

2008542e2

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

2008542e2

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 the
40 Division of State Lands to notify the county
41 legislative delegation if state-owned lands within the
42 county are subject to annexation; requiring a report to
43 the Legislature; providing for future expiration of
44 such authority; amending s. 253.0341, F.S.; providing
45 specific uses for state-surplused lands; amending s.
46 253.111, F.S.; extending the period within which a
47 board of county commissioners must provide a resolution
48 to the Board of Trustees of the Internal Improvement
49 Trust Fund before state-owned lands are otherwise sold;
50 amending s. 253.82, F.S.; revising requirements of the
51 sale of nonsovereignty lands owned by the board of
52 trustees; deleting appraisal limitations; amending s.
53 259.032, F.S.; requiring priority purchase of
54 conservation and recreational lands that have high
55 concentrations of population and certain agricultural
56 lands; revising requirements for land management plans;
57 establishing a minimum for funds expended for the
58 management of state-owned land; requiring the Land

2008542e2

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

2008542e2

88 certain conditions; requiring an annual work plan be
89 developed by the Acquisition and Restoration Council;
90 authorizing alternatives to fee-simple purchases;
91 deleting obsolete provisions; amending s. 259.1051,
92 F.S., relating to the Florida Forever Trust Fund;
93 increasing bonding authority; amending s. 342.201,
94 F.S.; providing that the Department of Community
95 Affairs adopt criteria by rule; creating s. 342.2015,
96 F.S.; establishing a funding mechanism for the
97 Waterfronts Florida Program through Florida Forever;
98 providing eligible projects meet certain conditions;
99 amending s. 373.089, F.S.; clarifying the process for
100 disposing of surplus lands; amending s. 373.1391, F.S.;
101 providing additional oversight authority to the
102 department; amending s. 373.199, F.S.; clarifying work
103 plan requirements; creating s. 15.0386, F.S.;
104 designating the official state tortoise; providing an
105 effective date.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Paragraph (a) of subsection (1) of section
110 201.15, Florida Statutes, is amended to read:

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

2008542e2

117 amounts relating to the bonds:

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

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

2008542e2

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

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

159 215.618 Bonds for acquisition and improvement of land,
160 water areas, and related property interests and resources.--

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

2008542e2

175 bonds does not apply to refunding bonds. The duration of each
176 series of Florida Forever bonds issued may not exceed 20 annual
177 maturities. Preservation 2000 bonds and Florida Forever bonds
178 shall be equally and ratably secured by moneys distributable to
179 the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a),
180 except to the extent specifically provided otherwise by the
181 documents authorizing the issuance of the bonds.

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

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

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

190 253.025 Acquisition of state lands for purposes other than
191 preservation, conservation, and recreation.--

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

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

2008542e2

204 protected. The state is not required to appraise the value of
205 lands and appurtenances that are being donated to the state.

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

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

2008542e2

233 boundary map and description of a parcel are determined by the
234 division to be sufficient for appraisal purposes, the division
235 director may temporarily waive the requirement for a survey until
236 any time prior to conveyance of title to the parcel. The fee
237 appraiser and the review appraiser for the agency shall not act
238 in any way that may be construed as negotiating with the property
239 owner.

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

2008542e2

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

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

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

288 Section 4. Section 253.0325, Florida Statutes, is amended
289 to read:

290 253.0325 Modernization of state lands records.--

2008542e2

291 (1) The Department of Environmental Protection shall
292 initiate an ongoing computerized information systems program to
293 modernize its state lands records and documents that relate to
294 all lands that have been acquired by all agencies under the
295 Florida Preservation 2000 Act pursuant to s. 259.101 or the
296 Florida Forever Act pursuant to s. 259.105. All recipients of
297 Florida Forever funds shall annually submit its records for lands
298 acquired for compilation of state lands records by the department
299 ~~to which title is vested in the Board of Trustees of the Internal~~
300 ~~Improvement Trust Fund.~~ The program shall include, at a minimum:

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

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

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

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

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

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

2008542e2

320 Section 5. Paragraph (d) is added to subsection (2) of
321 section 253.034, Florida Statutes, subsections (5), (6), and (8)
322 of that section are amended, and subsection (14) is added to that
323 section, to read:

324 253.034 State-owned lands; uses.--

325 (2) As used in this section, the following phrases have the
326 following meanings:

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

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

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

2008542e2

349 | least every 10 years in a form and manner prescribed by rule by
350 | the board. The division shall review each plan for compliance
351 | with the requirements of this subsection and the requirements of
352 | the rules established by the board pursuant to this section. All
353 | land use plans, whether for single-use or multiple-use
354 | properties, shall include an analysis of the property to
355 | determine if any significant natural or cultural resources are
356 | located on the property. Such resources include archaeological
357 | and historic sites, state and federally listed plant and animal
358 | species, and imperiled natural communities and unique natural
359 | features. If such resources occur on the property, the manager
360 | shall consult with the Division of State Lands and other
361 | appropriate agencies to develop management strategies to protect
362 | such resources. Land use plans shall also provide for the control
363 | of invasive nonnative plants and conservation of soil and water
364 | resources, including a description of how the manager plans to
365 | control and prevent soil erosion and soil or water contamination.
366 | Land use plans submitted by a manager shall include reference to
367 | appropriate statutory authority for such use or uses and shall
368 | conform to the appropriate policies and guidelines of the state
369 | land management plan. Plans for managed areas larger than 1,000
370 | acres shall contain an analysis of the multiple-use potential of
371 | the property, which analysis shall include the potential of the
372 | property to generate revenues to enhance the management of the
373 | property. Additionally, the plan shall contain an analysis of the
374 | potential use of private land managers to facilitate the
375 | restoration or management of these lands. In those cases where a
376 | newly acquired property has a valid conservation plan that was
377 | developed by a soil and conservation district, such plan shall be

2008542e2

378 used to guide management of the property until a formal land use
379 plan is completed.

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

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

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

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

- 404 1. A physical description of the land.
- 405 2. A quantitative data description of the land which
406 includes an inventory of forest and other natural resources;

2008542e2

407 exotic and invasive plants; hydrological features;
408 infrastructure, including recreational facilities; and other
409 significant land, cultural, or historical features. The inventory
410 shall reflect the number of acres for each resource and feature,
411 when appropriate. The inventory shall be of such detail that
412 objective measures and benchmarks can be established for each
413 tract of land and monitored during the lifetime of the plan. All
414 quantitative data collected shall be aggregated, standardized,
415 collected, and presented in an electronic format to allow for
416 uniform management reporting and analysis. The information
417 collected by the Department of Environmental Protection pursuant
418 to s. 253.0325(2) shall be available to the land manager and his
419 or her assignee.

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

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

434 5. A summary budget for the scheduled land management
435 activities of the land management plan. For state lands

2008542e2

436 containing or anticipated to contain imperiled species habitat,
437 the summary budget shall include any fees anticipated from public
438 or private entities for projects to offset adverse impacts to
439 imperiled species or such habitat, which fees shall be used
440 solely to restore, manage, enhance, repopulate, or acquire
441 imperiled species habitat. The summary budget shall be prepared
442 in such manner that it facilitates computing an aggregate of land
443 management costs for all state-managed lands using the categories
444 described in s. 259.037(3).

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

460 (e) Land management plans are to be updated every 10 years
461 on a rotating basis.

462 (f) In developing land management plans, at least one
463 public hearing shall be held in each affected county.

464 (g) ~~(a)~~ The Division of State Lands shall make available to

2008542e2

465 the public an electronic copy of each land management plan for
466 parcels that exceed 160 acres in size. The Division of State
467 Lands council shall review each plan for compliance with the
468 requirements of this subsection, the requirements of chapter 259,
469 and the requirements of the rules established by the board
470 pursuant to this section. The council shall also consider the
471 propriety of the recommendations of the managing entity with
472 regard to the future use of the property, the protection of
473 fragile or nonrenewable resources, the potential for alternative
474 or multiple uses not recognized by the managing entity, and the
475 possibility of disposal of the property by the board. After its
476 review, the council shall submit the plan, along with its
477 recommendations and comments, to the board. The council shall
478 specifically recommend to the board whether to approve the plan
479 as submitted, approve the plan with modifications, or reject the
480 plan. If the Acquisition and Restoration Council fails to make a
481 recommendation for a land management plan, the Secretary of the
482 Department of Environmental Protection, Commissioner of
483 Agriculture, or Executive Director of the Fish and Wildlife
484 Conservation Commission or their designees shall submit the land
485 management plan to the Board of Trustees.

486 (h) (b) The Board of Trustees of the Internal Improvement
487 Trust Fund shall consider the land management plan submitted by
488 each entity and the recommendations of the council and the
489 Division of State Lands and shall approve the plan with or
490 without modification or reject such plan. The use or possession
491 of any such lands that is not in accordance with an approved land
492 management plan is subject to termination by the board.

493 (6) The Board of Trustees of the Internal Improvement Trust

2008542e2

494 Fund shall determine which lands, the title to which is vested in
495 the board, may be surplused. For conservation lands, the board
496 shall make a determination that the lands are no longer needed
497 for conservation purposes and may dispose of them by an
498 affirmative vote of at least three members. In the case of a land
499 exchange involving the disposition of conservation lands, the
500 board must determine by an affirmative vote of at least three
501 members that the exchange will result in a net positive
502 conservation benefit. For all other lands, the board shall make a
503 determination that the lands are no longer needed and may dispose
504 of them by an affirmative vote of at least three members.

505 (a) For the purposes of this subsection, all lands acquired
506 by the state prior to July 1, 1999, using proceeds from the
507 Preservation 2000 bonds, the Conservation and Recreation Lands
508 Trust Fund, the Water Management Lands Trust Fund,
509 Environmentally Endangered Lands Program, and the Save Our Coast
510 Program and titled to the board, which lands are identified as
511 core parcels or within original project boundaries, shall be
512 deemed to have been acquired for conservation purposes.

513 (b) For any lands purchased by the state on or after July
514 1, 1999, a determination shall be made by the board prior to
515 acquisition as to those parcels that shall be designated as
516 having been acquired for conservation purposes. No lands acquired
517 for use by the Department of Corrections, the Department of
518 Management Services for use as state offices, the Department of
519 Transportation, except those specifically managed for
520 conservation or recreation purposes, or the State University
521 System or the Florida Community College System shall be
522 designated as having been purchased for conservation purposes.

2008542e2

523 (c) At least every 10 years, as a component of each land
524 management plan or land use plan and in a form and manner
525 prescribed by rule by the board, each manager shall evaluate and
526 indicate to the board those lands that are not being used for the
527 purpose for which they were originally leased. For conservation
528 lands, the council shall review and shall recommend to the board
529 whether such lands should be retained in public ownership or
530 disposed of by the board. For nonconservation lands, the division
531 shall review such lands and shall recommend to the board whether
532 such lands should be retained in public ownership or disposed of
533 by the board.

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

539 (e) Prior to any decision by the board to surplus lands,
540 the Acquisition and Restoration Council shall review and make
541 recommendations to the board concerning the request for
542 surplusings. The council shall determine whether the request for
543 surplusings is compatible with the resource values of and
544 management objectives for such lands.

545 (f)1. In reviewing lands owned by the board, the council
546 shall consider whether such lands would be more appropriately
547 owned or managed by the county or other unit of local government
548 in which the land is located. The council shall recommend to the
549 board whether a sale, lease, or other conveyance to a local
550 government would be in the best interests of the state and local
551 government. The provisions of this paragraph in no way limit the

2008542e2

552 provisions of ss. 253.111 and 253.115. Such lands shall be
553 offered to the state, county, or local government for a period of
554 45 ~~30~~ days. Permittable uses for such surplus lands may include
555 public schools; public libraries; fire or law enforcement
556 substations; governmental, judicial, or recreational centers; and
557 affordable housing meeting the criteria of s. 420.0004(3). County
558 or local government requests for surplus lands shall be expedited
559 throughout the surplus process. If the county or local
560 government does not elect to purchase such lands in accordance
561 with s. 253.111, then any surplus determination involving
562 other governmental agencies shall be made upon the board deciding
563 the best public use of the lands. Surplus properties in which
564 governmental agencies have expressed no interest shall then be
565 available for sale on the private market.

566 2. Notwithstanding subparagraph 1., any parcel of surplus
567 lands less than 3 acres in size which was acquired by the state
568 before 1955 by gift or other conveyance or for \$1 consideration
569 from a fair association incorporated under chapter 616 for the
570 purpose of conducting and operating public fairs or expositions,
571 and concerning which the department has filed by July 1, 2008, a
572 notice of intent to dispose of as surplus lands, shall be offered
573 for reconveyance to such fair association for no consideration;
574 however, the agency that last held the lease from the board for
575 management of such lands may remove from the lands any
576 improvements, fixtures, goods, wares, and merchandise within 180
577 days after the effective date of the reconveyance. This
578 subparagraph expires July 1, 2008.

579 (g) The sale price of lands determined to be surplus
580 pursuant to this subsection and s. 253.82 shall be determined by

2008542e2

581 the division and shall take into consideration an appraisal of
582 the property, or, when the estimated value of the land is less
583 than \$100,000, a comparable sales analysis or a broker's opinion
584 of value. If the appraisal referenced in this paragraph yields a
585 value equal to or greater than \$1 million, the division, in its
586 sole discretion, may require a second appraisal. The individual
587 or entity requesting to purchase the surplus parcel shall pay all
588 appraisal costs, ~~and the price paid by the state to originally~~
589 ~~acquire the lands.~~

590 1.a. A written valuation of land determined to be surplus
591 pursuant to this subsection and s. 253.82, and related documents
592 used to form the valuation or which pertain to the valuation, are
593 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of
594 the State Constitution until 2 weeks before the contract or
595 agreement regarding the purchase, exchange, or disposal of the
596 surplus land is first considered for approval by the board.
597 Notwithstanding the exemption provided under this subparagraph,
598 the division may disclose appraisals, valuations, or valuation
599 information regarding surplus land during negotiations for the
600 sale or exchange of the land, during the marketing effort or
601 bidding process associated with the sale, disposal, or exchange
602 of the land to facilitate closure of such effort or process, when
603 the passage of time has made the conclusions of value invalid, or
604 when negotiations or marketing efforts concerning the land are
605 concluded.

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

2008542e2

610 2. A unit of government that acquires title to lands
611 hereunder for less than appraised value may not sell or transfer
612 title to all or any portion of the lands to any private owner for
613 a period of 10 years. Any unit of government seeking to transfer
614 or sell lands pursuant to this paragraph shall first allow the
615 board of trustees to reacquire such lands for the price at which
616 the board sold such lands.

617 ~~(h) Where a unit of government acquired land by gift,~~
618 ~~donation, grant, quitclaim deed, or other such conveyance where~~
619 ~~no monetary consideration was exchanged, the price of land sold~~
620 ~~as surplus may be based on one appraisal. In the event that a~~
621 ~~single appraisal yields a value equal to or greater than \$1~~
622 ~~million, a second appraisal is required. The individual or entity~~
623 ~~requesting the surplus shall select and use appraisers from the~~
624 ~~list of approved appraisers maintained by the Division of State~~
625 ~~Lands in accordance with s. 253.025(6)(b). The individual or~~
626 ~~entity requesting the surplus is to incur all costs of the~~
627 ~~appraisals.~~

628 (h)(i) After reviewing the recommendations of the council,
629 the board shall determine whether lands identified for surplus
630 are to be held for other public purposes or whether such lands
631 are no longer needed. The board may require an agency to release
632 its interest in such lands. For an agency that has requested the
633 use of a property that was to be declared as surplus, said agency
634 must have the property under lease within 6 months of the date of
635 expiration of the notice provisions required under this
636 subsection and s. 253.111.

637 (i)(j) Requests for surplusizing may be made by any public or
638 private entity or person. All requests shall be submitted to the

2008542e2

639 lead managing agency for review and recommendation to the council
640 or its successor. Lead managing agencies shall have 90 days to
641 review such requests and make recommendations. Any surplusizing
642 requests that have not been acted upon within the 90-day time
643 period shall be immediately scheduled for hearing at the next
644 regularly scheduled meeting of the council or its successor.
645 Requests for surplusizing pursuant to this paragraph shall not be
646 required to be offered to local or state governments as provided
647 in paragraph (f).

648 (j)~~(k)~~ Proceeds from any sale of surplus lands pursuant to
649 this subsection shall be deposited into the fund from which such
650 lands were acquired. However, if the fund from which the lands
651 were originally acquired no longer exists, such proceeds shall be
652 deposited into an appropriate account to be used for land
653 management by the lead managing agency assigned the lands prior
654 to the lands being declared surplus. Funds received from the sale
655 of surplus nonconservation lands, or lands that were acquired by
656 gift, by donation, or for no consideration, shall be deposited
657 into the Internal Improvement Trust Fund.

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

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

666 (m)~~(n)~~ The board may adopt rules to implement the
667 provisions of this section, which may include procedures for

2008542e2

668 administering surplus land requests and criteria for when the
669 division may approve requests to surplus nonconservation lands on
670 behalf of the board.

