land management costs in accordance with the category to which an

1579 expenditure is assigned.

1580 (b) Each reporting agency shall also:

1581 1. Include a report of the available public use

1582 opportunities for each management unit of state land, the total

1583 management cost for public access and public use, and the cost

1584 associated with each use option.

1585 2. List the acres of land requiring minimal management

1586 effort, moderate management effort, and significant management

1587 effort pursuant to s. 259.032(11)(c). For each category created

1588 in paragraph (a), the reporting agency shall include the amount

1589 of funds requested, the amount of funds received, and the amount

1590 of funds expended for land management.

1591 3. List acres managed and cost of management for each park,

1592 preserve, forest, reserve, or management area.

1593 4. List acres managed, cost of management, and lead manager

1594 for each state lands management unit for which secondary

1595 management activities were provided.

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1596 (4) The council shall report agencies' expenditures
1597 pursuant to the adopted categories to the President of the Senate
1598 and the Speaker of the House of Representatives annually,
1599 beginning July 1, 2001. The council shall also provide this
1600 report to the Acquisition and Restoration Council and the
1601 division for inclusion in its annual report required pursuant to
1602 s. 259.036 ~~s. 259.105~~.

1603 (5) Should the council determine that the list of land
1604 management categories needs to be revised, it shall meet upon the
1605 call of the chair.

1606 (6) Biennially, each reporting agency shall also submit an
1607 operational report for each management area along with an
1608 approved management plan. The report should assess the progress
1609 toward achieving short-term and long-term management goals of the
1610 approved management plan, including all land management
1611 activities, and identify any deficiencies in management and
1612 corrective actions to address identified deficiencies as
1613 appropriate. This report shall be submitted to the Acquisition
1614 and Restoration Council and the division for inclusion in its
1615 annual report required pursuant to s. 259.036.

1616 Section 12. Subsections (3) and (7) of section 259.041,
1617 Florida Statutes, is amended to read:

1618 259.041 Acquisition of state-owned lands for preservation,
1619 conservation, and recreation purposes.--

1620 (3) No agreement to acquire real property for the purposes
1621 described in this chapter, chapter 260, or chapter 375, title to
1622 which will vest in the board of trustees, may bind the state
1623 unless and until the agreement has been reviewed and approved by
1624 the Department of Environmental Protection as complying with the

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1625 requirements of this section and any rules adopted pursuant to
1626 this section. Where any of the following conditions exist, the
1627 agreement shall be submitted to and approved by the board of
1628 trustees:

1629 (a) The purchase price agreed to by the seller exceeds the
1630 value as established pursuant to the rules of the board of
1631 trustees;

1632 (b) The contract price agreed to by the seller and
1633 acquiring agency exceeds \$1 million;

1634 (c) The acquisition is the initial purchase in a project;
1635 or

1636 (d) Other conditions that the board of trustees may adopt
1637 by rule. Such conditions may include, but not be limited to,
1638 projects where title to the property being acquired is considered
1639 nonmarketable or is encumbered in such a way as to significantly
1640 affect its management.

1641
1642 Where approval of the board of trustees is required pursuant to
1643 this subsection, the acquiring agency must provide a
1644 justification as to why it is in the public's interest to acquire
1645 the parcel or project. Approval of the board of trustees also is
1646 required for projects the department recommends acquiring
1647 pursuant to subsections (14) and (15). Review and approval of
1648 agreements for acquisitions for Florida Greenways and Trails
1649 Program properties pursuant to chapter 260 may be waived by the
1650 department in any contract with nonprofit corporations that have
1651 agreed to assist the department with this program. If the
1652 contribution of the acquiring agency exceeds \$100 million in any
1653 one fiscal year, the agreement shall be submitted to and approved

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1654 by the Legislative Budget Commission.

1655 (7) Prior to approval by the board of trustees or, when
1656 applicable, the Department of Environmental Protection, of any
1657 agreement to purchase land pursuant to this chapter, chapter 260,
1658 or chapter 375, and prior to negotiations with the parcel owner
1659 to purchase any other land, title to which will vest in the board
1660 of trustees, an appraisal of the parcel shall be required as
1661 follows:

1662 (a) The board of trustees shall adopt by rule the method
1663 for determining the value of parcels sought to be acquired by
1664 state agencies pursuant to this section.

1665 (b) Each parcel to be acquired shall have at least one
1666 appraisal. Two appraisals are required when the estimated value
1667 of the parcel exceeds \$1 million ~~\$500,000~~. However, when both
1668 appraisals exceed \$1 million ~~\$500,000~~ and differ significantly, a
1669 third appraisal may be obtained. When a parcel is estimated to be
1670 worth \$100,000 or less and the director of the Division of State
1671 Lands finds that the cost of obtaining an outside appraisal is
1672 not justified, an appraisal prepared by the division may be used.

1673 (c) Appraisal fees and associated costs shall be paid by
1674 the agency proposing the acquisition. The board of trustees shall
1675 approve qualified fee appraisal organizations. All appraisals
1676 used for the acquisition of lands pursuant to this section shall
1677 be prepared by a member of an approved appraisal organization or
1678 by a state-certified appraiser who meets the standards and
1679 criteria established in rule by the board of trustees. Each fee
1680 appraiser selected to appraise a particular parcel shall, prior
1681 to contracting with the agency or a participant in a multiparty
1682 agreement, submit to that agency or participant an affidavit

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1683 substantiating that he or she has no vested or fiduciary interest
1684 in such parcel.

1685 (d) The fee appraiser and the review appraiser for the
1686 agency shall not act in any way that may be construed as
1687 negotiating with the property owner.

1688 (e) Generally, appraisal reports are confidential and
1689 exempt from the provisions of s. 119.07(1), for use by the agency
1690 and the board of trustees, until an option contract is executed
1691 or, if no option contract is executed, until 2 weeks before a
1692 contract or agreement for purchase is considered for approval by
1693 the board of trustees. However, the department has the authority,
1694 at its discretion, to disclose appraisal reports to private
1695 landowners during negotiations for acquisitions using
1696 alternatives to fee simple techniques, if the department
1697 determines that disclosure of such reports will bring the
1698 proposed acquisition to closure. The Division of State Lands may
1699 also disclose appraisal information to public agencies or
1700 nonprofit organizations that agree to maintain the
1701 confidentiality of the reports or information when joint
1702 acquisition of property is contemplated, or when a public agency
1703 or nonprofit organization enters into a written multiparty
1704 agreement with the division to purchase and hold property for
1705 subsequent resale to the division. In addition, the division may
1706 use, as its own, appraisals obtained by a public agency or
1707 nonprofit organization, provided the appraiser is selected from
1708 the division's list of appraisers and the appraisal is reviewed
1709 and approved by the division. For the purposes of this chapter,
1710 "nonprofit organization" means an organization whose purposes
1711 include the preservation of natural resources, and which is

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1712 exempt from federal income tax under s. 501(c)(3) of the Internal
1713 Revenue Code. The agency may release an appraisal report when the
1714 passage of time has rendered the conclusions of value in the
1715 report invalid or when the acquiring agency has terminated
1716 negotiations.

1717 (f) The Division of State Lands may use, as its own,
1718 appraisals obtained by a public agency or nonprofit organization,
1719 provided that the appraiser is selected from the division's list
1720 of appraisers and the appraisal is reviewed and approved by the
1721 division. For the purposes of this chapter, the term "nonprofit
1722 organization" means an organization whose purposes include the
1723 preservation of natural resources and which is exempt from
1724 federal income tax under s. 501(c)(3) of the Internal Revenue
1725 Code.

1726
1727 Notwithstanding the provisions of this subsection, on behalf of
1728 the board and before the appraisal of parcels approved for
1729 purchase under this chapter, the Secretary of Environmental
1730 Protection or the director of the Division of State Lands may
1731 enter into option contracts to buy such parcels. Any such option
1732 contract shall state that the final purchase price is subject to
1733 approval by the board or, when applicable, the secretary and that
1734 the final purchase price may not exceed the maximum offer allowed
1735 by law. Any such option contract presented to the board for final
1736 purchase price approval shall explicitly state that payment of
1737 the final purchase price is subject to an appropriation from the
1738 Legislature. The consideration for such an option may not exceed
1739 \$1,000 or 0.01 percent of the estimate by the department of the
1740 value of the parcel, whichever amount is greater.

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1741 Section 13. Section 259.105, Florida Statutes is amended to
1742 read:

1743 259.105 The Florida Forever Act.--

1744 (1) This section may be cited as the "Florida Forever Act."