671 (8) (a) Notwithstanding other provisions of this section,
672 the Division of State Lands is directed to prepare a state
673 inventory of all federal lands and all lands titled in the name
674 of the state, a state agency, a water management district, or a
675 local government on a county-by-county basis. To facilitate the
676 development of the state inventory, each county shall direct the
677 appropriate county office with authority over the information to
678 provide the division with a county inventory of all lands
679 identified as federal lands and lands titled in the name of the
680 state, a state agency, a water management district, or a local
681 government. The Legislature recognizes the value of the state's
682 conservation lands as water recharge areas and air filters and,
683 in an effort to better understand the scientific underpinnings of
684 carbon sequestration, carbon capture, and greenhouse gas
685 mitigation, to inform policymakers and decisionmakers, and to
686 provide the infrastructure for land owners, the Division of State
687 Lands shall contract with an organization experienced and
688 specialized in carbon sinks and emission budgets to conduct an
689 inventory of all lands that were acquired pursuant to
690 Preservation 2000 and Florida Forever and that were titled in the
691 name of the Board of Trustees of the Internal Improvement Trust
692 Fund. The inventory shall determine the value of carbon capture
693 and carbon sequestration. Such inventory shall consider potential
694 carbon offset values of changes in land management practices,
695 including, but not limited to, replanting of trees, routine
696 prescribed burns, and land use conversion. Such an inventory

2008542e2

697 shall be completed and presented to the board of trustees by July
698 1, 2009.

699 (b) The state inventory must distinguish between lands
700 purchased by the state or a water management district as part of
701 a core parcel or within original project boundaries, as those
702 terms are used to meet the surplus requirements of subsection
703 (6), and lands purchased by the state, a state agency, or a water
704 management district which are not essential or necessary for
705 conservation purposes.

706 (c) In any county having a population of 75,000 or fewer
707 ~~less~~, or a county having a population of 100,000 or fewer which
708 ~~less that~~ is contiguous to a county having a population of 75,000
709 or fewer less, in which more than 50 percent of the lands within
710 the county boundary are federal lands and lands titled in the
711 name of the state, a state agency, a water management district,
712 or a local government, those lands titled in the name of the
713 state or a state agency which are not essential or necessary to
714 meet conservation purposes may, upon request of a public or
715 private entity, be made available for purchase through the
716 state's surplus process. Rights-of-way for existing, proposed,
717 or anticipated transportation facilities are exempt from the
718 requirements of this paragraph. Priority consideration shall be
719 given to buyers, public or private, willing to return the
720 property to productive use so long as the property can be
721 reentered onto the county ad valorem tax roll. Property acquired
722 with matching funds from a local government shall not be made
723 available for purchase without the consent of the local
724 government.

725 (d) If state-owned lands are subject to annexation

2008542e2

726 procedures, the Division of State Lands must notify the county
727 legislative delegation of the county in which the land is
728 located.

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

734 Section 6. Section 253.0341, Florida Statutes, is amended
735 to read:

736 253.0341 Surplus of state-owned lands to counties or local
737 governments.--Counties and local governments may submit
738 surplus requests for state-owned lands directly to the board
739 of trustees. County or local government requests for the state to
740 surplus conservation or nonconservation lands, whether for
741 purchase or exchange, shall be expedited throughout the
742 surplus process. Property jointly acquired by the state and
743 other entities shall not be surplus without the consent of all
744 joint owners.

745 (1) The decision to surplus state-owned nonconservation
746 lands may be made by the board without a review of, or a
747 recommendation on, the request from the Acquisition and
748 Restoration Council or the Division of State Lands. Such requests
749 for nonconservation lands shall be considered by the board within
750 60 days of the board's receipt of the request.

751 (2) County or local government requests for the surplus
752 of state-owned conservation lands are subject to review of, and
753 recommendation on, the request to the board by the Acquisition
754 and Restoration Council. Requests to surplus conservation lands

2008542e2

755 shall be considered by the board within 120 days of the board's
756 receipt of the request.

757 (3) A local government may request that state lands be
758 specifically declared surplus lands for the purpose of providing
759 alternative water supply and water resource development projects
760 as defined in s 373.019, public facilities such as schools, fire
761 and police facilities, and affordable housing. The request shall
762 comply with the requirements of subsection (1) if the lands are
763 nonconservation lands or subsection (2) if the lands are
764 conservation lands. Surplus lands that are conveyed to a local
765 government for affordable housing shall be disposed of by the
766 local government under the provisions of s. 125.379 or s.
767 166.0451.

768 (4) Notwithstanding the requirements of this section and
769 the requirements of s. 253.034 which provides a surplus process
770 for the disposal of state lands, the board shall convey to Miami-
771 Dade County title to the property on which the Graham Building,
772 which houses the offices of the Miami-Dade State Attorney, is
773 located. By January 1, 2008, the board shall convey fee simple
774 title to the property to Miami-Dade County for a consideration of
775 one dollar. The deed conveying title to Miami-Dade County must
776 contain restrictions that limit the use of the property for the
777 purpose of providing workforce housing as defined in s. 420.5095,
778 and to house the offices of the Miami-Dade State Attorney.
779 Employees of the Miami-Dade State Attorney and the Miami-Dade
780 Public Defender who apply for and meet the income qualifications
781 for workforce housing shall receive preference over other
782 qualified applicants.

783 Section 7. Subsection (3) of section 253.111, Florida

2008542e2

784 Statutes, is amended to read:

785 253.111 Notice to board of county commissioners before
786 sale.--The Board of Trustees of the Internal Improvement Trust
787 Fund of the state may not sell any land to which they hold title
788 unless and until they afford an opportunity to the county in
789 which such land is situated to receive such land on the following
790 terms and conditions:

791 (3) If the board receives, within 45 ~~30~~ days after notice
792 is given to the board of county commissioners pursuant to
793 subsection (1), the certified copy of the resolution provided for
794 in subsection (2), the board shall forthwith convey to the county
795 such land at a price that is equal to its appraised market value
796 established by generally accepted professional standards for real
797 estate appraisal and subject to such other terms and conditions
798 as the board determines.

799 Section 8. Paragraph (b) of subsection (2) of section
800 253.82, Florida Statutes, is amended to read:

801 253.82 Title of state or private owners to Murphy Act
802 lands.--

803 (2)(b) Land to which title is vested in the board of
804 trustees by paragraph (a) shall be treated in the same manner as
805 other nonsovereignty lands owned by the board. However, any
806 parcel of land the title to which is vested in the Board of
807 Trustees of the Internal Improvement Trust Fund pursuant to this
808 section which is 10 acres or less in size and has a ~~an appraised~~
809 market value of \$250,000 or less is hereby declared surplus,
810 except for lands determined to be needed for state use, and may
811 be sold in any manner provided by law. ~~Only one appraisal shall~~
812 ~~be required for a sale of such land.~~ All proceeds from the sale

2008542e2

813 of such land shall be deposited into the Internal Improvement
814 Trust Fund. The Board of Trustees of the Internal Improvement
815 Trust Fund is authorized to adopt rules to implement the
816 provisions of this subsection.

817 Section 9. Section 259.032, Florida Statutes, is amended to
818 read:

819 259.032 Conservation and Recreation Lands Trust Fund;
820 purpose.--

821 (1) It is the policy of the state that the citizens of this
822 state shall be assured public ownership of natural areas for
823 purposes of maintaining this state's unique natural resources;
824 protecting air, land, and water quality; promoting water resource
825 development to meet the needs of natural systems and citizens of
826 this state; promoting restoration activities on public lands; and
827 providing lands for natural resource based recreation. In
828 recognition of this policy, it is the intent of the Legislature
829 to provide such public lands for the people residing in urban and
830 metropolitan areas of the state, as well as those residing in
831 less populated, rural areas. It is the further intent of the
832 Legislature, with regard to the lands described in paragraph
833 (3)(c), that a high priority be given to the acquisition,
834 restoration, and management of such lands in or near counties
835 exhibiting the greatest concentration of population and, with
836 regard to the lands described in subsection (3), that a high
837 priority be given to acquiring lands or rights or interests in
838 lands that advance the goals and objectives of the Fish and
839 Wildlife Conservation Commission's approved species or habitat
840 recovery plans, or lands within any area designated as an area of
841 critical state concern under s. 380.05 which, in the judgment of

2008542e2

842 the advisory council established pursuant to s. 259.035, or its
843 successor, cannot be adequately protected by application of land
844 development regulations adopted pursuant to s. 380.05. Finally,
845 it is the Legislature's intent that lands acquired through this
846 program and any successor programs be managed in such a way as to
847 protect or restore their natural resource values, and provide the
848 greatest benefit, including public access, to the citizens of
849 this state.

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

855 1. The excise taxes on documents as provided in s. 201.15;
856 and

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

859
860 The Department of Revenue shall credit to the fund each month the
861 proceeds from such taxes as provided in this paragraph.

862 (b) There shall annually be transferred from the
863 Conservation and Recreation Lands Trust Fund to the Land
864 Acquisition Trust Fund that amount, not to exceed \$20 million
865 annually, as shall be necessary to pay the debt service on, or
866 fund debt service reserve funds, rebate obligations, or other
867 amounts with respect to bonds issued pursuant to s. 375.051 to
868 acquire lands on the established priority list developed pursuant
869 to ss. 259.101(4) and 259.105; however, no moneys transferred to
870 the Land Acquisition Trust Fund pursuant to this paragraph, or

2008542e2

871 earnings thereon, shall be used or made available to pay debt
872 service on the Save Our Coast revenue bonds. Amounts transferred
873 annually from the Conservation and Recreation Lands Trust Fund to
874 the Land Acquisition Trust Fund pursuant to this paragraph shall
875 have the highest priority over other payments or transfers from
876 the Conservation and Recreation Lands Trust Fund, and no other
877 payments or transfers shall be made from the Conservation and
878 Recreation Lands Trust Fund until such transfers to the Land
879 Acquisition Trust Fund have been made. Moneys in the Conservation
880 and Recreation Lands Trust Fund also shall be used to manage
881 lands and to pay for related costs, activities, and functions
882 pursuant to the provisions of this section.

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

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

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

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

899 (d) To conserve, protect, manage, or restore important

2008542e2

900 ecosystems, landscapes, and forests, if the protection and
901 conservation of such lands is necessary to enhance or protect
902 significant surface water, groundwater, coastal, recreational,
903 timber, or fish or wildlife resources which cannot otherwise be
904 accomplished through local and state regulatory programs;

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

907 (f) To facilitate the restoration and subsequent health and
908 vitality of the Florida Everglades;

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

912 (h) To preserve significant archaeological or historic
913 sites; ~~or~~

914 (i) To conserve urban open spaces suitable for greenways or
915 outdoor recreation which are compatible with conservation
916 purposes; or-

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

919 (4) ~~(a)~~ Lands acquired under this section shall be for use
920 as state-designated parks, recreation areas, preserves, reserves,
921 historic or archaeological sites, geologic or botanical sites,
922 recreational trails, forests, wilderness areas, wildlife
923 management areas, urban open space, or other state-designated
924 recreation or conservation lands; or they shall qualify for such
925 state designation and use if they are to be managed by other
926 governmental agencies or nonstate entities as provided for in
927 this section.

928 ~~(b) In addition to the uses allowed in paragraph (a),~~

2008542e2

929 ~~moneys may be transferred from the Conservation and Recreation~~
930 ~~Lands Trust Fund to the Florida Forever Trust Fund or the Land~~
931 ~~Acquisition Trust Fund. This paragraph expires July 1, 2007.~~

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

937 (6) Moneys in the fund not needed to meet obligations
938 incurred under this section shall be deposited with the Chief
939 Financial Officer to the credit of the fund and may be invested
940 in the manner provided by law. Interest received on such
941 investments shall be credited to the Conservation and Recreation
942 Lands Trust Fund.

943 (7) The board of trustees may enter into any contract
944 necessary to accomplish the purposes of this section. The lead
945 land managing agencies designated by the board of trustees also
946 are directed by the Legislature to enter into contracts or
947 interagency agreements with other governmental entities,
948 including local soil and water conservation districts, or private
949 land managers who have the expertise to perform specific
950 management activities which a lead agency lacks, or which would
951 cost more to provide in-house. Such activities shall include, but
952 not be limited to, controlled burning, road and ditch
953 maintenance, mowing, and wildlife assessments.

954 (8) Lands to be considered for purchase under this section
955 are subject to the selection procedures of s. 259.035 and related
956 rules and shall be acquired in accordance with acquisition
957 procedures for state lands provided for in s. 259.041, except as

2008542e2

958 otherwise provided by the Legislature. An inholding or an
959 addition to a project selected for purchase pursuant to this
960 chapter is not subject to the selection procedures of s. 259.035
961 if the estimated value of such inholding or addition does not
962 exceed \$500,000. When at least 90 percent of the acreage of a
963 project has been purchased pursuant to this chapter, the project
964 may be removed from the list and the remaining acreage may
965 continue to be purchased. Moneys from the fund may be used for
966 title work, appraisal fees, environmental audits, and survey
967 costs related to acquisition expenses for lands to be acquired,
968 donated, or exchanged which qualify under the categories of this
969 section, at the discretion of the board. When the Legislature has
970 authorized the Department of Environmental Protection to condemn
971 a specific parcel of land and such parcel has already been
972 approved for acquisition under this section, the land may be
973 acquired in accordance with the provisions of chapter 73 or
974 chapter 74, and the fund may be used to pay the condemnation
975 award and all costs, including a reasonable attorney's fee,
976 associated with condemnation.

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

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

981 (b) Managed for public outdoor recreation which is
982 compatible with the conservation and protection of public lands.
983 Such management may include, but not be limited to, the following
984 public recreational uses: fishing, hunting, camping, bicycling,
985 hiking, nature study, swimming, boating, canoeing, horseback
986 riding, diving, model hobbyist activities, birding, sailing,

2008542e2

987 jogging, and other related outdoor activities compatible with the
988 purposes for which the lands were acquired.

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

991 (d) Concurrent with its adoption of the annual Conservation
992 and Recreation Lands list of acquisition projects pursuant to s.
993 259.035, the board of trustees shall adopt a management
994 prospectus for each project. The management prospectus shall
995 delineate:

996 1. The management goals for the property;

997 2. The conditions that will affect the intensity of
998 management;

999 3. An estimate of the revenue-generating potential of the
1000 property, if appropriate;

1001 4. A timetable for implementing the various stages of
1002 management and for providing access to the public, if applicable;

1003 5. A description of potential multiple-use activities as
1004 described in this section and s. 253.034;

1005 6. Provisions for protecting existing infrastructure and
1006 for ensuring the security of the project upon acquisition;

1007 7. The anticipated costs of management and projected
1008 sources of revenue, including legislative appropriations, to fund
1009 management needs; and

1010 8. Recommendations as to how many employees will be needed
1011 to manage the property, and recommendations as to whether local
1012 governments, volunteer groups, the former landowner, or other
1013 interested parties can be involved in the management.

1014 (e) Concurrent with the approval of the acquisition
1015 contract pursuant to s. 259.041(3) (c) for any interest in lands

2008542e2

1016 except those lands being acquired under the provisions of s.
1017 259.1052, the board of trustees shall designate an agency or
1018 agencies to manage such lands. The board shall evaluate and
1019 amend, as appropriate, the management policy statement for the
1020 project as provided by s. 259.035, consistent with the purposes
1021 for which the lands are acquired. For any fee simple acquisition
1022 of a parcel which is or will be leased back for agricultural
1023 purposes, or any acquisition of a less-than-fee interest in land
1024 that is or will be used for agricultural purposes, the Board of
1025 Trustees of the Internal Improvement Trust Fund shall first
1026 consider having a soil and water conservation district, created
1027 pursuant to chapter 582, manage and monitor such interests.

1028 (f) State agencies designated to manage lands acquired
1029 under this chapter except those lands acquired under s. 259.1052
1030 may contract with local governments and soil and water
1031 conservation districts to assist in management activities,
1032 including the responsibility of being the lead land manager. Such
1033 land management contracts may include a provision for the
1034 transfer of management funding to the local government or soil
1035 and water conservation district from the Conservation and
1036 Recreation Lands Trust Fund in an amount adequate for the local
1037 government or soil and water conservation district to perform its
1038 contractual land management responsibilities and proportionate to
1039 its responsibilities, and which otherwise would have been
1040 expended by the state agency to manage the property.

1041 (g) Immediately following the acquisition of any interest
1042 in lands under this chapter, the Department of Environmental
1043 Protection, acting on behalf of the board of trustees, may issue
1044 to the lead managing entity an interim assignment letter to be

2008542e2

1045 effective until the execution of a formal lease.

1046 (10) (a) State, regional, or local governmental agencies or
1047 private entities designated to manage lands under this section
1048 shall develop and adopt, with the approval of the board of
1049 trustees, an individual management plan for each project designed
1050 to conserve and protect such lands and their associated natural
1051 resources. Private sector involvement in management plan
1052 development may be used to expedite the planning process.