1745 (2) (a) The Legislature finds and declares that:

1746 1. Land acquisition programs have ~~The Preservation 2000~~
1747 ~~program~~ provided tremendous financial resources for purchasing
1748 environmentally significant lands to protect those lands from
1749 imminent development or alteration, thereby ensuring ~~assuring~~
1750 present and future generations' access to important waterways,
1751 open spaces, and recreation and conservation lands.

1752 2. The continued alteration and development of Florida's
1753 natural and rural areas to accommodate the state's ~~rapidly~~
1754 growing population have contributed to the degradation of water
1755 resources, the fragmentation and destruction of wildlife
1756 habitats, the loss of outdoor recreation space, and the
1757 diminishment of wetlands, forests, working landscapes, and
1758 coastal open space ~~and public beaches~~.

1759 3. The potential development of Florida's remaining natural
1760 areas and escalation of land values require ~~a continuation of~~
1761 government efforts to restore, bring under public protection, or
1762 acquire lands and water areas to preserve the state's essential
1763 ecological functions and invaluable quality of life.

1764 4. It is essential to protect the state's ecosystems by
1765 promoting a more efficient use of land, to ensure opportunities
1766 for viable agricultural activities on working lands, and to
1767 promote vital rural and urban communities that support and
1768 produce development patterns consistent with natural resource
1769 protection.

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1770 ~~5.4.~~ Florida's groundwater, surface waters, and springs are
1771 under tremendous pressure due to population growth and economic
1772 expansion and require special protection and restoration efforts,
1773 including the protection of uplands and springsheds that provide
1774 vital recharge to aquifer systems and are critical to the
1775 protection of water quality and water quantity of the aquifers
1776 and springs. To ensure that sufficient quantities of water are
1777 available to meet the current and future needs of the natural
1778 systems and citizens of the state, and assist in achieving the
1779 planning goals of the department and the water management
1780 districts, water resource development projects on public lands,
1781 where compatible with the resource values of and management
1782 objectives for the lands, are appropriate.

1783 ~~6.5.~~ The needs of urban, suburban, and small communities in
1784 Florida for high-quality outdoor recreational opportunities,
1785 greenways, trails, and open space have not been fully met by
1786 previous acquisition programs. Through such programs as the
1787 Florida Communities Trust and the Florida Recreation Development
1788 Assistance Program, the state shall place additional emphasis on
1789 acquiring, protecting, preserving, and restoring open space,
1790 ecological greenways, and recreation properties within urban,
1791 suburban, and rural areas where pristine natural communities or
1792 water bodies no longer exist because of the proximity of
1793 developed property.

1794 ~~7.6.~~ Many of Florida's unique ecosystems, such as the
1795 Florida Everglades, are facing ecological collapse due to
1796 Florida's burgeoning population growth and other economic
1797 activities. To preserve these valuable ecosystems for future
1798 generations, essential parcels of land must be acquired to

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1799 facilitate ecosystem restoration.

1800 ~~8.7.~~ Access to public lands to support a broad range of
1801 outdoor recreational opportunities and the development of
1802 necessary infrastructure, where compatible with the resource
1803 values of and management objectives for such lands, promotes an
1804 appreciation for Florida's natural assets and improves the
1805 quality of life.

1806 ~~9.8.~~ Acquisition of lands, in fee simple, less-than-fee
1807 interest, or other techniques shall in any lesser interest,
1808 ~~should~~ be based on a comprehensive science-based assessment of
1809 Florida's natural resources which targets essential conservation
1810 lands by prioritizing all current and future acquisitions based
1811 on a uniform set of data and planned so as to protect the
1812 integrity and function of ecological systems and working
1813 landscapes, and provide multiple benefits, including preservation
1814 of fish and wildlife habitat, recreation space for urban and ~~as~~
1815 ~~well as~~ rural areas, and the restoration of natural water
1816 storage, flow, and recharge.

1817 ~~10.9.~~ The state has embraced performance-based program
1818 budgeting as a tool to evaluate the achievements of publicly
1819 funded agencies, build in accountability, and reward those
1820 agencies which are able to consistently achieve quantifiable
1821 goals. While previous and existing state environmental programs
1822 have achieved varying degrees of success, few of these programs
1823 can be evaluated as to the extent of their achievements,
1824 primarily because performance measures, standards, outcomes, and
1825 goals were not established at the outset. Therefore, the Florida
1826 Forever program shall be developed and implemented in the context
1827 of measurable state goals and objectives.

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1828 11. The state must play a major role in the recovery and
1829 management of its imperiled species through the acquisition,
1830 restoration, enhancement, and management of ecosystems that can
1831 support the major life functions of such species. It is the
1832 intent of the Legislature to support local, state, and federal
1833 programs that result in net benefit to imperiled species habitat
1834 by providing public and private land owners meaningful incentives
1835 for acquiring, restoring, managing, and repopulating habitats for
1836 imperiled species. It is the further intent of the Legislature
1837 that public lands, both existing and to be acquired, identified
1838 by the lead land managing agency, in consultation with the
1839 Florida Fish and Wildlife Conservation Commission for animals or
1840 the Department of Agriculture and Consumer Services for plants,
1841 as habitat or potentially restorable habitat for imperiled
1842 species, be restored, enhanced, managed, and repopulated as
1843 habitat for such species to advance the goals and objectives of
1844 imperiled species management consistent with the purposes for
1845 which such lands are acquired without restricting other uses
1846 identified in the management plan. It is also the intent of the
1847 Legislature that of the proceeds distributed pursuant to
1848 subsection (3), additional consideration be given to acquisitions
1849 that achieve a combination of conservation goals, including the
1850 restoration, enhancement, management, or repopulation of habitat
1851 for imperiled species. The Acquisition and Restoration Council,
1852 in addition to the criteria in subsection (9), shall give weight
1853 to projects that include acquisition, restoration, management, or
1854 repopulation of habitat for imperiled species. The term
1855 "imperiled species" as used in this chapter and chapter 253,
1856 means plants and animals that are federally listed under the

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1857 Endangered Species Act, or state-listed by the Fish and Wildlife
1858 Conservation Commission or the Department of Agriculture and
1859 Consumer Services.

1860 a. As part of the state's role, all state lands that have
1861 imperiled species habitat shall include as a consideration in
1862 management plan development the restoration, enhancement,
1863 management, and repopulation of such habitats. In addition, the
1864 lead land managing agency of such state lands may use fees
1865 received from public or private entities for projects to offset
1866 adverse impacts to imperiled species or their habitat in order to
1867 restore, enhance, manage, repopulate, or acquire land and to
1868 implement land management plans developed under s. 253.034 or
1869 land management prospectus developed and implemented under this
1870 chapter. Such fees shall be deposited into a foundation or fund
1871 created by each land management agency under s. 372.0215, s.
1872 589.012, or 259.032(11)(d), to be used solely to restore, manage,
1873 enhance, repopulate, or acquire imperiled species habitat.

1874 b. Where habitat or potentially restorable habitat for
1875 imperiled species is located on state lands, the Fish and
1876 Wildlife Conservation Commission and the Department of
1877 Agriculture and Consumer Services shall be included on any
1878 advisory group required under chapter 253, and the short-term and
1879 long-term management goals required under chapter 253 must
1880 advance the goals and objectives of imperiled species management
1881 consistent with the purposes for which the land was acquired
1882 without restricting other uses identified in the management plan.

1883 12.10. There is a need ~~It is the intent of the Legislature~~
1884 ~~to change the focus and direction of the state's major land~~
1885 ~~acquisition programs and to extend funding and bonding~~

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1886 capabilities, so that future generations may enjoy the natural
1887 resources of this state.

1888 (b) The Legislature recognizes that acquisition of lands in
1889 fee simple is only one way to achieve the aforementioned goals
1890 and encourages the use of less-than-fee interests, other
1891 techniques, and the development of creative partnerships between
1892 governmental agencies and private landowners. Such partnerships
1893 may include those that advance the restoration, enhancement,
1894 management, or repopulation of imperiled species habitat on state
1895 lands as provided for in subparagraph (a)11. Easements acquired
1896 pursuant to s. 570.71(2) (a) and (b), land protection agreements,
1897 rural land stewardship areas, sector planning, mitigation, and
1898 similar tools should be used, where appropriate, to bring
1899 environmentally sensitive tracts under an acceptable level of
1900 protection at a lower financial cost to the public, and to
1901 provide private landowners with the opportunity to enjoy and
1902 benefit from their property.

1903 (c) Public agencies or other entities that receive funds
1904 under this section shall ~~are encouraged to better~~ coordinate
1905 their expenditures so that project acquisitions, when combined
1906 with acquisitions under Florida Forever, Preservation 2000, Save
1907 Our Rivers, the Florida Communities Trust, and other public land
1908 acquisition programs, and the techniques, partnerships, and tools
1909 referenced in subparagraph (a)11. and paragraph (b), are used to
1910 ~~will~~ form more complete patterns of protection for natural areas,
1911 ecological greenways, and functioning ecosystems, to better
1912 accomplish the intent of this section.

1913 (d) A long-term financial commitment to restoring,
1914 enhancing, and managing Florida's public lands in order to

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1915 implement land management plans developed under s. 253.034 or a
1916 land management prospectus developed and implemented under this
1917 chapter must accompany any ~~new~~ land acquisition program to ensure
1918 that the natural resource values of such lands are restored,
1919 enhanced, managed, and protected, that the public enjoys ~~has the~~
1920 ~~opportunity to enjoy~~ the lands to their fullest potential, and
1921 that the state achieves the full benefits of its investment of
1922 public dollars. Innovative strategies such as public-private
1923 partnerships and interagency planning and sharing of resources
1924 shall be used to achieve the state's management goals.

1925 (e) With limited dollars available for restoration,
1926 enhancement, management, and acquisition of land and water areas
1927 and for providing long-term management and capital improvements,
1928 a competitive selection process shall ~~can~~ select those projects
1929 best able to meet the goals of Florida Forever and maximize the
1930 efficient use of the program's funding.

1931 (f) To ensure success and provide accountability to the
1932 citizens of this state, it is the intent of the Legislature that
1933 any cash or bond proceeds used pursuant to this section be used
1934 to implement the goals and objectives recommended by a
1935 comprehensive science-based assessment and ~~the Florida Forever~~
1936 ~~Advisory Council~~ as approved by the Board of Trustees of the
1937 Internal Improvement Trust Fund and the Legislature.

1938 (g) As it has with previous land acquisition programs,
1939 the Legislature recognizes the desires of the residents
1940 ~~citizens~~ of this state to prosper through economic development
1941 and to preserve, restore, and manage the state's natural areas
1942 and recreational open space ~~of Florida~~. The Legislature further
1943 recognizes the urgency of restoring the natural functions,

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1944 including wildlife and imperiled species habitat functions, of
1945 public lands or water bodies before they are degraded to a
1946 point where recovery may never occur, yet acknowledges the
1947 difficulty of ensuring adequate funding for restoration,
1948 enhancement and management efforts in light of other equally
1949 critical financial needs of the state. It is the Legislature's
1950 desire and intent to fund the implementation of this section
1951 and to do so in a fiscally responsible manner, by issuing bonds
1952 to be repaid with documentary stamp tax or other revenue
1953 sources, including those identified in subparagraph (a)11.

1954 (h) The Legislature further recognizes the important role
1955 that many of our state and federal military installations
1956 contribute to protecting and preserving Florida's natural
1957 resources as well as our economic prosperity. Where the state's
1958 land conservation plans overlap with the military's need to
1959 protect lands, waters, and habitat to ensure the sustainability
1960 of military missions, it is the Legislature's intent that
1961 agencies receiving funds under this program cooperate with our
1962 military partners to protect and buffer military installations
1963 and military airspace, by:

1964 1. Protecting habitat on nonmilitary land for any species
1965 found on military land that is designated as threatened or
1966 endangered, or is a candidate for such designation under the
1967 Endangered Species Act or any Florida statute;

1968 2. Protecting areas underlying low-level military air
1969 corridors or operating areas; ~~and~~

1970 3. Protecting areas identified as clear zones, accident
1971 potential zones, and air installation compatible use buffer zones
1972 delineated by our military partners; and-

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1973 4. Providing the military with technical assistance to
1974 restore, enhance, and manage military land as habitat for
1975 imperiled species or species designated as threatened or
1976 endangered, or a candidate for such designation, and for the
1977 recovery or reestablishment of such species.

1978 (3) Less the costs of issuing and the costs of funding
1979 reserve accounts and other costs associated with bonds, the
1980 proceeds of cash payments or bonds issued pursuant to this
1981 section shall be deposited into the Florida Forever Trust Fund
1982 created by s. 259.1051. The proceeds shall be distributed by the
1983 Department of Environmental Protection in the following manner:

1984 (a) Thirty ~~Thirty-five~~ percent to the Department of
1985 Environmental Protection for the acquisition of lands and capital
1986 project expenditures necessary to implement the water management
1987 districts' priority lists developed pursuant to s. 373.199. The
1988 funds are to be distributed to the water management districts as
1989 provided in subsection (11). A minimum of 50 percent of the total
1990 funds provided over the life of the Florida Forever program
1991 pursuant to this paragraph shall be used for the acquisition of
1992 lands.

1993 (b) ~~Thirty-five~~ percent to the Department of Environmental
1994 Protection for the acquisition of lands and capital project
1995 expenditures described in this section. Of the proceeds
1996 distributed pursuant to this paragraph, it is the intent of the
1997 Legislature that an increased priority be given to those
1998 acquisitions which achieve a combination of conservation goals,
1999 including protecting Florida's water resources and natural
2000 groundwater recharge. At a minimum, 3 percent, and no more than
2001 10 percent, of the funds allocated pursuant to this paragraph

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2002 shall be spent on capital project expenditures identified during
2003 the time of acquisition which meet land management planning
2004 activities necessary for public access ~~may not exceed 10 percent~~
2005 ~~of the funds allocated pursuant to this paragraph.~~

2006 (c) Twenty-two percent to the Department of Community
2007 Affairs for use by the Florida Communities Trust for the purposes
2008 of part III of chapter 380, as described and limited by this
2009 subsection, and grants to local governments or nonprofit
2010 environmental organizations that are tax-exempt under s.
2011 501(c)(3) of the United States Internal Revenue Code for the
2012 acquisition of community-based projects, urban open spaces,
2013 parks, and greenways to implement local government comprehensive
2014 plans. From funds available to the trust and used for land
2015 acquisition, 75 percent shall be matched by local governments on
2016 a dollar-for-dollar basis. The Legislature intends that the
2017 Florida Communities Trust emphasize funding projects in low-
2018 income or otherwise disadvantaged communities and projects that
2019 provide areas for direct water access and water-dependent
2020 facilities that are open to the public and offer public access by
2021 vessels to waters of the state, including boat ramps and
2022 associated parking and other support facilities. At least 30
2023 percent of the total allocation provided to the trust shall be
2024 used in Standard Metropolitan Statistical Areas, but one-half of
2025 that amount shall be used in localities in which the project site
2026 is located in built-up commercial, industrial, or mixed-use areas
2027 and functions to intersperse open spaces within congested urban
2028 core areas. From funds allocated to the trust, no less than 5
2029 percent shall be used to acquire lands for recreational trail
2030 systems, provided that in the event these funds are not needed

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2031 for such projects, they will be available for other trust
2032 projects. Local governments may use federal grants or loans,
2033 private donations, or environmental mitigation funds, including
2034 environmental mitigation funds required pursuant to s. 338.250,
2035 for any part or all of any local match required for acquisitions
2036 funded through the Florida Communities Trust. Any lands purchased
2037 by nonprofit organizations using funds allocated under this
2038 paragraph must provide for such lands to remain permanently in
2039 public use through a reversion of title to local or state
2040 government, conservation easement, or other appropriate
2041 mechanism. Projects funded with funds allocated to the Trust
2042 shall be selected in a competitive process measured against
2043 criteria adopted in rule by the Trust.

2044 (d) Two percent to the Department of Environmental
2045 Protection for grants pursuant to s. 375.075.

2046 (e) One and five-tenths percent to the Department of
2047 Environmental Protection for the purchase of inholdings and
2048 additions to state parks and for capital project expenditures as
2049 described in this section. At a minimum, 1 percent, and no more
2050 than 10 percent, of the funds allocated pursuant to this
2051 paragraph shall be spent on capital project expenditures
2052 identified during the time of acquisition which meet land
2053 management planning activities necessary for public access ~~may~~
2054 ~~not exceed 10 percent of the funds allocated under this~~
2055 ~~paragraph~~. For the purposes of this paragraph, "state park" means
2056 any real property in the state which is under the jurisdiction of
2057 the Division of Recreation and Parks of the department, or which
2058 may come under its jurisdiction.