1053 (b) Individual management plans required by s. 253.034(5),
1054 for parcels over 160 acres, shall be developed with input from an
1055 advisory group. Members of this advisory group shall include, at
1056 a minimum, representatives of the lead land managing agency,
1057 comanaging entities, local private property owners, the
1058 appropriate soil and water conservation district, a local
1059 conservation organization, and a local elected official. The
1060 advisory group shall conduct at least one public hearing within
1061 the county in which the parcel or project is located. For those
1062 parcels or projects that are within more than one county, at
1063 least one areawide public hearing shall be acceptable and the
1064 lead managing agency shall invite a local elected official from
1065 each county. The areawide public hearing shall be held in the
1066 county in which the core parcels are located. Notice of such
1067 public hearing shall be posted on the parcel or project
1068 designated for management, advertised in a paper of general
1069 circulation, and announced at a scheduled meeting of the local
1070 governing body before the actual public hearing. The management
1071 prospectus required pursuant to paragraph (9) (d) shall be
1072 available to the public for a period of 30 days prior to the
1073 public hearing.

2008542e2

1074 (c) Once a plan is adopted, the managing agency or entity
1075 shall update the plan at least every 10 years in a form and
1076 manner prescribed by rule of the board of trustees. Such updates,
1077 for parcels over 160 acres, shall be developed with input from an
1078 advisory group. Such plans may include transfers of leasehold
1079 interests to appropriate conservation organizations or
1080 governmental entities designated by the Land Acquisition and
1081 Management Advisory Council or its successor, for uses consistent
1082 with the purposes of the organizations and the protection,
1083 preservation, conservation, restoration, and proper management of
1084 the lands and their resources. Volunteer management assistance is
1085 encouraged, including, but not limited to, assistance by youths
1086 participating in programs sponsored by state or local agencies,
1087 by volunteers sponsored by environmental or civic organizations,
1088 and by individuals participating in programs for committed
1089 delinquents and adults.

1090 (d)1. For each project for which lands are acquired after
1091 July 1, 1995, an individual management plan shall be adopted and
1092 in place no later than 1 year after the essential parcel or
1093 parcels identified in the priority list developed pursuant to ss.
1094 259.101(4) and 259.105 have been acquired. The Department of
1095 Environmental Protection shall distribute only 75 percent of the
1096 acquisition funds to which a budget entity or water management
1097 district would otherwise be entitled from the Preservation 2000
1098 Trust Fund to any budget entity or any water management district
1099 that has more than one-third of its management plans overdue.

1100 2. The requirements of subparagraph 1. do not apply to the
1101 individual management plan for the Babcock Crescent B Ranch being
1102 acquired pursuant to s. 259.1052. The management plan for the

2008542e2

1103 ranch shall be adopted and in place no later than 2 years
1104 following the date of acquisition by the state.

1105 (e) Individual management plans shall conform to the
1106 appropriate policies and guidelines of the state land management
1107 plan and shall include, but not be limited to:

1108 1. A statement of the purpose for which the lands were
1109 acquired, the projected use or uses as defined in s. 253.034, and
1110 the statutory authority for such use or uses.

1111 2. Key management activities necessary to achieve the
1112 desired outcomes, including, but not limited to, providing public
1113 access, preserving and protecting natural resources, protecting
1114 cultural and historical resources, restoring habitat, protecting
1115 threatened and endangered species, controlling the spread of
1116 nonnative plants and animals, performing prescribed fire
1117 activities, and other appropriate resource management. ~~to~~
1118 ~~preserve and protect natural resources and restore habitat, and~~
1119 ~~for controlling the spread of nonnative plants and animals, and~~
1120 ~~for prescribed fire and other appropriate resource management~~
1121 ~~activities.~~

1122 3. A specific description of how the managing agency plans
1123 to identify, locate, protect, and preserve, or otherwise use
1124 fragile, nonrenewable natural and cultural resources.

1125 4. A priority schedule for conducting management
1126 activities, based on the purposes for which the lands were
1127 acquired.

1128 5. A cost estimate for conducting priority management
1129 activities, to include recommendations for cost-effective methods
1130 of accomplishing those activities.

1131 6. A cost estimate for conducting other management

2008542e2

1132 activities which would enhance the natural resource value or
1133 public recreation value for which the lands were acquired. The
1134 cost estimate shall include recommendations for cost-effective
1135 methods of accomplishing those activities.

1136 7. A determination of the public uses and public access
1137 that would be consistent with the purposes for which the lands
1138 were acquired.

1139 (f) The Division of State Lands shall submit a copy of each
1140 individual management plan for parcels which exceed 160 acres in
1141 size to each member of the Acquisition and Restoration Council
1142 ~~Land Acquisition and Management Advisory Council or its~~
1143 ~~successor~~, which shall:

1144 1. Within 60 days after receiving a plan from the division,
1145 review each plan for compliance with the requirements of this
1146 subsection and with the requirements of the rules established by
1147 the board pursuant to this subsection.

1148 2. Consider the propriety of the recommendations of the
1149 managing agency with regard to the future use or protection of
1150 the property.

1151 3. After its review, submit the plan, along with its
1152 recommendations and comments, to the board of trustees, with
1153 recommendations as to whether to approve the plan as submitted,
1154 approve the plan with modifications, or reject the plan.

1155 (g) The board of trustees shall consider the individual
1156 management plan submitted by each state agency and the
1157 recommendations of the Acquisition and Restoration Council ~~and~~
1158 ~~Acquisition and Management Advisory Council, or its successor,~~
1159 and the Division of State Lands and shall approve the plan with
1160 or without modification or reject such plan. The use or

2008542e2

1161 possession of any lands owned by the board of trustees which is
1162 not in accordance with an approved individual management plan is
1163 subject to termination by the board of trustees.

1164
1165 By July 1 of each year, each governmental agency and each private
1166 entity designated to manage lands shall report to the Secretary
1167 of Environmental Protection on the progress of funding, staffing,
1168 and resource management of every project for which the agency or
1169 entity is responsible.

1170 (11) (a) The Legislature recognizes that acquiring lands
1171 pursuant to this chapter serves the public interest by protecting
1172 land, air, and water resources which contribute to the public
1173 health and welfare, providing areas for natural resource based
1174 recreation, and ensuring the survival of unique and irreplaceable
1175 plant and animal species. The Legislature intends for these lands
1176 to be managed and maintained for the purposes for which they were
1177 acquired and for the public to have access to and use of these
1178 lands where it is consistent with acquisition purposes and would
1179 not harm the resources the state is seeking to protect on the
1180 public's behalf.

1181 (b) An amount of not less than ~~up to~~ 1.5 percent of the
1182 cumulative total of funds ever deposited into the Florida
1183 Preservation 2000 Trust Fund and the Florida Forever Trust Fund
1184 shall be made available for the purposes of management,
1185 maintenance, and capital improvements not eligible for funding
1186 pursuant to s. 11(e), Art. VII of the State Constitution, and for
1187 associated contractual services, for lands acquired pursuant to
1188 this section, s. 259.101, s. 259.105, s. 259.1052, or previous
1189 programs for the acquisition of lands for conservation and

2008542e2

1190 recreation, including state forests, to which title is vested in
1191 the board of trustees and other conservation and recreation lands
1192 managed by a state agency. Of this amount, \$250,000 shall be
1193 transferred annually to the Plant Industry Trust Fund within the
1194 Department of Agriculture and Consumer Services for the purpose
1195 of implementing the Endangered or Threatened Native Flora
1196 Conservation Grants Program pursuant to s. 581.185(11). Each
1197 agency with management responsibilities shall annually request
1198 from the Legislature funds sufficient to fulfill such
1199 responsibilities to implement individual management plans. For
1200 the purposes of this paragraph, capital improvements shall
1201 include, but need not be limited to, perimeter fencing, signs,
1202 firelanes, access roads and trails, and minimal public
1203 accommodations, such as primitive campsites, garbage receptacles,
1204 and toilets. Any equipment purchased with funds provided pursuant
1205 to this paragraph may be used for the purposes described in this
1206 paragraph on any conservation and recreation lands managed by a
1207 state agency. The funding requirement created in this paragraph
1208 is subject to an annual evaluation by the Legislature in order to
1209 ensure that such requirement does not impact the respective trust
1210 fund in a manner that would prevent the trust fund from meeting
1211 other minimum requirements.

1212 (c) The Land Management Uniform Accounting Council shall
1213 prepare and deliver a report on the methodology and formula for
1214 allocating land management funds to the Acquisition and
1215 Restoration Council. The Acquisition and Restoration Council
1216 shall review, modify as appropriate, and submit the report to the
1217 Board of Trustees of the Internal Improvement Trust Fund. The
1218 board of trustees shall review, modify as appropriate, and submit

2008542e2

1219 the report to the President of the Senate and the Speaker of the
1220 House of Representatives no later than December 31, 2008, which
1221 provides an interim management formula and a long-term management
1222 formula, and the methodologies used to develop the formulas,
1223 which shall be used to allocate land management ~~In requesting~~
1224 funds provided for in paragraph (b) for interim and long-term
1225 management of all lands managed ~~acquisitions~~ pursuant to this
1226 chapter and for associated contractual services. The methodology
1227 and formula for interim management shall be based on the
1228 estimated land acquisitions for the fiscal year in which the
1229 interim funds will be expended. The methodology and formula for
1230 long-term management shall recognize, but not be limited to, the
1231 following, ~~the managing agencies shall recognize the following~~
1232 ~~categories of land management needs:~~

1233 1. The assignment of management intensity associated with
1234 managed habitats and natural communities and the related
1235 management activities to achieve land management goals provided
1236 in ss. 253.054(5) and subsection (10).

1237 a. The acres of land that require minimal effort for
1238 resource preservation or restoration.

1239 b. The acres of land that require moderate effort for
1240 resource preservation or restoration.

1241 c. The acres of land that require significant effort for
1242 resource preservation or restoration.

1243 2. The assignment of management intensity associated with
1244 public access, including, but not limited to:

1245 a. The acres of land that are open to the public but offer
1246 no more than minimally developed facilities;

1247 b. The acres of land that have a high degree of public use

2008542e2

1248 and offer highly developed facilities; and

1249 c. The acres of land that are sites that have historic
1250 significance, unique natural features, or a very high degree of
1251 public use.

1252 3. The acres of land that have a secondary manager
1253 contributing to the over-all management effort.

1254 4. The anticipated revenues generated from management of
1255 the lands.

1256 5. The impacts of, and needs created or addressed by,
1257 multiple-use management strategies.

1258 6. The acres of land that have infestations of nonnative or
1259 invasive plants, animals, or fish.

1260 ~~1. Lands which are low-need tracts, requiring basic~~
1261 ~~resource management and protection, such as state reserves, state~~
1262 ~~preserves, state forests, and wildlife management areas. These~~
1263 ~~lands generally are open to the public but have no more than~~
1264 ~~minimum facilities development.~~

1265 ~~2. Lands which are moderate-need tracts, requiring more~~
1266 ~~than basic resource management and protection, such as state~~
1267 ~~parks and state recreation areas. These lands generally have~~
1268 ~~extra restoration or protection needs, higher concentrations of~~
1269 ~~public use, or more highly developed facilities.~~

1270 ~~3. Lands which are high-need tracts, with identified needs~~
1271 ~~requiring unique site-specific resource management and~~
1272 ~~protection. These lands generally are sites with historic~~
1273 ~~significance, unique natural features, or very high intensity~~
1274 ~~public use, or sites that require extra funds to stabilize or~~
1275 ~~protect resources, such as lands with heavy infestations of~~
1276 ~~nonnative, invasive plants.~~

2008542e2

1277
1278 In evaluating the management funding needs of lands based on the
1279 above categories, the lead land managing agencies shall include
1280 in their considerations the impacts of, and needs created or
1281 addressed by, multiple-use management strategies. The funding
1282 formulas for interim and long-term management proposed by the
1283 agencies shall be reviewed by the Legislature during the 2009
1284 regular legislative session. The Legislature may reject, modify,
1285 or take no action relative to the proposed funding formulas. If
1286 no action is taken, the funding formulas shall be used in the
1287 allocation and distribution of funds provided in paragraph (b).

1288 (d) All revenues generated through multiple-use management
1289 or compatible secondary-use management shall be returned to the
1290 lead agency responsible for such management and shall be used to
1291 pay for management activities on all conservation, preservation,
1292 and recreation lands under the agency's jurisdiction. In
1293 addition, such revenues shall be segregated in an agency trust
1294 fund and shall remain available to the agency in subsequent
1295 fiscal years to support land management appropriations. For the
1296 purposes of this paragraph, compatible secondary-use management
1297 shall be those activities described in subsection (9) undertaken
1298 on parcels designated as single use pursuant to s. 253.034(2)(b).

1299 (e) Up to one-fifth of the funds provided for in paragraph
1300 (b) shall be reserved by the board of trustees for interim
1301 management of acquisitions and for associated contractual
1302 services, to ensure the conservation and protection of natural
1303 resources on project sites and to allow limited public
1304 recreational use of lands. Interim management activities may
1305 include, but not be limited to, resource assessments, control of

2008542e2

1306 invasive, nonnative species, habitat restoration, fencing, law
1307 enforcement, controlled burning, and public access consistent
1308 with preliminary determinations made pursuant to paragraph
1309 (9) (g). The board of trustees shall make these interim funds
1310 available immediately upon purchase.

1311 (f) The department shall set long-range and annual goals
1312 for the control and removal of nonnative, invasive plant species
1313 on public lands. Such goals shall differentiate between aquatic
1314 plant species and upland plant species. In setting such goals,
1315 the department may rank, in order of adverse impact, species that
1316 impede or destroy the functioning of natural systems.
1317 Notwithstanding paragraph (a), up to one-fourth of the funds
1318 provided for in paragraph (b) may be used by the agencies
1319 receiving those funds for control and removal of nonnative,
1320 invasive species on public lands.

1321 ~~(g) In addition to the purposes specified in paragraph (b),~~
1322 ~~funds from the 1.5 percent of the cumulative total of funds ever~~
1323 ~~deposited into the Florida Preservation 2000 Trust Fund and the~~
1324 ~~Florida Forever Trust Fund may be appropriated for the 2006-2007~~
1325 ~~fiscal year for the construction of replacement museum~~
1326 ~~facilities. This paragraph expires July 1, 2007.~~

1327 (12) (a) Beginning July 1, 1999, the Legislature shall make
1328 available sufficient funds annually from the Conservation and
1329 Recreation Lands Trust Fund to the department for payment in lieu
1330 of taxes to qualifying counties and local governments as defined
1331 in paragraph (b) for all actual tax losses incurred as a result
1332 of board of trustees acquisitions for state agencies under the
1333 Florida Forever program or the Florida Preservation 2000 program
1334 during any year. Reserved funds not used for payments in lieu of

2008542e2

1335 taxes in any year shall revert to the fund to be used for land
1336 management in accordance with the provisions of this section.

1337 (b) Payment in lieu of taxes shall be available:

1338 1. To all counties that have a population of 150,000 or
1339 fewer. Population levels shall be determined pursuant to s.
1340 11.031.

1341 2. To all local governments located in eligible counties.

1342 3. To Glades County, where a privately owned and operated
1343 prison leased to the state has recently been opened and where
1344 privately owned and operated juvenile justice facilities leased
1345 to the state have recently been constructed and opened, a payment
1346 in lieu of taxes, in an amount that offsets the loss of property
1347 tax revenue, which funds have already been appropriated and
1348 allocated from the Department of Correction's budget for the
1349 purpose of reimbursing amounts equal to lost ad valorem taxes.

1350 (c) If insufficient funds are available in any year to make
1351 full payments to all qualifying counties and local governments,
1352 such counties and local governments shall receive a pro rata
1353 share of the moneys available.

1354 (d) The payment amount shall be based on the average amount
1355 of actual taxes paid on the property for the 3 years preceding
1356 acquisition. Applications for payment in lieu of taxes shall be
1357 made no later than January 31 of the year following acquisition.
1358 No payment in lieu of taxes shall be made for properties which
1359 were exempt from ad valorem taxation for the year immediately
1360 preceding acquisition.

1361 (e) If property which was subject to ad valorem taxation
1362 was acquired by a tax-exempt entity for ultimate conveyance to
1363 the state under this chapter, payment in lieu of taxes shall be

2008542e2

1364 made for such property based upon the average amount of taxes
1365 paid on the property for the 3 years prior to its being removed
1366 from the tax rolls. The department shall certify to the
1367 Department of Revenue those properties that may be eligible under
1368 this provision. Once eligibility has been established, that
1369 county or local government shall receive ~~10 consecutive~~ annual
1370 payments for each tax loss until the qualifying county or local
1371 government exceeds the population threshold pursuant to this
1372 section, and no further eligibility determination shall be made
1373 during that period.