2059 (f) One and five-tenths percent to the Division of Forestry

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2060 of the Department of Agriculture and Consumer Services to fund
2061 the acquisition of state forest inholdings and additions pursuant
2062 to s. 589.07, the implementation of reforestation plans or
2063 sustainable forestry management practices, and for capital
2064 project expenditures as described in this section. At a minimum,
2065 1 percent, and no more than 10 percent, of the funds allocated
2066 for the acquisition of inholdings and additions pursuant to this
2067 paragraph shall be spent on capital project expenditures
2068 identified during the time of acquisition which meet land
2069 management planning activities necessary for public access ~~may~~
2070 ~~not exceed 10 percent of the funds allocated under this~~
2071 ~~paragraph.~~

2072 (g) One and five-tenths percent to the Fish and Wildlife
2073 Conservation Commission to fund the acquisition of inholdings and
2074 additions to lands managed by the commission which are important
2075 to the conservation of fish and wildlife and for capital project
2076 expenditures as described in this section. At a minimum, 1
2077 percent, and no more than 10 percent, of the funds allocated
2078 pursuant to this paragraph shall be spent on capital project
2079 expenditures identified during the time of acquisition which meet
2080 land management planning activities necessary for public access
2081 ~~may not exceed 10 percent of the funds allocated under this~~
2082 ~~paragraph.~~

2083 (h) One and five-tenths percent to the Department of
2084 Environmental Protection for the Florida Greenways and Trails
2085 Program, to acquire greenways and trails or greenways and trail
2086 systems pursuant to chapter 260, including, but not limited to,
2087 abandoned railroad rights-of-way and the Florida National Scenic
2088 Trail and for capital project expenditures as described in this

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2089 section. At a minimum, 1 percent, and no more than 10 percent, of
2090 the funds allocated pursuant to this paragraph shall be spent on
2091 capital project expenditures identified during the time of
2092 acquisition which meet land management planning activities
2093 necessary for public access ~~may not exceed 10 percent of the~~
2094 ~~funds allocated under this paragraph.~~

2095 (i) Three and five-tenths percent to the Department of
2096 Agriculture and Consumer Services for the acquisition of
2097 agricultural lands, through perpetual conservation easements and
2098 other perpetual less-than-fee techniques, which will achieve the
2099 objectives of Florida Forever and s. 570.71. Rules concerning the
2100 application, acquisition, and priority ranking process for such
2101 easements shall be developed pursuant to s. 570.71(10) and as
2102 provided by this paragraph. The board shall ensure that such
2103 rules are consistent with the acquisition process provided for in
2104 s. 259.041. Provisions of the rules developed pursuant to s.
2105 570.71(10), shall also provide for the following:

2106 1. An annual priority list shall be developed pursuant to
2107 s. 570.71(10), submitted to the Acquisition and Restoration
2108 Council for review, and approved by the board pursuant to s.
2109 259.04.

2110 2. Terms of easements and acquisitions proposed pursuant to
2111 this paragraph shall be approved by the board and shall not be
2112 delegated by the board to any other entity receiving funds under
2113 this section.

2114 3. All acquisitions pursuant to this paragraph shall
2115 contain a clear statement that they are subject to legislative
2116 appropriation.

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2118 No funds provided under this paragraph shall be expended until
2119 final adoption of rules by the board pursuant to s. 570.71.

2120 (j) One and five-tenths percent to the Department of
2121 Community Affairs for the acquisition of lands and capital
2122 project expenditures necessary to implement the Waterfronts
2123 Florida Program pursuant to s. 342.2015.

2124 (k)(i) It is the intent of the Legislature that cash
2125 payments or proceeds of Florida Forever bonds distributed under
2126 this section shall be expended in an efficient and fiscally
2127 responsible manner. An agency that receives proceeds from Florida
2128 Forever bonds under this section may not maintain a balance of
2129 unencumbered funds in its Florida Forever subaccount beyond 3
2130 fiscal years from the date of deposit of funds from each bond
2131 issue. Any funds that have not been expended or encumbered after
2132 3 fiscal years from the date of deposit shall be distributed by
2133 the Legislature at its next regular session for use in the
2134 Florida Forever program.

2135 (l)(j) For the purposes of paragraphs ~~(d)~~, (e), (f), ~~and~~
2136 (g), and (h), the agencies that ~~which~~ receive the funds shall
2137 develop their individual acquisition or restoration lists in
2138 accordance with specific criteria and numeric performance
2139 measures developed pursuant s. 259.035(4). Proposed additions may
2140 be acquired if they are identified within the original project
2141 boundary, the management plan required pursuant to s. 253.034(5),
2142 or the management prospectus required pursuant to s.
2143 259.032(9)(d). Proposed additions not meeting the requirements of
2144 this paragraph shall be submitted to the Acquisition and
2145 Restoration Council for approval. The council may only approve
2146 the proposed addition if it meets two or more of the following

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2147 criteria: serves as a link or corridor to other publicly owned
2148 property; enhances the protection or management of the property;
2149 would add a desirable resource to the property; would create a
2150 more manageable boundary configuration; has a high resource value
2151 that otherwise would be unprotected; or can be acquired at less
2152 than fair market value.

2153 (4) It is the intent of the Legislature that projects or
2154 acquisitions funded pursuant to paragraphs (3) (a) and (b)
2155 contribute to the achievement of the following goals, which shall
2156 be evaluated in accordance with specific criteria and numeric
2157 performance measures developed pursuant s. 259.035(4):

2158 (a) Enhance the coordination and completion of land
2159 acquisition projects, as measured by:

2160 1. The number of acres acquired through the state's land
2161 acquisition programs that contribute to the enhancement of
2162 essential natural resources, ecosystem service parcels, and
2163 connecting linkage corridors as identified and developed by the
2164 best available scientific analysis ~~completion of Florida~~
2165 ~~Preservation 2000 projects or projects begun before Preservation~~
2166 ~~2000;~~

2167 2. The number of acres protected through the use of
2168 alternatives to fee simple acquisition; or

2169 3. The number of shared acquisition projects among Florida
2170 Forever funding partners and partners with other funding sources,
2171 including local governments and the Federal Government.

2172 (b) Increase the protection of Florida's biodiversity at
2173 the species, natural community, and landscape levels, as measured
2174 by:

2175 1. The number of acres acquired of significant strategic

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2176 habitat conservation areas;

2177 2. The number of acres acquired of highest priority
2178 conservation areas for Florida's rarest species;

2179 3. The number of acres acquired of significant landscapes,
2180 landscape linkages, and conservation corridors, giving priority
2181 to completing linkages;

2182 4. The number of acres acquired of underrepresented native
2183 ecosystems;

2184 5. The number of landscape-sized protection areas of at
2185 least 50,000 acres that exhibit a mosaic of predominantly intact
2186 or restorable natural communities established through new
2187 acquisition projects or augmentations to previous projects; or

2188 6. The percentage increase in the number of occurrences of
2189 imperiled species ~~endangered species, threatened species, or~~
2190 ~~species of special concern~~ on publicly managed conservation
2191 areas.

2192 (c) Protect, restore, and maintain the quality and natural
2193 functions of land, water, and wetland systems of the state, as
2194 measured by:

2195 1. The number of acres of publicly owned land identified as
2196 needing restoration, enhancement, and management, acres
2197 undergoing restoration or enhancement, ~~and~~ acres with restoration
2198 activities completed, and acres managed to maintain such restored
2199 or enhanced conditions; the number of acres which represent
2200 actual or potential imperiled species habitat; the number of
2201 acres which are available pursuant to a management plan to
2202 restore, enhance, repopulate, and manage imperiled species
2203 habitat; and the number of acres of imperiled species habitat
2204 managed, restored, enhanced, repopulated, or acquired;

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2205 2. The percentage of water segments that fully meet,
2206 partially meet, or do not meet their designated uses as reported
2207 in the Department of Environmental Protection's State Water
2208 Quality Assessment 305(b) Report;

2209 3. The percentage completion of targeted capital
2210 improvements in surface water improvement and management plans
2211 created under s. 373.453(2), regional or master stormwater
2212 management system plans, or other adopted restoration plans;

2213 4. The number of acres acquired that protect natural
2214 floodplain functions;

2215 5. The number of acres acquired that protect surface waters
2216 of the state;

2217 6. The number of acres identified for acquisition to
2218 minimize damage from flooding and the percentage of those acres
2219 acquired;

2220 7. The number of acres acquired that protect fragile
2221 coastal resources;

2222 8. The number of acres of functional wetland systems
2223 protected;

2224 9. The percentage of miles of critically eroding beaches
2225 contiguous with public lands that are restored or protected from
2226 further erosion;

2227 10. The percentage of public lakes and rivers in which
2228 invasive, nonnative aquatic plants are under maintenance control;
2229 or

2230 11. The number of acres of public conservation lands in
2231 which upland invasive, exotic plants are under maintenance
2232 control.

2233 (d) Ensure that sufficient quantities of water are

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2234 available to meet the current and future needs of natural systems
2235 and the citizens of the state, as measured by:

2236 1. The number of acres acquired which provide retention and
2237 storage of surface water in naturally occurring storage areas,
2238 such as lakes and wetlands, consistent with the maintenance of
2239 water resources or water supplies and consistent with district
2240 water supply plans;

2241 2. The quantity of water made available through the water
2242 resource development component of a district water supply plan
2243 for which a water management district is responsible; or

2244 3. The number of acres acquired of groundwater recharge
2245 areas critical to springs, sinks, aquifers, other natural
2246 systems, or water supply.

2247 (e) Increase natural resource-based public recreational and
2248 educational opportunities, as measured by:

2249 1. The number of acres acquired that are available for
2250 natural resource-based public recreation or education;

2251 2. The miles of trails that are available for public
2252 recreation, giving priority to those that provide significant
2253 connections including those that will assist in completing the
2254 Florida National Scenic Trail; or

2255 3. The number of new resource-based recreation facilities,
2256 by type, made available on public land.

2257 (f) Preserve significant archaeological or historic sites,
2258 as measured by:

2259 1. The increase in the number of and percentage of historic
2260 and archaeological properties listed in the Florida Master Site
2261 File or National Register of Historic Places which are protected
2262 or preserved for public use; or

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2263 2. The increase in the number and percentage of historic
2264 and archaeological properties that are in state ownership.

2265 (g) Increase the amount of forestland available for
2266 sustainable management of natural resources, as measured by:

2267 1. The number of acres acquired that are available for
2268 sustainable forest management;

2269 2. The number of acres of state-owned forestland managed
2270 for economic return in accordance with current best management
2271 practices;

2272 3. The number of acres of forestland acquired that will
2273 serve to maintain natural groundwater recharge functions; or

2274 4. The percentage and number of acres identified for
2275 restoration actually restored by reforestation.

2276 (h) Increase the amount of open space available in urban
2277 areas, as measured by:

2278 1. The percentage of local governments that participate in
2279 land acquisition programs and acquire open space in urban cores;
2280 or

2281 2. The percentage and number of acres of purchases of open
2282 space within urban service areas.

2283
2284 Florida Forever projects and acquisitions funded pursuant to
2285 paragraph (3)(c) shall be measured by goals developed by rule by
2286 the Florida Communities Trust Governing Board created in s.
2287 380.504.

2288 (5)(a) All lands acquired pursuant to this section shall be
2289 managed for multiple-use purposes, where compatible with the
2290 resource values of and management objectives for such lands. As
2291 used in this section, "multiple-use" includes, but is not limited

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2292 to, outdoor recreational activities as described in ss. 253.034
2293 and 259.032(9)(b), water resource development projects, ~~and~~
2294 sustainable forestry management, carbon sequestration, carbon
2295 mitigation, or carbon offsets.

2296 (b) Upon a decision by the entity in which title to lands
2297 acquired pursuant to this section has vested, such lands may be
2298 designated single use as defined in s. 253.034(2)(b).

2299 (c) For purposes of this section, the Board of Trustees of
2300 the Internal Improvement Trust Fund shall adopt rules that
2301 pertain to the use of state lands for carbon sequestration,
2302 carbon mitigation, or carbon offsets and that provide for
2303 climate-change-related benefits.

2304 (6) As provided in this section, a water resource or water
2305 supply development project may be allowed only if the following
2306 conditions are met: minimum flows and levels have been
2307 established for those waters, if any, which may reasonably be
2308 expected to experience significant harm to water resources as a
2309 result of the project; the project complies with all applicable
2310 permitting requirements; and the project is consistent with the
2311 regional water supply plan, if any, of the water management
2312 district and with relevant recovery or prevention strategies if
2313 required pursuant to s. 373.0421(2).

2314 (7)(a) Beginning no later than July 1, 2001, and every year
2315 thereafter, the Acquisition and Restoration Council shall accept
2316 applications from state agencies, local governments, nonprofit
2317 and for-profit organizations, private land trusts, and
2318 individuals for project proposals eligible for funding pursuant
2319 to paragraph (3)(b). The council shall evaluate the proposals
2320 received pursuant to this subsection to ensure that they meet at

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2321 least one of the criteria under subsection (9).

2322 (b) Project applications shall contain, at a minimum, the
2323 following:

2324 1. A minimum of two numeric performance measures that
2325 directly relate to the overall goals adopted by the council. Each
2326 performance measure shall include a baseline measurement, which
2327 is the current situation; a performance standard which the
2328 project sponsor anticipates the project will achieve; and the
2329 performance measurement itself, which should reflect the
2330 incremental improvements the project accomplishes towards
2331 achieving the performance standard.

2332 2. Proof that property owners within any proposed
2333 acquisition have been notified of their inclusion in the proposed
2334 project. Any property owner may request the removal of such
2335 property from further consideration by submitting a request to
2336 the project sponsor or the Acquisition and Restoration Council by
2337 certified mail. Upon receiving this request, the council shall
2338 delete the property from the proposed project; however, the board
2339 of trustees, at the time it votes to approve the proposed project
2340 lists pursuant to subsection (16), may add the property back on
2341 to the project lists if it determines by a super majority of its
2342 members that such property is critical to achieve the purposes of
2343 the project.

2344 (c) The title to lands acquired under this section shall
2345 vest in the Board of Trustees of the Internal Improvement Trust
2346 Fund, except that title to lands acquired by a water management
2347 district shall vest in the name of that district and lands
2348 acquired by a local government shall vest in the name of the
2349 purchasing local government.

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2350 (8) The Acquisition and Restoration Council shall develop a
2351 project list that shall represent those projects submitted
2352 pursuant to subsection (7).

2353 (9) The Acquisition and Restoration Council shall recommend
2354 rules for adoption by the board of trustees to competitively
2355 evaluate, select, and rank projects eligible for Florida Forever
2356 funds pursuant to paragraph (3)(b) and for additions to the
2357 Conservation and Recreation Lands list pursuant to ss. 259.032
2358 and 259.101(4). In developing these proposed rules, the
2359 Acquisition and Restoration Council shall give weight to the
2360 following criteria:

2361 (a) The project meets multiple goals described in
2362 subsection (4).

2363 (b) The project is part of an ongoing governmental effort
2364 to restore, protect, or develop land areas or water resources.

2365 (c) The project enhances or facilitates management of
2366 properties already under public ownership.

2367 (d) The project has significant archaeological or historic
2368 value.

2369 (e) The project has funding sources that are identified and
2370 assured through at least the first 2 years of the project.

2371 (f) The project contributes to the solution of water
2372 resource problems on a regional basis.

2373 (g) The project has a significant portion of its land area
2374 in imminent danger of development, in imminent danger of losing
2375 its significant natural attributes or recreational open space, or
2376 in imminent danger of subdivision which would result in multiple
2377 ownership and make acquisition of the project costly or less
2378 likely to be accomplished.

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2379 (h) The project implements an element from a plan developed
2380 by an ecosystem management team.

2381 (i) The project is one of the components of the Everglades
2382 restoration effort.

2383 (j) The project may be purchased at 80 percent of appraised
2384 value.

2385 (k) The project may be acquired, in whole or in part, using
2386 alternatives to fee simple, including but not limited to, tax
2387 incentives, mitigation funds, or other revenues, the purchase of
2388 development rights, hunting rights, agricultural or silvicultural
2389 rights, or mineral rights or obtaining conservation easements or
2390 flowage easements.

2391 (l) The project is a joint acquisition, either among public
2392 agencies, nonprofit organizations, or private entities, or by a
2393 public-private partnership.