1374 (f) Payment in lieu of taxes pursuant to this subsection
1375 shall be made annually to qualifying counties and local
1376 governments after certification by the Department of Revenue that
1377 the amounts applied for are reasonably appropriate, based on the
1378 amount of actual taxes paid on the eligible property. With the
1379 assistance of the local government requesting payment in lieu of
1380 taxes, the state agency that acquired the land is responsible for
1381 preparing and submitting application requests for payment to the
1382 Department of Revenue for certification.

1383 (g) If the board of trustees conveys to a local government
1384 title to any land owned by the board, any payments in lieu of
1385 taxes on the land made to the local government shall be
1386 discontinued as of the date of the conveyance.

1387
1388 For the purposes of this subsection, "local government" includes
1389 municipalities, the county school board, mosquito control
1390 districts, and any other local government entity which levies ad
1391 valorem taxes, with the exception of a water management district.

1392 (13) Moneys credited to the fund each year which are not

2008542e2

1393 used for management, maintenance, or capital improvements
1394 pursuant to subsection (11); for payment in lieu of taxes
1395 pursuant to subsection (12); or for the purposes of subsection
1396 (5), shall be available for the acquisition of land pursuant to
1397 this section.

1398 (14) The board of trustees may adopt rules to further
1399 define the categories of land for acquisition under this chapter.

1400 (15) Within 90 days after receiving a certified letter from
1401 the owner of a property on the Conservation and Recreation Lands
1402 list or the priority list established pursuant to s. 259.105
1403 objecting to the property being included in an acquisition
1404 project, where such property is a project or part of a project
1405 which has not been listed for purchase in the current year's land
1406 acquisition work plan, the board of trustees shall delete the
1407 property from the list or from the boundary of an acquisition
1408 project on the list.

1409 Section 10. Section 259.035, Florida Statutes, is amended
1410 to read:

1411 259.035 Acquisition and Restoration Council.--

1412 (1) There is created the Acquisition and Restoration
1413 Council.

1414 (a) The council shall be composed of eleven ~~nine~~ voting
1415 members, four of whom shall be appointed by the Governor. Of
1416 these four appointees, three shall be from scientific disciplines
1417 related to land, water, or environmental sciences and the fourth
1418 shall have at least 5 years of experience in managing lands for
1419 both active and passive types of recreation. They shall serve 4-
1420 year terms, except that, initially, to provide for staggered
1421 terms, two of the appointees shall serve 2-year terms. All

2008542e2

1422 subsequent appointments shall be for 4-year terms. No appointee
1423 shall serve more than 6 years. The Governor may at any time fill
1424 a vacancy for the unexpired term of a member appointed under this
1425 paragraph.

1426 (b) The five remaining appointees shall be composed of the
1427 Secretary of Environmental Protection, the director of the
1428 Division of Forestry of the Department of Agriculture and
1429 Consumer Services, the executive director of the Fish and
1430 Wildlife Conservation Commission, the director of the Division of
1431 Historical Resources of the Department of State, and the
1432 secretary of the Department of Community Affairs, or their
1433 respective designees.

1434 (c) One member shall be appointed by the Commissioner of
1435 Agriculture with a discipline related to agriculture including
1436 silviculture. One member shall be appointed by the Fish and
1437 Wildlife Conservation Commission with a discipline related to
1438 wildlife management or wildlife ecology.

1439 (d)~~(e)~~ The Governor shall appoint the chair of the council,
1440 and a vice chair shall be elected from among the members.

1441 (e)~~(d)~~ The council shall hold periodic meetings at the
1442 request of the chair.

1443 (f)~~(e)~~ The Department of Environmental Protection shall
1444 provide primary staff support to the council and shall ensure
1445 that council meetings are electronically recorded. Such recording
1446 shall be preserved pursuant to chapters 119 and 257.

1447 (g)~~(f)~~ The board of trustees has authority to adopt rules
1448 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
1449 of this section.

1450 (2) The four members of the council appointed pursuant to

2008542e2

1451 paragraph (a) and the two members of the council appointed
1452 pursuant to paragraph (c) by the Governor shall receive
1453 reimbursement for \$75 per day while engaged in the business of
1454 the council, as well as expenses and per diem for travel, to
1455 attend council including attendance at meetings, as allowed state
1456 officers and employees while in the performance of their duties,
1457 pursuant to s. 112.061.

1458 (3) The council shall provide assistance to the board of
1459 trustees in reviewing the recommendations and plans for state-
1460 owned lands required under ss. 253.034 and 259.032. The council
1461 shall, in reviewing such recommendations and plans, consider the
1462 optimization of multiple-use and conservation strategies to
1463 accomplish the provisions funded pursuant to ss. 259.101(3)(a)
1464 and 259.105(3)(b).

1465 (4) (a) The council may use existing rules adopted by the
1466 board of trustees, until it develops and recommends amendments to
1467 those rules, to competitively evaluate, select, and rank projects
1468 eligible for the Conservation and Recreation Lands list pursuant
1469 to ss. 259.032(3) and 259.101(4) ~~and, beginning no later than May~~
1470 ~~1, 2001, for Florida Forever funds pursuant to s. 259.105(3)(b).~~

1471 (b) By December 1, 2009, the Acquisition and Restoration
1472 Council shall develop rules defining specific criteria and
1473 numeric performance measures needed for lands that are to be
1474 acquired for public purpose under the Florida Forever program
1475 pursuant to s. 259.105. Each recipient of Florida Forever funds
1476 shall assist the council in the development of such rules. These
1477 rules shall be reviewed and adopted by the board then submitted
1478 to the Legislature for consideration by February 1, 2010. The
1479 Legislature may reject, modify, or take no action relative to the

2008542e2

1480 proposed rules. If no action is taken, the rules shall be
1481 implemented. Subsequent to their approval, each recipient of
1482 Florida Forever funds shall annually report to the Division of
1483 State Lands on each of the numeric performance measures
1484 accomplished during the previous fiscal year.

1485 (c) In developing or amending ~~the~~ rules, the council shall
1486 give weight to the criteria included in s. 259.105(10). The board
1487 of trustees shall review the recommendations and shall adopt
1488 rules necessary to administer this section.

1489 (5) An affirmative vote of five members of the council is
1490 required in order to change a project boundary or to place a
1491 proposed project on a list developed pursuant to subsection (4).
1492 Any member of the council who by family or a business
1493 relationship has a connection with all or a portion of any
1494 proposed project shall declare the interest before voting on its
1495 inclusion on a list.

1496 (6) The proposal for a project pursuant to this section or
1497 s. 259.105(3)(b) may be implemented only if adopted by the
1498 council and approved by the board of trustees. The council shall
1499 consider and evaluate in writing the merits and demerits of each
1500 project that is proposed for Conservation and Recreation Lands,
1501 Florida Preservation 2000, or Florida Forever funding and shall
1502 ensure that each proposed project will meet a stated public
1503 purpose for the restoration, conservation, or preservation of
1504 environmentally sensitive lands and water areas or for providing
1505 outdoor recreational opportunities. The council also shall
1506 determine whether the project conforms, where applicable, with
1507 the comprehensive plan developed pursuant to s. 259.04(1)(a), the
1508 comprehensive multipurpose outdoor recreation plan developed

2008542e2

1509 pursuant to s. 375.021, the state lands management plan adopted
1510 pursuant to s. 253.03(7), the water resources work plans
1511 developed pursuant to s. 373.199, and the provisions of s.
1512 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1513 Section 11. Section 259.037, Florida Statutes, is amended
1514 to read:

1515 259.037 Land Management Uniform Accounting Council.--

1516 (1) The Land Management Uniform Accounting Council is
1517 created within the Department of Environmental Protection and
1518 shall consist of the director of the Division of State Lands, the
1519 director of the Division of Recreation and Parks, the director of
1520 the Office of Coastal and Aquatic Managed Areas, and the director
1521 of the Office of Greenways and Trails of the Department of
1522 Environmental Protection; the director of the Division of
1523 Forestry of the Department of Agriculture and Consumer Services;
1524 the executive director of the Fish and Wildlife Conservation
1525 Commission; and the director of the Division of Historical
1526 Resources of the Department of State, or their respective
1527 designees. Each state agency represented on the council shall
1528 have one vote. The chair of the council shall rotate annually in
1529 the foregoing order of state agencies. The agency of the
1530 representative serving as chair of the council shall provide
1531 staff support for the council. The Division of State Lands shall
1532 serve as the recipient of and repository for the council's
1533 documents. The council shall meet at the request of the chair.

1534 (2) The Auditor General and the director of the Office of
1535 Program Policy Analysis and Government Accountability, or their
1536 designees, shall advise the council to ensure that appropriate
1537 accounting procedures are utilized and that a uniform method of

2008542e2

1538 collecting and reporting accurate costs of land management
1539 activities are created and can be used by all agencies.

1540 (3) (a) All land management activities and costs must be
1541 assigned to a specific category, and any single activity or cost
1542 may not be assigned to more than one category. Administrative
1543 costs, such as planning or training, shall be segregated from
1544 other management activities. Specific management activities and
1545 costs must initially be grouped, at a minimum, within the
1546 following categories:

- 1547 1. ~~(a)~~ Resource management.
- 1548 2. ~~(b)~~ Administration.
- 1549 3. Support.
- 1550 4. Capital improvements.
- 1551 5. Recreation visitor services.
- 1552 6. Law enforcement activities.
- 1553 ~~(c) New facility construction.~~
- 1554 ~~(d) Facility maintenance.~~

1555
1556 Upon adoption of the initial list of land management categories
1557 by the council, agencies assigned to manage conservation or
1558 recreation lands shall, on July 1, 2000, begin to account for
1559 land management costs in accordance with the category to which an
1560 expenditure is assigned.

1561 (b) Each reporting agency shall also:

1562 1. Include a report of the available public use
1563 opportunities for each management unit of state land, the total
1564 management cost for public access and public use, and the cost
1565 associated with each use option.

1566 2. List the acres of land requiring minimal management

2008542e2

1567 effort, moderate management effort, and significant management
1568 effort pursuant to s. 259.032(11)(c). For each category created
1569 in paragraph (a), the reporting agency shall include the amount
1570 of funds requested, the amount of funds received, and the amount
1571 of funds expended for land management.

1572 3. List acres managed and cost of management for each park,
1573 preserve, forest, reserve, or management area.

1574 4. List acres managed, cost of management, and lead manager
1575 for each state lands management unit for which secondary
1576 management activities were provided.

1577 5. Include a report of the estimated calculable financial
1578 benefits to the public for the ecosystem services provided by
1579 conservation lands, based on the best readily available
1580 information or science that provides a standard measurement
1581 methodology to be consistently applied by the land managing
1582 agencies. Such information may include, but need not be limited
1583 to, the value of natural lands for protecting the quality and
1584 quantity of drinking water through natural water filtration and
1585 recharge, contributions to protecting and improving air quality,
1586 benefits to agriculture through increased soil productivity and
1587 preservation of biodiversity, and savings to property and lives
1588 through flood control.

1589 (4) The council shall report agencies' expenditures
1590 pursuant to the adopted categories to the President of the Senate
1591 and the Speaker of the House of Representatives annually,
1592 beginning July 1, 2001. The council shall also provide this
1593 report to the Acquisition and Restoration Council and the
1594 division for inclusion in its annual report required pursuant to
1595 s. 259.036 ~~s. 259.105~~.

2008542e2

1596 (5) Should the council determine that the list of land
1597 management categories needs to be revised, it shall meet upon the
1598 call of the chair.

1599 (6) Biennially, each reporting agency shall also submit an
1600 operational report for each management area along with an
1601 approved management plan. The report should assess the progress
1602 toward achieving short-term and long-term management goals of the
1603 approved management plan, including all land management
1604 activities, and identify any deficiencies in management and
1605 corrective actions to address identified deficiencies as
1606 appropriate. This report shall be submitted to the Acquisition
1607 and Restoration Council and the division for inclusion in its
1608 annual report required pursuant to s. 259.036.

1609 Section 12. Subsections (3) and (7) of section 259.041,
1610 Florida Statutes, are amended to read:

1611 259.041 Acquisition of state-owned lands for preservation,
1612 conservation, and recreation purposes.--

1613 (3) No agreement to acquire real property for the purposes
1614 described in this chapter, chapter 260, or chapter 375, title to
1615 which will vest in the board of trustees, may bind the state
1616 unless and until the agreement has been reviewed and approved by
1617 the Department of Environmental Protection as complying with the
1618 requirements of this section and any rules adopted pursuant to
1619 this section. Where any of the following conditions exist, the
1620 agreement shall be submitted to and approved by the board of
1621 trustees:

1622 (a) The purchase price agreed to by the seller exceeds the
1623 value as established pursuant to the rules of the board of
1624 trustees;

2008542e2

1625 (b) The contract price agreed to by the seller and
1626 acquiring agency exceeds \$1 million;

1627 (c) The acquisition is the initial purchase in a project;
1628 or

1629 (d) Other conditions that the board of trustees may adopt
1630 by rule. Such conditions may include, but not be limited to,
1631 projects where title to the property being acquired is considered
1632 nonmarketable or is encumbered in such a way as to significantly
1633 affect its management.

1634
1635 Where approval of the board of trustees is required pursuant to
1636 this subsection, the acquiring agency must provide a
1637 justification as to why it is in the public's interest to acquire
1638 the parcel or project. Approval of the board of trustees also is
1639 required for projects the department recommends acquiring
1640 pursuant to subsections (14) and (15). Review and approval of
1641 agreements for acquisitions for Florida Greenways and Trails
1642 Program properties pursuant to chapter 260 may be waived by the
1643 department in any contract with nonprofit corporations that have
1644 agreed to assist the department with this program. If the
1645 contribution of the acquiring agency exceeds \$100 million in any
1646 one fiscal year, the agreement shall be submitted to and approved
1647 by the Legislative Budget Commission.

1648 (7) Prior to approval by the board of trustees or, when
1649 applicable, the Department of Environmental Protection, of any
1650 agreement to purchase land pursuant to this chapter, chapter 260,
1651 or chapter 375, and prior to negotiations with the parcel owner
1652 to purchase any other land, title to which will vest in the board
1653 of trustees, an appraisal of the parcel shall be required as

2008542e2

1654 follows:

1655 (a) The board of trustees shall adopt by rule the method
1656 for determining the value of parcels sought to be acquired by
1657 state agencies pursuant to this section.

1658 (b) Each parcel to be acquired shall have at least one
1659 appraisal. Two appraisals are required when the estimated value
1660 of the parcel exceeds \$1 million ~~\$500,000~~. However, when both
1661 appraisals exceed \$1 million ~~\$500,000~~ and differ significantly, a
1662 third appraisal may be obtained. When a parcel is estimated to be
1663 worth \$100,000 or less and the director of the Division of State
1664 Lands finds that the cost of obtaining an outside appraisal is
1665 not justified, an appraisal prepared by the division may be used.

1666 (c) Appraisal fees and associated costs shall be paid by
1667 the agency proposing the acquisition. The board of trustees shall
1668 approve qualified fee appraisal organizations. All appraisals
1669 used for the acquisition of lands pursuant to this section shall
1670 be prepared by a member of an approved appraisal organization or
1671 by a state-certified appraiser who meets the standards and
1672 criteria established in rule by the board of trustees. Each fee
1673 appraiser selected to appraise a particular parcel shall, prior
1674 to contracting with the agency or a participant in a multiparty
1675 agreement, submit to that agency or participant an affidavit
1676 substantiating that he or she has no vested or fiduciary interest
1677 in such parcel.

1678 (d) The fee appraiser and the review appraiser for the
1679 agency shall not act in any way that may be construed as
1680 negotiating with the property owner.

1681 (e) Generally, appraisal reports are confidential and
1682 exempt from the provisions of s. 119.07(1), for use by the agency

2008542e2

1683 and the board of trustees, until an option contract is executed
1684 or, if no option contract is executed, until 2 weeks before a
1685 contract or agreement for purchase is considered for approval by
1686 the board of trustees. However, the department has the authority,
1687 at its discretion, to disclose appraisal reports to private
1688 landowners during negotiations for acquisitions using
1689 alternatives to fee simple techniques, if the department
1690 determines that disclosure of such reports will bring the
1691 proposed acquisition to closure. The Division of State Lands may
1692 also disclose appraisal information to public agencies or
1693 nonprofit organizations that agree to maintain the
1694 confidentiality of the reports or information when joint
1695 acquisition of property is contemplated, or when a public agency
1696 or nonprofit organization enters into a written multiparty
1697 agreement with the division to purchase and hold property for
1698 subsequent resale to the division. In addition, the division may
1699 use, as its own, appraisals obtained by a public agency or
1700 nonprofit organization, provided the appraiser is selected from
1701 the division's list of appraisers and the appraisal is reviewed
1702 and approved by the division. For the purposes of this chapter,
1703 "nonprofit organization" means an organization whose purposes
1704 include the preservation of natural resources, and which is
1705 exempt from federal income tax under s. 501(c)(3) of the Internal
1706 Revenue Code. The agency may release an appraisal report when the
1707 passage of time has rendered the conclusions of value in the
1708 report invalid or when the acquiring agency has terminated
1709 negotiations.

1710 (f) The Division of State Lands may use, as its own,
1711 appraisals obtained by a public agency or nonprofit organization,

2008542e2

1712 provided that the appraiser is selected from the division's list
1713 of appraisers and the appraisal is reviewed and approved by the
1714 division. For the purposes of this chapter, the term "nonprofit
1715 organization" means an organization whose purposes include the
1716 preservation of natural resources and which is exempt from
1717 federal income tax under s. 501(c)(3) of the Internal Revenue
1718 Code.

1719
1720 Notwithstanding the provisions of this subsection, on behalf of
1721 the board and before the appraisal of parcels approved for
1722 purchase under this chapter, the Secretary of Environmental
1723 Protection or the director of the Division of State Lands may
1724 enter into option contracts to buy such parcels. Any such option
1725 contract shall state that the final purchase price is subject to
1726 approval by the board or, when applicable, the secretary and that
1727 the final purchase price may not exceed the maximum offer allowed
1728 by law. Any such option contract presented to the board for final
1729 purchase price approval shall explicitly state that payment of
1730 the final purchase price is subject to an appropriation from the
1731 Legislature. The consideration for such an option may not exceed
1732 \$1,000 or 0.01 percent of the estimate by the department of the
1733 value of the parcel, whichever amount is greater.

1734 Section 13. Section 259.105, Florida Statutes is amended to
1735 read:

1736 259.105 The Florida Forever Act.--

1737 (1) This section may be cited as the "Florida Forever Act."

1738 (2) (a) The Legislature finds and declares that:

1739 1. Land acquisition programs have ~~The Preservation 2000~~
1740 ~~program~~ provided tremendous financial resources for purchasing

2008542e2

1741 environmentally significant lands to protect those lands from
1742 imminent development or alteration, thereby ensuring ~~assuring~~
1743 present and future generations' access to important waterways,
1744 open spaces, and recreation and conservation lands.

1745 2. The continued alteration and development of Florida's
1746 natural and rural areas to accommodate the state's ~~rapidly~~
1747 growing population have contributed to the degradation of water
1748 resources, the fragmentation and destruction of wildlife
1749 habitats, the loss of outdoor recreation space, and the
1750 diminishment of wetlands, forests, working landscapes, and
1751 coastal open space ~~and public beaches~~.

1752 3. The potential development of Florida's remaining natural
1753 areas and escalation of land values require ~~a continuation of~~
1754 government efforts to restore, bring under public protection, or
1755 acquire lands and water areas to preserve the state's essential
1756 ecological functions and invaluable quality of life.

1757 4. It is essential to protect the state's ecosystems by
1758 promoting a more efficient use of land, to ensure opportunities
1759 for viable agricultural activities on working lands, and to
1760 promote vital rural and urban communities that support and
1761 produce development patterns consistent with natural resource
1762 protection.

1763 5.4. Florida's groundwater, surface waters, and springs are
1764 under tremendous pressure due to population growth and economic
1765 expansion and require special protection and restoration efforts,
1766 including the protection of uplands and springsheds that provide
1767 vital recharge to aquifer systems and are critical to the
1768 protection of water quality and water quantity of the aquifers
1769 and springs. To ensure that sufficient quantities of water are

2008542e2

1770 available to meet the current and future needs of the natural
1771 systems and citizens of the state, and assist in achieving the
1772 planning goals of the department and the water management
1773 districts, water resource development projects on public lands,
1774 where compatible with the resource values of and management
1775 objectives for the lands, are appropriate.

1776 ~~6.5.~~ The needs of urban, suburban, and small communities in
1777 Florida for high-quality outdoor recreational opportunities,
1778 greenways, trails, and open space have not been fully met by
1779 previous acquisition programs. Through such programs as the
1780 Florida Communities Trust and the Florida Recreation Development
1781 Assistance Program, the state shall place additional emphasis on
1782 acquiring, protecting, preserving, and restoring open space,
1783 ecological greenways, and recreation properties within urban,
1784 suburban, and rural areas where pristine natural communities or
1785 water bodies no longer exist because of the proximity of
1786 developed property.

1787 ~~7.6.~~ Many of Florida's unique ecosystems, such as the
1788 Florida Everglades, are facing ecological collapse due to
1789 Florida's burgeoning population growth and other economic
1790 activities. To preserve these valuable ecosystems for future
1791 generations, essential parcels of land must be acquired to
1792 facilitate ecosystem restoration.

1793 ~~8.7.~~ Access to public lands to support a broad range of
1794 outdoor recreational opportunities and the development of
1795 necessary infrastructure, where compatible with the resource
1796 values of and management objectives for such lands, promotes an
1797 appreciation for Florida's natural assets and improves the
1798 quality of life.

2008542e2

1799 ~~9.8.~~ Acquisition of lands, in fee simple, less-than-fee
1800 interest, or other techniques shall ~~in any lesser interest,~~
1801 ~~should~~ be based on a comprehensive science-based assessment of
1802 Florida's natural resources which targets essential conservation
1803 lands by prioritizing all current and future acquisitions based
1804 on a uniform set of data and planned so as to protect the
1805 integrity and function of ecological systems and working
1806 landscapes, and provide multiple benefits, including preservation
1807 of fish and wildlife habitat, recreation space for urban and as
1808 ~~well as~~ rural areas, and the restoration of natural water
1809 storage, flow, and recharge.

1810 ~~10.9.~~ The state has embraced performance-based program
1811 budgeting as a tool to evaluate the achievements of publicly
1812 funded agencies, build in accountability, and reward those
1813 agencies which are able to consistently achieve quantifiable
1814 goals. While previous and existing state environmental programs
1815 have achieved varying degrees of success, few of these programs
1816 can be evaluated as to the extent of their achievements,
1817 primarily because performance measures, standards, outcomes, and
1818 goals were not established at the outset. Therefore, the Florida
1819 Forever program shall be developed and implemented in the context
1820 of measurable state goals and objectives.

1821 11. The state must play a major role in the recovery and
1822 management of its imperiled species through the acquisition,
1823 restoration, enhancement, and management of ecosystems that can
1824 support the major life functions of such species. It is the
1825 intent of the Legislature to support local, state, and federal
1826 programs that result in net benefit to imperiled species habitat
1827 by providing public and private land owners meaningful incentives

2008542e2

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

1853 a. As part of the state's role, all state lands that have
1854 imperiled species habitat shall include as a consideration in
1855 management plan development the restoration, enhancement,
1856 management, and repopulation of such habitats. In addition, the

2008542e2

1857 lead land managing agency of such state lands may use fees
1858 received from public or private entities for projects to offset
1859 adverse impacts to imperiled species or their habitat in order to
1860 restore, enhance, manage, repopulate, or acquire land and to
1861 implement land management plans developed under s. 253.034 or
1862 land management prospectus developed and implemented under this
1863 chapter. Such fees shall be deposited into a foundation or fund
1864 created by each land management agency under s. 372.0215, s.
1865 589.012, or 259.032(11) (d), to be used solely to restore, manage,
1866 enhance, repopulate, or acquire imperiled species habitat.

1867 b. Where habitat or potentially restorable habitat for
1868 imperiled species is located on state lands, the Fish and
1869 Wildlife Conservation Commission and the Department of
1870 Agriculture and Consumer Services shall be included on any
1871 advisory group required under chapter 253, and the short-term and
1872 long-term management goals required under chapter 253 must
1873 advance the goals and objectives of imperiled species management
1874 consistent with the purposes for which the land was acquired
1875 without restricting other uses identified in the management plan.

1876 12.10. There is a need ~~It is the intent of the Legislature~~
1877 ~~to change the focus and direction of the state's major land~~
1878 ~~acquisition programs and to extend funding and bonding~~
1879 ~~capabilities, so that future generations may enjoy the natural~~
1880 ~~resources of this state.~~

1881 (b) The Legislature recognizes that acquisition of lands in
1882 fee simple is only one way to achieve the aforementioned goals
1883 and encourages the use of less-than-fee interests, other
1884 techniques, and the development of creative partnerships between
1885 governmental agencies and private landowners. Such partnerships

2008542e2

1886 may include those that advance the restoration, enhancement,
1887 management, or repopulation of imperiled species habitat on state
1888 lands as provided for in subparagraph (a)11. Easements acquired
1889 pursuant to s. 570.71(2)(a) and (b), land protection agreements,
1890 and non-state funded tools such as rural land stewardship areas,
1891 sector planning, and mitigation ~~and similar tools~~ should be used,
1892 where appropriate, to bring environmentally sensitive tracts
1893 under an acceptable level of protection at a lower financial cost
1894 to the public, and to provide private landowners with the
1895 opportunity to enjoy and benefit from their property.

1896 (c) Public agencies or other entities that receive funds
1897 under this section shall ~~are encouraged to better~~ coordinate
1898 their expenditures so that project acquisitions, when combined
1899 with acquisitions under Florida Forever, Preservation 2000, Save
1900 Our Rivers, the Florida Communities Trust, and other public land
1901 acquisition programs, and the techniques, partnerships, and tools
1902 referenced in subparagraph (a)11. and paragraph (b), are used to
1903 ~~will~~ form more complete patterns of protection for natural areas,
1904 ecological greenways, and functioning ecosystems, to better
1905 accomplish the intent of this section.

1906 (d) A long-term financial commitment to restoring,
1907 enhancing, and managing Florida's public lands in order to
1908 implement land management plans developed under s. 253.034 or a
1909 land management prospectus developed and implemented under this
1910 chapter must accompany any ~~new~~ land acquisition program to ensure
1911 that the natural resource values of such lands are restored,
1912 enhanced, managed, and protected, that the public enjoys ~~has the~~
1913 ~~opportunity to enjoy~~ the lands to their fullest potential, and
1914 that the state achieves the full benefits of its investment of

2008542e2

1915 public dollars. Innovative strategies such as public-private
1916 partnerships and interagency planning and sharing of resources
1917 shall be used to achieve the state's management goals.

1918 (e) With limited dollars available for restoration,
1919 enhancement, management, and acquisition of land and water areas
1920 and for providing long-term management and capital improvements,
1921 a competitive selection process shall ~~can~~ select those projects
1922 best able to meet the goals of Florida Forever and maximize the
1923 efficient use of the program's funding.

1924 (f) To ensure success and provide accountability to the
1925 citizens of this state, it is the intent of the Legislature that
1926 any cash or bond proceeds used pursuant to this section be used
1927 to implement the goals and objectives recommended by a
1928 comprehensive science-based assessment and ~~the Florida Forever~~
1929 Advisory Council as approved by the Board of Trustees of the
1930 Internal Improvement Trust Fund and the Legislature.

1931 (g) As it has with previous land acquisition programs,
1932 the Legislature recognizes the desires of the residents
1933 ~~citizens~~ of this state to prosper through economic development
1934 and to preserve, restore, and manage the state's natural areas
1935 and recreational open space ~~of Florida~~. The Legislature further
1936 recognizes the urgency of restoring the natural functions,
1937 including wildlife and imperiled species habitat functions, of
1938 public lands or water bodies before they are degraded to a
1939 point where recovery may never occur, yet acknowledges the
1940 difficulty of ensuring adequate funding for restoration,
1941 enhancement and management efforts in light of other equally
1942 critical financial needs of the state. It is the Legislature's
1943 desire and intent to fund the implementation of this section

2008542e2

1944 and to do so in a fiscally responsible manner, by issuing bonds
1945 to be repaid with documentary stamp tax or other revenue
1946 sources, including those identified in subparagraph (a)11.

1947 (h) The Legislature further recognizes the important role
1948 that many of our state and federal military installations
1949 contribute to protecting and preserving Florida's natural
1950 resources as well as our economic prosperity. Where the state's
1951 land conservation plans overlap with the military's need to
1952 protect lands, waters, and habitat to ensure the sustainability
1953 of military missions, it is the Legislature's intent that
1954 agencies receiving funds under this program cooperate with our
1955 military partners to protect and buffer military installations
1956 and military airspace, by:

1957 1. Protecting habitat on nonmilitary land for any species
1958 found on military land that is designated as threatened or
1959 endangered, or is a candidate for such designation under the
1960 Endangered Species Act or any Florida statute;

1961 2. Protecting areas underlying low-level military air
1962 corridors or operating areas; ~~and~~

1963 3. Protecting areas identified as clear zones, accident
1964 potential zones, and air installation compatible use buffer zones
1965 delineated by our military partners; ~~and~~

1966 4. Providing the military with technical assistance to
1967 restore, enhance, and manage military land as habitat for
1968 imperiled species or species designated as threatened or
1969 endangered, or a candidate for such designation, and for the
1970 recovery or reestablishment of such species.

1971 (3) Less the costs of issuing and the costs of funding
1972 reserve accounts and other costs associated with bonds, the

2008542e2

1973 proceeds of cash payments or bonds issued pursuant to this
1974 section shall be deposited into the Florida Forever Trust Fund
1975 created by s. 259.1051. The proceeds shall be distributed by the
1976 Department of Environmental Protection in the following manner:

1977 (a) Thirty ~~Thirty-five~~ percent to the Department of
1978 Environmental Protection for the acquisition of lands and capital
1979 project expenditures necessary to implement the water management
1980 districts' priority lists developed pursuant to s. 373.199. The
1981 funds are to be distributed to the water management districts as
1982 provided in subsection (11). A minimum of 50 percent of the total
1983 funds provided over the life of the Florida Forever program
1984 pursuant to this paragraph shall be used for the acquisition of
1985 lands.

1986 (b) ~~Thirty-five~~ percent to the Department of Environmental
1987 Protection for the acquisition of lands and capital project
1988 expenditures described in this section. Of the proceeds
1989 distributed pursuant to this paragraph, it is the intent of the
1990 Legislature that an increased priority be given to those
1991 acquisitions which achieve a combination of conservation goals,
1992 including protecting Florida's water resources and natural
1993 groundwater recharge. At a minimum, 3 percent, and no more than
1994 10 percent, of the funds allocated pursuant to this paragraph
1995 shall be spent on capital project expenditures identified during
1996 the time of acquisition which meet land management planning
1997 activities necessary for public access ~~may not exceed 10 percent~~
1998 ~~of the funds allocated pursuant to this paragraph.~~

1999 (c) Twenty-one ~~Twenty-two~~ percent to the Department of
2000 Community Affairs for use by the Florida Communities Trust for
2001 the purposes of part III of chapter 380, as described and limited

2008542e2

2002 by this subsection, and grants to local governments or nonprofit
2003 environmental organizations that are tax-exempt under s.
2004 501(c)(3) of the United States Internal Revenue Code for the
2005 acquisition of community-based projects, urban open spaces,
2006 parks, and greenways to implement local government comprehensive
2007 plans. From funds available to the trust and used for land
2008 acquisition, 75 percent shall be matched by local governments on
2009 a dollar-for-dollar basis. The Legislature intends that the
2010 Florida Communities Trust emphasize funding projects in low-
2011 income or otherwise disadvantaged communities and projects that
2012 provide areas for direct water access and water-dependent
2013 facilities that are open to the public and offer public access by
2014 vessels to waters of the state, including boat ramps and
2015 associated parking and other support facilities. At least 30
2016 percent of the total allocation provided to the trust shall be
2017 used in Standard Metropolitan Statistical Areas, but one-half of
2018 that amount shall be used in localities in which the project site
2019 is located in built-up commercial, industrial, or mixed-use areas
2020 and functions to intersperse open spaces within congested urban
2021 core areas. From funds allocated to the trust, no less than 5
2022 percent shall be used to acquire lands for recreational trail
2023 systems, provided that in the event these funds are not needed
2024 for such projects, they will be available for other trust
2025 projects. Local governments may use federal grants or loans,
2026 private donations, or environmental mitigation funds, including
2027 environmental mitigation funds required pursuant to s. 338.250,
2028 for any part or all of any local match required for acquisitions
2029 funded through the Florida Communities Trust. Any lands purchased
2030 by nonprofit organizations using funds allocated under this

2008542e2

2031 paragraph must provide for such lands to remain permanently in
2032 public use through a reversion of title to local or state
2033 government, conservation easement, or other appropriate
2034 mechanism. Projects funded with funds allocated to the Trust
2035 shall be selected in a competitive process measured against
2036 criteria adopted in rule by the Trust.

2037 (d) Two percent to the Department of Environmental
2038 Protection for grants pursuant to s. 375.075.

2039 (e) One and five-tenths percent to the Department of
2040 Environmental Protection for the purchase of inholdings and
2041 additions to state parks and for capital project expenditures as
2042 described in this section. At a minimum, 1 percent, and no more
2043 than 10 percent, of the funds allocated pursuant to this
2044 paragraph shall be spent on capital project expenditures
2045 identified during the time of acquisition which meet land
2046 management planning activities necessary for public access ~~may~~
2047 ~~not exceed 10 percent of the funds allocated under this~~
2048 ~~paragraph.~~ For the purposes of this paragraph, "state park" means
2049 any real property in the state which is under the jurisdiction of
2050 the Division of Recreation and Parks of the department, or which
2051 may come under its jurisdiction.