2394 (10) The Acquisition and Restoration Council shall give
2395 increased priority to those projects for which matching funds are
2396 available and to project elements previously identified on an
2397 acquisition list pursuant to this section that can be acquired at
2398 80 percent or less of appraised value. The council shall also
2399 give increased priority to those projects where the state's land
2400 conservation plans overlap with the military's need to protect
2401 lands, water, and habitat to ensure the sustainability of
2402 military missions including:

2403 (a) Protecting habitat on nonmilitary land for any species
2404 found on military land that is designated as threatened or
2405 endangered, or is a candidate for such designation under the
2406 Endangered Species Act or any Florida statute;

2407 (b) Protecting areas underlying low-level military air

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2408 corridors or operating areas; and

2409 (c) Protecting areas identified as clear zones, accident
2410 potential zones, and air installation compatible use buffer zones
2411 delineated by our military partners, and for which federal or
2412 other funding is available to assist with the project.

2413 (11) For the purposes of funding projects pursuant to
2414 paragraph (3) (a), the Secretary of Environmental Protection shall
2415 ensure that each water management district receives the following
2416 percentage of funds annually:

2417 (a) Thirty-five percent to the South Florida Water
2418 Management District, of which amount \$25 million for 2 years
2419 beginning in fiscal year 2000-2001 shall be transferred by the
2420 Department of Environmental Protection into the Save Our
2421 Everglades Trust Fund and shall be used exclusively to implement
2422 the comprehensive plan under s. 373.470.

2423 (b) Twenty-five percent to the Southwest Florida Water
2424 Management District.

2425 (c) Twenty-five percent to the St. Johns River Water
2426 Management District.

2427 (d) Seven and one-half percent to the Suwannee River Water
2428 Management District.

2429 (e) Seven and one-half percent to the Northwest Florida
2430 Water Management District.

2431 (12) It is the intent of the Legislature that in developing
2432 the list of projects for funding pursuant to paragraph (3) (a),
2433 that these funds not be used to abrogate the financial
2434 responsibility of those point and nonpoint sources that have
2435 contributed to the degradation of water or land areas. Therefore,
2436 an increased priority shall be given by the water management

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2437 district governing boards to those projects that have secured a
2438 cost-sharing agreement allocating responsibility for the cleanup
2439 of point and nonpoint sources.

2440 (13) An affirmative vote of five members of the Acquisition
2441 and Restoration Council shall be required in order to place a
2442 proposed project on the list developed pursuant to subsection
2443 (8). Any member of the council who by family or a business
2444 relationship has a connection with any project proposed to be
2445 ranked shall declare such interest prior to voting for a
2446 project's inclusion on the list.

2447 (14) Each year that cash disbursements or bonds are to be
2448 issued pursuant to this section, the Acquisition and Restoration
2449 Council shall review the most current approved project list and
2450 shall, by the first board meeting in May, present to the Board of
2451 Trustees of the Internal Improvement Trust Fund for approval a
2452 listing of projects developed pursuant to subsection (8). The
2453 board of trustees may remove projects from the list developed
2454 pursuant to this subsection, but may not add projects or
2455 rearrange project rankings.

2456 (15) The Acquisition and Restoration Council shall submit
2457 to the board of trustees, with its list of projects, a report
2458 that includes, but shall not be limited to, the following
2459 information for each project listed:

2460 (a) The stated purpose for inclusion.

2461 (b) Projected costs to achieve the project goals.

2462 (c) An interim management budget that includes all costs
2463 associated with immediate public access.

2464 (d) Specific performance measures.

2465 (e) Plans for public access.

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2466 (f) An identification of the essential parcel or parcels
2467 within the project without which the project cannot be properly
2468 managed.

2469 (g) Where applicable, an identification of those projects
2470 or parcels within projects which should be acquired in fee simple
2471 or in less than fee simple.

2472 (h) An identification of those lands being purchased for
2473 conservation purposes.

2474 (i) A management policy statement for the project and a
2475 management prospectus pursuant to s. 259.032(9)(d).

2476 (j) An estimate of land value based on county tax assessed
2477 values.

2478 (k) A map delineating project boundaries.

2479 (l) An assessment of the project's ecological value,
2480 outdoor recreational value, forest resources, wildlife resources,
2481 ownership pattern, utilization, and location.

2482 (m) A discussion of whether alternative uses are proposed
2483 for the property and what those uses are.

2484 (n) A designation of the management agency or agencies.

2485 (16) All proposals for projects pursuant to paragraph
2486 (3)(b) ~~or subsection (20)~~ shall be implemented only if adopted by
2487 the Acquisition and Restoration Council and approved by the board
2488 of trustees. The council shall consider and evaluate in writing
2489 the merits and demerits of each project that is proposed for
2490 Florida Forever funding and each proposed addition to the
2491 Conservation and Recreation Lands list program. The council shall
2492 ensure that each proposed project will meet a stated public
2493 purpose for the restoration, conservation, or preservation of
2494 environmentally sensitive lands and water areas or for providing

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2495 outdoor recreational opportunities and that each proposed
2496 addition to the Conservation and Recreation Lands list will meet
2497 the public purposes under s. 259.032(3) and, when applicable, s.
2498 259.101(4). The council also shall determine whether the project
2499 or addition conforms, where applicable, with the comprehensive
2500 plan developed pursuant to s. 259.04(1)(a), the comprehensive
2501 multipurpose outdoor recreation plan developed pursuant to s.
2502 375.021, the state lands management plan adopted pursuant to s.
2503 253.03(7), the water resources work plans developed pursuant to
2504 s. 373.199, and the provisions of this section.

2505 (17) On an annual basis, the Division of State Lands shall
2506 prepare an annual work plan that prioritizes projects on the
2507 Florida Forever list and sets forth the funding available in the
2508 fiscal year for land acquisition. The work plan shall consider
2509 the following categories of expenditure for land conservation
2510 projects already selected for the Florida Forever list pursuant
2511 to subsection (8):

2512 (a) A critical natural lands category, including functional
2513 landscape-scale natural systems, intact large hydrological
2514 systems, lands that have significant imperiled natural
2515 communities, and corridors linking large landscapes, as
2516 identified and developed by the best available scientific
2517 analysis.

2518 (b) A partnerships or regional incentive category,
2519 including:

2520 1. Projects where local and regional cost-share agreements
2521 provide a lower cost and greater conservation benefit to the
2522 people of the state. Additional consideration shall be provided
2523 under this category where parcels are identified as part of a

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2524 local or regional visioning process and are supported by
2525 scientific analysis; and

2526 2. Bargain and shared projects where the state will receive
2527 a significant reduction in price for public ownership of land as
2528 a result of the removal of development rights or other interests
2529 in lands or receives alternative or matching funds.

2530 (c) A substantially complete category of projects where
2531 mainly inholdings, additions, and linkages between preserved
2532 areas will be acquired and where 85 percent of the project is
2533 complete.

2534 (d) A climate-change category list of lands where
2535 acquisition or other conservation measures will address the
2536 challenges of global climate change, such as through protection,
2537 restoration, mitigation, and strengthening of Florida's land,
2538 water, and coastal resources. This category includes lands that
2539 provide opportunities to sequester carbon, provide habitat,
2540 protect coastal lands or barrier islands, and otherwise mitigate
2541 and help adapt to the effects of sea-level rise and meet other
2542 objectives of the program.

2543 (e) A less-than-fee category for working agricultural lands
2544 that significantly contribute to resource protection through
2545 conservation easements and other less-than-fee techniques, tax
2546 incentives, life estates, landowner agreements, and other
2547 partnerships, including conservation easements acquired in
2548 partnership with federal conservation programs, which will
2549 achieve the objectives of Florida Forever while allowing the
2550 continuation of compatible agricultural uses on the land. Terms
2551 of easements proposed for acquisition under this category shall
2552 be developed by the Division of State Lands in coordination with

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2553 the Department of Agriculture and Consumer Services.

2554

2555 Projects within each category shall be ranked by order of
2556 priority. The work plan shall be adopted by the Acquisition and
2557 Restoration Council after at least one public hearing. A copy of
2558 the work plan shall be provided to the board of trustees of the
2559 Internal Improvement Trust Fund no later than October 1 of each
2560 year.

2561 (18)~~(17)~~ (a) The Board of Trustees of the Internal
2562 Improvement Trust Fund, or, in the case of water management
2563 district lands, the owning water management district, may
2564 authorize the granting of a lease, easement, or license for the
2565 use of certain lands acquired pursuant to this section, for
2566 certain uses that are determined by the appropriate board to be
2567 compatible with the resource values of and management objectives
2568 for such lands.