2052 (f) One and five-tenths percent to the Division of Forestry
2053 of the Department of Agriculture and Consumer Services to fund
2054 the acquisition of state forest inholdings and additions pursuant
2055 to s. 589.07, the implementation of reforestation plans or
2056 sustainable forestry management practices, and for capital
2057 project expenditures as described in this section. At a minimum,
2058 1 percent, and no more than 10 percent, of the funds allocated
2059 for the acquisition of inholdings and additions pursuant to this

2008542e2

2060 paragraph shall be spent on capital project expenditures
2061 identified during the time of acquisition which meet land
2062 management planning activities necessary for public access ~~may~~
2063 ~~not exceed 10 percent of the funds allocated under this~~
2064 ~~paragraph.~~

2065 (g) One and five-tenths percent to the Fish and Wildlife
2066 Conservation Commission to fund the acquisition of inholdings and
2067 additions to lands managed by the commission which are important
2068 to the conservation of fish and wildlife and for capital project
2069 expenditures as described in this section. At a minimum, 1
2070 percent, and no more than 10 percent, of the funds allocated
2071 pursuant to this paragraph shall be spent on capital project
2072 expenditures identified during the time of acquisition which meet
2073 land management planning activities necessary for public access
2074 ~~may not exceed 10 percent of the funds allocated under this~~
2075 ~~paragraph.~~

2076 (h) One and five-tenths percent to the Department of
2077 Environmental Protection for the Florida Greenways and Trails
2078 Program, to acquire greenways and trails or greenways and trail
2079 systems pursuant to chapter 260, including, but not limited to,
2080 abandoned railroad rights-of-way and the Florida National Scenic
2081 Trail and for capital project expenditures as described in this
2082 section. At a minimum, 1 percent, and no more than 10 percent, of
2083 the funds allocated pursuant to this paragraph shall be spent on
2084 capital project expenditures identified during the time of
2085 acquisition which meet land management planning activities
2086 necessary for public access ~~may not exceed 10 percent of the~~
2087 ~~funds allocated under this paragraph.~~

2088 (i) Three and five-tenths percent to the Department of

2008542e2

2089 Agriculture and Consumer Services for the acquisition of
2090 agricultural lands, through perpetual conservation easements and
2091 other perpetual less-than-fee techniques, which will achieve the
2092 objectives of Florida Forever and s. 570.71. Rules concerning the
2093 application, acquisition, and priority ranking process for such
2094 easements shall be developed pursuant to s. 570.71(10) and as
2095 provided by this paragraph. The board shall ensure that such
2096 rules are consistent with the acquisition process provided for in
2097 s. 259.041. Provisions of the rules developed pursuant to s.
2098 570.71(10), shall also provide for the following:

2099 1. An annual priority list shall be developed pursuant to
2100 s. 570.71(10), submitted to the Acquisition and Restoration
2101 Council for review, and approved by the board pursuant to s.
2102 259.04.

2103 2. Terms of easements and acquisitions proposed pursuant to
2104 this paragraph shall be approved by the board and shall not be
2105 delegated by the board to any other entity receiving funds under
2106 this section.

2107 3. All acquisitions pursuant to this paragraph shall
2108 contain a clear statement that they are subject to legislative
2109 appropriation.

2110
2111 No funds provided under this paragraph shall be expended until
2112 final adoption of rules by the board pursuant to s. 570.71.

2113 (j) Two and five-tenths percent to the Department of
2114 Community Affairs for the acquisition of land and capital project
2115 expenditures necessary to implement the Stan Mayfield Working
2116 Waterfronts Program within the Florida communities trust pursuant
2117 to s. 380.5105.

2008542e2

2118 (k)~~(i)~~ It is the intent of the Legislature that cash
2119 payments or proceeds of Florida Forever bonds distributed under
2120 this section shall be expended in an efficient and fiscally
2121 responsible manner. An agency that receives proceeds from Florida
2122 Forever bonds under this section may not maintain a balance of
2123 unencumbered funds in its Florida Forever subaccount beyond 3
2124 fiscal years from the date of deposit of funds from each bond
2125 issue. Any funds that have not been expended or encumbered after
2126 3 fiscal years from the date of deposit shall be distributed by
2127 the Legislature at its next regular session for use in the
2128 Florida Forever program.

2129 (l)~~(j)~~ For the purposes of paragraphs ~~(d)~~, (e), (f), ~~and~~
2130 (g), and (h), the agencies that ~~which~~ receive the funds shall
2131 develop their individual acquisition or restoration lists in
2132 accordance with specific criteria and numeric performance
2133 measures developed pursuant s. 259.035(4). Proposed additions may
2134 be acquired if they are identified within the original project
2135 boundary, the management plan required pursuant to s. 253.034(5),
2136 or the management prospectus required pursuant to s.
2137 259.032(9)(d). Proposed additions not meeting the requirements of
2138 this paragraph shall be submitted to the Acquisition and
2139 Restoration Council for approval. The council may only approve
2140 the proposed addition if it meets two or more of the following
2141 criteria: serves as a link or corridor to other publicly owned
2142 property; enhances the protection or management of the property;
2143 would add a desirable resource to the property; would create a
2144 more manageable boundary configuration; has a high resource value
2145 that otherwise would be unprotected; or can be acquired at less
2146 than fair market value.

2008542e2

2147 (4) It is the intent of the Legislature that projects or
2148 acquisitions funded pursuant to paragraphs (3) (a) and (b)
2149 contribute to the achievement of the following goals, which shall
2150 be evaluated in accordance with specific criteria and numeric
2151 performance measures developed pursuant s. 259.035(4):

2152 (a) Enhance the coordination and completion of land
2153 acquisition projects, as measured by:

2154 1. The number of acres acquired through the state's land
2155 acquisition programs that contribute to the enhancement of
2156 essential natural resources, ecosystem service parcels, and
2157 connecting linkage corridors as identified and developed by the
2158 best available scientific analysis ~~completion of Florida~~
2159 ~~Preservation 2000 projects or projects begun before Preservation~~
2160 ~~2000;~~

2161 2. The number of acres protected through the use of
2162 alternatives to fee simple acquisition; or

2163 3. The number of shared acquisition projects among Florida
2164 Forever funding partners and partners with other funding sources,
2165 including local governments and the Federal Government.

2166 (b) Increase the protection of Florida's biodiversity at
2167 the species, natural community, and landscape levels, as measured
2168 by:

2169 1. The number of acres acquired of significant strategic
2170 habitat conservation areas;

2171 2. The number of acres acquired of highest priority
2172 conservation areas for Florida's rarest species;

2173 3. The number of acres acquired of significant landscapes,
2174 landscape linkages, and conservation corridors, giving priority
2175 to completing linkages;

2008542e2

2176 4. The number of acres acquired of underrepresented native
2177 ecosystems;

2178 5. The number of landscape-sized protection areas of at
2179 least 50,000 acres that exhibit a mosaic of predominantly intact
2180 or restorable natural communities established through new
2181 acquisition projects or augmentations to previous projects; or

2182 6. The percentage increase in the number of occurrences of
2183 imperiled species ~~endangered species, threatened species, or~~
2184 ~~species of special concern~~ on publicly managed conservation
2185 areas.

2186 (c) Protect, restore, and maintain the quality and natural
2187 functions of land, water, and wetland systems of the state, as
2188 measured by:

2189 1. The number of acres of publicly owned land identified as
2190 needing restoration, enhancement, and management, acres
2191 undergoing restoration or enhancement, ~~and~~ acres with restoration
2192 activities completed, and acres managed to maintain such restored
2193 or enhanced conditions; the number of acres which represent
2194 actual or potential imperiled species habitat; the number of
2195 acres which are available pursuant to a management plan to
2196 restore, enhance, repopulate, and manage imperiled species
2197 habitat; and the number of acres of imperiled species habitat
2198 managed, restored, enhanced, repopulated, or acquired;

2199 2. The percentage of water segments that fully meet,
2200 partially meet, or do not meet their designated uses as reported
2201 in the Department of Environmental Protection's State Water
2202 Quality Assessment 305(b) Report;

2203 3. The percentage completion of targeted capital
2204 improvements in surface water improvement and management plans

2008542e2

2205 created under s. 373.453(2), regional or master stormwater
2206 management system plans, or other adopted restoration plans;

2207 4. The number of acres acquired that protect natural
2208 floodplain functions;

2209 5. The number of acres acquired that protect surface waters
2210 of the state;

2211 6. The number of acres identified for acquisition to
2212 minimize damage from flooding and the percentage of those acres
2213 acquired;

2214 7. The number of acres acquired that protect fragile
2215 coastal resources;

2216 8. The number of acres of functional wetland systems
2217 protected;

2218 9. The percentage of miles of critically eroding beaches
2219 contiguous with public lands that are restored or protected from
2220 further erosion;

2221 10. The percentage of public lakes and rivers in which
2222 invasive, nonnative aquatic plants are under maintenance control;
2223 or

2224 11. The number of acres of public conservation lands in
2225 which upland invasive, exotic plants are under maintenance
2226 control.

2227 (d) Ensure that sufficient quantities of water are
2228 available to meet the current and future needs of natural systems
2229 and the citizens of the state, as measured by:

2230 1. The number of acres acquired which provide retention and
2231 storage of surface water in naturally occurring storage areas,
2232 such as lakes and wetlands, consistent with the maintenance of
2233 water resources or water supplies and consistent with district

2008542e2

2234 water supply plans;

2235 2. The quantity of water made available through the water
2236 resource development component of a district water supply plan
2237 for which a water management district is responsible; or

2238 3. The number of acres acquired of groundwater recharge
2239 areas critical to springs, sinks, aquifers, other natural
2240 systems, or water supply.

2241 (e) Increase natural resource-based public recreational and
2242 educational opportunities, as measured by:

2243 1. The number of acres acquired that are available for
2244 natural resource-based public recreation or education;

2245 2. The miles of trails that are available for public
2246 recreation, giving priority to those that provide significant
2247 connections including those that will assist in completing the
2248 Florida National Scenic Trail; or

2249 3. The number of new resource-based recreation facilities,
2250 by type, made available on public land.

2251 (f) Preserve significant archaeological or historic sites,
2252 as measured by:

2253 1. The increase in the number of and percentage of historic
2254 and archaeological properties listed in the Florida Master Site
2255 File or National Register of Historic Places which are protected
2256 or preserved for public use; or

2257 2. The increase in the number and percentage of historic
2258 and archaeological properties that are in state ownership.

2259 (g) Increase the amount of forestland available for
2260 sustainable management of natural resources, as measured by:

2261 1. The number of acres acquired that are available for
2262 sustainable forest management;

2008542e2

2263 2. The number of acres of state-owned forestland managed
2264 for economic return in accordance with current best management
2265 practices;

2266 3. The number of acres of forestland acquired that will
2267 serve to maintain natural groundwater recharge functions; or

2268 4. The percentage and number of acres identified for
2269 restoration actually restored by reforestation.

2270 (h) Increase the amount of open space available in urban
2271 areas, as measured by:

2272 1. The percentage of local governments that participate in
2273 land acquisition programs and acquire open space in urban cores;
2274 or

2275 2. The percentage and number of acres of purchases of open
2276 space within urban service areas.

2277
2278 Florida Forever projects and acquisitions funded pursuant to
2279 paragraph (3) (c) shall be measured by goals developed by rule by
2280 the Florida Communities Trust Governing Board created in s.
2281 380.504.

2282 (5) (a) All lands acquired pursuant to this section shall be
2283 managed for multiple-use purposes, where compatible with the
2284 resource values of and management objectives for such lands. As
2285 used in this section, "multiple-use" includes, but is not limited
2286 to, outdoor recreational activities as described in ss. 253.034
2287 and 259.032(9) (b), water resource development projects, ~~and~~
2288 sustainable forestry management, carbon sequestration, carbon
2289 mitigation, or carbon offsets.

2290 (b) Upon a decision by the entity in which title to lands
2291 acquired pursuant to this section has vested, such lands may be

2008542e2

2292 designated single use as defined in s. 253.034(2) (b).

2293 (c) For purposes of this section, the Board of Trustees of
2294 the Internal Improvement Trust Fund shall adopt rules that
2295 pertain to the use of state lands for carbon sequestration,
2296 carbon mitigation, or carbon offsets and that provide for
2297 climate-change-related benefits.

2298 (6) As provided in this section, a water resource or water
2299 supply development project may be allowed only if the following
2300 conditions are met: minimum flows and levels have been
2301 established for those waters, if any, which may reasonably be
2302 expected to experience significant harm to water resources as a
2303 result of the project; the project complies with all applicable
2304 permitting requirements; and the project is consistent with the
2305 regional water supply plan, if any, of the water management
2306 district and with relevant recovery or prevention strategies if
2307 required pursuant to s. 373.0421(2).

2308 (7) (a) Beginning no later than July 1, 2001, and every year
2309 thereafter, the Acquisition and Restoration Council shall accept
2310 applications from state agencies, local governments, nonprofit
2311 and for-profit organizations, private land trusts, and
2312 individuals for project proposals eligible for funding pursuant
2313 to paragraph (3) (b). The council shall evaluate the proposals
2314 received pursuant to this subsection to ensure that they meet at
2315 least one of the criteria under subsection (9).

2316 (b) Project applications shall contain, at a minimum, the
2317 following:

2318 1. A minimum of two numeric performance measures that
2319 directly relate to the overall goals adopted by the council. Each
2320 performance measure shall include a baseline measurement, which

2008542e2

2321 is the current situation; a performance standard which the
2322 project sponsor anticipates the project will achieve; and the
2323 performance measurement itself, which should reflect the
2324 incremental improvements the project accomplishes towards
2325 achieving the performance standard.

2326 2. Proof that property owners within any proposed
2327 acquisition have been notified of their inclusion in the proposed
2328 project. Any property owner may request the removal of such
2329 property from further consideration by submitting a request to
2330 the project sponsor or the Acquisition and Restoration Council by
2331 certified mail. Upon receiving this request, the council shall
2332 delete the property from the proposed project; however, the board
2333 of trustees, at the time it votes to approve the proposed project
2334 lists pursuant to subsection (16), may add the property back on
2335 to the project lists if it determines by a super majority of its
2336 members that such property is critical to achieve the purposes of
2337 the project.

2338 (c) The title to lands acquired under this section shall
2339 vest in the Board of Trustees of the Internal Improvement Trust
2340 Fund, except that title to lands acquired by a water management
2341 district shall vest in the name of that district and lands
2342 acquired by a local government shall vest in the name of the
2343 purchasing local government.

2344 (8) The Acquisition and Restoration Council shall develop a
2345 project list that shall represent those projects submitted
2346 pursuant to subsection (7).

2347 (9) The Acquisition and Restoration Council shall recommend
2348 rules for adoption by the board of trustees to competitively
2349 evaluate, select, and rank projects eligible for Florida Forever

2008542e2

2350 funds pursuant to paragraph (3) (b) and for additions to the
2351 Conservation and Recreation Lands list pursuant to ss. 259.032
2352 and 259.101(4). In developing these proposed rules, the
2353 Acquisition and Restoration Council shall give weight to the
2354 following criteria:

2355 (a) The project meets multiple goals described in
2356 subsection (4).

2357 (b) The project is part of an ongoing governmental effort
2358 to restore, protect, or develop land areas or water resources.

2359 (c) The project enhances or facilitates management of
2360 properties already under public ownership.

2361 (d) The project has significant archaeological or historic
2362 value.

2363 (e) The project has funding sources that are identified and
2364 assured through at least the first 2 years of the project.

2365 (f) The project contributes to the solution of water
2366 resource problems on a regional basis.

2367 (g) The project has a significant portion of its land area
2368 in imminent danger of development, in imminent danger of losing
2369 its significant natural attributes or recreational open space, or
2370 in imminent danger of subdivision which would result in multiple
2371 ownership and make acquisition of the project costly or less
2372 likely to be accomplished.

2373 (h) The project implements an element from a plan developed
2374 by an ecosystem management team.

2375 (i) The project is one of the components of the Everglades
2376 restoration effort.

2377 (j) The project may be purchased at 80 percent of appraised
2378 value.

2008542e2

2379 (k) The project may be acquired, in whole or in part, using
2380 alternatives to fee simple, including but not limited to, tax
2381 incentives, mitigation funds, or other revenues, the purchase of
2382 development rights, hunting rights, agricultural or silvicultural
2383 rights, or mineral rights or obtaining conservation easements or
2384 flowage easements.

2385 (l) The project is a joint acquisition, either among public
2386 agencies, nonprofit organizations, or private entities, or by a
2387 public-private partnership.