2569 (b) Any existing lease, easement, or license acquired for
2570 incidental public or private use on, under, or across any lands
2571 acquired pursuant to this section shall be presumed to be
2572 compatible with the purposes for which such lands were acquired.

2573 (c) Notwithstanding the provisions of paragraph (a), no
2574 such lease, easement, or license shall be entered into by the
2575 Department of Environmental Protection or other appropriate state
2576 agency if the granting of such lease, easement, or license would
2577 adversely affect the exclusion of the interest on any revenue
2578 bonds issued to fund the acquisition of the affected lands from
2579 gross income for federal income tax purposes, pursuant to
2580 Internal Revenue Service regulations.

2581 (19)~~(18)~~ The Acquisition and Restoration Council shall

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2582 recommend adoption of rules by the board of trustees necessary to
2583 implement the provisions of this section relating to:
2584 solicitation, scoring, selecting, and ranking of Florida Forever
2585 project proposals; disposing of or leasing lands or water areas
2586 selected for funding through the Florida Forever program; and the
2587 process of reviewing and recommending for approval or rejection
2588 the land management plans associated with publicly owned
2589 properties. Rules promulgated pursuant to this subsection shall
2590 be submitted to the President of the Senate and the Speaker of
2591 the House of Representatives, for review by the Legislature, no
2592 later than 30 days prior to the 2010 ~~2001~~ Regular Session and
2593 shall become effective only after legislative review. In its
2594 review, the Legislature may reject, modify, or take no action
2595 relative to such rules. The board of trustees shall conform such
2596 rules to changes made by the Legislature, or, if no action was
2597 taken by the Legislature, such rules shall become effective.

2598 (20) ~~(19)~~ Lands listed as projects for acquisition under the
2599 Florida Forever program may be managed for conservation pursuant
2600 to s. 259.032, on an interim basis by a private party in
2601 anticipation of a state purchase in accordance with a contractual
2602 arrangement between the acquiring agency and the private party
2603 that may include management service contracts, leases, cost-share
2604 arrangements, or resource conservation agreements. Lands
2605 designated as eligible under this subsection shall be managed to
2606 maintain or enhance the resources the state is seeking to protect
2607 by acquiring the land and to accelerate public access to the
2608 lands as soon as practicable. Funding for these contractual
2609 arrangements may originate from the documentary stamp tax revenue
2610 deposited into the Conservation and Recreation Lands Trust Fund

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2611 and Water Management Lands Trust Fund. No more than 5 percent of
2612 funds allocated under the trust funds shall be expended for this
2613 purpose.

2614 ~~(20) The Acquisition and Restoration Council, as successors~~
2615 ~~to the Land Acquisition and Management Advisory Council, may~~
2616 ~~amend existing Conservation and Recreation Lands projects and add~~
2617 ~~to or delete from the 2000 Conservation and Recreation Lands list~~
2618 ~~until funding for the Conservation and Recreation Lands program~~
2619 ~~has been expended. The amendments to the 2000 Conservation and~~
2620 ~~Recreation Lands list will be reported to the board of trustees~~
2621 ~~in conjunction with the council's report developed pursuant to~~
2622 ~~subsection (15).~~

2623 Section 14. Subsection (1) of section 259.1051, Florida
2624 Statutes, is amended to read:

2625 259.1051 Florida Forever Trust Fund.--

2626 (1) There is created the Florida Forever Trust Fund to
2627 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
2628 375.031. The Florida Forever Trust Fund shall be held and
2629 administered by the Department of Environmental Protection.
2630 Proceeds from the sale of bonds, except proceeds of refunding
2631 bonds, issued under s. 215.618 and payable from moneys
2632 transferred to the Land Acquisition Trust Fund under s.
2633 201.15(1)(a), not to exceed \$5.3 ~~\$3~~ billion, must be deposited
2634 into this trust fund to be distributed and used as provided in s.
2635 259.105(3). The bond resolution adopted by the governing board of
2636 the Division of Bond Finance of the State Board of Administration
2637 may provide for additional provisions that govern the
2638 disbursement of the bond proceeds.

2639 Section 15. Paragraph (a) of subsection (4) of section

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2640 342.201, Florida Statutes, is amended to read:

2641 342.201 Waterfronts Florida Program.--

2642 (4) The program is responsible for:

2643 (a) Implementing the Waterfronts Florida Partnership
2644 Program. The department, in coordination with the Department of
2645 Environmental Protection, shall develop, by rule, procedures and
2646 requirements governing program eligibility, application
2647 procedures, and application review. The department may provide
2648 financial assistance to eligible local governments to develop
2649 local plans to further the purpose of the program. In recognition
2650 of limited funding, the department may limit the number of local
2651 governments assisted by the program based on the amount of
2652 funding appropriated to the department for the purpose of the
2653 program.

2654 Section 16. Section 342.2015, Florida Statutes, is created
2655 to read:

2656 342.2015 Waterfronts Florida Program; Florida Forever.--

2657 (1) A local government may submit no more than one grant
2658 application to the Florida Communities Trust in the Department of
2659 Community Affairs during each application period announced by the
2660 department for recreational and commercial working waterfronts as
2661 defined in s. 342.201(2)(b). The project grant to waterfront
2662 communities shall be for the acquisition of lands and capital
2663 project expenditures necessary to implement the projects
2664 identified in the community-designed vision plan and which meet
2665 the criteria of by s. 342.201. All acquisitions pursuant to this
2666 section shall be titled in the name of the local government. The
2667 trust shall annually compile and submit a list of eligible
2668 projects to the Board of Trustees of the Internal Improvement

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2669 Trust Fund for approval.

2670 (3) The Board of Trustees shall review applications and
2671 approve grant funds to eligible projects identified pursuant to
2672 s. 342.201. For projects that will require more than the grant
2673 amount awarded for completion, the applicant must identify
2674 funding sources that will provide the difference between the
2675 grant award and the estimated project completion cost.

2676 (4) Waterfront communities that receive grant awards must
2677 submit semiannual progress reports to the department identifying
2678 how funds are expended, project activities which are completed,
2679 and the progress achieved in meeting the goals of the community-
2680 designed vision plan. The department must implement a process to
2681 monitor and evaluate the performance of grant recipients in
2682 completing projects that are funded through the Waterfronts
2683 Florida Program.

2684 (5) Grant proceeds shall be used solely for the purposes
2685 authorized pursuant to s. 215.618.

2686 (6) There shall be no sale, disposition, lease, easement,
2687 license, or other use of any land, water areas, or related
2688 property interests acquired or improved with grant proceeds which
2689 would cause all or any portion of the interest paid on Florida
2690 Forever bonds to lose the exclusion from gross income for federal
2691 income tax purposes.

2692 (7) All deeds or leases with respect to any real property
2693 acquired with funds received by the department from the Florida
2694 Forever Trust Fund shall contain such covenants and restrictions
2695 as are sufficient to ensure that the use of such real property at
2696 all times complies with s. 11(e), Art. VII of the State
2697 Constitution. Each deed or lease shall contain a reversion,

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2698 conveyance, or termination clause that will vest title in the
2699 Board of Trustees of the Internal Improvement Trust Fund if any
2700 of the covenants or restrictions are violated by the titleholder
2701 or leaseholder or by some third party with the knowledge of the
2702 titleholder or leaseholder.

2703 Section 17. Section 342.20155, Florida Statutes, is created
2704 to read:

2705 342.20155 Rulemaking.-- The Department of Community Affairs
2706 is authorized to adopt rules pursuant to the provisions of ss.
2707 120.536(1) and 120.54 to implement the provisions of the ss.
2708 342.201 and 342.2015.

2709 Section 18. Subsection (7) is added to section 373.089,
2710 Florida Statutes, to read:

2711 373.089 Sale or exchange of lands, or interests or rights
2712 in lands.--The governing board of the district may sell lands, or
2713 interests or rights in lands, to which the district has acquired
2714 title or to which it may hereafter acquire title in the following
2715 manner:

2716 (7) Notwithstanding other provisions of this section, the
2717 governing board shall first offer title to lands acquired in
2718 whole or in part with Florida Forever funds which are determined
2719 to be no longer needed for conservation purposes to the Board of
2720 Trustees of the Internal Improvement Trust Fund unless the
2721 disposition of those lands are for the following purposes:

2722 (a) Linear facilities, including electric transmission and
2723 distribution facilities, telecommunication transmission and
2724 distribution facilities, pipeline transmission and distribution
2725 facilities, public transportation corridors, and related
2726 appurtenances.

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2727 (b) The disposition of the fee interest in the land where a
2728 conservation easement is retained by the district to fulfill the
2729 conservation objectives for which the land was acquired.

2730 (c) An exchange of the land for other lands that meet or
2731 exceed the conservation objectives for which the original land
2732 was acquired in accordance with subsection (4).

2733 (d) To be used by a governmental entity for a public
2734 purpose.

2735

2736 In the event the Board of Trustees of the Internal Improvement
2737 Trust Fund declines to accept title to the lands offered under
2738 this section, the land may be disposed of by the district under
2739 the provisions of this section.

2740 Section 19. Subsection (1) of section 373.1391, Florida
2741 Statutes, is amended to read:

2742 373.1391 Management of real property.--

2743 (1) (a) Lands titled to the governing boards of the
2744 districts shall be managed and maintained, to the extent
2745 practicable, in such a way as to ensure a balance between public
2746 access, general public recreational purposes, and restoration and
2747 protection of their natural state and condition. Except when
2748 prohibited by a covenant or condition described in s. 373.056(2),
2749 lands owned, managed, and controlled by the district may be used
2750 for multiple purposes, including, but not limited to,
2751 agriculture, silviculture, and water supply, as well as boating
2752 and other recreational uses.

2753 (b) Whenever practicable, such lands shall be open to the
2754 general public for recreational uses. General public recreational
2755 purposes shall include, but not be limited to, fishing, hunting,

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2756 horseback riding, swimming, camping, hiking, canoeing, boating,
2757 diving, birding, sailing, jogging, and other related outdoor
2758 activities to the maximum extent possible considering the
2759 environmental sensitivity and suitability of those lands. These
2760 public lands shall be evaluated for their resource value for the
2761 purpose of establishing which parcels, in whole or in part,
2762 annually or seasonally, would be conducive to general public
2763 recreational purposes. Such findings shall be included in
2764 management plans which are developed for such public lands. These
2765 lands shall be made available to the public for these purposes,
2766 unless the district governing board can demonstrate that such
2767 activities would be incompatible with the purposes for which
2768 these lands were acquired. The department in its supervisory
2769 capacity shall ensure that the districts provide consistent
2770 levels of public access to district lands, consistent with the
2771 purposes for which the lands were acquired.

2772 (c) In developing or reviewing land management plans when a
2773 dispute arises that has not been resolved by a water management
2774 district's final agency action, that dispute must be resolved
2775 under chapter 120.

2776 (d) For any fee simple acquisition of a parcel which is or
2777 will be leased back for agricultural purposes, or for any
2778 acquisition of a less-than-fee interest in lands that is or will
2779 be used for agricultural purposes, the district governing board
2780 shall first consider having a soil and water conservation
2781 district created pursuant to chapter 582 manage and monitor such
2782 interest.

2783 Section 20. Subsection (4) of section 373.199, Florida
2784 Statutes, is amended to read:

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2785 373.199 Florida Forever Water Management District Work
2786 Plan.--

2787 (4) The list submitted by the districts shall include,
2788 where applicable, the following information for each project:

2789 (a) A description of the water body system, its historical
2790 and current uses, and its hydrology; a history of the conditions
2791 which have led to the need for restoration or protection; and a
2792 synopsis of restoration efforts that have occurred to date, if
2793 applicable.

2794 (b) An identification of all governmental units that have
2795 jurisdiction over the water body and its drainage basin within
2796 the approved surface water improvement and management plan area,
2797 including local, regional, state, and federal units.

2798 (c) A description of land uses within the project area's
2799 drainage basin, and of important tributaries, point and nonpoint
2800 sources of pollution, and permitted discharge activities
2801 associated with that basin.

2802 (d) A description of strategies and potential strategies,
2803 including improved stormwater management, for restoring or
2804 protecting the water body to Class III or better surface water
2805 quality status. Such strategies may utilize alternative
2806 technologies for pollutant reduction, such as cost-effective
2807 biologically based, hybrid wetlands/chemical and other innovative
2808 nutrient control technologies.

2809 (e) A listing and synopsis of studies that are being or
2810 have been prepared for the water body, stormwater management
2811 project, or water resource development project.

2812 (f) A description of the measures needed to manage and
2813 maintain the water body once it has been restored and to prevent

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2814 future degradation, to manage and maintain the stormwater
2815 management system, or to manage and maintain the water resource
2816 development project.

2817 (g) A schedule for restoration and protection of the water
2818 body, implementation of the stormwater management project, or
2819 development of the water resource development project.

2820 (h) A clear and concise ~~An~~ estimate of the funding needed
2821 to carry out the restoration, protection, or improvement project,
2822 or the development of new water resources, where applicable, and
2823 a clear and concise identification of the projected sources and
2824 uses of Florida Forever funds ~~of the funding~~.

2825 (i) Numeric performance measures for each project. Each
2826 performance measure shall include a baseline measurement, which
2827 is the current situation; a performance standard, which water
2828 management district staff anticipates the project will achieve;
2829 and the performance measurement itself, which should reflect the
2830 incremental improvements the project accomplishes towards
2831 achieving the performance standard. These measures shall reflect
2832 the relevant goals detailed in s. 259.105(4).

2833 (j) A discussion of permitting and other regulatory issues
2834 related to the project.

2835 (k) An identification of the proposed public access for
2836 projects with land acquisition components, including the Florida
2837 National Scenic Trail.

2838 (l) An identification of those lands which require a full
2839 fee simple interest to achieve water management goals and those
2840 lands which can be acquired using alternatives to fee simple
2841 acquisition techniques and still achieve such goals. In their
2842 evaluation of which lands would be appropriate for acquisition

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2843 through alternatives to fee simple, district staff shall consider
2844 criteria including, but not limited to, acquisition costs, the
2845 net present value of future land management costs, the net
2846 present value of ad valorem revenue loss to the local government,
2847 and potential for revenue generated from activities compatible
2848 with acquisition objectives.

2849 (m) An identification of lands needed to protect or
2850 recharge groundwater and a plan for their acquisition as
2851 necessary to protect potable water supplies. Lands which serve to
2852 protect or recharge groundwater identified pursuant to this
2853 paragraph shall also serve to protect other valuable natural
2854 resources or provide space for natural resource based recreation.

2855 Section 21. Paragraph (e) of subsection (10) of section
2856 373.59, Florida Statutes, is amended to read:

2857 373.59 Water Management Lands Trust Fund.--

2858 (10) (a) Beginning July 1, 1999, not more than one-fourth of
2859 the funds provided for in subsections (1) and (8) in any year
2860 shall be reserved annually by a governing board, during the
2861 development of its annual operating budget, for payments in lieu
2862 of taxes for all actual tax losses incurred as a result of
2863 governing board acquisitions for water management districts
2864 pursuant to ss. 259.101, 259.105, 373.470, and this section
2865 during any year. Reserved funds not used for payments in lieu of
2866 taxes in any year shall revert to the Water Management Lands
2867 Trust Fund to be used in accordance with the provisions of this
2868 section.

2869 (e) If property that was subject to ad valorem taxation was
2870 acquired by a tax-exempt entity for ultimate conveyance to the
2871 state under this chapter, payment in lieu of taxes shall be made

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2872 for such property based upon the average amount of taxes paid on
2873 the property for the 3 years prior to its being removed from the
2874 tax rolls. The water management districts shall certify to the
2875 Department of Revenue those properties that may be eligible under
2876 this provision. Once eligibility has been established, that
2877 governmental entity shall receive ~~10 consecutive~~ annual payments
2878 for each tax loss until the qualifying governmental entity
2879 exceeds the population threshold pursuant to s. 259.032(12)(b).~~7~~
2880 ~~and no further eligibility determination shall be made during~~
2881 ~~that period.~~

2882 Section 22. Subsection (1) of section 380.5115, Florida
2883 Statutes, is amended to read:

2884 380.5115 Florida Forever Program Trust Fund of the
2885 Department of Community Affairs.--

2886 (1) There is created a Florida Forever Program Trust Fund
2887 within the Department of Community Affairs to further the
2888 purposes of this part as specified in s. 259.105(3)(c) and of s.
2889 342.2015 as specified in s. 259.105 (3)(j). The trust fund shall
2890 receive funds pursuant to s. 259.105(3)(c) and (j).

2891 Section 23. This act shall take effect July 1, 2008.