2388 (10) The Acquisition and Restoration Council shall give
2389 increased priority to those projects for which matching funds are
2390 available and to project elements previously identified on an
2391 acquisition list pursuant to this section that can be acquired at
2392 80 percent or less of appraised value. The council shall also
2393 give increased priority to those projects where the state's land
2394 conservation plans overlap with the military's need to protect
2395 lands, water, and habitat to ensure the sustainability of
2396 military missions including:

2397 (a) Protecting habitat on nonmilitary land for any species
2398 found on military land that is designated as threatened or
2399 endangered, or is a candidate for such designation under the
2400 Endangered Species Act or any Florida statute;

2401 (b) Protecting areas underlying low-level military air
2402 corridors or operating areas; and

2403 (c) Protecting areas identified as clear zones, accident
2404 potential zones, and air installation compatible use buffer zones
2405 delineated by our military partners, and for which federal or
2406 other funding is available to assist with the project.

2407 (11) For the purposes of funding projects pursuant to

2008542e2

2408 paragraph (3) (a), the Secretary of Environmental Protection shall
2409 ensure that each water management district receives the following
2410 percentage of funds annually:

2411 (a) Thirty-five percent to the South Florida Water
2412 Management District, of which amount \$25 million for 2 years
2413 beginning in fiscal year 2000-2001 shall be transferred by the
2414 Department of Environmental Protection into the Save Our
2415 Everglades Trust Fund and shall be used exclusively to implement
2416 the comprehensive plan under s. 373.470.

2417 (b) Twenty-five percent to the Southwest Florida Water
2418 Management District.

2419 (c) Twenty-five percent to the St. Johns River Water
2420 Management District.

2421 (d) Seven and one-half percent to the Suwannee River Water
2422 Management District.

2423 (e) Seven and one-half percent to the Northwest Florida
2424 Water Management District.

2425 (12) It is the intent of the Legislature that in developing
2426 the list of projects for funding pursuant to paragraph (3) (a),
2427 that these funds not be used to abrogate the financial
2428 responsibility of those point and nonpoint sources that have
2429 contributed to the degradation of water or land areas. Therefore,
2430 an increased priority shall be given by the water management
2431 district governing boards to those projects that have secured a
2432 cost-sharing agreement allocating responsibility for the cleanup
2433 of point and nonpoint sources.

2434 (13) An affirmative vote of five members of the Acquisition
2435 and Restoration Council shall be required in order to place a
2436 proposed project on the list developed pursuant to subsection

2008542e2

2437 (8). Any member of the council who by family or a business
2438 relationship has a connection with any project proposed to be
2439 ranked shall declare such interest prior to voting for a
2440 project's inclusion on the list.

2441 (14) Each year that cash disbursements or bonds are to be
2442 issued pursuant to this section, the Acquisition and Restoration
2443 Council shall review the most current approved project list and
2444 shall, by the first board meeting in May, present to the Board of
2445 Trustees of the Internal Improvement Trust Fund for approval a
2446 listing of projects developed pursuant to subsection (8). The
2447 board of trustees may remove projects from the list developed
2448 pursuant to this subsection, but may not add projects or
2449 rearrange project rankings.

2450 (15) The Acquisition and Restoration Council shall submit
2451 to the board of trustees, with its list of projects, a report
2452 that includes, but shall not be limited to, the following
2453 information for each project listed:

2454 (a) The stated purpose for inclusion.

2455 (b) Projected costs to achieve the project goals.

2456 (c) An interim management budget that includes all costs
2457 associated with immediate public access.

2458 (d) Specific performance measures.

2459 (e) Plans for public access.

2460 (f) An identification of the essential parcel or parcels
2461 within the project without which the project cannot be properly
2462 managed.

2463 (g) Where applicable, an identification of those projects
2464 or parcels within projects which should be acquired in fee simple
2465 or in less than fee simple.

2008542e2

2466 (h) An identification of those lands being purchased for
2467 conservation purposes.

2468 (i) A management policy statement for the project and a
2469 management prospectus pursuant to s. 259.032(9) (d).

2470 (j) An estimate of land value based on county tax assessed
2471 values.

2472 (k) A map delineating project boundaries.

2473 (l) An assessment of the project's ecological value,
2474 outdoor recreational value, forest resources, wildlife resources,
2475 ownership pattern, utilization, and location.

2476 (m) A discussion of whether alternative uses are proposed
2477 for the property and what those uses are.

2478 (n) A designation of the management agency or agencies.

2479 (16) All proposals for projects pursuant to paragraph
2480 (3) (b) ~~or subsection (20)~~ shall be implemented only if adopted by
2481 the Acquisition and Restoration Council and approved by the board
2482 of trustees. The council shall consider and evaluate in writing
2483 the merits and demerits of each project that is proposed for
2484 Florida Forever funding and each proposed addition to the
2485 Conservation and Recreation Lands list program. The council shall
2486 ensure that each proposed project will meet a stated public
2487 purpose for the restoration, conservation, or preservation of
2488 environmentally sensitive lands and water areas or for providing
2489 outdoor recreational opportunities and that each proposed
2490 addition to the Conservation and Recreation Lands list will meet
2491 the public purposes under s. 259.032(3) and, when applicable, s.
2492 259.101(4). The council also shall determine whether the project
2493 or addition conforms, where applicable, with the comprehensive
2494 plan developed pursuant to s. 259.04(1) (a), the comprehensive

2008542e2

2495 multipurpose outdoor recreation plan developed pursuant to s.
2496 375.021, the state lands management plan adopted pursuant to s.
2497 253.03(7), the water resources work plans developed pursuant to
2498 s. 373.199, and the provisions of this section.

2499 (17) On an annual basis, the Division of State Lands shall
2500 prepare an annual work plan that prioritizes projects on the
2501 Florida Forever list and sets forth the funding available in the
2502 fiscal year for land acquisition. The work plan shall consider
2503 the following categories of expenditure for land conservation
2504 projects already selected for the Florida Forever list pursuant
2505 to subsection (8):

2506 (a) A critical natural lands category, including functional
2507 landscape-scale natural systems, intact large hydrological
2508 systems, lands that have significant imperiled natural
2509 communities, and corridors linking large landscapes, as
2510 identified and developed by the best available scientific
2511 analysis.

2512 (b) A partnerships or regional incentive category,
2513 including:

2514 1. Projects where local and regional cost-share agreements
2515 provide a lower cost and greater conservation benefit to the
2516 people of the state. Additional consideration shall be provided
2517 under this category where parcels are identified as part of a
2518 local or regional visioning process and are supported by
2519 scientific analysis; and

2520 2. Bargain and shared projects where the state will receive
2521 a significant reduction in price for public ownership of land as
2522 a result of the removal of development rights or other interests
2523 in lands or receives alternative or matching funds.

2008542e2

2524 (c) A substantially complete category of projects where
2525 mainly inholdings, additions, and linkages between preserved
2526 areas will be acquired and where 85 percent of the project is
2527 complete.

2528 (d) A climate-change category list of lands where
2529 acquisition or other conservation measures will address the
2530 challenges of global climate change, such as through protection,
2531 restoration, mitigation, and strengthening of Florida's land,
2532 water, and coastal resources. This category includes lands that
2533 provide opportunities to sequester carbon, provide habitat,
2534 protect coastal lands or barrier islands, and otherwise mitigate
2535 and help adapt to the effects of sea-level rise and meet other
2536 objectives of the program.

2537 (e) A less-than-fee category for working agricultural lands
2538 that significantly contribute to resource protection through
2539 conservation easements and other less-than-fee techniques, tax
2540 incentives, life estates, landowner agreements, and other
2541 partnerships, including conservation easements acquired in
2542 partnership with federal conservation programs, which will
2543 achieve the objectives of Florida Forever while allowing the
2544 continuation of compatible agricultural uses on the land. Terms
2545 of easements proposed for acquisition under this category shall
2546 be developed by the Division of State Lands in coordination with
2547 the Department of Agriculture and Consumer Services.

2548
2549 Projects within each category shall be ranked by order of
2550 priority. The work plan shall be adopted by the Acquisition and
2551 Restoration Council after at least one public hearing. A copy of
2552 the work plan shall be provided to the board of trustees of the

2008542e2

2553 Internal Improvement Trust Fund no later than October 1 of each
2554 year.

2555 (18)-(17)(a) The Board of Trustees of the Internal
2556 Improvement Trust Fund, or, in the case of water management
2557 district lands, the owning water management district, may
2558 authorize the granting of a lease, easement, or license for the
2559 use of certain lands acquired pursuant to this section, for
2560 certain uses that are determined by the appropriate board to be
2561 compatible with the resource values of and management objectives
2562 for such lands.

2563 (b) Any existing lease, easement, or license acquired for
2564 incidental public or private use on, under, or across any lands
2565 acquired pursuant to this section shall be presumed to be
2566 compatible with the purposes for which such lands were acquired.

2567 (c) Notwithstanding the provisions of paragraph (a), no
2568 such lease, easement, or license shall be entered into by the
2569 Department of Environmental Protection or other appropriate state
2570 agency if the granting of such lease, easement, or license would
2571 adversely affect the exclusion of the interest on any revenue
2572 bonds issued to fund the acquisition of the affected lands from
2573 gross income for federal income tax purposes, pursuant to
2574 Internal Revenue Service regulations.

2575 (19)-(18) The Acquisition and Restoration Council shall
2576 recommend adoption of rules by the board of trustees necessary to
2577 implement the provisions of this section relating to:
2578 solicitation, scoring, selecting, and ranking of Florida Forever
2579 project proposals; disposing of or leasing lands or water areas
2580 selected for funding through the Florida Forever program; and the
2581 process of reviewing and recommending for approval or rejection

2008542e2

2582 the land management plans associated with publicly owned
2583 properties. Rules promulgated pursuant to this subsection shall
2584 be submitted to the President of the Senate and the Speaker of
2585 the House of Representatives, for review by the Legislature, no
2586 later than 30 days prior to the 2010 ~~2001~~ Regular Session and
2587 shall become effective only after legislative review. In its
2588 review, the Legislature may reject, modify, or take no action
2589 relative to such rules. The board of trustees shall conform such
2590 rules to changes made by the Legislature, or, if no action was
2591 taken by the Legislature, such rules shall become effective.

2592 (20) ~~(19)~~ Lands listed as projects for acquisition under the
2593 Florida Forever program may be managed for conservation pursuant
2594 to s. 259.032, on an interim basis by a private party in
2595 anticipation of a state purchase in accordance with a contractual
2596 arrangement between the acquiring agency and the private party
2597 that may include management service contracts, leases, cost-share
2598 arrangements, or resource conservation agreements. Lands
2599 designated as eligible under this subsection shall be managed to
2600 maintain or enhance the resources the state is seeking to protect
2601 by acquiring the land and to accelerate public access to the
2602 lands as soon as practicable. Funding for these contractual
2603 arrangements may originate from the documentary stamp tax revenue
2604 deposited into the Conservation and Recreation Lands Trust Fund
2605 and Water Management Lands Trust Fund. No more than 5 percent of
2606 funds allocated under the trust funds shall be expended for this
2607 purpose.

2608 ~~(20) The Acquisition and Restoration Council, as successors~~
2609 ~~to the Land Acquisition and Management Advisory Council, may~~
2610 ~~amend existing Conservation and Recreation Lands projects and add~~

2008542e2

2611 ~~to or delete from the 2000 Conservation and Recreation Lands list~~
2612 ~~until funding for the Conservation and Recreation Lands program~~
2613 ~~has been expended. The amendments to the 2000 Conservation and~~
2614 ~~Recreation Lands list will be reported to the board of trustees~~
2615 ~~in conjunction with the council's report developed pursuant to~~
2616 ~~subsection (15).~~

2617 Section 14. Subsection (1) of section 259.1051, Florida
2618 Statutes, is amended to read:

2619 259.1051 Florida Forever Trust Fund.--

2620 (1) There is created the Florida Forever Trust Fund to
2621 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
2622 375.031. The Florida Forever Trust Fund shall be held and
2623 administered by the Department of Environmental Protection.
2624 Proceeds from the sale of bonds, except proceeds of refunding
2625 bonds, issued under s. 215.618 and payable from moneys
2626 transferred to the Land Acquisition Trust Fund under s.
2627 201.15(1)(a), not to exceed \$5.3 ~~\$3~~ billion, must be deposited
2628 into this trust fund to be distributed and used as provided in s.
2629 259.105(3). The bond resolution adopted by the governing board of
2630 the Division of Bond Finance of the State Board of Administration
2631 may provide for additional provisions that govern the
2632 disbursement of the bond proceeds.

2633 Section 15. Subsection (7) is added to section 373.089,
2634 Florida Statutes, to read:

2635 373.089 Sale or exchange of lands, or interests or rights
2636 in lands.--The governing board of the district may sell lands, or
2637 interests or rights in lands, to which the district has acquired
2638 title or to which it may hereafter acquire title in the following
2639 manner:

2008542e2

2640 (7) Notwithstanding other provisions of this section, the
2641 governing board shall first offer title to lands acquired in
2642 whole or in part with Florida Forever funds which are determined
2643 to be no longer needed for conservation purposes to the Board of
2644 Trustees of the Internal Improvement Trust Fund unless the
2645 disposition of those lands are for the following purposes:

2646 (a) Linear facilities, including electric transmission and
2647 distribution facilities, telecommunication transmission and
2648 distribution facilities, pipeline transmission and distribution
2649 facilities, public transportation corridors, and related
2650 appurtenances.

2651 (b) The disposition of the fee interest in the land where a
2652 conservation easement is retained by the district to fulfill the
2653 conservation objectives for which the land was acquired.

2654 (c) An exchange of the land for other lands that meet or
2655 exceed the conservation objectives for which the original land
2656 was acquired in accordance with subsection (4).

2657 (d) To be used by a governmental entity for a public
2658 purpose.

2659
2660 In the event the Board of Trustees of the Internal Improvement
2661 Trust Fund declines to accept title to the lands offered under
2662 this section, the land may be disposed of by the district under
2663 the provisions of this section.

2664 Section 16. Subsection (1) of section 373.1391, Florida
2665 Statutes, is amended to read:

2666 373.1391 Management of real property.--

2667 (1) (a) Lands titled to the governing boards of the
2668 districts shall be managed and maintained, to the extent

2008542e2

2669 practicable, in such a way as to ensure a balance between public
2670 access, general public recreational purposes, and restoration and
2671 protection of their natural state and condition. Except when
2672 prohibited by a covenant or condition described in s. 373.056(2),
2673 lands owned, managed, and controlled by the district may be used
2674 for multiple purposes, including, but not limited to,
2675 agriculture, silviculture, and water supply, as well as boating
2676 and other recreational uses.

2677 (b) Whenever practicable, such lands shall be open to the
2678 general public for recreational uses. General public recreational
2679 purposes shall include, but not be limited to, fishing, hunting,
2680 horseback riding, swimming, camping, hiking, canoeing, boating,
2681 diving, birding, sailing, jogging, and other related outdoor
2682 activities to the maximum extent possible considering the
2683 environmental sensitivity and suitability of those lands. These
2684 public lands shall be evaluated for their resource value for the
2685 purpose of establishing which parcels, in whole or in part,
2686 annually or seasonally, would be conducive to general public
2687 recreational purposes. Such findings shall be included in
2688 management plans which are developed for such public lands. These
2689 lands shall be made available to the public for these purposes,
2690 unless the district governing board can demonstrate that such
2691 activities would be incompatible with the purposes for which
2692 these lands were acquired. The department in its supervisory
2693 capacity shall ensure that the districts provide consistent
2694 levels of public access to district lands, consistent with the
2695 purposes for which the lands were acquired.

2696 (c) In developing or reviewing land management plans when a
2697 dispute arises that has not been resolved by a water management

2008542e2

2698 district's final agency action, that dispute must be resolved
2699 under chapter 120.

2700 (d) For any fee simple acquisition of a parcel which is or
2701 will be leased back for agricultural purposes, or for any
2702 acquisition of a less-than-fee interest in lands that is or will
2703 be used for agricultural purposes, the district governing board
2704 shall first consider having a soil and water conservation
2705 district created pursuant to chapter 582 manage and monitor such
2706 interest.

2707 Section 17. Subsection (4) of section 373.199, Florida
2708 Statutes, is amended to read:

2709 373.199 Florida Forever Water Management District Work
2710 Plan.--

2711 (4) The list submitted by the districts shall include,
2712 where applicable, the following information for each project:

2713 (a) A description of the water body system, its historical
2714 and current uses, and its hydrology; a history of the conditions
2715 which have led to the need for restoration or protection; and a
2716 synopsis of restoration efforts that have occurred to date, if
2717 applicable.

2718 (b) An identification of all governmental units that have
2719 jurisdiction over the water body and its drainage basin within
2720 the approved surface water improvement and management plan area,
2721 including local, regional, state, and federal units.

2722 (c) A description of land uses within the project area's
2723 drainage basin, and of important tributaries, point and nonpoint
2724 sources of pollution, and permitted discharge activities
2725 associated with that basin.

2726 (d) A description of strategies and potential strategies,

2008542e2

2727 including improved stormwater management, for restoring or
2728 protecting the water body to Class III or better surface water
2729 quality status. Such strategies may utilize alternative
2730 technologies for pollutant reduction, such as cost-effective
2731 biologically based, hybrid wetlands/chemical and other innovative
2732 nutrient control technologies.

2733 (e) A listing and synopsis of studies that are being or
2734 have been prepared for the water body, stormwater management
2735 project, or water resource development project.

2736 (f) A description of the measures needed to manage and
2737 maintain the water body once it has been restored and to prevent
2738 future degradation, to manage and maintain the stormwater
2739 management system, or to manage and maintain the water resource
2740 development project.

2741 (g) A schedule for restoration and protection of the water
2742 body, implementation of the stormwater management project, or
2743 development of the water resource development project.

2744 (h) A clear and concise ~~An~~ estimate of the funding needed
2745 to carry out the restoration, protection, or improvement project,
2746 or the development of new water resources, where applicable, and
2747 a clear and concise identification of the projected sources and
2748 uses of Florida Forever funds ~~of the funding.~~

2749 (i) Numeric performance measures for each project. Each
2750 performance measure shall include a baseline measurement, which
2751 is the current situation; a performance standard, which water
2752 management district staff anticipates the project will achieve;
2753 and the performance measurement itself, which should reflect the
2754 incremental improvements the project accomplishes towards
2755 achieving the performance standard. These measures shall reflect

2008542e2

2756 the relevant goals detailed in s. 259.105(4).

2757 (j) A discussion of permitting and other regulatory issues
2758 related to the project.

2759 (k) An identification of the proposed public access for
2760 projects with land acquisition components, including the Florida
2761 National Scenic Trail.

2762 (l) An identification of those lands which require a full
2763 fee simple interest to achieve water management goals and those
2764 lands which can be acquired using alternatives to fee simple
2765 acquisition techniques and still achieve such goals. In their
2766 evaluation of which lands would be appropriate for acquisition
2767 through alternatives to fee simple, district staff shall consider
2768 criteria including, but not limited to, acquisition costs, the
2769 net present value of future land management costs, the net
2770 present value of ad valorem revenue loss to the local government,
2771 and potential for revenue generated from activities compatible
2772 with acquisition objectives.

2773 (m) An identification of lands needed to protect or
2774 recharge groundwater and a plan for their acquisition as
2775 necessary to protect potable water supplies. Lands which serve to
2776 protect or recharge groundwater identified pursuant to this
2777 paragraph shall also serve to protect other valuable natural
2778 resources or provide space for natural resource based recreation.

2779 Section 18. Paragraph (e) of subsection (10) of section
2780 373.59, Florida Statutes, is amended to read:

2781 373.59 Water Management Lands Trust Fund.--

2782 (10) (a) Beginning July 1, 1999, not more than one-fourth of
2783 the funds provided for in subsections (1) and (8) in any year
2784 shall be reserved annually by a governing board, during the

2008542e2

2785 development of its annual operating budget, for payments in lieu
2786 of taxes for all actual tax losses incurred as a result of
2787 governing board acquisitions for water management districts
2788 pursuant to ss. 259.101, 259.105, 373.470, and this section
2789 during any year. Reserved funds not used for payments in lieu of
2790 taxes in any year shall revert to the Water Management Lands
2791 Trust Fund to be used in accordance with the provisions of this
2792 section.

2793 (e) If property that was subject to ad valorem taxation was
2794 acquired by a tax-exempt entity for ultimate conveyance to the
2795 state under this chapter, payment in lieu of taxes shall be made
2796 for such property based upon the average amount of taxes paid on
2797 the property for the 3 years prior to its being removed from the
2798 tax rolls. The water management districts shall certify to the
2799 Department of Revenue those properties that may be eligible under
2800 this provision. Once eligibility has been established, that
2801 governmental entity shall receive ~~10 consecutive~~ annual payments
2802 for each tax loss until the qualifying governmental entity
2803 exceeds the population threshold pursuant to s. 259.032(12)(b).~~7~~
2804 ~~and no further eligibility determination shall be made during~~
2805 ~~that period.~~

2806 Section 19. Subsection (1) of section 380.5115, Florida
2807 Statutes, is amended to read:

2808 380.5115 Florida Forever Program Trust Fund of the
2809 Department of Community Affairs.--

2810 (1) There is created a Florida Forever Program Trust Fund
2811 within the Department of Community Affairs to further the
2812 purposes of this part as specified in s. 259.105(3)(c) and (j).
2813 The trust fund shall receive funds pursuant to s. 259.105(3)(c)

2008542e2

2814 and (j).

2815 Section 20. Section 380.502, Florida Statutes, is amended
2816 to read:

2817 380.502 Legislative findings and intent.--

2818 (1) The Legislature finds that the conservation of natural
2819 areas is vital to the state's economy and ecology. The
2820 Legislature further finds that rapid increases in population and
2821 development throughout Florida threaten the integrity of the
2822 environment and limit opportunities for citizens and visitors to
2823 enjoy the state's natural areas. The Legislature further finds
2824 that inappropriate and poorly planned land uses overburden
2825 natural resources and disrupt the state's ecology. Finally, the
2826 Legislature finds that the quality of life, environmental
2827 quality, as well as the viability and vitality of the urban areas
2828 of this state are directly linked to urban open space and
2829 greenways. The creation of greenways; expansion of green spaces;
2830 enhancement of recreation areas; preservation of working
2831 waterfronts; and protection and restoration of urban lakes,
2832 rivers, and watersheds in the urban areas of this state are
2833 necessary to link populated areas with natural areas, preserve
2834 unique cultural and heritage sites, provide land for recreational
2835 opportunities to enhance the health and well-being of the urban
2836 residents of this state, improve water quality, reduce the level
2837 of urban crime and violence, and build confidence and self-esteem
2838 among the urban youth of this state.

2839 (2) The Legislature recognizes that the primary
2840 responsibility for establishing well-planned land use rests at
2841 the local government level through the implementation of
2842 comprehensive plans. The Legislature also recognizes that many of

2008542e2

2843 the goals and objectives of these comprehensive plans will not be
2844 met through regulation, but require creative and innovative
2845 action to ensure their accomplishment.

2846 (3) It is the intent of the Legislature to establish a
2847 nonregulatory agency that will assist local governments in
2848 bringing local comprehensive plans into compliance and
2849 implementing the goals, objectives, and policies of the
2850 conservation, recreation and open space, and coastal elements of
2851 local comprehensive plans, or in conserving natural resources and
2852 resolving land use conflicts by:

2853 (a) Responding promptly and creatively to opportunities to
2854 correct undesirable development patterns, restore degraded
2855 natural areas, enhance resource values, restore deteriorated or
2856 deteriorating urban waterfronts, preserve working waterfronts,
2857 reserve lands for later purchase, participate in and promote the
2858 use of innovative land acquisition methods, and provide public
2859 access to surface waters.

2860 (b) Providing financial and technical assistance to local
2861 governments, state agencies, and nonprofit organizations to carry
2862 out projects and activities and to develop programs authorized by
2863 this part.

2864 (c) Involving local governments and private interests in
2865 voluntarily resolving land use conflicts and issues.

2866 Section 21. Subsection (18) is added to section 380.503,
2867 Florida Statutes, to read:

2868 380.503 Definitions.--As used in ss. 380.501-380.515,
2869 unless the context indicates a different meaning or intent:

2870 (18) "Working waterfront" means:

2871 (a) A parcel or parcels of land directly used for the

2008542e2

2872 purposes of the commercial harvest of marine organisms or
2873 saltwater products by state-licensed commercial fishermen,
2874 aquaculturists, or business entities, including piers, wharves,
2875 docks, or other facilities operated to provide waterfront access
2876 to licensed commercial fishermen, aquaculturists, or business
2877 entities; or

2878 (b) A parcel or parcels of land used for exhibitions,
2879 demonstrations, educational venues, civic events, and other
2880 purposes that promote and educate the public about economic,
2881 cultural, and historic heritage of Florida's traditional working
2882 waterfronts, including the marketing of the seafood and
2883 aquaculture industries.

2884 Section 22. Paragraph (g) is added to subsection (2) of
2885 section 380.507, Florida Statutes, to read:

2886 380.507 Powers of the trust.--The trust shall have all the
2887 powers necessary or convenient to carry out the purposes and
2888 provisions of this part, including:

2889 (2) To undertake, coordinate, or fund activities and
2890 projects which will help bring local comprehensive plans into
2891 compliance and help implement the goals, objectives, and policies
2892 of the conservation, recreation and open space, and coastal
2893 elements of local comprehensive plans, or which will otherwise
2894 serve to conserve natural resources and resolve land use
2895 conflicts, including, but not limited to:

2896 (g) Working waterfronts.

2897 Section 23. Subsection (4) of section 380.508, Florida
2898 Statutes, is amended to read:

2899 380.508 Projects; development, review, and approval.--

2900 (4) Projects or activities which the trust undertakes,

2008542e2

2901 coordinates, or funds in any manner shall comply with the
2902 following guidelines:

2903 (a) The purpose of redevelopment projects shall be to
2904 restore areas which are adversely affected by scattered
2905 ownership, poor lot layout, inadequate park and open space,
2906 incompatible land uses, or other conditions which endanger the
2907 environment or impede orderly development. Grants and loans
2908 awarded for redevelopment projects shall be used for assembling
2909 parcels of land within redevelopment project areas for the
2910 redesign of such areas and for the installation of public
2911 improvements required to serve such areas. After redesign and
2912 installation of public improvements, if any, lands in
2913 redevelopment projects, with the exception of lands acquired for
2914 public purposes, shall be conveyed to any person for development
2915 in accordance with a redevelopment project plan approved
2916 according to this part.

2917 (b) The purpose of resource enhancement projects shall be
2918 to enhance natural resources which, because of indiscriminate
2919 dredging or filling, improper location of improvements, natural
2920 or human-induced events, or incompatible land uses, have suffered
2921 loss of natural and scenic values. Grants and loans awarded for
2922 resource enhancement projects shall be used for the assembly of
2923 parcels of land to improve resource management, for relocation of
2924 improperly located or designed improvements, and for other
2925 corrective measures which will enhance the natural and scenic
2926 character of project areas.

2927 (c) The purpose of public access projects shall be to
2928 acquire interests in and initially develop lands which are
2929 suitable for and which will be used for public accessways to

2008542e2

2930 surface waters. The trust shall identify local governments and
2931 nonprofit organizations which will accept responsibility for
2932 maintenance and liability for public accessways which are located
2933 outside the state park system. The trust may lease any public
2934 access site developed under this part to a local government or
2935 nonprofit organization, provided that the conditions of the lease
2936 guarantee public use of the site. The trust may accept, from any
2937 local government or nonprofit organization, fees collected for
2938 providing public access to surface waters. The trust shall expend
2939 any such funds it accepts only for acquisition, development, and
2940 maintenance of such public accessways. To the maximum extent
2941 possible, the trust shall expend such fees in the general area
2942 where they are collected or in areas where public access to
2943 surface waters is clearly deficient. The trust may transfer
2944 funds, including such fees, to a local government or nonprofit
2945 organization to acquire public access sites. In developing or
2946 coordinating public access projects, the trust shall ensure that
2947 project plans involving beach access are consistent with state
2948 laws governing beach access.

2949 (d) The purpose of urban waterfront restoration projects
2950 shall be to restore deteriorated or deteriorating urban
2951 waterfronts for public use and enjoyment. Urban waterfront
2952 restoration projects shall include public access sites.

2953 (e) The purpose of working waterfront projects shall be to
2954 restore and preserve working waterfronts as provided in s.
2955 380.5105.

2956 (f) ~~(e)~~ The trust shall cooperate with local governments,
2957 state agencies, federal agencies, and nonprofit organizations in
2958 ensuring the reservation of lands for parks, recreation, fish and

2008542e2

2959 wildlife habitat, historical preservation, or scientific study.
2960 In the event that any local government, state agency, federal
2961 agency, or nonprofit organization is unable, due to limited
2962 financial resources or other circumstances of a temporary nature,
2963 to acquire a site for the purposes described in this paragraph,
2964 the trust may acquire and hold the site for subsequent conveyance
2965 to the appropriate governmental agency or nonprofit organization.
2966 The trust may provide such technical assistance as is required to
2967 aid local governments, state and federal agencies, and nonprofit
2968 organizations in completing acquisition and related functions.
2969 The trust shall not reserve lands acquired in accordance with
2970 this paragraph for more than 5 years from the time of
2971 acquisition. A local government, federal or state agency, or
2972 nonprofit organization may acquire the land at any time during
2973 this period for public purposes. The purchase price shall be
2974 based upon the trust's cost of acquisition, plus administrative
2975 and management costs in reserving the land. The payment of this
2976 purchase price shall be by money, trust-approved property of an
2977 equivalent value, or a combination of money and trust-approved
2978 property. If, after the 5-year period, the trust has not sold to
2979 a governmental agency or nonprofit organization land acquired for
2980 site reservation, the trust shall dispose of such land at fair
2981 market value or shall trade it for other land of comparable value
2982 which will serve to accomplish the purposes of this part. Any
2983 proceeds from the sale of such land shall be deposited in the
2984 Florida Communities Trust Fund.
2985
2986 Project costs may include costs of providing parks, open space,
2987 public access sites, scenic easements, and other areas and

2008542e2

2988 facilities serving the public where such features are part of a
2989 project plan approved according to this part. In undertaking or
2990 coordinating projects or activities authorized by this part, the
2991 trust shall, when appropriate, use and promote the use of
2992 creative land acquisition methods, including the acquisition of
2993 less than fee interest through, among other methods, conservation
2994 easements, transfer of development rights, leases, and leaseback
2995 arrangements. The trust also shall assist local governments in
2996 the use of sound alternative methods of financing for funding
2997 projects and activities authorized by this part. Any funds over
2998 and above eligible project costs, which remain after completion
2999 of a project approved according to this part, shall be
3000 transmitted to the state and deposited in the Florida Communities
3001 Trust Fund.

3002 Section 24. Section 380.5105, Florida Statutes, is created
3003 to read:

3004 380.5105 The Stan Mayfield Working Waterfronts; Florida
3005 Forever.--

3006 (1) Notwithstanding any other provision of this chapter, it
3007 is the intent of the legislature that the trust shall administer
3008 the working waterfronts program as set forth in this section.

3009 (2) The trust and the Department of Agriculture and
3010 Consumer Services shall jointly develop rules specifically
3011 establishing an application process and a process for the
3012 evaluation, scoring and ranking of working waterfront acquisition
3013 projects. The proposed rules jointly developed pursuant to this
3014 subsection shall be promulgated by the trust. Such rules shall
3015 establish a system of weighted criteria to give increased
3016 priority to projects:

2008542e2

3017 (a) Within a municipality with a population less than
3018 30,000; or

3019 (b) Within a municipality or area under intense growth and
3020 development pressures, as evidenced by a number of factors,
3021 including a determination that the municipality's growth rate
3022 exceeds the average growth rate for the state; or

3023 (c) Within the boundary of a community redevelopment agency
3024 established pursuant to s. 163.356; or

3025 (d) Adjacent to state-owned submerged lands designated as
3026 an aquatic preserve identified in s. 258.39; or

3027 (e) That provide a demonstrable benefit to the local
3028 economy.

3029 (3) For projects that will require more than the grant
3030 amount awarded for completion, the applicant must identify in
3031 their project application funding sources that will provide the
3032 difference between the grant award and the estimated project
3033 completion cost. Such rules may be incorporated into those
3034 developed pursuant to s. 380.507(11).

3035 (4) The trust shall develop a ranking list based on
3036 criteria identified in subsection (2) for proposed fee simple and
3037 less-than-fee simple acquisition projects developed pursuant to
3038 this section. The trust shall, by the first Board of Trustees of
3039 the Internal Improvement Trust Fund meeting in February, present
3040 the ranking list pursuant to this section, to the board of
3041 trustees for final approval of projects for funding. The board of
3042 trustees may remove projects from the ranking list but may not
3043 add projects.

3044 (5) Grant awards, acquisition approvals, and terms of less-
3045 than-fee acquisitions, shall be approved by the trust Waterfront

2008542e2

3046 communities that receive grant awards must submit annual progress
3047 reports to the trust identifying project activities which are
3048 complete, and the progress achieved in meeting the goals outlined
3049 in the project application. The trust must implement a process to
3050 monitor and evaluate the performance of grant recipients in
3051 completing projects that are funded through the working
3052 waterfronts program.

3053 Section 25. Section 15.0386, Florida Statutes, is created
3054 to read:

3055 15.0386 Official state tortoise.--The Gopher Tortoise
3056 (Gopherus polyphemus) is designated the official state tortoise.

3057 Section 26. This act shall take effect July 1, 2008.